

Supplemental Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Jessica Thompson, Senior Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: May 4, 2022

Meeting Date: May 9, 2022

Subject: Appeal No. 21-017 - Appeal of Planning Commission Resolution No. 21-06 (33386 Pacific Coast Highway; Appellant/Property Owner:180 PCH, LLC)

RECOMMENDED ACTION: Adopt Resolution No. 22-16 (Attachment A), denying Appeal No. 21-017 (Attachment B) and denying Coastal Development Permit (CDP) No. 14-073 to construct a new 2,825-square foot, two-story, single-family residence, including a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33386 Pacific Coast Highway (PCH) (180 PCH, LLC).

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

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2021-2022. Processing this application is part of normal staff operations.

DISCUSSION: The matter is an appeal of the Planning Commission's denial of CDP No. 14-073, an application to construct a 2,825-square foot single-family residence, including a 483 square foot attached garage, and other associated development (Attachment C – Project Plans).

At its October 4, 2021, meeting, the Planning Commission denied the proposed project and adopted Planning Commission Resolution No. 21-06 (Attachment D).

The Appellant, 180 PCH, LLC, filed an appeal of the Planning Commission's denial of the project on grounds that the findings for the project can be made, further project denial will result in due process and equal protection violations, and the City's denial will result in a taking of the property.

Figure 1 - Aerial Photograph



Source: City ArcGIS 2022

This agenda report sets forth grounds for denying the appeal and denying the project as denied by the Planning Commission.

Background

The proposed project involves the construction of a new single-family residence and various exterior improvements. Based on evidence in the record, proposed project is not consistent with the Malibu Municipal Code (MMC) and Local Coastal Program (LCP).

The subject parcel, addressed as 33386 PCH, is part of an existing three-lot subdivision that includes 33390 and 33398 PCH which is the subject of CDP No. 14-072. The subject lots take access from PCH through two lots located immediately to the north which are developed with single-family dwellings. Currently, the subject lots are only developed with a rock revetment and private access driveway.

On February 17, 2000, the California Coastal Commission issued CDP No. 4-97-243 to allow for remedial grading to address an onsite slope failure. Additionally, CDP No. 4-97-243 gave after-the-fact approval for a rock revetment (that had been installed without the benefit of permits) and installation of retaining walls along the existing driveway. Subsequently on May 5, 2006, CDP No. 4-97-243 was amended to require the removal of an unpermitted staircase that was built along the property line to the sandy beach at the rear of the property and to allow for an increase in the amount of grading that was previously approved.

The current owner (180 PCH LLC) acquired the three lots (33398, 33390, and 33386 PCH) in November 2014 and subsequently, filed a new CDP application for development. Should the City Council decide to uphold the appeal and approve the proposed project, Appeal No. 21-017 must also be upheld and the approval of CDP No. 14-072 is also required to create the lot as proposed as part of this application.

The proposed project was scheduled for a Planning Commission public hearing on April 16, 2018. However, after holding a public hearing, the Commission continued the item to allow the Appellant to address the comments raised by the Planning Commission. The Commissioners requested that the Appellant pursue redesign options to reduce the height and size of the structure so that it would have less impacts on views from the beach as well as surrounding neighbors. One of the alternatives discussed was to revise the entry to the home and incorporate the use of vehicle lifts to allow the garage to be located below the upper deck which is where the garage is located. This alternative would result in a significantly lower structure height. It was discussed that the use of the lifts may potentially eliminate the need for a parking variance because the unenclosed parking could be provided on top of lifts which lower vehicles into the garage. While a variance for height would still be necessary, the elimination of the garages and entry would result in a reduction in the overall height of the proposed structure and would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP.

The Appellant revised the proposed plans to incorporate a vehicle lift and reduced structure height, however, the Los Angeles County Fire Department (LACFD) denied the revised plans as indicated on the Request for Modifications or Alternate Materials and Methods Review form. The LACFD noted, "the subterranean lift will not be recognized as acceptable vehicle access." LACFD state that the lifts could not be located under the required turn around area. LACFD did not prohibit the lifts from being located in another location (if such location was in an area other than under the required turn around area).

Subsequently, the Appellant has resubmitted project plans with only minor modifications from the project that was presented to the Planning Commission. A garage projecting ten feet above final grade is still proposed, and no reduction in total development square footage (TDSF) or the projected bulk is proposed. The structure as currently proposed maximizes the TDSF allowable for the property. While the project has been revised to

combine the enclosed square footage into three levels instead of four, the Appellant continues to maintain the lowest level as a deck and pool area, there is no reduction in the height or bulk of the project or its visual impacts. The project has not been revised to reduce the size and mass of the structure to address the concerns raised by the Planning Commission.

While the Appellant has not obtained all of the easements required to construct the access to the property consistent with the approved LACFD design, the Appellant has obtained testimony from the northerly property owner (in a legal action between those parties) indicating that owner will grant the easement required for LACFD access to the Property. Prior to the last Planning Commission hearing, opponents of the project claimed that fire access was not possible, however, evidence proving such claim has not been submitted.

The project was continued from the February 16, 2021, Planning Commission meeting upon request of the Appellant to pursue additional redesign options in any effort to address the Planning Commission's concerns.

The Appellant submitted revised plans in April 2021, however, the Planning Commission found that these revised plans did not address the concerns they previously expressed, in particular the height and bulk of the project, in such a way that the findings required could be made. As discussed by the Planning Commission, an option with a revised design that reduces the size and massing of the structure was not submitted. On October 4, 2021, the Planning Commission adopted Planning Commission resolution 21-06 denying the proposed project.

APPEAL TO THE CITY COUNCIL

The Appellant contends that the findings for the project can be made, further, project denial will result in a due process and equal protection violations, and the City's denial will result in a taking of the property.

The Appellant's specific arguments are summarized below in *italics* using phrases taken from the appeal. The full text of the appeal document can be found in Attachment B. Following each statement is staff's response. The Commission Agenda Reports are included as Attachments E and F, and includes a complete overview of the surrounding area, project conformance with the LCP and MMC, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 21-06 is included as Attachment D.

Appeal Item 1. The appeal states the project findings can be made and the project can be approved, specifically:

"Despite acknowledging that the project must meet certain elevation to meet fire department requirements for access, staff has inconsistently recommended denial of the requested variance for height. While we are left to guess, it appears that staff is suggesting

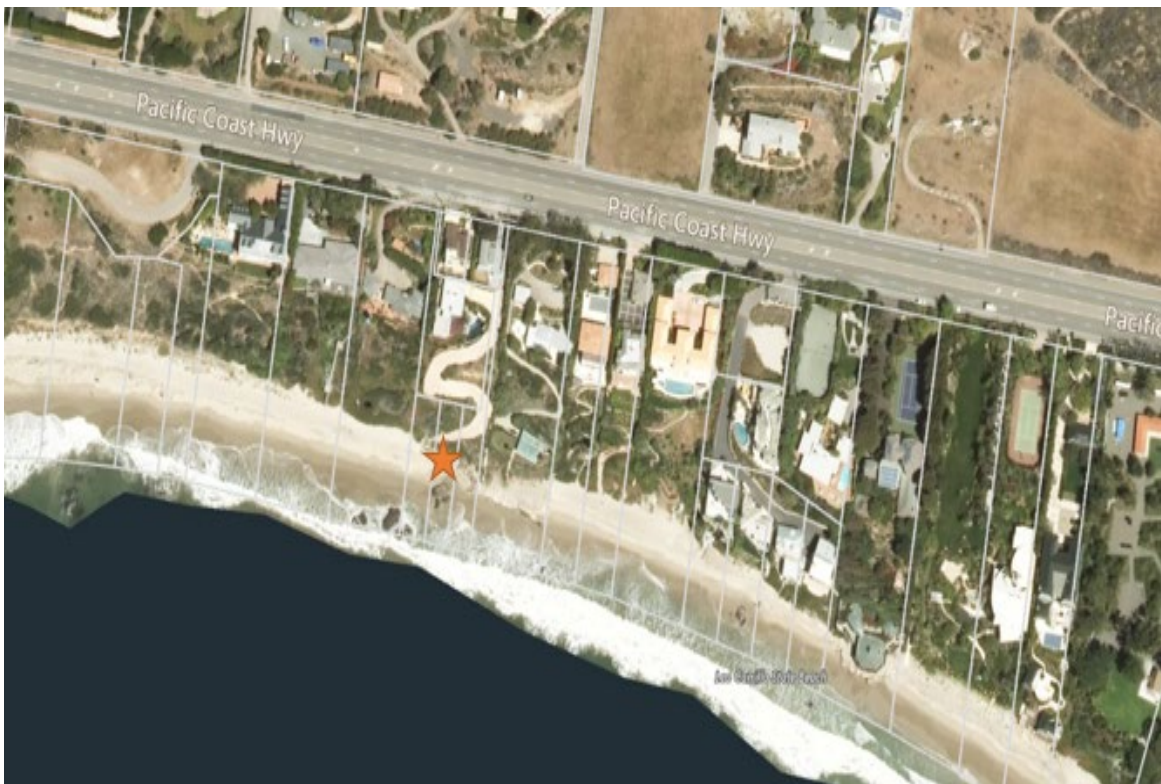
that the Project should be designed without garages. Specifically, the staff has suggested that there are 'alternative massing designs, which would lower the height of the residence and place more portions of the proposed structure below 18-feet in height.' Staff has not shared these supposed alternative massing designs with the applicant."

Staff Response

As explained to the Appellant on various occasions, it is not the Planning Department's role to redesign the Appellant's project. Staff's role is to provide review, analysis and a recommendation to the Planning Commission on Planning applications. In the case of the subject application, both staff and the Planning Commission have provided consistent comments which stem from concerns about access, height, and massing that have prevented the required findings from being made. While the LACFD has approved an access plan, the concerns over the size and massing of the home have not been addressed.

As shown in Figures 2 and 3 below, the subject parcels are unique when compared to neighboring parcels. The subject parcels are located seaward of neighboring lots and development on the subject parcel as well as the parcel that is the subject of CDP No. 14-072 will be highly visible from surrounding development, a publicly-owned parcel, and the beach.

Figure 2 - Subject Lots Relative to Neighboring Lots



The red star indicates the location of the subject lots.

Figure 3 - Site of Development



The story poles shown in Figure 4 demonstrate how this project will be highly visible from both public and private properties. The property has characteristics that are different from the surrounding parcels that make it highly visible which are exacerbated by the project. Whereas development in the area generally complements surrounding development and is not highly visible from the public beach, is setback in a way that preserves views from neighboring properties, and utilizes existing topography for development, this project does the opposite. As shown in Figure 4, the proposed residence is not sited like surrounding development and will stand out.

**Figure 4 - Story Pole Photograph from Neighboring Parcel
(33418 Pacific Coast Highway)**



On January 18, 2022, staff suggested the Appellant take action to address comments made by the Planning Commission such as:

- reducing or eliminating the projection of the garages above the bluff top,
- reducing the TDSF of the project to provide a smaller, more condensed design, and
- eliminating the seaward lower-level deck/pool to reduce the bulk of the residence.

At this time, the overall square footage of the home has not been reduced, the bulk of the project has not been reduced, and the height of the project has not been reduced. While the Appellant states that the access level of the home as proposed is a fixed point, no efforts have been made to reduce the massing below that point, nor has the height of the garages, that project above this fixed point, been reduced or eliminated (such as through

a request for a variance to eliminate covered parking rather than for increased height).

The Planning Commission has repeatedly granted the Appellant continuances in order to allow the Appellant to pursue redesign options to reduce the height and size of the structure so that the proposed development would have less impacts on views from the beach as well as surrounding neighbors. These include:

- On April 16, 2018, the Planning Commission meeting, the item was continued to the June 4, 2018 Planning Commission meeting to allow the Appellant to address the comments raised by the Planning Commission;
- On June 4, 2018, the item was continued to a date uncertain to allow additional time to explore redesign options and to pursue a potential car lift;
- On February 16, 2021, the item was continued to allow the Appellant time to address the comments raised by the Planning Commission;
- On May 3, 2021, the subject item was continued to the May 17, 2021 Planning Commission meeting;
- On May 17, 2021, the item was continued to a date uncertain to allow the Appellant further pursue redesign options; and
- On September 8, 2021, the item was continued to the October 4, 2021 Planning Commission meeting.

As demonstrated above, the Appellant has been provided both comments and the opportunity to revise the proposed project. Despite the opportunities and direction provided about the Commission's inability to make the required findings for the project as proposed, the Appellant has only provided minor alterations to the plans, and no significant changes to reduce the visual impacts, overall height, size, or massing of the proposed residence to bring the structure closer to conformance with the MMC and LCP as requested by the Planning Commission.

Appeal Item 2. The Appellant states further project denial will result in Due Process and equal Protection Violations specifically:

“Denial of the project by the City, or the inclusion of conditions of approval which would render the project economically infeasible, would be an arbitrary and capricious act. Findings in support of the project approval are well supported by the facts and evidence in the record in this case. Project denial will result in due process and equal protection violations, subjecting the City to certain legal liability.”

Staff Response

The Appellant contends that denying the project would result in a due process or equal protection violation, however, the subject item has had a fair and impartial public hearing before the Planning Commission twice, and six continuances, providing the Appellant due process. Additionally, the City has presented the Appellant many opportunities to redesign

the project in order to bring it closer to conformance with the MMC and LCP. In addition, if the Appellant redesigned the residence to reduce the size, bulk, visual impacts or height of the project, it is likely the evidence would support variances that result in less deviation from City's height limitations and massing. Because of the above, and because there is a potential alternative design that could result in a lower structure height, reduced massing, and reduced total development square footage and visual impacts, staff does not believe the evidence supports the findings required for the CDP and for the variances for construction in excess of 24 feet in height (LIP Section 13.26) and to allow for a second floor in excess of two-thirds of the first floor (LIP Section 13.26). The Appellant, in particular, has not demonstrated that the findings required by LIP 13.26.5(A), (B), (C), and (D) are supported by the evidence.

Appeal Item 3. The City's further denial of the project will result in a taking, specifically:

"The City's denial of the project, or the inclusion of conditions of approval which would render the project economically infeasible, would result in a taking of real property without just compensation in Violation of Article 1, Section 19 of the California Constitution and the Fifth and Fourteenth Amendments of the United States Constitution."

Staff Response

The Appellant contends that the denial of the project would render the project economically infeasible and would result in a taking of the property. However, the Appellant has not presented evidence demonstrating the height, massing, TDSF and negative visual impacts are required for an economically viable project—particularly that these negative impacts must be included in the project for it to be economically viable. As proposed, the Planning Commission was unable to make the necessary findings in support of the project and staff does not believe the evidence supports these findings for the Project as proposed to the City Council.

The Appellant could propose a reduced or alternative project that addresses the concerns preventing the required findings from being made, seek alternative variances (such as from the enclosed parking requirements), or propose a specific plan or alternative development including, but not limited to, a single project across the three lots or a project on each individual lot. The Appellant has proposed essentially only one alternative and has declined to make any substantial changes to the project to address the impacts of the project or bring it closer to compliance with the City's LCP.

The Appellant has not addressed the concerns of staff and the Planning Commission and failed to address the issues that have prevented the Planning Commission from making the required findings. The Planning Commission has not stated that it would never find a variance appropriate for development on the site, only that the project as proposed does not provide evidence that supports the requested findings.

ENVIRONMENTAL REVIEW: The Planning Director has analyzed the proposed project pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA). The Planning Director finds that pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

SUMMARY: The analysis and findings upon which the Planning Commission based its decision to deny CDP No. 14-073 are based on substantial evidence, and all the issues raised by the Appellant were considered prior to the decision. The appellant has not provided substantial evidence that the decision was an abuse of discretion, or contrary to law, or that there was a lack of a fair and impartial hearing. Substantial evidence in the record supports the findings and denial of CDP No. 14-073 for the project as proposed to the City Council.

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. 22-16, denying AP No. 21-017 and denying CDP No. 14-073.

PUBLIC CORRESPONDENCE: To date, the following correspondence has been submitted (Attachment G):

- Appellant proposed perspective plans for talking points during the January 18, 2022, meeting with Planning Department staff.
- Letter dated May 2, 2022, from David Rosen requesting the City Council deny the appeal.

PUBLIC NOTICE: On April 14, 2022, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Attachment H).

ATTACHMENTS:

- A. Resolution No. 22-16
- B. Appeal No. 21-017
- C. Project Plans
- D. Planning Commission Resolution No. 21-06
- E. October 4, 2021, Planning Commission Agenda Report
 - 1. Planning Commission Resolution No. 21-06
 - 2. Project Plans
 - 3. Department Review Sheets
 - 4. Story Pole Photographs
 - 5. Fire Department Request for Modifications or Alternate Materials and Methods Review

- 6. Public Correspondence
- 7. Public Hearing Notice
- F. April 16, 2018, Planning Commission Agenda Report
- G. Correspondence
- H. Public Hearing Notice

RESOLUTION NO. 22-16

A RESOLUTION OF THE CITY OF MALIBU CITY COUNCIL DENYING APPEAL NO. 21-017 AND DENYING COASTAL DEVELOPMENT PERMIT NO. 14-073 TO CONSTRUCT A NEW 2,825-SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, INCLUDING A 483-SQUARE FOOT ATTACHED TWO-CAR GARAGE, ROOFTOP DECK, SWIMMING POOL, SPA AND ASSOCIATED EQUIPMENT, BARBEQUE, OUTDOOR FIREPLACE, RETAINING WALLS, HARDSCAPING, GRADING, AND INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, AND DENYING VARIANCE NO. 18-002 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT, UP TO 43.25 FEET FOR THE SINGLE-FAMILY RESIDENCE, AND DENYING VARIANCE NO. 18-004 TO ALLOW THE PORTIONS OF THE BUILDING IN EXCESS OF 18 FEET IN HEIGHT TO EXCEED TWO-THIRDS THE AREA BELOW 18 FEET IN HEIGHT LOCATED IN THE RURAL RESIDENTIAL TWO-ACRE ZONING DISTRICT AT 33386 PACIFIC COAST HIGHWAY (180 PCH, LLC)

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

SECTION 1. Recitals.

A. On November 25, 2014, an application for Coastal Development Permit (CDP) No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new onsite wastewater treatment system and to merge a portion of APN No. 4473-019-006 with the subject lot and another portion to the adjacent lot (33398 Pacific Coast Highway, CDP No. 14-072). The application was submitted to the Planning Department by the property owner, 180 PCH, LLC, and was routed to the City geotechnical staff, City Environmental Health Administrator, City Coastal Engineer, City Biologist, the City Public Works Department, Los Angeles County Waterworks District 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On April 17, 2015, a Notice of Coastal Development Permit Application was posted on the subject property.

C. On July 15, 2015, the Applicant submitted revised project plans.

D. On June 19, 2017, the Applicant submitted approved LACFD access plans.

E. During September of 2017, the Applicant installed story poles on the subject property.

F. On September 15, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

G. On March 8, 2018, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On the April 2, 2018, the Planning Commission meeting was canceled, and the item was continued to the April 16, 2018 Regular Planning Commission meeting.

I. On April 16, 2018, the Planning Commission opened the public hearing, and at the request of the Applicant, the item was continued to allow the Applicant additional time to address the Commission's concerns.

J. On January 7, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On February 1, 2021, the Planning Commission continued the item to the February 16, 2021, Regular Planning Commission meeting.

L. On February 16, 2021, the Planning Commission, at the Applicant's request, continued the item to a date uncertain to allow the Applicant to pursue redesign options.

M. On August 12, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

N. On the September 8, 2021, the Planning Commission continued the item to October 4, 2021 Regular Planning Commission meeting.

O. On October 4, 2021, the Planning Commission adopted Planning Commission Resolution No. 21-06, denying CDP No. 14-073, Variance (VAR) No. 18-002 and VAR No. 18-004.

P. On October 14, 2021, 180 PCH LLC, filed a timely appeal of Planning Commission Resolution No. 21-06.

Q. On April 14, 2022, 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.

R. On May 9, 2022, 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 180 PCH LLC contends that the findings for the project can be made and the project can be approved, further denial of the project will result in due process and equal protections violations and the City's further denial of the project will result in a taking. In the associated Council Agenda Report, Planning Department staff analyzed and addressed Appellant's contentions.

SECTION 3. Findings for Denying the Appeal.

Based on the evidence contained within the record, including the agenda report for the project and the hearing on May 9, 2022, and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and Malibu Municipal Code (MMC), the City Council hereby determines that it cannot make the findings required to approve the project and makes the findings of fact below denying the project and finds that substantial evidence in the record supports this decision as described herein.

A. The Council finds that the size and massing of the project, the height of the project, and the visual impacts of the project, among other concerns, prevent the Council from making the required findings and provide evidence supporting the Council's decision to deny the project. The Council finds that alternative project designs that address these concerns would also better meet the goals and policies of the City's Local Coastal Program and General Plan, and that the Applicant has not provided substantial evidence demonstrating these concerns cannot be addressed.

The Planning Commission granted the Applicant multiple continuances to pursue redesign options to reduce the height, size, visual impacts and massing of the structure so that the proposed development would have less impacts on views from the surrounding properties. The Applicant has been apprised of these concerns and provided the opportunity to revise the proposed project, but has only provided minor alterations to the plans, and has not presented alternatives that would reduce the overall height, size, visual impacts and massing of the project.

B. No substantial evidence has been provided to substantiate the assertion that denying the project would result in a due process or equal protection violation. The Council finds that the subject item has had a fair and impartial public hearing before the Planning Commission twice, and six continuances providing the Applicant due process. Additionally, the City has granted the Applicant the opportunity, on multiple occasions, to redesign the project in order to bring the structure closer to conformance with the MMC and LCP. It appears that if the Applicant redesigned the residence and reduced the size of the structure, there is the potential to request variances that result in less deviation from City's height limitations and massing. Because there is a potential alternative design that could result in a lower structure height, reduced massing, and reduced total development square footage (TDSF), the City Council cannot make the findings in support of variances for construction in excess of 24 feet in height (LIP Section 13.26) or to allow for a second floor in excess of two-thirds of the first floor to the extent requested (LIP Section 13.26).

C. No substantial evidence was presented to support the Appellant's assertion that the denial of the project would render the project economically infeasible and would result in a taking of the property. The Appellant has not presented evidence proving the height, massing, TDSF and negative visual impacts are required to the extent requested in order for the project to be economically viable.

The Appellant did not pursue a design that resulted in a smaller project size or a design that is more in line with the City's minimum development standards. Nor did the Appellant seek alternative variances (such as from the enclosed parking requirements), or propose a specific plan or alternative development including, but not limited to, a single project across the three lots or a project on each individual lot. The Appellant has essentially proposed only one alternative and has declined to make any substantial changes to the Project to address its negative impacts or bring it closer to compliance with the City's LCP. The Council does not conclude that variances could not be obtained for development on the property or that the site is not developable, only that it cannot make the findings required for the project as proposed.

SECTION 4. Environmental Review.

The City Council has analyzed the proposed project pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA). The City Council finds that pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects that a public agency rejects or disapproves.

SECTION 5. Required Permit Findings.

Based on substantial evidence contained within the record, including the Agenda Report, and pursuant to Local Coastal Program Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the City Council makes the findings of fact below, and denies CDP No. 14-073 to construct a new 2,342-square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new onsite wastewater treatment system, and denying VAR No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height.

The project, as proposed, is not consistent with the applicable LCP and Malibu Municipal Code (MMC), codes, standards, goals, and policies. The proposed structure maximizes the TDSF allowable for the property, includes additional massing and development beyond the TDSF, includes unnecessary height beyond that required for fire department access, and is designed in a manner that negatively impacts visual resources in a highly visible location from neighboring properties. An alternative design that meaningfully reduces the height, size of the structure, bulk or visual impacts has not been submitted. A reduction in the height and size of the proposed structure would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP. The Appellant also did not propose alternatives such as constructing one residence across the three lots (only one garage would be required in such a proposal) or proposing three residences (which would reduce the bulk of the project due to setback requirements).

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. The City Council finds that the variance requests are not supported by the evidence and cannot make the findings required. Due to the height, and two-thirds rule departures from the LIP requirements, and failure to obtain variances from these requirements, the project is not consistent with the LCP.

2. Based on review of the plans, evidence shows the Appellant could redesign and reduce the size, bulk, visual impacts, and height of the proposed structure. As a result, the general CDP findings cannot be made and the project would not be the least environmentally damaging alternative. An alternative design could lower the overall height of the proposed structure, reduce scope and potential number and type of variances required, and reduce impacts on the environment and visual impacts which are an environmental impact. It is anticipated that an alternative project would offer environmental advantages and reduce the scope, number and/or type of variances necessary and could provide additional benefits/reduce the negative environmental impacts of the project.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

1. The Appellant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. The Appellant has not provided substantial evidence demonstrating that the variance requested is required to prevent the owner from being deprived of privileges enjoyed by other property in the vicinity and under the identical zoning classification. In addition, substantial evidence shows the extent of height requested, a height of 43.25 feet, is not needed to develop the site similarly to other properties in the vicinity under the same zoning classification.

2. An alternative design could lower the building height, which would reduce view impacts to neighboring properties. The evidence shows the excessive height proposed, in this highly visible area, will have negative impacts on visual resources and thus be detrimental to the public's interest and/or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Other properties in the area, under the same zoning designation, is limited to 24 feet in height, and allowing this threshold to be exceeded so that maximum TDSF and development can be achieved on the lot, and an unnecessarily tall garage, would constitute a special privilege. Such a variance is not necessary, and the Appellant has not provided substantial evidence showing granting this variance would not constitute a special privilege. In addition, the evidence shows granting a variance to a height that obstructs blue water views, and which is beyond that is required for the Appellant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to, and in conflict with, the general provisions and intent, goals, objectives and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with the goal of preserving rural development through the limitation of height.

5. The project requires a variance because the subject site is not physically suitable to develop a residence that has a flat roof and is no higher than 24 feet above-grade, due to the required fire department access. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

6. The Appellant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. Because there appears to be alternative designs that could lower the height of the proposed structure and bring it more in compliance with the code, the finding that the variance complies with all requirements of state and local law cannot be made.

C. Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

1. The subject site is dominated by a steep slope that descends to the beach below. The top of the structure is at elevation 72.50 feet above sea level, and portions of the first floor exceed 18 feet above finished or natural grade. The project, as designed, includes 2,002 square feet above the first floor so that the Appellant can maximize TDSF and development on the property. The Appellant has not shown that this is necessary to prevent the Appellant from being denied privileges enjoyed by other properties in the vicinity with the same zoning classification.

2. The purpose of the two-thirds regulation is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. As proposed, well more than two-thirds of the structure will be above 18 feet. The evidence shows that allowing the size and bulk proposed to be located above the first floor would cause negative visual impacts in this highly visible location and thus be detrimental/injurious to the public interest and property/improvements in the vicinity and zone where the property is located. These negative impacts could be eliminated or reduced by smaller or less bulky project.

3. The granting of the variance would constitute a special privilege to the Appellant as it would allow the Appellant to obstruct blue water views and create negative visual impacts by constructing so much of the project above the first floor. These negative impacts could be reduced or eliminated through a smaller or less bulky project, but may require the Appellant to have a project that does not maximize TDSF and development on the property. Prioritizing the Appellant's ability to maximize TDSF and development over these negative from development above the first floor would be a special privilege. In addition, the Appellant has not provided substantial evidence demonstrating it would not be such a special privilege.

4. The granting of the variance will be contrary to the goals, objectives and policies of the LCP and General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and viewshed protection. The general purpose and intent of the two-thirds size limit of the second floor is to reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

5. The project requires a variance because the subject site is not physically suitable for the structure that is proposed. The structure could be modified to lower the proposed structure, or reduce its size/bulk, and thus increase the structure's compliance with the two-thirds requirement. Such changes would reduce the negative visual impacts of the project.

6. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the City Council is unable to make the finding that the variance complies with all requirements of state and local law.

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

1. The City Council cannot make all of the required findings for LIP Chapter 6 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

E. Hazards (LIP Chapter 9)

1. The City Council cannot make all of the required findings for LIP Chapter 9 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

F. Shoreline and Bluff Development (LIP Chapter 10)

1. The City Council cannot make all of the required findings for LIP Chapter 10 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby denies CDP No. 14-073, VAR No. 18-002 and VAR. No. 18-004, subject to the conditions set forth herein.

SECTION 7. 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 9th day of May 2022.

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney

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



City of Malibu

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

Received

October 14, 2021

Planning Dept.

PLANNING DEPARTMENT COASTAL DEVELOPMENT PERMIT NOTICE OF APPEAL CHECKLIST

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

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

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

Part I. Project Information

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

CDP 14-073

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

October 4, 2021

3. Who made the decision you are appealing?

☐

Planning Director

☒

Planning Commission

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

33386 & 33398 Pacific Coast Highway

Part II. Appeal Summary

Page 1 of 4

P:\Forms\COUNTER FORMS\PLN Appeal Checklist_CDP_210125.docx

ATTACHMENT B

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)

Agent for Applicant

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

180 PCH, LLC

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.)

Appealing the full denial

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

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

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

☒ The decision was contrary to law.

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

See attached letter from September 30, 2021

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.)

The basis for the appeal can be summarized in the following:

1. Findings for the project can be made and the project can be approved

2. Further Project Denial Will Result in Due Process and Equal Protection Violations

3. City's Further Denial of the Project will Result in a Taking

Part III. Appeal Checklist

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

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

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

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

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

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

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.

Ben Sber
PRINT APPELLANT'S NAME

818-338-3626
TELEPHONE NUMBER

[Signature]
APPELLANT'S SIGNATURE

Oct. 14, 2021
DATE

Appellant's mailing address: 28200 Agoura Rd., Suite 200, Agoura Hills, CA, 91201

Appellant's email address: bsber@schriberandassociates.net

OFFICE USE ONLY

Action Appealed: _____

Appeal Period: _____

Date Appeal Form and required documents submitted: _____ Received by: _____

Appeal Completion Date: _____ by: _____
(Name, Title)

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
KIMBERLY A. RIBLE
ALICIA B. BARTLEY
NANCI S. STACEY

* a professional corporation

LAW OFFICES OF
GAINES & STACEY LLP
16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

Received

October 14, 2021

Planning Dept.

September 30, 2021

ORIGINAL BY U.S. MAIL

VIA EMAIL: planningcommission@malibucity.org

Jeffrey Jennings, Chair
City of Malibu Planning Commission
c/o Patricia Salazar, Senior Administrative Analyst
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: 33386 Pacific Coast Highway (Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, and 18-009, and Minor Modification No. 18-001)
Agenda Item No. 4.B; and

33398 and 33390 Pacific Coast Highway (Coastal Development Permit No. 14-072, Lot Merger No. 17-007, Lot Line Adjustment No. 14-004, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-015)
Agenda Item No. 4.C

Planning Commission Hearing Date: October 4, 2021
Support for Project Approval

Dear Chair Jennings and Honorable Commissioners:

This law office represents applicant 180 PCH, LLC (the "Applicant") with respect to the above-referenced applications for two new neighboring single-family residences ("Project") along El Sol County Beach within the RR-2 zone in the City of Malibu (the "City"). The Applicant has now been working with the City for over seven years in pursuit of the Project. Enough is enough. It is time for the City to approve these homes and allow this property owner reasonable use of their vacant land. A denial would result in significant financial liability for the City.

The proposed homes are quite modest in size and the Applicant has implemented all feasible alternatives that reduce purported visual impacts. Despite the Applicant's extensive efforts in this regard, City staff continues to recommend denial of the Project. Further, staff appears to be holding the Project hostage, demanding further unarticulated modifications to the homes. At this point, there are no further reasonable revisions to the Project that result in reduced impacts and the homes must be approved.

As detailed below, findings in support of the Project can be made, and the City's delays and failure to approve a project on the Property would be a substantial deprivation of our client's constitutional rights.

A. Introduction.

1. The Project.

The Project is located at 33398 and 33390 Pacific Coast Highway (the "Property"). The Property is part of an existing three-lot subdivision that takes access from PCH through two lots located immediately to the north. The Property is already developed with a rock revetment and a substantial concrete private access driveway. The Project proposes to divide the middle lot and merge a portion of that lot into each of the adjacent lots, resulting in two lots rather than the existing three.

The top level of the proposed residences includes a two-car garage, roof deck, and entry to the main residence. The living areas are located below the garage and the required Fire Department approved turnaround. At its highest point the proposed residences are now 43 feet tall as measured from the top of the structure to the lowest adjacent grade. However, the proposed residence has a stepped design so there are no more than two-stories at any one point.

As confirmed in the staff report, a number of variances are required for any economically viable development of the Property due to the steep slopes and parcel size which characterize the Project site. As a result of the steep slope, the required Fire Department approved fire access is provided by a new turnaround built on a new elevated platform that also supports the garage and roof deck of the proposed residences. Locations for the fire department access are limited on the Property because of the difference in elevation between the Property and PCH. Specifically, if the fire department turn around were placed at a lower elevation, the steepness of the driveway would exceed the fire department's access requirements.

Given the constraints of the Property, there is no flat area that could accommodate the proposed residences, regardless of size, and provide the required fire department access. Despite this fact, staff continues to recommend denial of the Project and two of the requested variances, for height and for structures with more than two-thirds of the residence above 18 feet in height, purportedly because further options were not explored to reduce the height or size of the proposed residences to bring the structures closer to conformance with the regulations contained in the MMC and LCP.

After what has now been rounds of delay and review, staff still claims that there are additional viable alternatives to review but refuses to identify such alleged alternatives. In fact, all options have been analyzed and the staff's recommendation in this regard ignores the Project site constraints.

As discussed above, the height of the proposed homes is fixed due to the required elevation of the fire department turnaround. While the Applicant has investigated and re-investigated the possibility of using lifts to lower cars into a garage from the top level of the proposed homes, the Los Angeles County Fire Department rejected that proposed solution, noting that “the subterranean lift will not be recognized as acceptable vehicle access.”

The proposed garages have been minimized and will not be significantly visible from any public viewing area. It must be recognized that due to the unique physical characteristics of the site, further reduction of the size of the garages would not bring the houses into compliance with the height limitations in the code. The requested height variance is required for any reasonable development of the property.

With regard to the City’s two-thirds rule, please note that both homes are modestly sized, at less than 2,400 square feet. Strict compliance with the City’s two-thirds rule is not possible due to the Project’s site constraints necessarily limiting the size of the footprint of the respective homes. There is simply no evidence that a reduction in size of the proposed residences will further reduce the Project’s visual impacts given the fact that the Project’s height is fixed due to fire access requirements.

2. Findings for Project Approval Can Be Made.

Despite acknowledging that the Project must meet a certain elevation to meet fire department requirements for access, staff has inconsistently recommended denial of the requested variance for height. While we are left to guess, it appears that staff is suggesting that the Project should be designed without garages. We are unaware of any other home in the entire City that has been disallowed enclosed vehicle parking. The site constraints of the Property are such that strict application of the MMC and LCP deprive the Property of privileges enjoyed by every other modern single-family home in the City. The findings required by MMC § 17.72.060 can be made.

Staff’s recommended denial of the requested variance from LIP § 3.6(K)(2), which requires that any portion of the structure above 18 feet in height shall not exceed two-thirds the first floor area below 18 feet, is similarly not supported by the facts in this case. See Western States Petroleum Assn v. Superior Court (1995) 9 Cal.4th 559, 514-515 [findings must “bridge the analytic gap between raw evidence and ultimate order”]. Specifically, the staff has suggested that there are “alternative massing designs” “which would lower the height of residence and place more portions of the proposed structure below 18 feet in height.” Staff has not shared these supposed alternative massing designs with the Applicant. As discussed above, the only way to lower the height of the proposed residences would be to eliminate the garages entirely, thereby depriving the properties of enclosed vehicle parking spaces enjoyed by every other modern single-family property in the City.

B. Project Denial Will Result in Due Process and Equal Protection Violations.

Denial of the Project by the City, or the inclusion of conditions of approval which would render the Project economically infeasible, would be an arbitrary and capricious act. The Applicant has the right under the Fourteenth Amendment to the United States Constitution and federal laws, including, but not limited to, 42 USC § 1983, to be treated fairly and on equal footing as other City residents. See Village of Willowbrook v. Olech (2000) 528 U.S. 562, 564 [“the purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.”].

Project denial would be legally unsupportable. It is improper for a local agency to create and/or apply barriers to a single applicant for the purpose of “frustrating a particular developer’s plans.” Ross v. City of Yorba Linda (1991) 1 Cal.App.4th 954, 970. To the extent that staff’s apparent position that the garages be removed from the Project is motivated by objections by the neighbors, the Ross court emphasized that it is arbitrary and unlawful for an agency to use neighborhood opposition as a basis for justifying a project denial:

“[I]n restricting individual rights by exercise of the police power neither a municipal corporation nor the state legislature itself can deprive an individual of property rights by a plebiscite of neighbors ... Such action is arbitrary and unlawful... (Emphasis added, internal citation omitted.)” Id., at 968.

As detailed in above, findings in support of Project approval are well supported by the facts and evidence in the record in this case. Project denial will result in due process and equal protection violations, subjecting the City to certain legal liability.

C. The City’s Denial of the Project Would Be a Taking.

The City’s denial of the Project, or the inclusion of conditions of approval which would render the Project economically infeasible, would result in a taking of real property without just compensation in violation of Article 1, Section 19 of the California Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. A government’s restriction which “has an unduly harsh impact upon the owner’s use of his property” or “may so frustrate distinct investment backed expectations,” may amount to a taking. Penn Central Transp. Co. v. City of New York (1978) 98 S.Ct. 2646, 2659. Here, the Applicant acquired the subject property with the reasonable expectation that the lots could be developed with single family homes. The Project is infill development on legal lots with an existing private access driveway from PCH. The lot that is currently addressed as 33398 Pacific Coast Highway was previously developed with a single-family residence. A denial of the Project would clearly result in massive damages to the Applicant.

D. Conclusion.

Despite the Applicant's substantial efforts to design the Project in a manner to minimize visual impacts, we believe that staff has been improperly swayed by a few vocal neighbors who oppose the Project. Opposition correspondence, which we received only after making a formal Public Records Act request to the City, makes repeated reference to politically powerful opposition and similar threats. The City must not be sucked into taking sides in the ongoing private litigation.

As discussed above, all feasible mitigation has already been included and it is simply not possible to lower the height of the Project and maintain Fire Department access. The variances must be granted in order to allow for any reasonable use of the Property. Denial will continue to deprive the Applicant all use of the Property and create certain liability for the City.

The time has come for the City to approve this Project.

Sincerely,

GAINES & STACEY, LLP

Fred Gaines

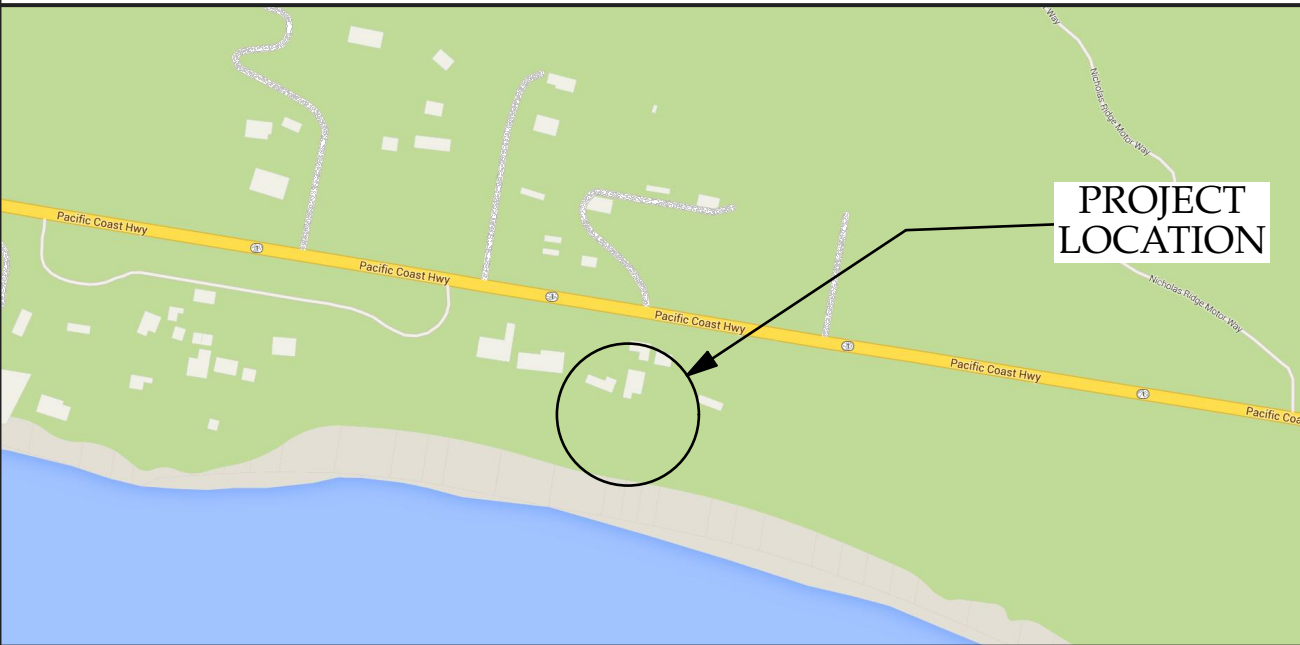
By
FRED GAINES

cc: Richard Mollica (Via Email)
Trevor L. Rusin, Esq. (Via Email)
Patricia Salazar (Via Email)

33386 Pacific Coast Highway Residence



AERIAL VIEW



VICINITY MAP

GENERAL

- T-1.1 COVER SHEET / PROJECT INDEX
T-1.2 SURVEY
- FD-1.1 FIRE DEPARTMENT SITE ACCESS
FD-1.2 FIRE DEPARTMENT DETAILS AND NOTES

CIVIL

- SHEET-1 COVER SHEET
SHEET-2 TOPOGRAPHIC SURVEY
SHEET-3 OVERALL SITE PLAN
SHEET-4 GRADING AND DRAINAGE PLAN
SHEET-5 SUSMP / WQMP BMP PLAN

ARCHITECTURAL

- A-0.1 SITE PLAN
A-0.2 PARTIAL SITE PLAN
A-0.3 AREA TABULATION
- A-1.1 FOUNDATION PLAN
A-1.2 LOWER FLOOR PLAN
A-1.3 MID FLOOR PLAN
A-1.4 UPPER FLOOR PLAN
A-1.5 ROOF DECK PLAN
A-1.6 ROOF PLAN
- A-2.1 ELEVATION NORTH & SOUTH
A-2.2 ELEVATION EAST
A-2.3 ELEVATION WEST
- A-3.1 SECTION A-A
A-3.2 SECTION B-B
A-3.4 SECTION C-C
A-3.5 SECTION D-D

STRUCTURAL-PRELIMINARY

- S-1 GENERAL NOTES
S-2 STANDARD DETAILS
S-3 FOUNDATION PLAN
S-4 LOWER FLOOR FRAMING PLAN
S-5 MID FLOOR FRAMING PLAN
S-6 UPPER FLOOR FRAMING PLAN
S-7 ROOF DECK FRAMING PLAN
S-8 UPPER ROOF FRAMING PLAN

33386 PCH Residence

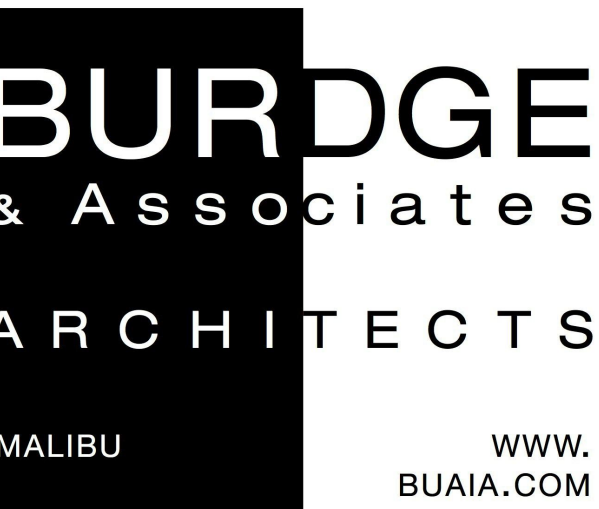
33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

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

NO DATE ISSUE

NO	DATE	ISSUE
1	Nov 26, 2014	INITIAL CDP SUBMITTAL
2	May 8, 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Feb 11, 2015
3	Jul 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Jun 12, 2015
4	May 2018	Removal building above roof deck & revision floor plans below deck
5	Sept 2018	Fire Dept Corrections
6	Oct 2018	Fire Dept Corrections
7	Nov 06, 2018	Fire Dept Corrections
8	Jun 24, 2019	Minor Planning corrections
9	Aug 17, 2019	FEMA lines adjustment
10	Aug 07, 2020	Garage Roof lowering



24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5905

DESCRIPTION:

COVER SHEET / PROJECT INDEX

DRAWING NO.

T-1.1

PROJECT 33386 PCH RESIDENCE

DATE Plot Date: 3/24/21

SCALE D.W.B., R.L., A.M.

DRAWN BY

March 2021

ADDITIONAL ADJUSTABLE ABOVE FINISHED FLOOR ABOVE RAISED FLOOR AIR CONDITIONING ALTERNATE ARCHITECT (URAL) AREA DRAIN	ADD'L ADJ. A.F.F. A/C ALT. ARCH. A.D.	JOINT MANUFACTURE MANUFACTURER'S MATERIAL MAXIMUM MECHANICAL METAL MINIMUM MISCELLANEOUS	JT. MFR. MFRS. MATL. MAX. MECH. MTL. MIN. MISC.
BLOCKING BOARD BUILDING	BLKG. BD. BLDG.	NORTH NOT IN CONTRACT NOT TO SCALE NUMBER	N N.I.C. N.T.S. NO. OR X
CABINET CEILING CENTER CENTER LINE CERAMIC TILE CLEAR CONCRETE CONCRETE MASONRY UNIT CONSTRUCTION CONTINUOUS CONTROL JOINT	CAB. CLG. CTR. C.L. C.T. CLR. CONC. CM.U. CONST. CONT. CJ.	ON CENTER OUTSIDE DIAMETER OPENING PAIR PERFORATED(ED) PIECE/PIECES PLANTER AREA QUANTITY	O.C. O.D. OPG. PR. PERF. PC./PCS. PA. QTY.
DIAMETER DIMENSION DOUBLE DOUBLE HUNG DOWN DRAWING	D.I.A. DIM. DBL. D.H. DN. DWG.	RADIUS REFERENCE REFRIGERATOR REINFORCE/REINFORCING REQUIRED RETURN AIR ROUGH OPENING	RAD. REF. REFRIG. REINF. REQ. R.A. R.O.
ELECTRIC ELECTRIC PANEL ELEVATOR ENCLOSURE ENGINEER EQUAL EQUIPMENT EXISTING EXTRUDE OR EXTRUSION	ELECT. ELECT. PNL. ELEV. ENCL. ENGR. EQ. EQUIP. EXIST. EXTR.	SHEET SIMILAR SOUTH SMOKE DETECTOR SPEAKER SPECIFICATIONS SPRINKLER HEAD SQUARE STAINLESS STEEL STANDARD STEEL STRUCTURAL	SHT. SIM. S S.D. SPKR. SPFCS. S.H. SQ. S.S. STD. STL. STRUCT.
FABRICATE(ED) FINISH FIXTURE FLOOR FLOURESCENT FOOT FRESH AIR INTAKE (OR INLET) FURNISHED) FURRING	FAB. FIN. FIXT. FL. FLUOR. FT. F.A.I. FURN. FUR.	TELEPHONE TELEVISION TEMPORARY TONGUE AND GROOVE TYPICAL UNLESS OTHERWISE NOTED VERTICAL VINYL COMPOSITION TILE	TEL. TV TEMP. T. & G. TYP. U.O.N. VERT. V.C.T.
GALVANIZED GAUGE GROUND GYPSUM BOARD	GALV. GA. GRND. GYP.BD.	WITH WITHOUT WOOD	W/ W/O WD.
HEIGHT HOLLOW METAL HORIZONTAL HOT WATER INSIDE DIAMETER	HT. H.M. HORIZ. H.W. I.D.		

ABBREVIATIONS

SYMBOL LEGEND

- 2019 California Building Code (Volume 1 & 2)
 - 2019 California Residential Code (CRC) and Title 24
 - 2019 California Electrical, Mechanical & Plumbing Code, (CMC), (CPC), (CEC)
 - 2019 CA Energy Code (2013 Building Energy Efficiency Standards), (CEncC) [§ R106.1.1 (CRC)]
 - 2019 CGBSC (California Green Building Code Standards)
- Malibu building code.

APPLICABLE CODES

Deferred submittal documents shall be submitted to the architect- or engineer-of-record, who shall review them and forward them to the building official with a notation that they have been reviewed and have been found to be in general conformance with the design of the building or structure. The deferred items shall not be installed until their design and submittal documents have been reviewed and approved by the building official.

Code requirements for deferred items shall be clearly specified on the design construction drawings.

DEFERRED SUBMITTAL ITEMS:

- New Pool & Spa
- Elevator
- Glass Guard / Guardrails
- Retractable Stairs to access beach
- But-glazed corner glass windows

DEFERRED SUBMITTAL

- Architect:
Douglas W. Burdge, A.I.A.
Burdge & Associates Architects, Inc.
21235 Pacific Coast Hwy
Malibu, CA 90265
Tel. (310) 456-5905
Fax. (310) 456-2467
- Owner / Applicant :
180 PCH, LLC
P.O. Box 6528
Malibu, CA 90265
Tel. (310) 456-2600

- Surveyor:
Mark Sandstrom
Land & Air Surveying
5312 Derry Ave.,
Agoura Hills, CA 91301
Tel. (818) 879-9879
Fax. (818) 706-3040
Mark Sandstrom LS
- Civil and Structural:
LC Engineering Group
889 Pierce Court, Ste. 101
Thousand Oaks, CA 91360
Tel. (818) 991-7148
Britten Pond PE
Leonard Liston CE
James D. Faul RPE

- Coastal Engineer:
Pacific Engineering Group
3500 E.Camino Avenue, Suite 250
Oxnard, CA 93030
Tel. (805) 278-9283
Fax. (805) 485-6730
Reg Brown PE
- Geology and Geotechnical:
Kowalewsky, Donald B.
27101 Old Chimney Rd,
Malibu, CA 90265
Tel. (310) 457-2456
Donald Kowalesky CEG
John T. Tsao CE

- Septic System:
ENSITU Engineering Inc
780 Monterey Ave., Ste. B
Morro Bay, CA 93442
Tel. 805-772-0150
Fax: 805-772-0813
John N. Yaroslaski PE

PROJECT TEAM

- OWNER /APPLICANT :
180 PCH, LLC
P.O. Box 6528
Malibu, CA 90265
- PROJECT ADDRESS:
33386 Pacific Coast Highway
Malibu CA 90265
- A.P.N:
4473-019-007
- LEGAL DESC.:.
See Survey
- VERTICAL DATUM:
NAVD 88
- LCP ZONING:
RR-2 (Rural Residential 2)
- OCCUPANCY GROUP:
R-3/U
- TYPE OF CONSTRUCTION:
VB
- NUMBER OF STORIES:
2
- FIRE ZONE:
VHFHSZ
- SPRINKLERED:
YES (Sprinklered per LACO. Fire Departments Requirement)
- SCOPE OF WORK:
New Two-Story split level, Single Family Residence with upper level deck and a pool/spa on the lower deck. The project includes a New AOWTS, New Grading under the structure and associated Retaining walls and construction of a new Seawall.
To meet the Fire Department requirements the project includes the improvement of the existing driveway to accommodate the Fire Dept. Turnaround and the construction of a 5 feet wide stairway to access the pool deck.
- DISCRETIONARY APPLICATION:
-A Lot Line Adjustment is proposed with this application.
-Minor Modification for reduction of front yard setback

LANDSCAPE:
NO LANDSCAPE PLANS ARE PROPOSED WITH THIS PROJECT.

GRADING CALCULATION:*

*The following data refers to both 33400 PCH and 33388 PCH lots
See Grading plans for additional details.

	Exempt			Non-Exempt		Total
	R&R	Understructure	Safety	Exempt	Remedial	
Cut	ø	1,342	ø	ø	50	1,392
Fill	ø	ø	72	183	ø	255
Total	ø	1,342	72	183	50	1,647
Import	ø	ø	72	183	ø	0
Export	ø	1,342	ø	ø	50	1,137

- LOT INFO:
Area:
Gross: 10,395.48 Sq.Ft. (Acres)
Net: 10,312 Sq.Ft. (Acres)
Width/Depth:
Width: 57'-2"
Depth: 156'-10"
Setbacks:
Front: 30'-8"
Rear: 20'-9"
Side Min.10%: 5'-9"
Side Min.15%: 8'-7"
Side Cumulative 25%: 14'-4"
Parking:
Enclosed: Two (2)
Unenclosed: Two (2)
Total: Four (4) Parking Spaces

MAX. ALLOWABLE SQUARE FOOTAGE:
10,312 x .177 = 1,825+ 1000 = 2,825 Sq.Ft.
T.D.S.F. = 2,825 Sq.Ft.

PROPOSED SQUARE FOOTAGE BREAKDOWN:

Ocean side:
Lower Floor..... 823 Sq.Ft. +
Mid Floor..... 752 Sq.Ft. +

PCH side:
Upper floor..... 767 Sq.Ft. +
Roof deck Garage..... 483 Sq.Ft. =

T.D.S.F..... 2,825 Sq.Ft.

MAX. ALLOWABLE IMPERMEABLE COVERAGE:
10,312 Sq.Ft. x 45% = 4,640 Sq.Ft.

PROPOSED IMPERMEABLE COVERAGE:

House Footprint..... 1,780 Sq.Ft.
Pavios..... 175 Sq.Ft.
Pool/Spa Deck..... 976 Sq.Ft.
Driveway/Turnaround..... 1,152 Sq.Ft.
Fire Dept. stairs..... 345 Sq.Ft.
TOTAL..... 4,428 Sq.Ft.

PROPOSED PERMEABLE COVERAGE:

Pool/Spa 774 Sq.Ft.
Driveway..... 224 Sq.Ft.
TOTAL..... 998 Sq.Ft.

RETAINING WALLS:

Proposed single 6' high maximum, double 12' high max. 3' min. apart.

NOTES:

No habitable area will be located beneath the FD hammerhead area.

ATTACHMENT 2

SHEET INDEX

33386 PCH Residence

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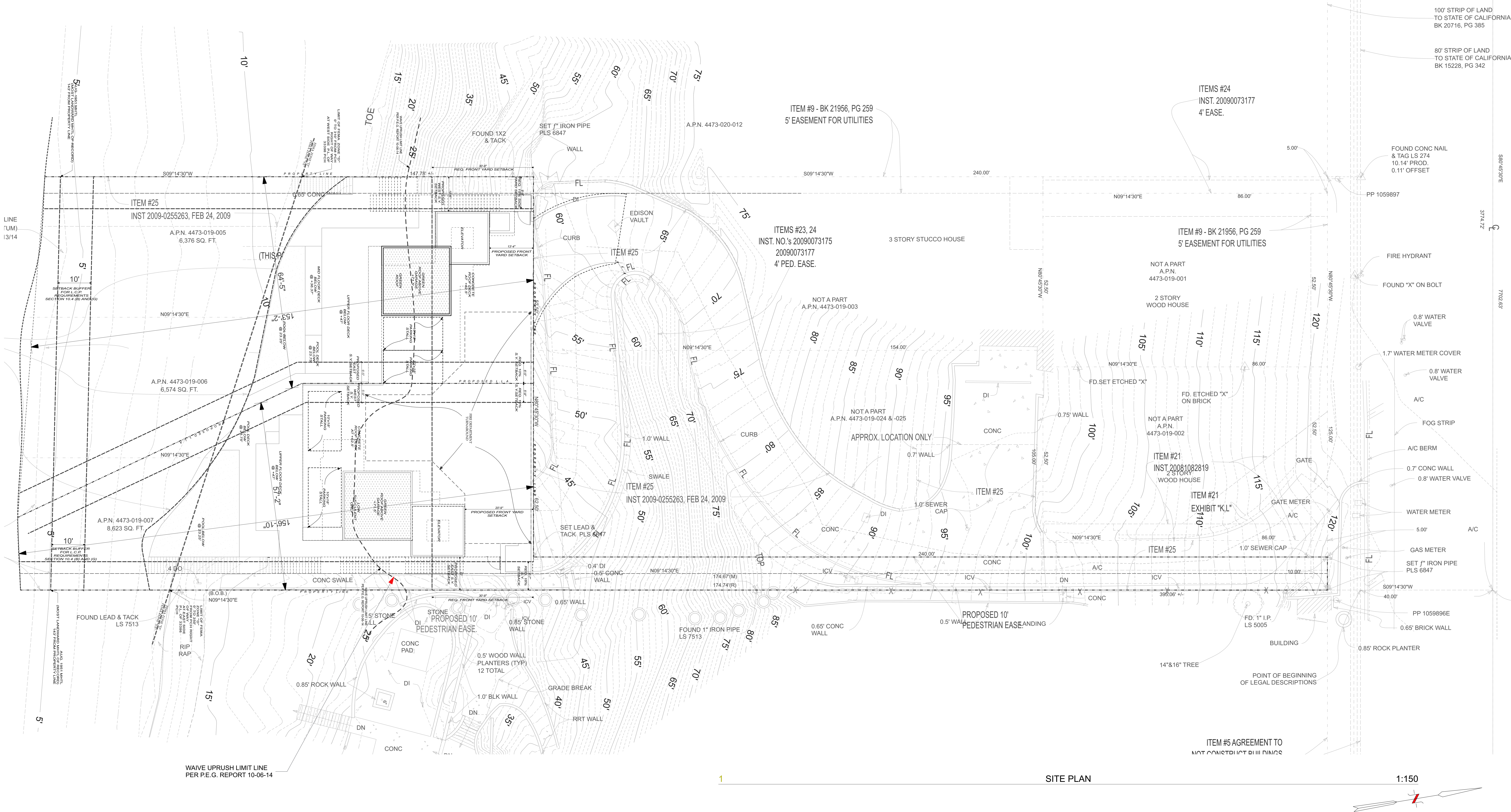
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TEL 310-456-5905

DESCRIPTION:

SITE PLAN

DRAWING NO.	A-0.1
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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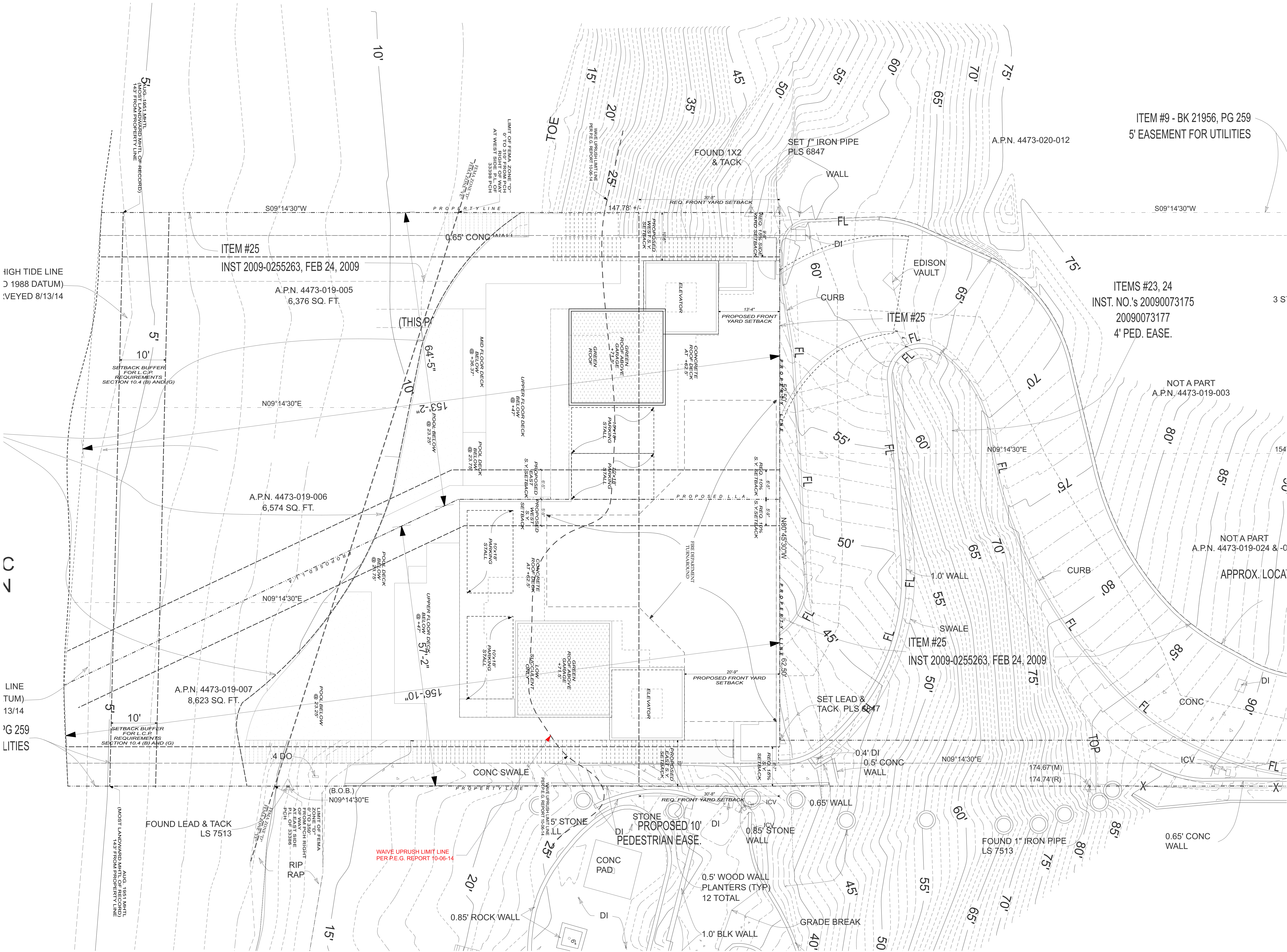
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DESCRIPTION:

PARTIAL SITE PLAN

DRAWING NO.	A-0.2
PROJECT	33386 PCH RESIDENCE
DATE	Plot Date: 3/24/21
SCALE	D.W.B., R.L., A.M.
DRAWN BY	



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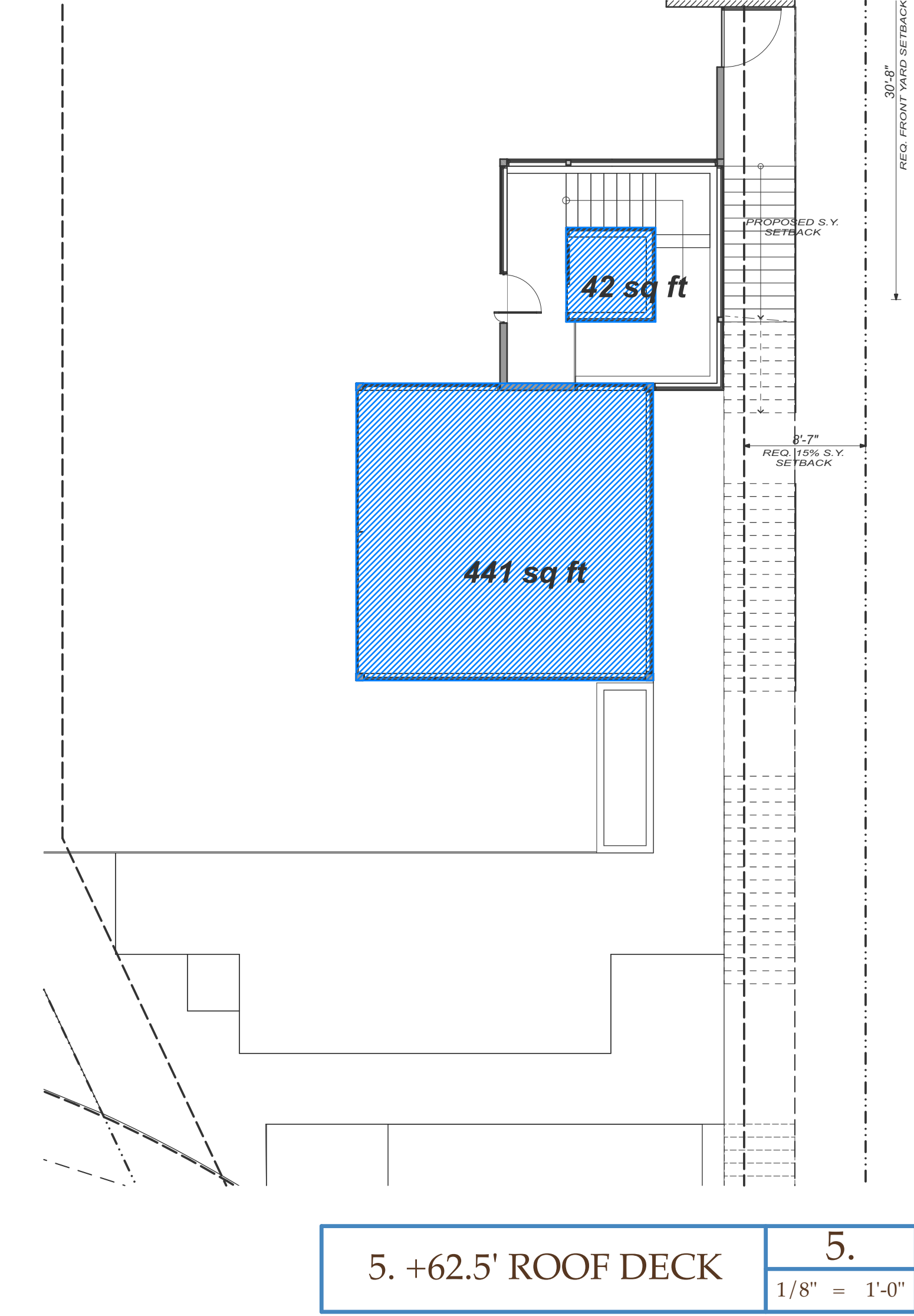
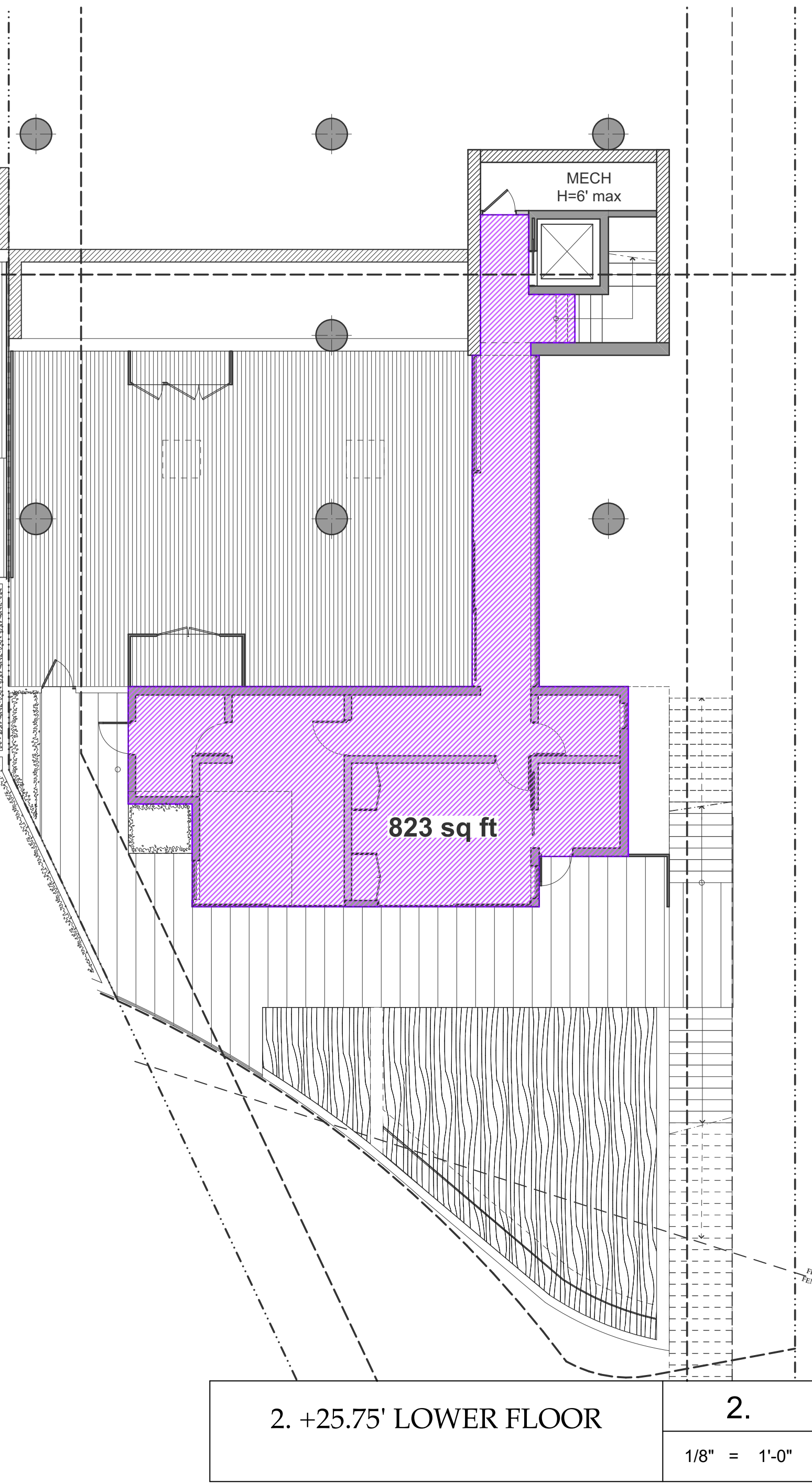
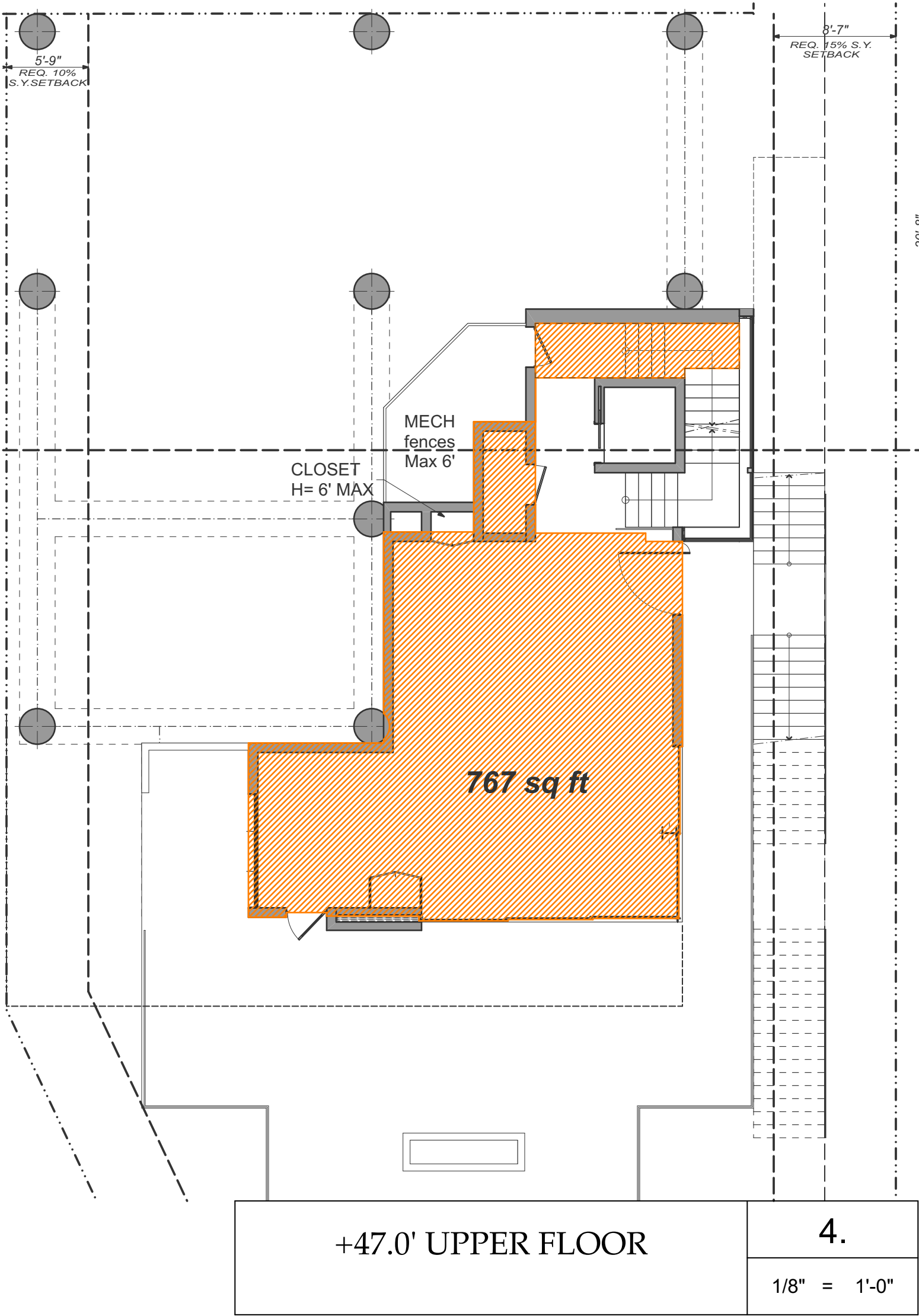
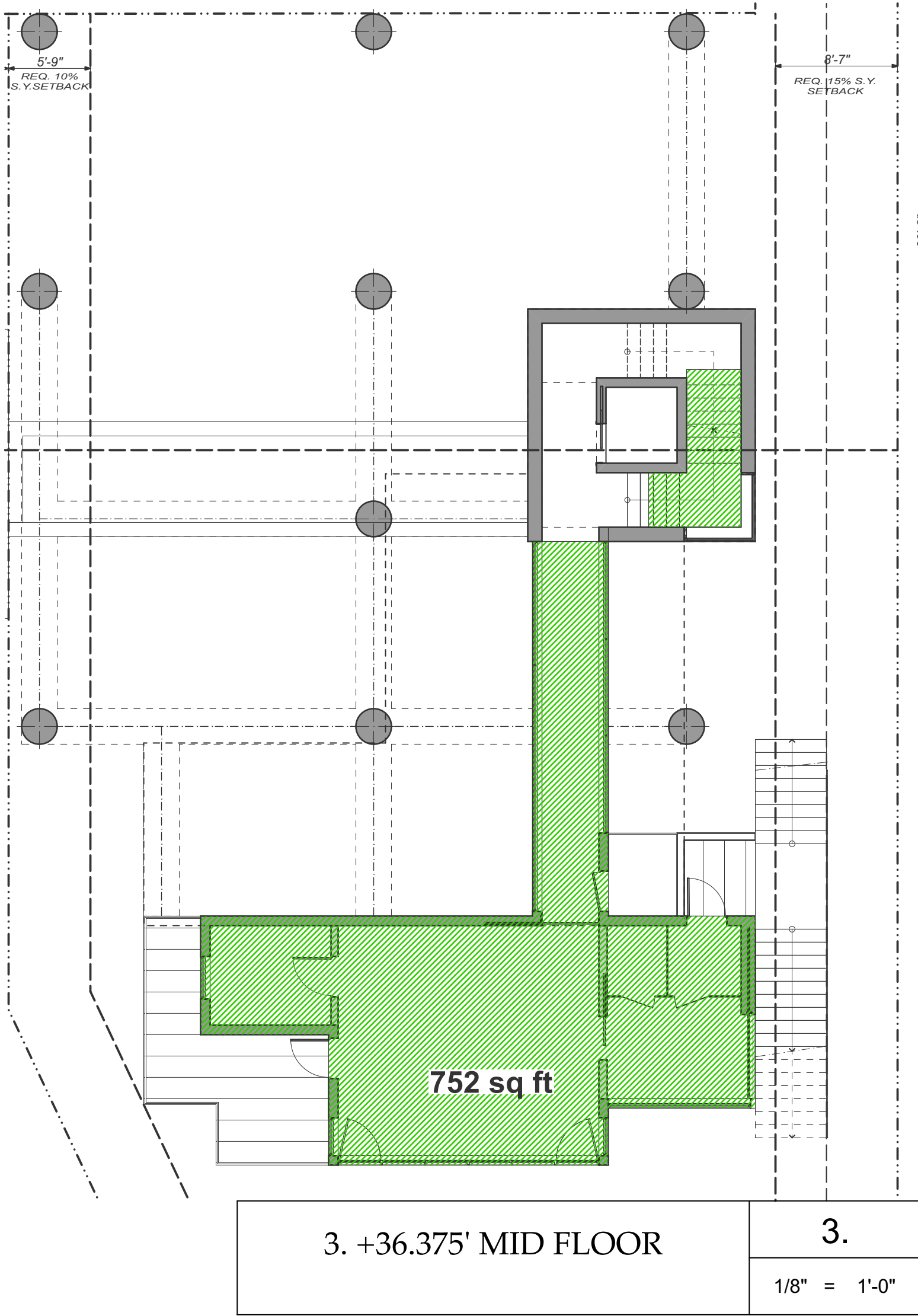
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DESCRIPTION:

AREA TABULATION

DRAWING NO.	A-0.3
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



AREA CALCULATION		
APN 4473-019-007 33386 PCH		
Lower Floor	823 s.f. +	
Mid Floor	752 s.f. +	
Upper Floor	767 s.f. =	
TOTAL LIVABLE	2,342 s.f.	
Garage & Elevator at Roof deck	483 s.f.=	
GRAN TOTAL	2,825 s.f.	

NOTE:
The area of the stairway and elevator shaft is 201 sqft. This area is
been split as follow: 42 sqft at Roof top deck and 53 sqft each floor
below.

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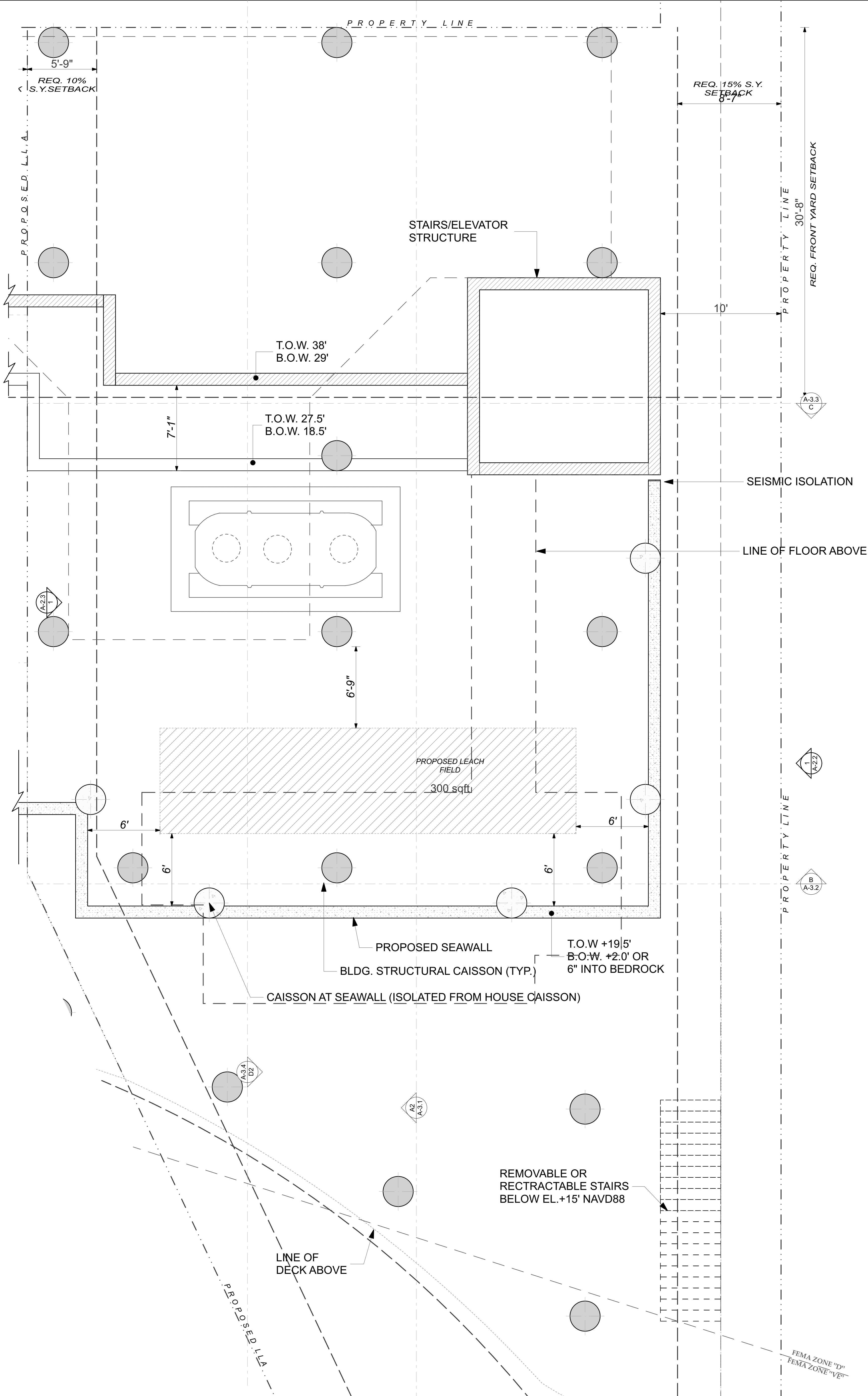
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DESCRIPTION:

FOUNDATION PLAN

DRAWING NO.	A-1.1
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



NOTE 1: PROJECT STRUCTURAL ENGINEER TO INCORPORATE WAVE UPRUSH STUDY AND COSTAL ENGINEERING DESIGN PARAMETERS AND WAVE FORCES INTO THE STRUCTURAL DESIGN OF THE RESIDENCE, FOUNDATION, RETAINING WALLS AND POOL. SEE REPORT BY PACIFIC ENGINEERING GROUP (P.E.G.) DATED OCT 06, 2014.

NOTE 2: ENTIRE HOUSE, RETAINING WALLS, POOL/SPA, DECKS AND LOWER EXTERIOR STAIRS TO BE SUPPORTED ON CONCRETE PILE FOUNDATION. BEACH ACCESS STAIRS BELOW EL. +15' TO BE REMOVABLE AND RETRACTABLE.

NOTE 3: ALL ELEVATIONS ARE BASED ON NAVD 88'

NOTE 4: Location of FEMA zones lines per : dpw.lacounty.gov/wmd/floodzone/

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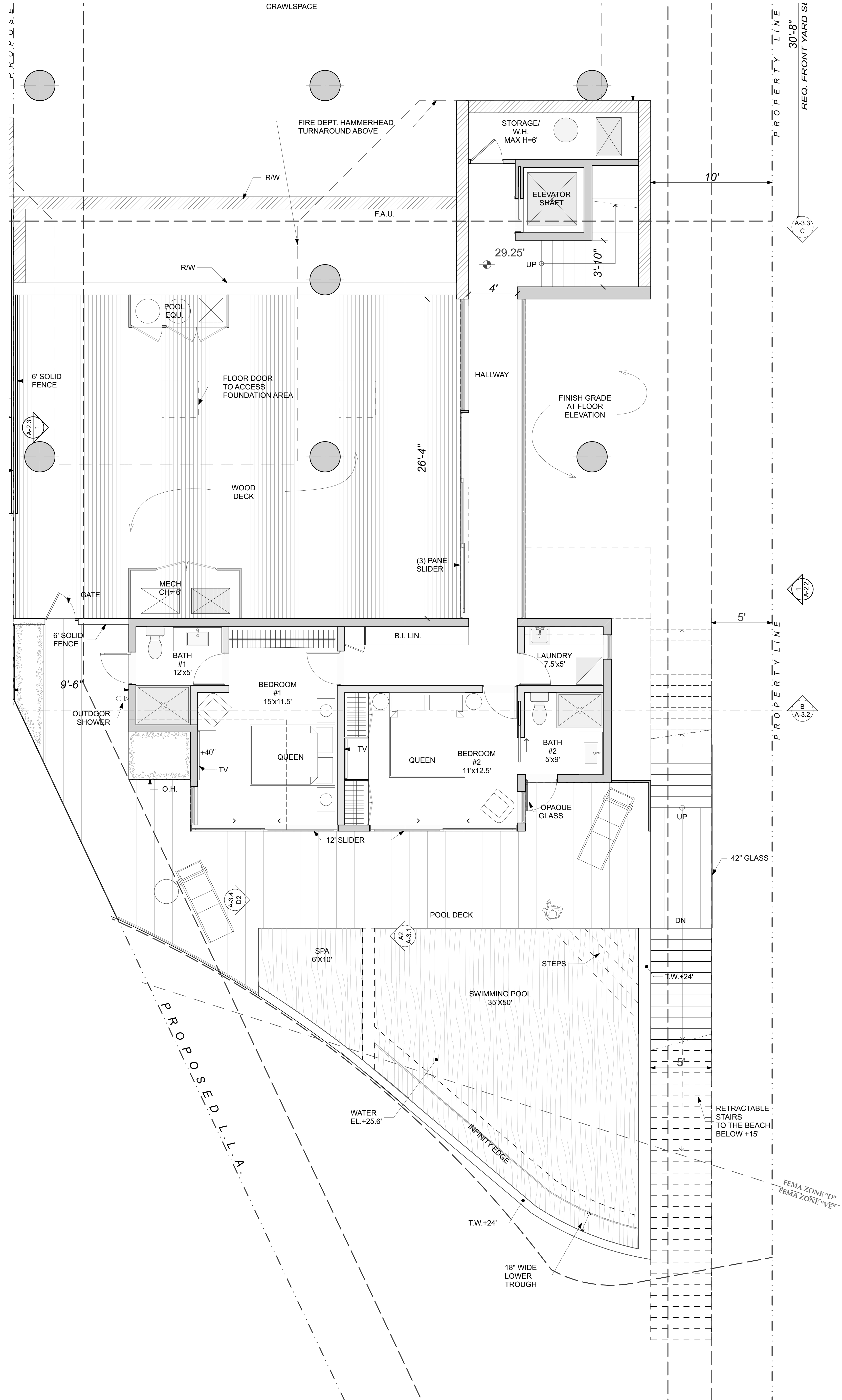
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DESCRIPTION:

LOWER FLOOR PLAN

DRAWING NO.	A-1.2
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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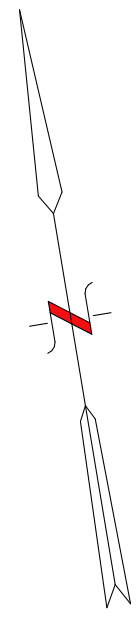
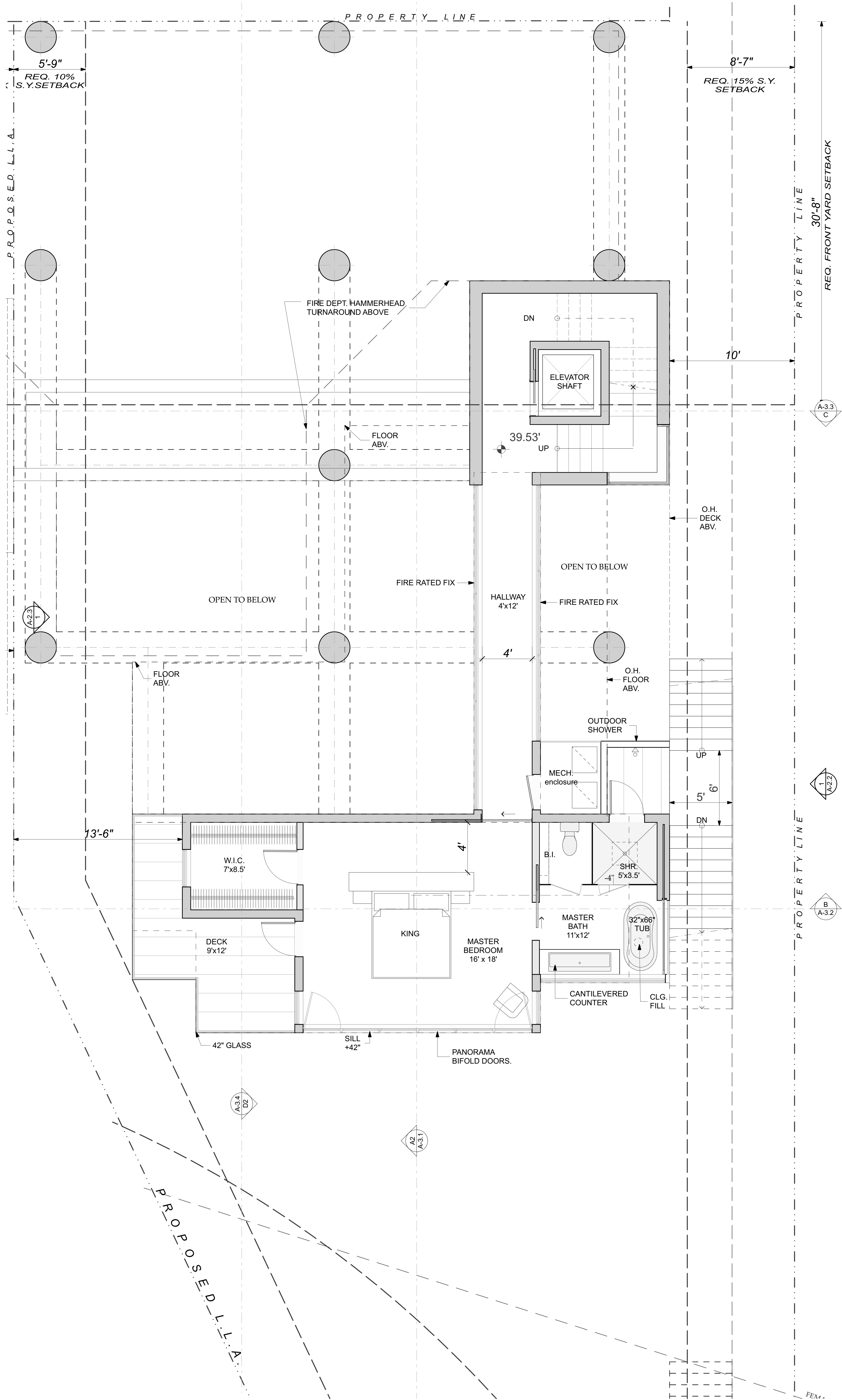
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DESCRIPTION:

MID FLOOR PLAN

DRAWING NO.	A-1.3
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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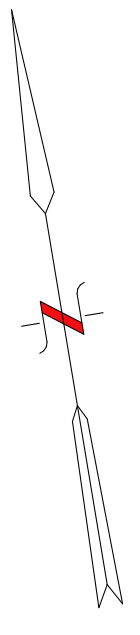
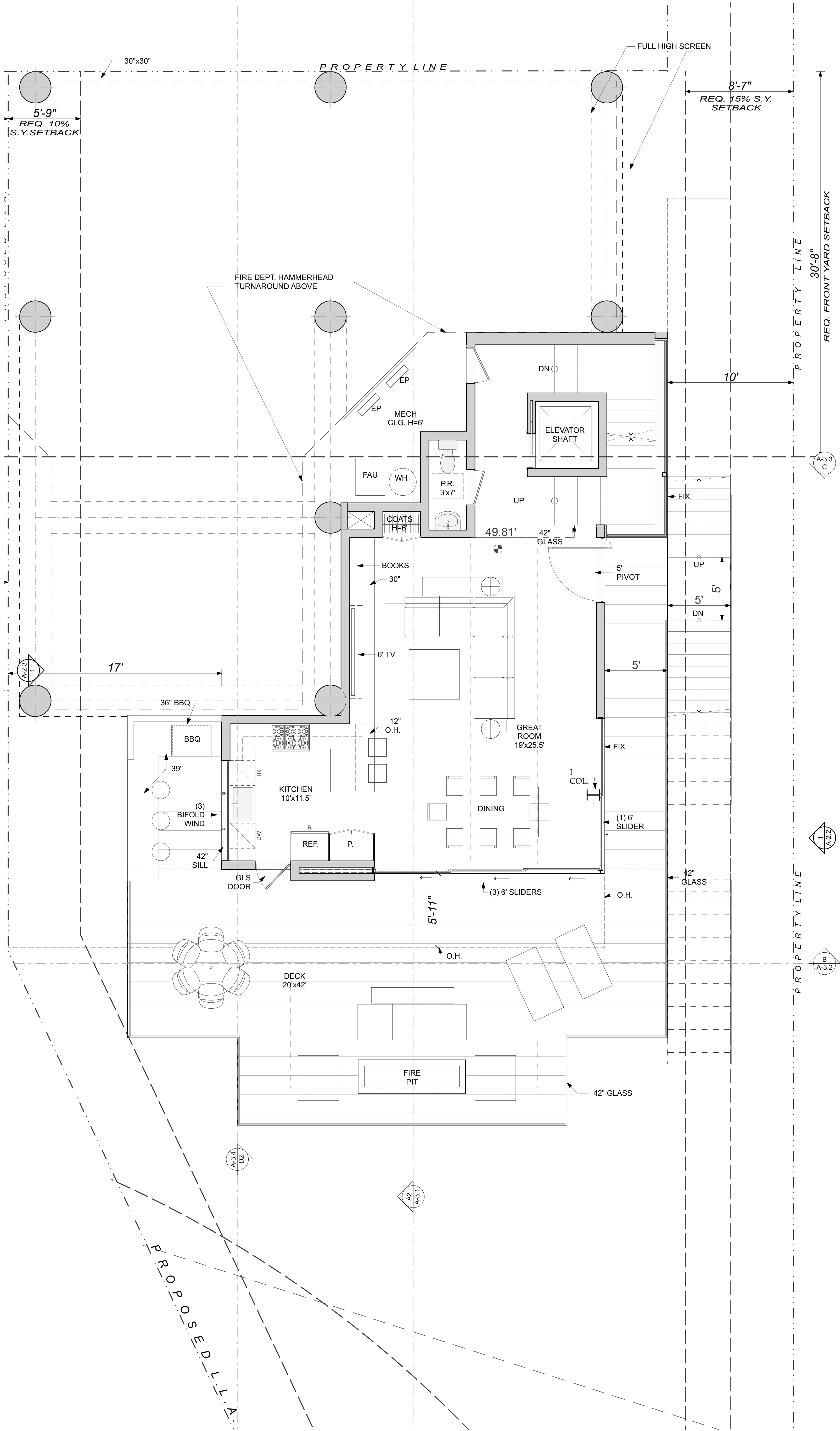
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DESCRIPTION:

UPPER FLOOR PLAN

DRAWING NO.	A-1.4
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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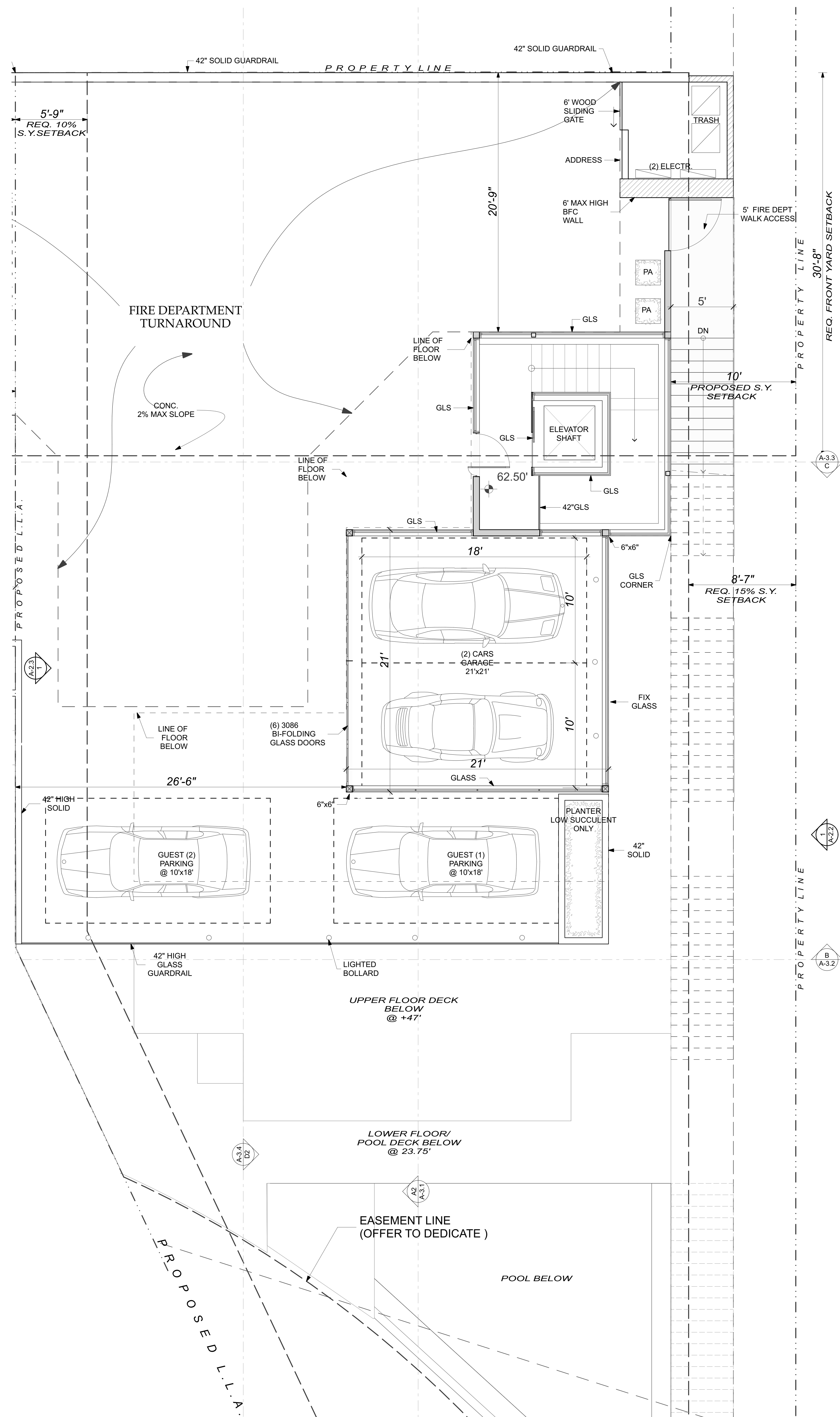
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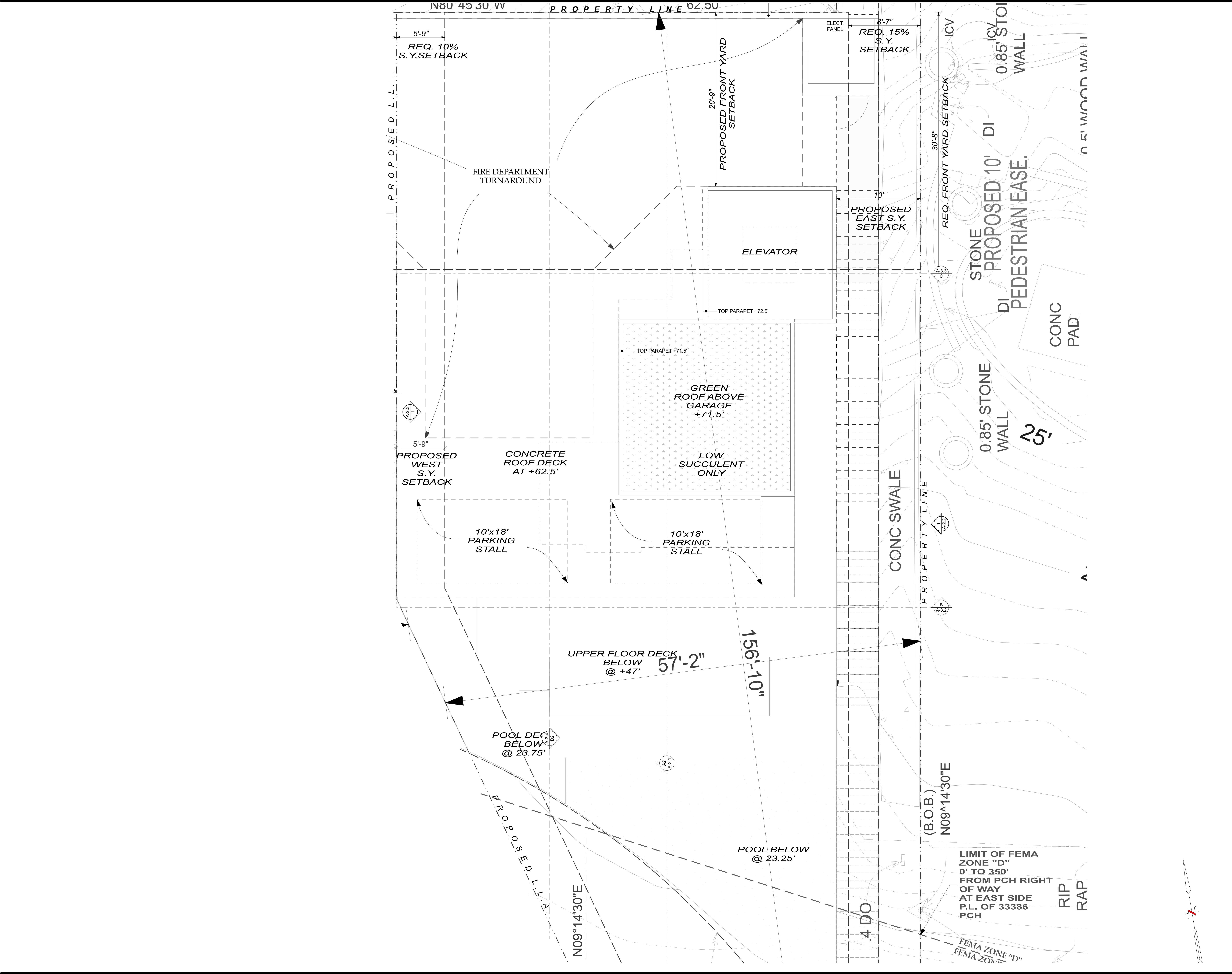
ROOF DECK PLAN

DRAWING NO.

A-1.5

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.





33386 PCH Residence

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DESCRIPTION:

ROOF PLAN

DRAWING NO.	A-1.6
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.

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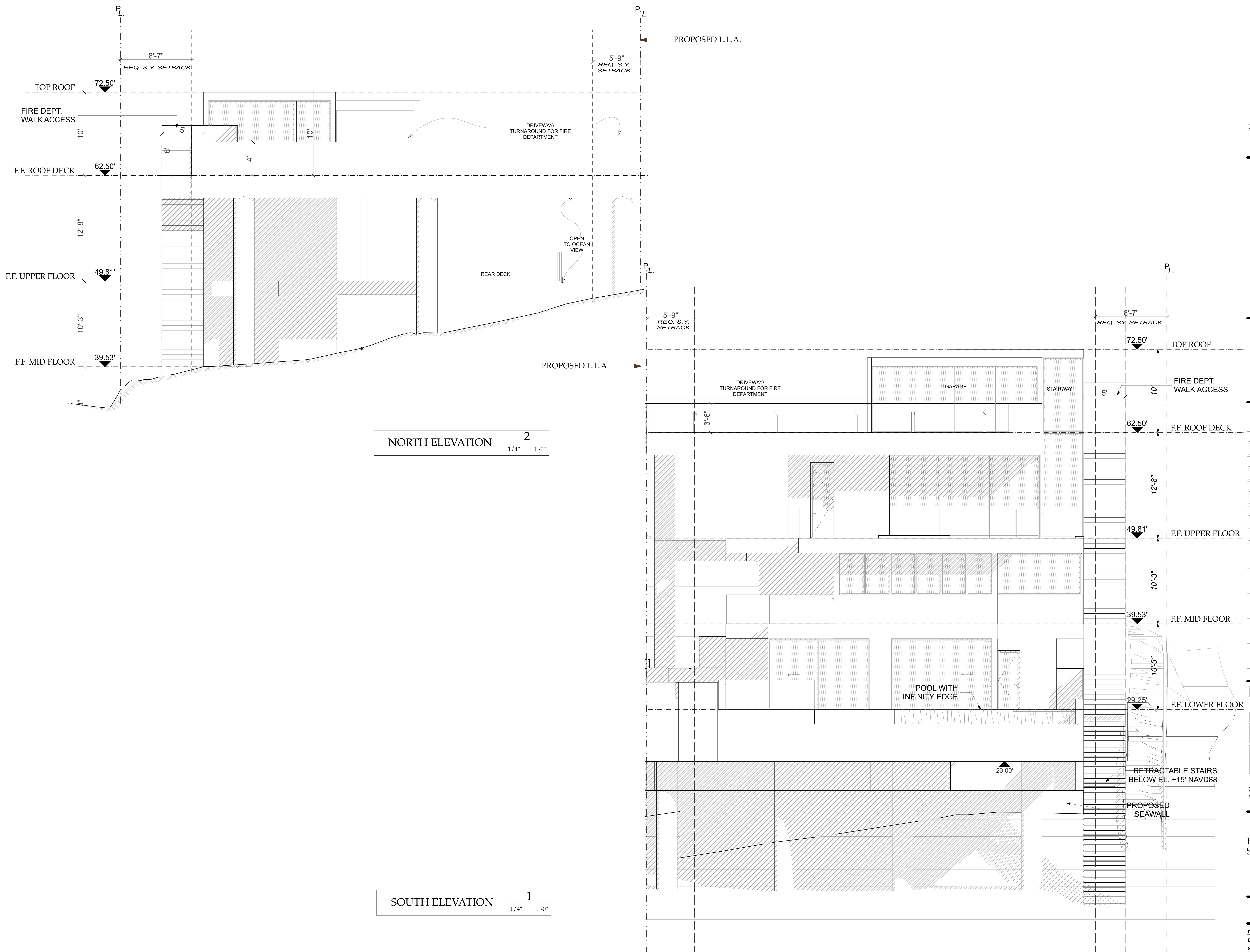
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DESCRIPTION:

ELEVATIONS NORTH &
SOUTH

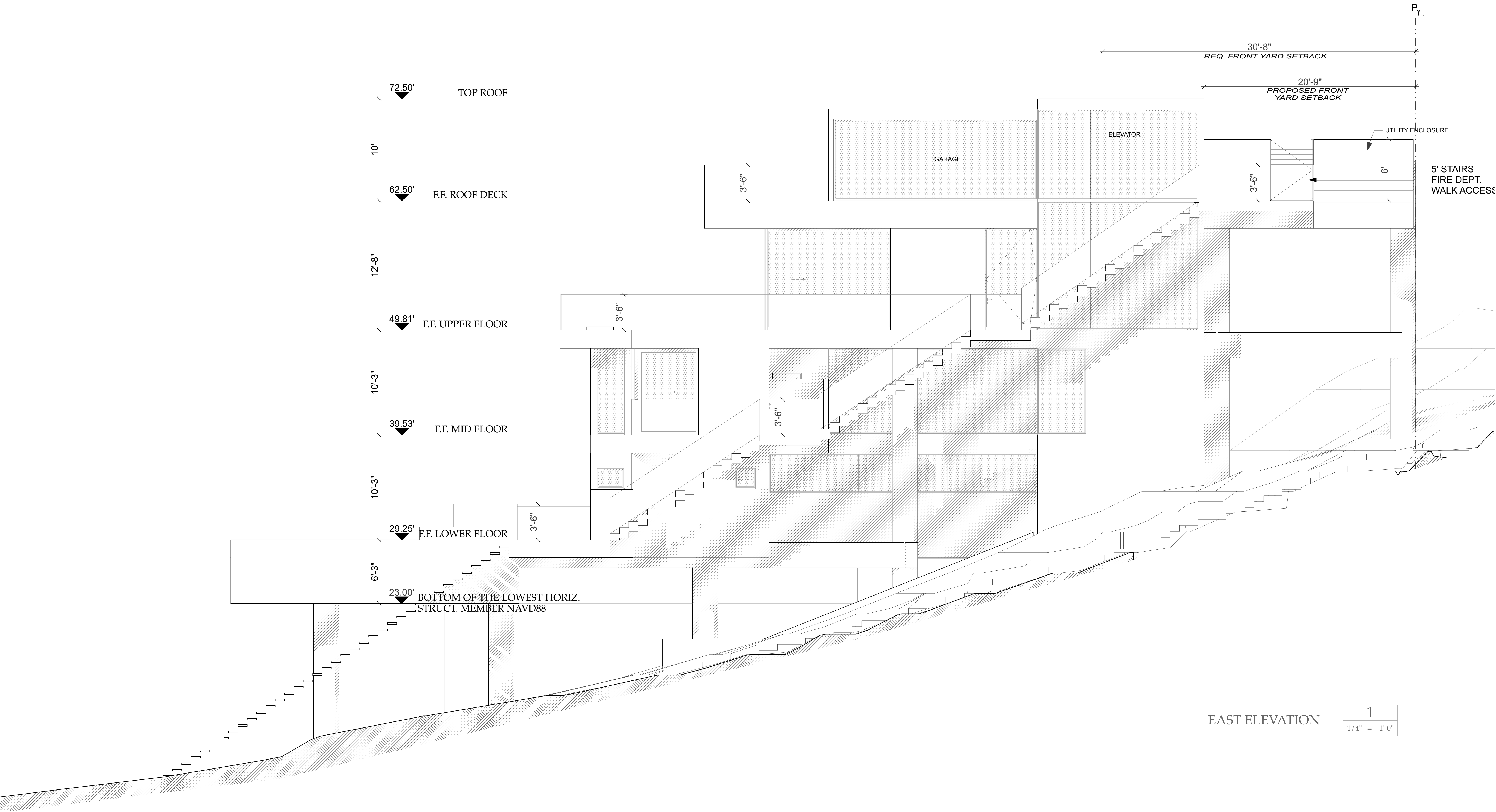
DRAWING NO. **A-2.1**

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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Residence

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DESCRIPTION:

ELEVATION EAST

DRAWING NO.	A-2.2
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.

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Residence

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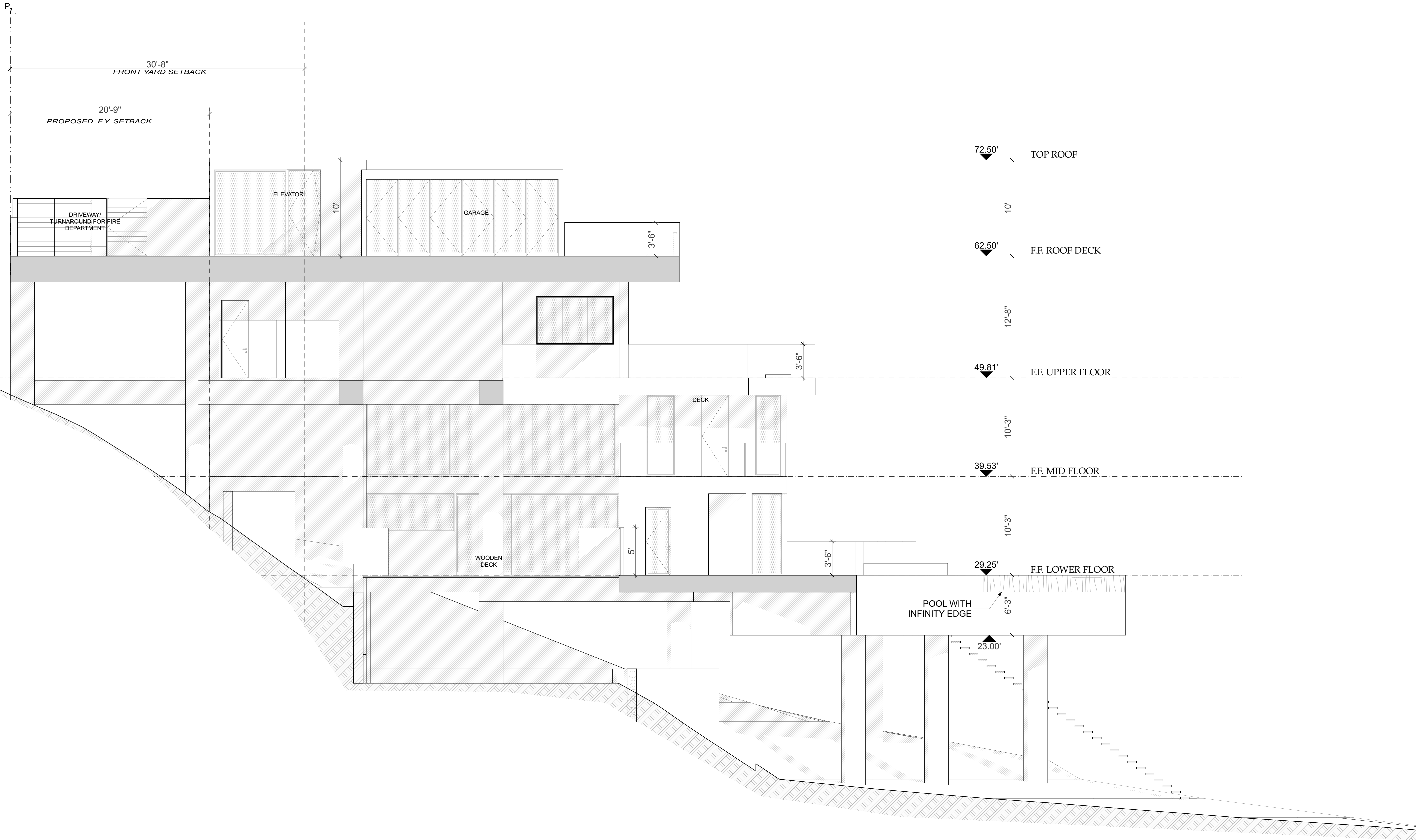
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DESCRIPTION:

ELEVATION WEST

DRAWING NO.	
A-2.3	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



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

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7	Nov 06, 2018	Fire Dept Corrections
8	Jun 24, 2019	Minor Planning corrections
9	Aug 17, 2019	FEMA lines adjustment
10	Aug 07, 2020	Garage Roof lowering

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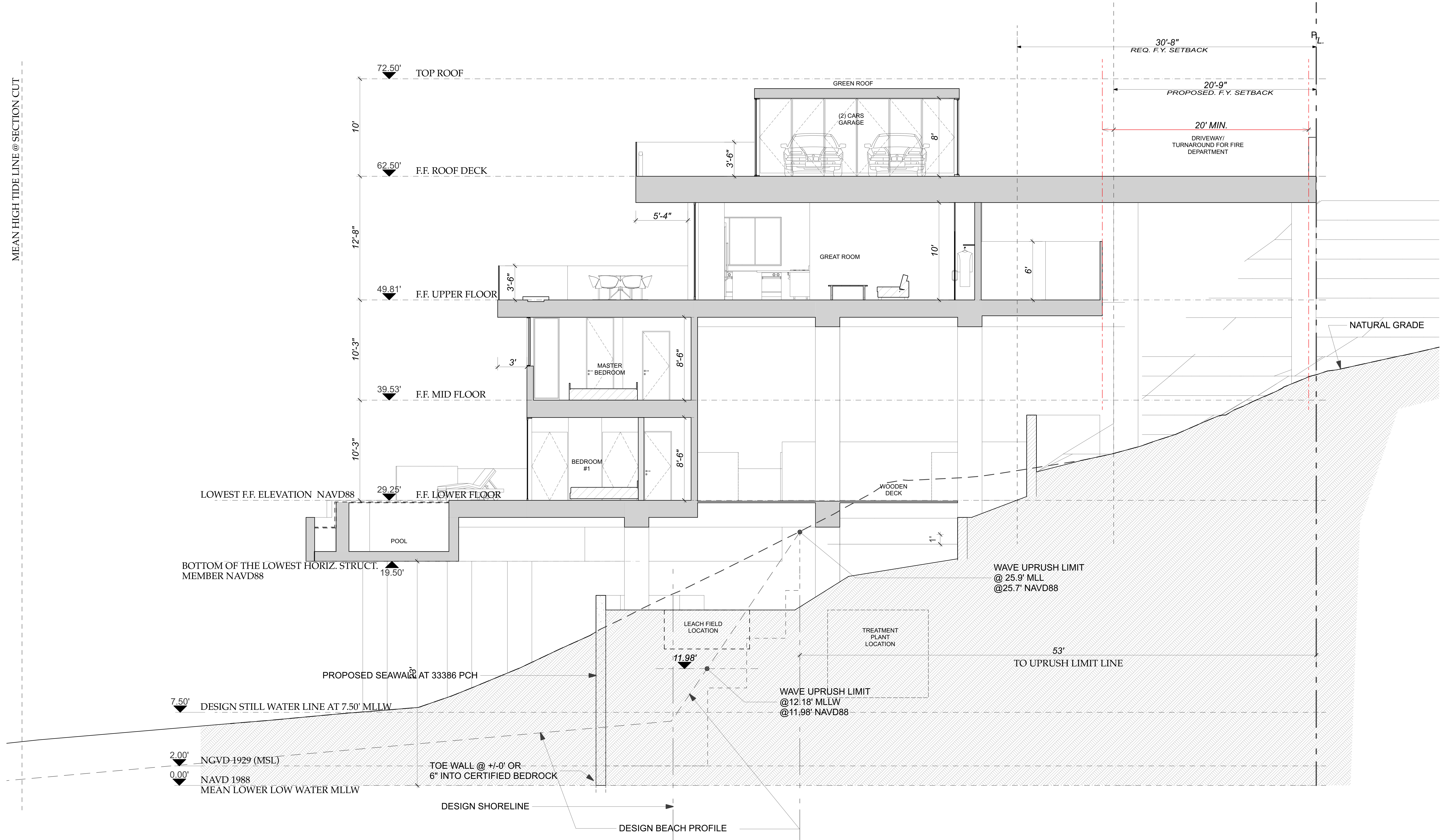
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TEL. 310-456-5905

DESCRIPTION:

PROPOSED SECTION A-A

DRAWING NO.	
A-3.1	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



A2 SECTION

A2

1/4" = 1'-0"

33386 PCH
Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	Nov 26, 2014	INITIAL CDP SUBMITTAL
2	May 8, 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Feb 11, 2015
3	Jul 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Jun 12, 2015
4	May, 2018	Removal building above roof deck & revision floor plans below deck
5	Sept, 2018	Fire Dept Corrections
6	Oct, 2018	Fire Dept Corrections
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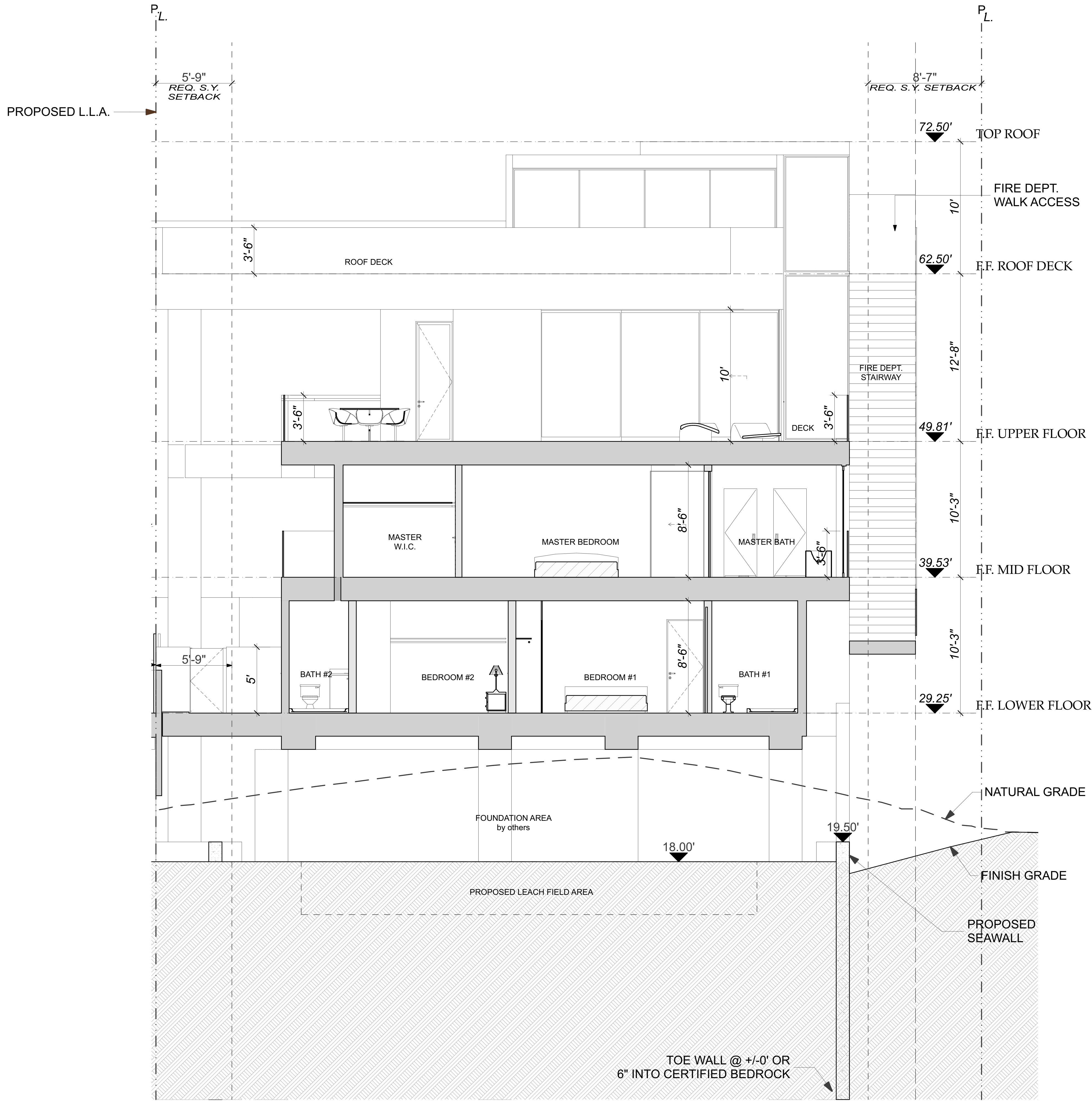
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DESCRIPTION:

PROPOSED SECTION B-B

DRAWING NO.	
A-3.2	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



B SECTION

B

1/4" = 1'-0"

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

33386 PACIFIC COAST HWY.
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COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
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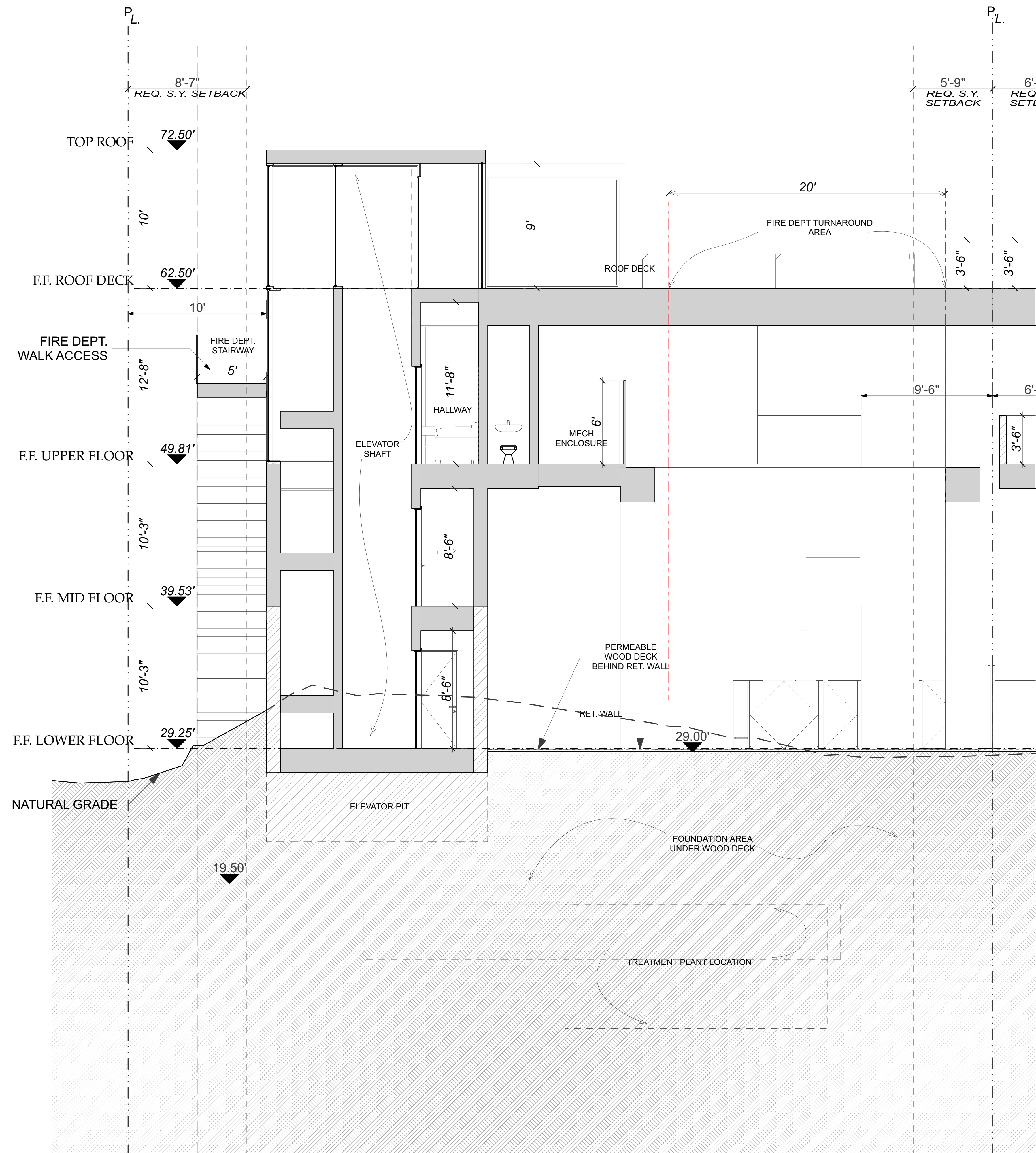
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PROPOSED SECTION C-

DRAWING NO. **A-3.3**

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



C SECTION

C

$$1/4'' = 1'-0''$$

33386 PCH
Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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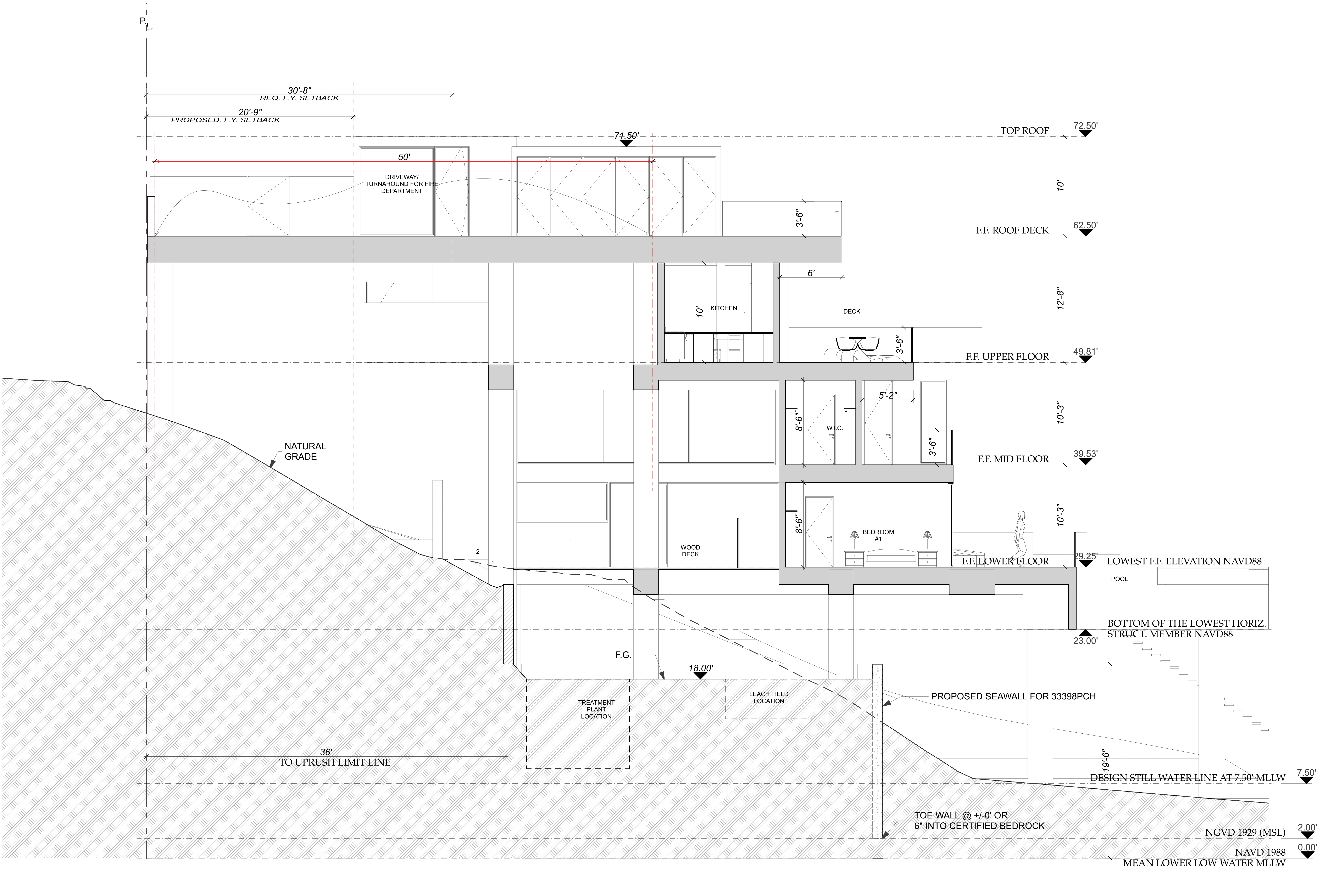
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DESCRIPTION:

PROPOSED SECTION D-D

DRAWING NO.	
A-3.4	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/24/21
DRAWN BY	D.W.B., R.L., A.M.



D2 SECTION	D2
	1/4" = 1'-0"

CITY OF MALIBU GRADING NOTES

1. ANY MODIFICATIONS OF OR CHANGES IN APPROVED GRADING PLANS MUST BE APPROVED BY THE BUILDING OFFICIAL.
2. A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLAN MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT THE SITE.
3. ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND OBTAIN INSPECTION APPROVAL BEFORE POURING.
4. PROVISIONS WILL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
5. SECURE PERMISSION FROM CITY ENGINEER, EASEMENT GRANTEE, STATE HIGHWAY DEPARTMENT AND/OR HOMEOWNERS ASSOCIATION FOR CONSTRUCTION, GRADING, AND/OR DISCHARGE OF DRAINAGE WITHIN STREET RIGHT-OF-WAY.
6. GRADING SHALL NOT BE STARTED WITHOUT FIRST NOTIFYING THE GRADING INSPECTOR, A PRE-GRADING MEETING ON THE SITE IS REQUIRED BEFORE START OF GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOIL ENGINEER, GEOLOGIST, GRADING INSPECTOR, AND, WHEN REQUIRED, THE ARCHAEOLOGIST AND PALEONTOLOGIST. THE REQUIRED INSPECTIONS FOR GRADING WILL BE EXPLAINED AT THIS MEETING.
7. CUT AND FILL SLOPES SHALL BE NO STEEPER THAN 3' HORIZONTAL TO 1' VERTICAL (3:1), EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
8. AREAS TO RECEIVE FILL SHALL BE PROPERLY PREPARED AND APPROVED, IN WRITING, BY THE SOIL ENGINEER AND THE BUILDING OFFICIAL PRIOR TO PLACING FILL.
9. FILL SHALL BE BENCHED INTO COMPETENT MATERIAL PER CITY OF MALIBU STANDARD OR SOIL ENGINEER'S DIRECTION.
10. ALL EXISTING FILLS SHALL BE APPROVED BY THE BUILDING OFFICIAL OR REMOVED PRIOR TO PLACING ADDITIONAL FILLS.
11. ANY EXISTING IRRIGATION LINES AND CISTERNS SHALL BE REMOVED OR CRUSHED, IN PLACE, AND APPROVED BY THE BUILDING OFFICIAL AND SOIL ENGINEER.
12. STOCKPILING OF EXCESS MATERIAL SHALL BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO EXCAVATION.
13. THE DESIGN ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
14. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOILS ENGINEER.
15. SUBDRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUBDRAIN CONSTRUCTION AND SURVEY FOR LOCATION. THE AS GRADED PLAN SHALL SHOW ALL SUBDRAIN LOCATIONS AND ELEVATIONS.
16. SUBDRAIN OUTLETS SHALL BE COMPLETED AT THE BEGINNING OF THE SUBDRAIN CONSTRUCTION.
17. THE EXACT LOCATION OF THE SUBDRAINS SHALL BE SURVEYED IN THE FIELD FOR LINE/GRADE AND REFLECTED ON AS-GRADED PLANS. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS OR WHEREVER DETERMINED TO BE NECESSARY BY THE BUILDING OFFICIAL.
18. ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY THE ENGINEERING GEOLOGIST TO DETERMINE IF ANY SLOPE STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE ENGINEERING GEOLOGIST SHALL SUBMIT RECOMMENDED REMEDIATION TO THE BUILDING OFFICIAL FOR APPROVAL.
19. WHERE SUPPORT OR BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOILS ENGINEER, THE SOILS ENGINEER SHALL SUBMIT DESIGN, LOCATIONS, AND CALCULATIONS TO THE BUILDING OFFICIAL PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST AND SOILS ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.
20. WHEN CUT PADS ARE BROUGHT TO NEAR GRADE, THE ENGINEERING GEOLOGIST SHALL DETERMINE IF THE BEDROCK IS EXTENSIVELY FRACTURED OR FAULTED AND WILL READILY TRANSMIT WATER. IF CONSIDERED NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, A COMPACTED FILL BLANKET WILL BE PLACED.
21. THE ENGINEERING GEOLOGIST SHALL PERFORM PERIODIC INSPECTIONS AND SUBMIT A COMPLETE REPORT AND MAP UPON COMPLETION OF THE ROUGH GRADING.
22. THE COMPACTION REPORT AND APPROVAL FROM THE SOILS ENGINEER SHALL INDICATE THE TYPE OF FIELD TESTING PERFORMED, EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN-PLACE DENSITY, WHETHER SAND CONE OR NUCLEAR GAUGE, AND SHALL BE SO NOTED FOR EACH TEST.
23. THE GRADING CONTRACTOR SHALL SUBMIT A WRITTEN STATEMENT VERIFYING THAT THE WORK DONE UNDER HIS DIRECTION WAS PERFORMED IN ACCORDANCE WITH THE APPROVED PLANS, AND REQUIREMENTS OF CHAPTER 33.1 OF THE MALIBU BUILDING CODE OR DESCRIBING ALL VARIANCES FROM THE APPROVED PLANS AND REQUIREMENTS OF THE CODE. [3318.1]
24. THE DESIGN ENGINEER VERIFIES THAT THIS GRADING PLAN WAS PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH SECTION 3318.1 OF THE MALIBU BUILDING CODE. ALL SOILS ENGINEER AND ENGINEERING GEOLOGY RECOMMENDATIONS WERE INCORPORATED IN THE PLAN. (MUST BE SIGNED AND DATED BY THE DESIGN ENGINEER.)
25. GRADING OPERATIONS MUST BE CONDUCTED UNDER PERIODIC GEOLOGIC INSPECTION WITH INSPECTION REPORTS TO BE SUBMITTED TO THE BUILDING DEPARTMENT.
26. EXPORT SOIL MUST BE TRANSPORTED TO A LEGAL DUMP OR TO A PERMITTED SITE SHOWN CLEARLY ON APPROVED PLANS.
27. SLOPES SHALL BE PLANTED WITH AN APPROVED PLANT MATERIAL AND PROVIDED WITH AN APPROVED IRRIGATION SYSTEM, UNLESS AN ALTERNATIVE HAS BEEN APPROVED BY THE CITY BIOLOGIST.
28. THE ENGINEER SHALL SUBMIT A LETTER OF CERTIFICATION TO THE BUILDING OFFICIAL STATING THAT THE GRADING WAS DONE IN COMPLIANCE WITH THE APPROVED GRADING PLAN.
29. PRELIMINARY SOIL AND GEOLOGY REPORTS AND ALL SUBSEQUENT REPORTS, AS APPROVED BY THE CITY OF MALIBU, ARE CONSIDERED A PART OF THE APPROVED GRADING PLAN. ALL RECOMMENDATIONS CONTAINED ARE TO BE COMPLIED WITH, OR REVISIONS SUBMITTED FOR REVIEW.
30. ALL EXISTING DRAINAGE COURSES THROUGH THIS SITE SHALL REMAIN OPEN UNTIL FACILITIES TO HANDLE STORM WATER ARE APPROVED AND FUNCTIONAL; HOWEVER, IN ANY CASE, THE PERMITEE SHALL BE HELD LIABLE FOR ANY DAMAGE DUE TO OBSTRUCTING NATURAL DRAINAGE PATTERNS.
31. GRADING OPERATIONS, INCLUDING MAINTENANCE OF EQUIPMENT, SHALL BE ACCOMPLISHED WITHIN THE CONFINES OF THE NOISE ORDINANCE AND POLICIES OF THE CITY OF MALIBU.
32. ROOF GUTTERS SHALL BE INSTALLED TO PREVENT ROOF DRAINAGE FROM FALLING ON MANUFACTURED SLOPES. GUTTERS SHALL BE CONNECTED TO NON-EROSIVE PIPING OR ANOTHER METHOD ACCEPTABLE TO THE BUILDING OFFICIAL.
33. ANY EXCAVATIONS ADJACENT TO OTHER PROPERTY OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF CALIFORNIA CIVIL CODE, SECTION 832, AND IS THE RESPONSIBILITY OF THE PERMITEE AND/OR THE OWNER.

PLANTING AND IRRIGATION NOTES

34. ALL CUT AND FILL SLOPES WILL BE PLANTED WITH AN APPROVED GROUND COVER AND PROVIDED WITH AN IRRIGATION SYSTEM AS SOON AS IS PRACTICAL DURING GRADING. IN ADDITION TO THE GROUND COVER PLANTS SHALL BE INSTALLED ON ALL SLOPES. ALL PLANTING SHALL BE OF A TYPE APPROVED BY THE CITY BIOLOGIST.
35. THE PLANS FOR A DESIGNED IRRIGATION SYSTEM FOR FULL COVERAGE OF ALL PORTIONS OF THE SLOPES SHALL BE SUBMITTED AND APPROVED PRIOR TO ROUGH GRADING APPROVAL BY THE CITY BIOLOGIST.
36. PLANTING AND IRRIGATION PLANS FOR SLOPES MUST BE PREPARED AND SIGNED BY A CIVIL ENGINEER OR LANDSCAPE ARCHITECT.
37. FINISH GRADING WILL BE COMPLETED AND APPROVED AND SLOPE PLANTING IRRIGATION SYSTEMS INSTALLED BEFORE OCCUPANCY OF BUILDINGS.

FILL NOTES

38. THE PERMITEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL 24 HOURS BEFORE THE GRADING OPERATION IS READY FOR EACH OF THE FOLLOWING INSPECTIONS. (THE PERMITEE NEED NOT WAIT FOR THE INSPECTOR TO ARRIVE BEFORE PROCEEDING WITH THE WORK).
39. FILL SHALL BE COMPACTED (AS DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557-LATEST VERSION) THROUGHOUT THEIR FULL EXTENT TO [3313.4]:
- A. A MINIMUM RELATIVE COMPACTION OF 90% OF MAXIMUM DRY DENSITY WITHIN 40 FT. BELOW FINISH GRADE, AND
- B. 93% OF MAXIMUM DRY DENSITY DEEPER THAN 40 FT. BELOW FINISH GRADE
40. FIELD DENSITY SHALL BE DETERMINED BY SAND-CONE METHOD, A.S.T.M. D1557-LATEST VERSION. IN FINE-GRAINED COARSE SOILS FIELD DENSITY SHALL BE DETERMINED BY THE DRIVE-CYLINDER METHOD, A.S.T.M. D-2937-LATEST VERSION. PROVIDED NOT LESS THAN 20% OF THE REQUIRED DENSITY SHALL BE SHOWN IN THE COMPACTION REPORT. OTHER METHODS MAY BE USED IF RECOMMENDED BY THE SOILS ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL. [33132.4]

41. SUFFICIENT TESTS OF SOIL PROPERTIES, INCLUDING SOIL TYPES AND SHEAR STRENGTH, SHALL BE MADE DURING GRADING OPERATIONS TO VERIFY COMPLIANCE WITH DESIGN CRITERIA. THE RESULTS OF SUCH TESTING SHALL BE FURNISHED TO THE BUILDING OFFICIAL UPON COMPLETION OF GRADING OPERATIONS, OR WHEN NECESSITATED BY FIELD CONDITIONS UPON REQUEST OF THE BUILDING OFFICIAL. [3313.8] ONE FIELD DENSITY TEST TO BE MADE AS FOLLOWS:
- a. ONE TEST FOR EACH TWO FOOT VERTICAL LIFT.
- b. ONE TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED.
- c. ONE TEST WILL BE MADE AT POINT APPROXIMATELY ONE FOOT BELOW THE FILL SLOPE SURFACE ON THE BASIS OF ONE TEST FOR EACH 1,000 SQUARE FEET OF SLOPE SURFACE BUT NOT LESS THAN ONE TEST FOR EACH 10 FOOT OF VERTICAL SLOPE HEIGHT.
42. NO FILL SHALL BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS, AND INSTALLATION OF SUBDRAINS (IF ANY) HAVE BEEN INSPECTED AND APPROVED BY SOILS ENGINEER.
43. NO ROCK OR SIMILAR MATERIAL GREATER THAN 12" IN DIAMETER WILL BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOILS ENGINEER AND APPROVED, IN ADVANCE, BY THE BUILDING OFFICIAL.
44. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS OR WHEREVER DETERMINED TO BE NECESSARY BY THE BUILDING OFFICIAL.
45. ORIGINAL OF ALL REPORTS SHALL BE PROVIDED TO THE BUILDING OFFICIAL FOR ALL COMPACTED FILLS.
46. ALL CONCRETE PLACED ON GRADE SHALL BE COLORED TO MATCH NATURAL CONDITIONS ADJACENT TO THE STRUCTURES. SURFACE PAINT IS NOT ACCEPTABLE. ALL COLORS ARE TO BE INCORPORATED INTO THE MIX AND BLENDED UNIFORMLY.
47. FILL PLACED OVER EXISTING TERRAIN 5:1 AND STEEPER THAN 3' HORIZONTAL TO 1' VERTICAL (3:1) EXCEPT WHERE SPECIFICALLY APPROVED OTHERWISE.
48. FILL SHALL BE COMPACTED THROUGHOUT TO A MINIMUM OF 90% RELATIVE COMPACTION, AGGREGATE BASE FOR ASPHALTIC AREAS SHALL BE COMPACTED TO A MINIMUM OF 95% RELATIVE COMPACTION, TEST D1557-91T OR APPROVED EQUIVALENT. ORIGINALS OF ALL REPORTS SHALL BE PROVIDED TO THE BUILDING OFFICIAL.

GRADING INSPECTION REQUIREMENTS

- THE PERMITEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL 24 HOURS BEFORE THE GRADING OPERATION IS READY FOR EACH OF THE INSPECTIONS. (THE PERMITEE NEED NOT WAIT FOR THE INSPECTOR TO ARRIVE BEFORE PROCEEDING WITH WORK).
- a. INITIAL INSPECTION: WHEN THE SITE HAS BEEN CLEARED OF VEGETATION AND UNIMPROVED FILL AND IT HAS BEEN SCARIFIED, BENCHED OR OTHERWISE PREPARED FOR FILL, NO FILL SHALL HAVE BEEN PLACED PRIOR TO INSPECTION.
- b. TOE INSPECTION: AFTER THE NATURAL GROUND IS EXPOSED AND PREPARED TO RECEIVE FILL AND BEFORE ANY FILL IS PLACED.
- c. EXCAVATION INSPECTION: AFTER THE EXCAVATION IS STARTED AND BEFORE THE DEPTH OF EXCAVATION EXCEEDS 10 FEET.
- d. ROUGH INSPECTION: WHEN APPROXIMATE FINAL ELEVATIONS HAVE BEEN ESTABLISHED; DRAINAGE TERRACE, SWALES AND OTHER DRAINAGE DEVICES NECESSARY FOR THE PROTECTION OF THE BUILDING FROM FLOODING ARE INSTALLED; BERMS INSTALLED AT THE TOP OF SLOPES; SUBMIT THE REQUIRED "ROUGH GRADING RECORDS". FOUNDATIONS SHALL NOT BE BEING WORK EXCAVATED UNTILL THE BUILDING OFFICIAL HAS APPROVED ROUGH GRADING.
- e. FINAL INSPECTION: WHEN GRADING HAS BEEN COMPLETED, ALL DRAINAGE DEVICES NECESSARY TO DRAIN THE BUILDING PAD ARE INSTALLED, SLOPE PLANTING ESTABLISHED AND ALL IRRIGATION SYSTEM INSTALLED. SUBMIT THE REQUIRED "AS-BUILT GRADING PLAN" AND "NOTIFICATION OF COMPLETION".
- f. SUBDRAIN INSTALLATION: PROVIDE CONTINUOUS INSPECTION DURING SUBDRAIN EXCAVATION AND INSTALLATION. CONTINUOUS INSPECTION BY THE SOILS ENGINEER OR HIS RESPONSIBLE REPRESENTATIVE SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATIONS. [3313.2]
- g. FILL INSTALLATION:
- i. AFTER THE FILL EMPLACEMENT IS STARTED AND BEFORE THE VERTICAL HEIGHT OF THE LIFTS EXCEEDS 10FT. [3313.2]
- ii. DURING PREPARATION OF NATURAL GROUND AND PLACEMENT AND COMPACTION FILL.
- iii. THE SOIL ENGINEER SHALL BE PRESENT DURING THE ENTIRE FILL PLACEMENT AND COMPACTION OF FILLS THE WILL EXCEED A VERTICAL HEIGHT OR DEPTH OF 30IN> OR RESULTS IN A SLOPE SURFACE STEEPER THAN 2 HORIZONTAL 1 VERTICAL. [3313.7]
- h. DRAINAGE DEVICE INSPECTION: AFTER FORMS AND PIPES ARE IN PLACE AND BEFORE ANY CONCRETE IS POURED
- i. ROUGH GRADING: WHEN ALL ROUGH GRADING HAS BEEN COMPLETED AND EROSION PROTECTION HAS BEEN INSTALLED. THE GEOTECHNICAL ENGINEER SHALL SUBMIT THE FINAL COMPLETION REPORT PRIOR TO THE APPROVAL OF ROUGH GRADE.

GRADING PLAN NOTES:

50. THE CONTRACTOR SHALL VERIFY ALL EXISTING TOPOGRAPHY AND GRADES PRIOR TO GRADING. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROJECT CIVIL ENGINEER OF ANY DISCREPANCIES OR REQUIRED DESIGN CHANGES SO THE APPROPRIATE CHANGES CAN BE MADE.
51. THE CONTRACTOR SHALL ENSURE THAT ALL UTILITIES AND EASEMENTS ARE ADEQUATELY STAKED PRIOR TO ANY GRADING.
52. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITIES. UNDERGROUND ALERT SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO DIGGING.
53. THE APPROVED GEOLOGY AND GEOTECHNICAL REPORTS SHALL BE CONSIDERED A PART OF THESE PLANS. COPIES OF THESE REPORTS SHOULD BE MAINTAINED ON SITE DURING SITE DEVELOPMENT.
54. THE PROJECT CIVIL ENGINEER SHALL BE NOTIFIED AND APPROVE ANY DESIGN CHANGES PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
55. ALL RETAINING WALLS ARE UNDER SEPARATE PERMIT. PRIOR TO IMPLEMENTATION DURING SITE DEVELOPMENT.
56. SOIL COMPACTION REPORT SHALL BE PROVIDED TO THE BUILDING INSPECTOR AT THE JOB SITE PRIOR TO PLACEMENT OF CONCRETE FOR THE FOUNDATION.
57. SOIL ENGINEER SHALL INSPECT FOUNDATION PRIOR TO PLACEMENT OF CONCRETE FOR THE FOUNDATION. [3313.3]

ADDITIONAL NOTES:

58. EXPANSION INDEX TESTING SHOULD BE PERFORMED DURING SITE PREPARATION TO VERIFY AS-GRADED SITE CONDITIONS. THE RESULTS OF THE TESTS AS WELL AS SPECIFIC RECOMMENDATIONS FOR SLAB REINFORCEMENT AND THICKNESS MUST BE SUBMITTED TO THE CITY FOR REVIEW AT THAT TIME.
59. AN EVALUATION OF SOIL CORROSIIVITY SHALL BE MADE IN ACCORDANCE WITH SECTION 6.2.1 OF THE CITY OF MALIBU'S GEOTECHNICAL GUIDELINES AT THE COMPLETION OF GRADING BY THE PROJECT GEOTECHNICAL CONSULTANT, WHO SHALL PROVIDE APPROPRIATE RECOMMENDATIONS.
60. PRIOR TO FINAL APPROVAL OF THE PROJECT AN AS-BUILT COMPACTION REPORT PREPARED BY THE PROJECT 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 OF ELEVATIONS OF KEYWAYS AND BACKDRAINS, LOCATIONS AND ELEVATION OF ALL REMOVAL BOTOMS (INCLUDING THE RESULTS OF ALL TESTING PERFORMED TO VERIFY COMPETENT BOTTOMS) 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.
61. THE SURFACE OF THE CUT SHALL BE NO STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (33% SLOPE) UNLESS A SOILS ENGINEER OR AN ENGINEERING GEOLOGY REPORT STATING THAT A CUT AT A STEEPER SLOPE WILL BE STABLE AND NOT CRATE A HAZARD. PROVIDE A RECOMMENDATION FROM THE PROJECT GEOTECHNICAL ENGINEER GEOLOGIST AND APPROVED BY THE CITY SOILS AND GEOLOGY STAFF. [3312.2]
62. THE EXPORT OF CUT MATERIAL MAY BE REQUIRED TO PRESERVE THE NATURAL TOPOGRAPHY OF THE PROJECT SITE. [MLCP 8.39, 2] ADD THE FOLLOWING NOTE ON THE PLANS: "CUT MATERIAL MAY ONLY BE EXPORTED TO AN APPROXIMATE LANDFILL OR A SITE PERMITTED TO ACCEPT MATERIAL".
63. MAXIMUM GRADE OF CUT OR FILL [MLCP 8.30:
- a. 3:1 FOR AREAS CRATED FOR DEVELOPMENT OF STRUCTURES AND OPEN YARD AREAS.
64. THE FACES OF CUT AND FILL SLOPES SHALL BE PREPARED AND MAINTAINED TO CONTROL EROSION. THIS CONTROL MAY CONSIST OF EFFECTIVE PLANING, EROSION CONTROL BLANKETS. SOIL STABILIZERS OR OTHER APPROVED MEANS.
65. PROVIDE RIP-RAP OR OTHER REDUCER AT DISCHARGE END OF DRAINS NOT CONNECTED TO A PERMANENT SYSTEM. SHOW DETAIL. [3316.2]

66. ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE ENGINEER. WEEKLY STATUS REPORT SHALL BE SUBMITTED BY THE FIELD ENGINEER TO THE CITY BUILDING DEPARTMENT
67. SEPARATE PLANS FOR TEMPORARY DRAINAGE AND WET WEATHER EROSION CONTROL MEASURES TO BE USED DURING THE RAINY SEASON MUST BE SUBMITTED PRIOR TO OCTOBER 1. THE EROSION CONTROL DEVICES SHOWN ON SAID PLANS MUST BE INSTALLED BY NO LATER THAN NOVEMBER 1 AND MAINTAINED IN OPERABLE CONDITION UNTIL APRIL 15. [3319.3]
68. ALL RECOMMENDATIONS INCLUDED IN THE CONSULTANT'S SOIL AND GEOLOGY REPORTS MUST BE COMPLIED WITH AND ARE A PART OF THE GRADING SPECIFICATIONS.
69. THE CONSULTING GEOLOGIST MUST APPROVE ROUGH GRADING BY FINAL REPORT. FINAL REPORT MUST INCLUDE AN AS-BUILT GEOLOGIC MAP.
70. THE BUILDING OFFICIAL SHALL APPROVE STOCK PILING OF EXCESS MATERIAL PRIOR TO EXCAVATION.
71. THE FIELD ENGINEER, AS A CONDITION OF ROUGH GRADE APPROVAL, SHALL PROVIDE A BLUE BLUE TOP WITH ACCOMPANYING WITNESS STAKE, SET AT THE CENTER OF EACH PAD REFLECTING THE PAD ELEVATION FOR PRECISE PERMITS AND A BLUE TOP WITH WITNESS STAKE SET AT THE DRAINAGE SWALE HIGH POINT REFLECTING THE HIGH POINT ELEVATION FOR PRELIMINARY PERMITS.
72. THE COMPACTION REPORT AND APPROVAL FROM THE SOIL ENGINEER SHALL INDICATE THE TYPE OF FIELD-TESTING PERFORMED. EACH TEST SHALL BE IDENTIFIED WITH THE METHOD OF OBTAINING THE IN-PLACE DENSITY, WHETHER SAND CONE OR NUCLEAR GAUGE, AND SHALL BE SO NOTED FOR EACH TEST.

PUBLIC WORKS DEPARTMENT GENERAL NOTES

73. ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (SSPWC) "GREEN BOOK."
74. CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL-OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
75. CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 235 FOR PRE-CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF A SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
76. NO IMPROVEMENTS ARE PROPOSED WITHIN THE PUBLIC RIGHT-OF-WAY.
77. STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
78. ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
79. CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
80. CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
81. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INSOFAR AS IT MAY BE AFFECTED BY THESE OPERATIONS.
82. EXISTING TRAFFIC SIGNS ARE NOT TO BE REMOVED WITHOUT PRIOR TO NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK ("THE WATCH MANUAL"), PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
83. DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
84. EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THAN 4:1.
85. ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEER.
86. THE DEVELOPER SHALL COMPLY WITH NPDES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UP TO DATE.
87. ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
88. ALL FOUNDATION EXCAVATION MUST BE OBSERVED AND APPROVED BY THE GEOTECHNICAL CONSULTANT PRIOR TO PLACEMENT OF REINFORCING STEEL.
89. ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT-OF-WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
90. TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" P.C.C. REINFORCED WITH 6"x6"x#10 W.W.M. AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR IN CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.

91. GRADING QUANTITIES:

CUT:	1,392 CU. YDS.	FILL:	255 CU. YDS.
EXPORT:	1,137 CU. YDS.	IMPORT:	0 CU. YDS.

92. GROSS LOT AREA: 21,573 ACRES/SQ. FT.

NET LOT AREA: 14,298 ACRES/SQ. FT.

PROPOSED IMPERMEABLE COVERAGE: 800± SQ. FT.

MAXIMUM ALLOWABLE IMPERMEABLE COVERAGE: 5,004 SQ. FT.

TOTAL DISTURBED AREA: 14,090 SQ. FT.

FLOOD ZONE ON FIRM: AE BASE FLOOD ELEVATION: 15 FT.

93. ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAN 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
94. ALL CATCH BASINS AND DRAINAGE INLETS SHALL BE STENCILED WITH THE CITY OF MALIBU STORM DRAIN LOGO.

CONDITIONS OF APPROVAL

THIS PLAN CONFORMS TO THE COASTAL DEVELOPMENT PERMIT CONDITIONALLY APPROVED BY THE CITY FOR 33388-33400 PCH ON _____



CONTRACTORS NOTE:

THE EARTHWORK QUANTITIES ARE PROVIDED AS A COURTESY AND CONVENIENCE TO THE OWNERS, AND ARE FOR BONDING AND PLAN CHECK PURPOSES ONLY. THE YARDAGE FIGURES SHOWN ARE APPROXIMATE CALCULATED QUANTITIES BASED ON THE DIFFERENCE BETWEEN EXISTING GROUND ELEVATIONS AND DESIGNED ROUGH GRADE ELEVATIONS. THE CALCULATIONS MAKE NO PROVISIONS FOR STRIPPING, SHRINKAGE, BULKING OR ANY OTHER CONDITION NOT IMPLIED. FOR THIS REASON, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONSULT THE PROJECTS SOILS ENGINEER AND GEOLOGIC INVESTIGATIONS, AND TO DETERMINE FOR HIMSELF, THE QUANTITIES OF EARTH MOVING THAT WILL BE REQUIRED TO COMPLETE THIS PROJECT.

STARTING DATE 30 DAYS AFTER PERMIT ISSUANCE ,201_

COMPLETION DATE 90 DAYS AFTER PERMIT ISSUANCE ,201_

City of Malibu

23815 Stuart Ranch Road Malibu, California 90265-4861
Phone (310)456-2489 Fax (310)456-7650 www.ci.malibu.ca.us

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE
PLANNING DIVISION REVIEW LEVEL

PLANNING APPLICATION NUMBER: _____
PROJECT ADDRESS: 33388-33400 PCH

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

	Exempt			Non-Exempt	Remedial	Total
Cut	R&R	Understructure	Safety	0	50	1,392
Fill	0	0	72	183	0	255
Total	0	1,342	72	183	50	1,647
Import	0	0	72	183	0	0
Export	0	1,342	0	0	50	1,137

All quantities indicated shall be in Cubic Yards only.
R&R= Removal and Recompanction - R&R must be balanced.
Safety Grading is required grading for L.A. County Fire Department access approval beyond the fifteen foot minimum access and may include turnouts, hammerheads, turnarounds, and access roadway widening.
Remedial Grading is grading recommended by a full site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the lot.
Imported means soil that is brought on to the site. Exported means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: LEONARD LISTON

PRINT NAME

SIGN NAME

DATE: 09-23-19



MAXIMUM ALLOWABLE SQUARE FOOTAGE
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
PURSUANT TO MALIBU MUNICIPAL CODE SECTION 17.40.040(13)
(CALCULATE USING NET LOT AREA)

UP TO 0.5 AC.	14,298 x 0.177 = 2,531 + 1,000 =	3,531 S.F.
0.5 AC. TO 1 AC.		
1 AC. TO 1.5 AC.		
1.5 AC. & ABOVE		
NOTE: NET LOT AREA = GROSS LOT AREA MINUS ALL PUBLIC AND PRIVATE EASEMENTS AND ALL SLOPES GREATER OR EQUAL TO 1:1		TOTAL: 3,531 S.F.

MAXIMUM AMOUNT OF IMPERMEABLE COVERAGE

PERCENTAGES:
UP TO ¼ ACRE: 45% OF THE NET AREA
¼ ACRE TO ½ ACRE: 35% OF THE NET AREA
½ ACRE OR MORE: 30% OF THE NET AREA
UP TO A MAX. OF 25,000 SQ.FT. PER PARCEL.

OWNERS

180 PCH, LLC
PO BOX 6528
MALIBU, CA 90264
(310) 739-7931

CIVIL ENGINEER

LC ENGINEERING GROUP
889 PIERCE COURT, SUITE 101
THOUSAND OAKS, CA. 91360
(805) 497-1244

GEOTECHNICAL

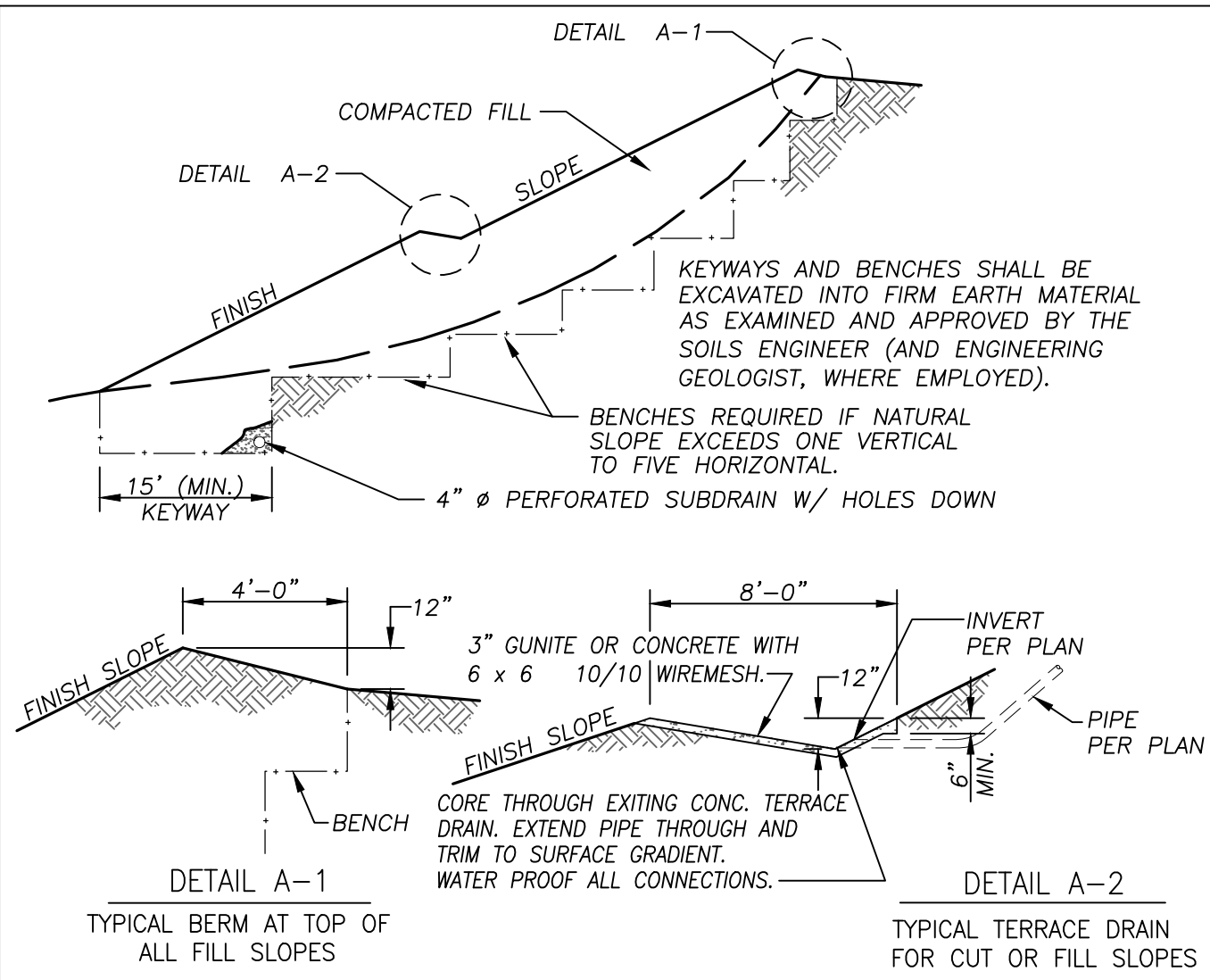
DONALD B. KOWALEWSKY ENVIRONMENTAL
AND ENGINEERING GEOLOGY
27101 OLD CHIMNEY ROAD
MALIBU, CA 90265
(310) 457-2456

GEOLOGIST

DONALD B. KOWALEWSKY ENVIRONMENTAL
AND ENGINEERING GEOLOGY
27101 OLD CHIMNEY ROAD
MALIBU, CA 90265
(310) 457-2456

SURVEYOR

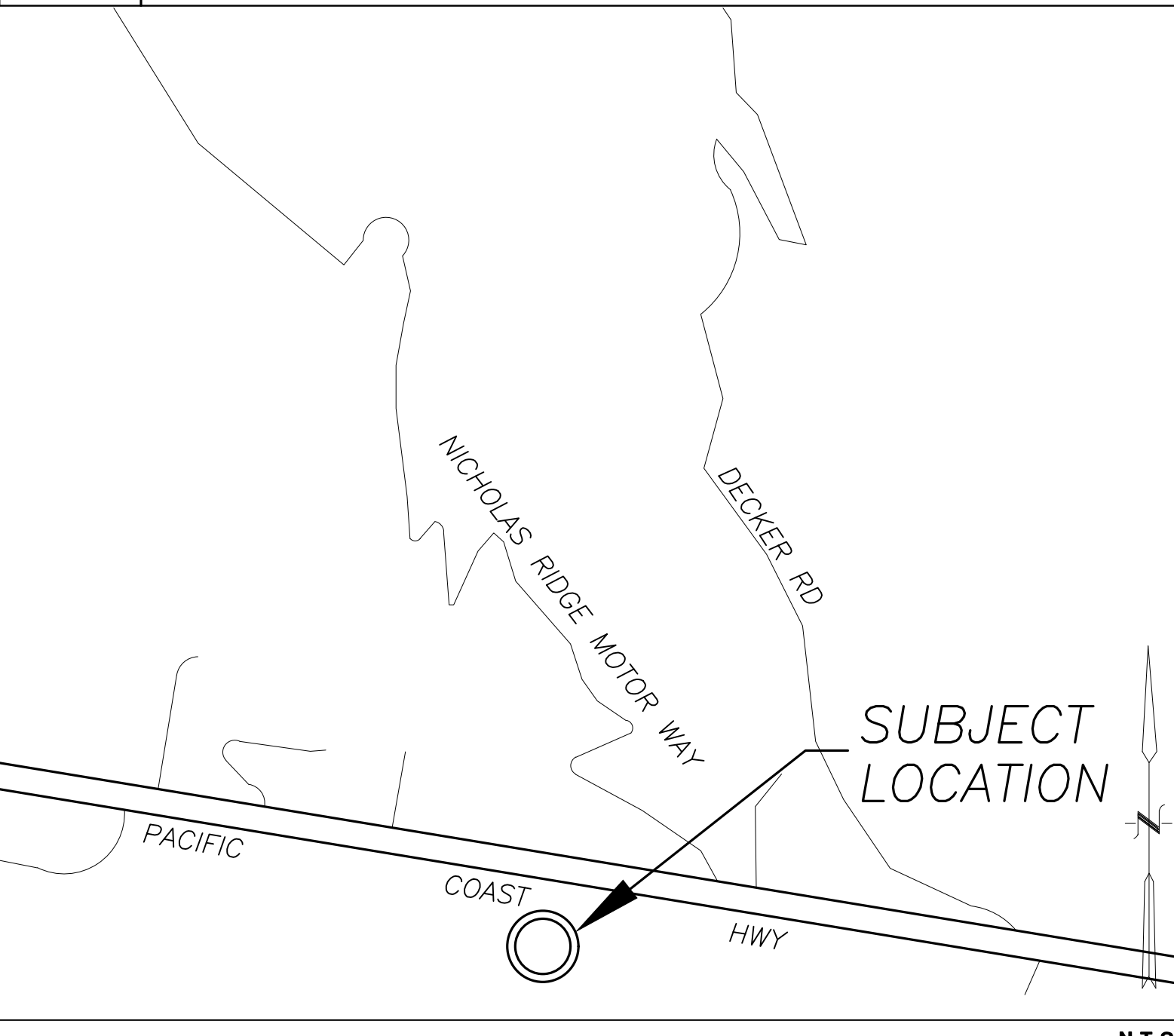
LAND & AIR SURVEYING
22741 PACIFIC COAST HIGHWAY #400A
MALIBU, CA 90265
(310) 456-9381



DETAIL A
N.T.S.

SHEET INDEX

SHT. 1	COVER SHEET
SHT. 2	TOPOGRAPHIC SURVEY
SHT. 3	OVERALL SITE PLAN
SHT. 4	GRADING AND DRAINAGE PLAN
SHT. 5	SUSMP / WQMP BMP PLAN (TO BE INCLUDED IN FINAL DESIGN)



VICINITY MAP

CITY OF MALIBU

COVER SHEET

33388 & 33400 PCH

SHEET 1 OF 5

DRAWN BY / DATE
JA / 9-24-19

CHECKED BY / DATE
UBA / 9-24-19

REGISTERED ENGINEER
31902
RCE
DATE



PROPERTY ADDRESS:

(VACANT) 33388 PACIFIC COAST HIGHWAY
MALIBU CA 90265

ASSESSOR'S PARCEL NO.'S:

4473-019-005, -006, -007 (LOS ANGELES COUNTY)

BASIS OF BEARINGS:

THE BEARING OF N 09°14'30" E ALONG THE MOST EASTERLY LINE SHOWN ON RECORD OF SURVEY, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 208, PAGE 41 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY. THIS MOST EASTERLY LINE IS ALSO THE EASTERLY LINE OF ASSESSOR'S PARCEL NUMBER 4473-019-007.

BENCH MARK:

MALIBU 115.702' RDBM TAG IN SW COR C B NO A234+56 DY-9087 (1990)
40FT N C/L PACIFIC COAST HWY 0.4MI W/O
DECKER RD 85FT E/O DR TO HSE NO 33353

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

LEGAL DESCRIPTION:

PARCEL 1 (A.P.N. 4473-019-006)

THE MOST WESTERLY 85 FEET OF THAT PARCEL OF LAND BEING A PORTION OF RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS, RECORD OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN THE FROM T.R. CADWALADER, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228, PAGE 342, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING SOUTH 9°14'30" WEST 40 FEET AND SOUTH 80°45'30" EAST 3774.72 FEET FROM ENGINEER'S CENTER LINE STATION 192 PLUS 85.81 AT THE WESTERLY EXTREMITY OF THAT CENTER LINE COURSE DESCRIBED IN SAID DEED AS SOUTH 80°45'30" EAST 7702.63 FEET, SAID POINT OF BEGINNING BEING ALSO IN THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO GEORGE E. GORE AND WIFE, RECORDED IN BOOK 21461, PAGE 209 OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 80°45'30" WEST 125 FEET ALONG THE SOUTHERLY LINE OF SAID 80 FOOT STRIP; THENCE SOUTH 9°14'30" WEST TO A POINT IN THE ORDINARY HIGH TIDE OF THE PACIFIC OCEAN; THENCE EASTERLY ALONG SAID TIDE LINE TO THE INTERSECTION OF SAID TIDE LINE AND THAT LINE WHICH BEARS SOUTH 9°14'30" WEST FROM THE POINT OF BEGINNING; THENCE NORTH 9°14'30" EAST TO THE POINT OF BEGINNING, SAID LAST MENTIONED COURSE BEING THE WESTERLY LINE OF SAID GORE PARCEL HERETOFORE MENTIONED AND THE PROLONGATION OF SAID WESTERLY LINE.

EXCEPT THEREFROM THAT PORTION OF THE 100 FEET STRIP OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 20716, PAGE 385 OFFICIAL RECORDS OF SAID COUNTY, THAT LIES WITHIN THE PARCEL HEREIN DESCRIBED.

ALSO EXCEPT THEREFROM THE MOST NORTHERLY 250 FEET.

ALSO EXCEPT THEREFROM THE MOST WESTERLY 42.5 FEET OF THE REMAINDER.

EXCEPTING FROM ALL OF THE ABOVE DESCRIBED LAND, ALL MINERALS, OILS, PETROLEUM, ASPHALTUM, GAS, COAL, AND OTHER HYDROCARBONS SUBSTANCES AND WATER CONTAINED IN, ON WITHIN AND UNDER SAID LANDS AND EVERY PART THEREOF, WITHOUT THE RIGHT TO GO UPON SAID LANDS TO EXTRACT ANY OF SAID SUBSTANCES, AS EXCEPTED IN THE DEED RECORDED JUNE 8, 1944 AS INSTRUMENT NO. 46, BOOK 20892, PAGE 395 OF OFFICIAL RECORDS.

PARCEL 2 (A.P.N. 4473-019-005):

THE MOST WESTERLY 42.5 FEET OF THAT PARCEL OF LAND BEING A PORTION OF RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1, PAGE 407 ET SEQ., OF PATENTS, RECORDS OF SAID COUNTY PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE 80-FOOT STRIP OF LAND DESCRIBED IN THE DEED FROM T.R. CADWALADER, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228, PAGE 342, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING SOUTH 9°14'30" WEST 40 FEET AND SOUTH 80°45'30" EAST 3774.72 FEET FROM ENGINEER'S CENTERLINE STATION 192 PLUS 85.81 AT THE WESTERLY EXTREMITY OF THAT CERTAIN CENTER LINE COURSE DESCRIBED IN SAID DEED AS SOUTH 80°45'30" EAST 7702.63 FEET, SAID POINT OF BEGINNING BEING ALSO IN THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO GEORGE E. GORE AND WIFE, RECORDED IN BOOK 21461, PAGE 209, OFFICIAL RECORDS OF SAID COUNTY.

THENCE NORTH 80°45'30" WEST 125 FEET ALONG THE SOUTHERLY LINE OF SAID 80 FEET STRIP;

THENCE SOUTH 9°14'30" WEST TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN;

THENCE EASTERLY ALONG SAID TIDE LINE TO THE INTERSECTION OF SAID TIDE LINE AND THAT LINE WHICH BEAR SOUTH 9°14'30" WEST FROM THE POINT OF BEGINNING;

THENCE NORTH 9°14'30" EAST TO THE POINT OF BEGINNING, SAID LAST MENTIONED COURSE BEING ALSO THE WESTERLY LINE OF SAID GORE PARCEL HERETOFORE MENTIONED AND THE PROLONGATION OF SAID WESTERLY LINE.

LEGAL DESCRIPTION (CONTINUED):

EXCEPT THEREFROM THAT PORTION OF THE 100-FOOT STRIP OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 20716, PAGE 385, OFFICIAL RECORDS OF SAID COUNTY THAT LIES WITHIN THE PARCEL DESCRIBED HEREIN.

ALSO EXCEPT THEREFROM THE MOST NORTHERLY 200 FEET OF THE REMAINDER.

ALSO EXCEPTING THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES, IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, BUT WITHOUT RIGHT OF ENTRY, AS RESERVED BY MARBLE LAND COMPANY, IN DEED RECORDED MAY 17, 1945 IN BOOK 21956, PAGE 259 OF OFFICIAL RECORDS.

SAID LAND IS ALSO DESCRIBED ON THE ORIGINAL CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 6, 1978 AS INSTRUMENT NO. 78-1357202.

PARCEL 3 (A.P.N. 4473-019-007):

THE MOST EASTERLY 40 FEET OF THAT PARCEL OF LAND BEING A PORTION OF RANCHO TOPANGA MALIBU SEQUIT AS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGE 407 ET SEQ., OF PATENTS, RECORDS OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION (CONTINUED):

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN THE DEED FROM T. R. CADWALADER, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228, PAGE 342, OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING SOUTH 9°14'30" WEST 40 FEET AND SOUTH 80°45'30" EAST 3774.72 FEET FROM ENGINEER'S CENTER LINE STATION 192 PLUS 85.81 AT THE WESTERLY EXTREMITY OF THAT CERTAIN CENTER LINE COURSE DESCRIBED IN SAID DEED AS SOUTH 80°45'30" EAST 7702.63 FEET, SAID POINT OF BEGINNING BEING ALSO IN THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF PARCEL OF LAND COMPANY OF GEORGE E. GORE AND WIFE, RECORDED IN BOOK 21461, PAGE 209, OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTH 80°45'30" WEST 125 FEET ALONG THE SOUTHERLY LINE OF SAID 80 FOOT STRIP.

THENCE SOUTH 9°14'30" WEST TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN;

THENCE EASTERLY ALONG SAID TIDE LINE TO THE INTERSECTION OF SAID TIDE LINE AND THAT LINE WHICH BEARS SOUTH 9°14'30" WEST FROM THE POINT OF BEGINNING.

LEGAL DESCRIPTION (CONTINUED):

THENCE NORTH 9°14'30" EAST TO THE POINT OF BEGINNING, SAID LAST MENTIONED COURSE BEING ALSO THE WESTERLY LINE OF SAID GORE PARCEL HERETOFORE MENTIONED AND THE PROLONGATION OF SAID WESTERLY LINE.

EXCEPTING THEREFROM THAT PORTION OF THE 100 FOOT STRIP OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 20716, PAGE 385 OFFICIAL RECORDS OF SAID COUNTY, THAT LINES WITHIN THE PARCEL HEREIN DESCRIBED.

ALSO EXCEPT THE WESTERLY THIRTY FEET OF THE MOST NORTHERLY 250 FEET.

APN: 4473-019-005 AND 4473-019-006 AND 4473-019-007

NOTES:

1) THE TITLE REPORT USED FOR THIS SURVEY WAS PREPARED BY "FIRST AMERICAN TITLE INSURANCE COMPANY, NATIONAL COMMERCIAL SERVICES", ONTARIO, CA; COMMITMENT NO. NCS-522623-ONT; UPDATED NOVEMBER 27, 2013

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

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

4) THIS SURVEY HAS NOT BEEN UPDATED SINCE LAST SITE VISIT IN 2010. CHANGES, IF ANY, CANNOT BE VERIFIED.

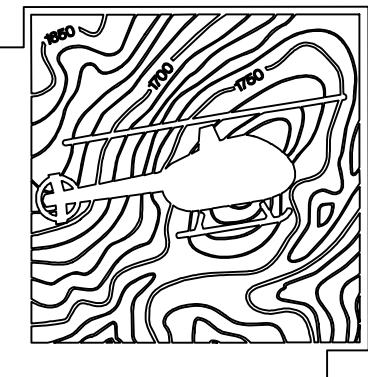
5) 08/07/14 - 08/13/14 PARTIAL FIELD EDIT OF THE SOUTHERN 150' OF APN'S 4473-019-005, 4473-019-006, & 4473-019-007, AND EXTENDING APPROXIMATELY 40' NORTH & SOUTH THEREOF.

LIST OF ABBREVIATIONS:

AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FINISHED SURFACE
FS	IRRIGATION CONTROL VALVE
ICV	MANHOLE
MH	SANITARY SEWER CLEAN OUT
SSCO	SANITARY SEWER MANHOLE
SSMH	TOP CURB
TC	

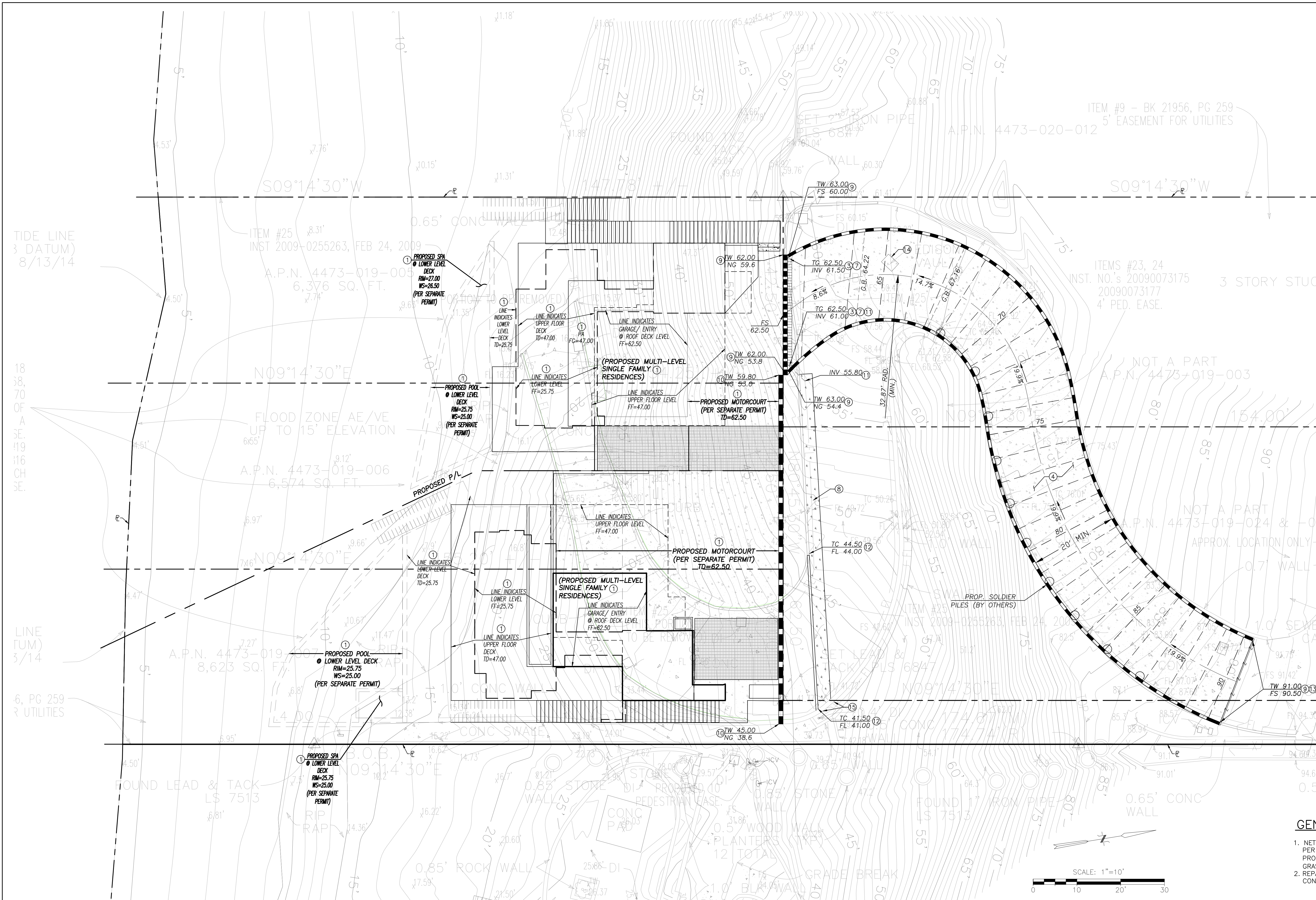
LEGEND:

PROPERTY LINE:	
STREET CENTERLINE:	
EASEMENT:	
MONUMENT:	
BASIS OF BEARINGS: (B.O.B.)	
ENCROACHMENT: (ENCR.)	
CLEAR: (CLR.)	
STREET LIGHT (ST.LT.):	
ASPHALT (A/C):	
BUILDING:	
CHAIN LINK FENCE (C.L.F.):	
WOOD FENCE:	
WIRE FENCE:	
WROUGHT IRON-FENCE	
CONCRETE (CONC.):	
MANHOLE (M.H.):	
TREES:	
	PINE PALM EUC OAK OTHER



LAND & AIR SURVEYING
BOUNDARY - TOPOGRAPHIC - ALTA. SURVEYS
SUBDIVISIONS - PARCEL MAPS
22741 PACIFIC COAST HIGHWAY
SUITE #400A
MALIBU, CA 90265
BUSINESS (310) 456-9381
FAX (310) 456-9821

#	REVISIONS	DATE	PREPARED BY:	CITY OF MALIBU			
				COVER SHEET			
				33388 & 33400 PCH			
				DRAWN BY / DATE	CHECKED BY / DATE	SHEET 2 OF 5	
				REGISTERED ENGINEER	RCE	DATE	




- CONSTRUCTION NOTES**
- STRUCTURAL FOUNDATION AND SLABS-ON-GRADE PER ARCHITECT/STRUCTURAL PLANS AND GEOTECHNICAL REPORT.
 - OVER EXCAVATE BUILDING AREA PLUS ANY ADDITIONAL AREA TO A DEPTH BELOW FOUNDATIONS AS RECOMMENDED BY THE GEOTECHNICAL REPORT.
 - INSTALL 12" TRENCH DRAIN
 - CONSTRUCT DWY, 6" ACP OVER 4" CMB.
 - EXISTING TO REMAIN.
 - EXISTING TO BE REMOVED.
 - INSTALL FILTER INSERT.
 - CONSTRUCT 3' GRASS SWALE @ 2% MIN. SLOPE.
 - RETAINING WALL PER SEPARATE PERMIT.
 - 6' HIGH DEBRIS WALL PER SEPARATE PERMIT.
 - INSTALL 4" SCH 40 PVC PIPE.
 - CONSTRUCT 6" CURB.
 - SAWCUT AND JOIN ACP.
 - ADJUST UTILITY TO GRADE.
 - DEMO CURB TO ALLOW GRASS SWALE TO FLOW INTO DI.
- LEGEND**
- C CENTER LINE
 - CO CLEANOUT
 - DG DECOMPOSED GRANITE
 - D DAYLIGHT LINE
 - DN DOWN
 - DS DOWNSPOUT
 - FF FINISH FLOOR
 - FG FINISH GRADE
 - FL FLOW LINE
 - FS FINISH SURFACE
 - HP HIGH POINT
 - INV INVERT
 - PA PLANTER AREA
 - PL PROPERTY LINE
 - NG NATURAL GRADE
 - TC TOP OF CURB
 - TD TOP OF DECK
 - TG TOP OF GRADE
 - TW TOP OF WALL
 - UNO UNLESS NOTED OTHERWISE
 - RETAINING WALL PER SEPARATE PERMIT
 - BLOCK WALL PER SEPARATE PERMIT
 - CONTRACTOR TO VERIFY HARD SURFACE THICKNESS PER ARCHITECTURAL SPECIFICATIONS AND DETAILS TO DETERMINE ROUGH GRADE ELEVATIONS.
 - 12" SQ. CATCH BASIN PER NDS PLASTIC PRODUCTS PART NO. 1200-1204 U.N.O.
 - 6" Ø SPEED-BASIN PER NDS PLASTIC PRODUCTS PART NO. 101, 201, 300 U.N.O.
 - INDICATES 4" Ø PERF. SUBDRAIN
 - (185.5 T.C.) (185.0 F.L.) EXISTING SPOT ELEVATIONS

- GENERAL NOTES:**
- NETWORK OF DECK DRAINS AND DOWNSPOUTS, PER ARCHITECTURE PLANS, TO DISCHARGE TO PROPOSED BIOFILTRATION PLANTERS AND/OR GRASS SWALE(S) FOR WATER QUALITY TREATMENT.
 - REPAIR ANY SUBDRAINS DAMAGED DURING CONSTRUCTION PER GEOTECHNICAL REPORT.

NOTE TO CONTRACTOR

CONTRACTOR TO VERIFY THE LOCATIONS OF ALL PROPOSED STRUCTURES, ELEVATIONS, AND DIMENSIONS PRIOR TO CONSTRUCTION. CONTRACTOR TO CONTACT PROJECT ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



#	REVISIONS	DATE	<div>PREPARED BY:</div> <div></div> <div>LC ENGINEERING GROUP, INC.</div> <div>CONSULTING ENGINEERS</div> <div>889 Pierce Court, Suite 101, Thousand Oaks, California 91350</div> <div>818-991-7148 • 805-497-1244 • lcegroupinc.com • wsl@lcegroupinc.com</div>	CITY OF MALIBU		
				ENLARGED GRADING & DRAINAGE PLAN		
				33388 & 33400 PCH		
				31902	DRAWN BY / DATE	CHECKED BY / DATE
				REGISTERED ENGINEER	JA / 9-24-19	GK / 9-24-19
				RCE		
				DATE		
					SHEET 4 OF 5	

AMBULATORY MEAN HIGH TIDE LINE
ELEV. = 4.49' (NGVD 1988 DATUM)
SURVEYED 8/13/14

ITEMS #16, 17 & 18
INST. NO.'s 06-0897368,
06-0897369 & 06-0897370
NORTHERLY LINE OF
OFFER TO DEDICATE A
ALTERAL ACCESS EASE.
ALSO ITEM #19
INST. NO. 20081082816
NORTHERLY LINE OF BEACH
RECREATIONAL EASE.

PACIFIC
OCEAN

AMBULATORY MEAN HIGH TIDE LINE
ELEV. = 4.49' (NGVD 1988 DATUM)
SURVEYED 8/13/14

ITEM #9 - BK 21956, PG 259
5' EASEMENT FOR UTILITIES

S09°14'30"W

ITEM #25
INST 2009-0255263, FEB 24, 2009

A.P.N. 4473-019-005
6,376 SQ. FT.

33388
PROPOSED MUTI-LEVEL
SINGLE FAMILY RESIDENCE

N09°14'30"E

FLOOD ZONE AE/VE
UP TO 15' ELEVATION

A.P.N. 4473-019-006
6,574 SQ. FT.

33400
PROPOSED MUTI-LEVEL
SINGLE FAMILY RESIDENCE

N09°14'30"E

A.P.N. 4473-019-007
8,623 SQ. FT.

B.O.B.
N09°14'30"E

ITEM #9 - BK 21956, PG 259
5' EASEMENT FOR UTILITIES

A.P.N. 4473-020-012

ITEMS #23, 24
INST. NO.'s 20090073175
20090073177
4' PED. EASE.

PROPOSED
DRIVEWAY

NOT A PART
A.P.N. 4473-019-003

NOT A PART
A.P.N. 4473-019-024 & -02
APPROX. LOCATION ONLY

ITEM #23
INST 2009-0255263, FEB 24, 2009

SET LEAD & TACK
LS 7513

ITEM #23
INST 2009-0255263, FEB 24, 2009

SET LEAD & TACK
LS 7513

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SET LEAD & TACK
LS 7513

ITEM #23
INST 2009-0255263, FEB 24, 2009

SET LEAD & TACK
LS 7513

CUT / FILL LEGEND:

CUT		-24' TO -11'
		-11' TO -8'
		-8' TO -5'
		-5' TO 0'
FILL		0' TO 3'
		3' TO 8'

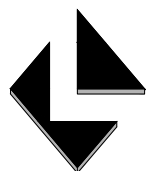
EARTHWORK QUANTITIES

CUT/FILL:

CUT: 1,392 CU. YDS. FILL: 255 CU. YDS.
EXPORT: 1,137 CU. YDS. IMPORT: 0 CU. YDS.

EARTHWORK EXHIBIT
33388-33400 PCH
MALIBU, CA

9-24-19



LC ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
889 Pierce Court, Suite 101, Thousand Oaks, California 91360
818-991-7148 • 805-497-1244 • lcegroupinc.com • workfiles@lcegroupinc.com

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DENYING COASTAL DEVELOPMENT PERMIT (CDP) NO. 14-073 TO CONSTRUCT A NEW 2,342 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, WITH A 483 SQUARE FOOT ATTACHED TWO-CAR GARAGE, ROOFTOP DECK, SWIMMING POOL, SPA AND ASSOCIATED EQUIPMENT, BARBEQUE, OUTDOOR FIREPLACE, RETAINING WALLS, HARDSCAPING, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, AND DENYING VARIANCE NO. 18-002 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT, UP TO 43.25 FEET FOR THE SINGLE-FAMILY RESIDENCE, AND DENYING VAR NO. 18-004 TO ALLOW THE PORTIONS OF THE BUILDING IN EXCESS OF 18 FEET IN HEIGHT TO EXCEED TWO-THIRDS THE AREA BELOW 18 FEET IN HEIGHT LOCATED IN THE RURAL RESIDENTIAL TWO-ACRE (RR-2) ZONING DISTRICT AT 33386 and 33398 PACIFIC COAST HIGHWAY (PCH) (180 PCH, LLC)

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

SECTION 1. Recitals.

A. On November 25, 2014, an application for Coastal Development Permit (CDP) No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system and to merge a portion of APN No. 4473-019-006 with the subject lot and another portion to the adjacent lot (33398 Pacific Coast Highway, CDP No. 14-072. The application was submitted to the Planning Department by the property owner, 180 PCH, LLC and was routed to the City geotechnical staff, City Environmental Health Administrator, City Coastal Engineer, City Biologist, the City Public Works Department, Los Angeles County Waterworks District 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

D. On April 17, 2015, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On July 15, 2015, the applicant submitted revised project plans.

F. On June 19, 2017, the applicant submitted approved LACFD access plans.

G. During September of 2017, the applicant installed story poles on the subject property.

H. On September 15, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

I. On March 8, 2018, 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.

J. On the April 2, 2018, the Planning Commission meeting was canceled, and the item was adjourned to the April 16, 2018 Regular Planning Commission meeting.

K. On April 16, 2018, the Planning Commission opened the public hearing, and, at the request of the applicant, the item was continued to allow the applicant to address the Commission's concerns.

L. On January 7, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

M. On February 1, 2021, the Planning Commission continued the item to the February 16, 2021 Regular Planning Commission meeting.

N. On February 16, 2021, the Planning Commission, at the applicant's request, continued the item to a date uncertain to allow the applicant to pursue redesign options.

O. On August 12, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

P. On the September 8, 2021, the Planning Commission continued the item to October 4, 2021 Regular Planning Commission meeting.

Q. On October 4, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Findings for Denial.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and denies without prejudice CDP No. 14-073 to construct a new 2,342- square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height.

The project, as proposed, is not consistent with the applicable LCP and Malibu Municipal Code (MMC), codes, standards, goals, and policies. The proposed structure maximizes the Total Development Square Footage (TDSF) allowable for the property. An option with a revised design that reduces the size of the structure has not been submitted. The applicant did not pursue other redesign options to reduce the height or size of the structure. A reduction in the height and size of the proposed structure would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP.

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. The Planning Commission is not able to determine that all of the proposed variance requests are supportable. Due to the height, and two-thirds rule departures from the LIP requirements, and failure to obtain variances from these requirements, the project is not consistent with the LCP.

2. Based on review of the plans, evidence shows the applicant could redesign and reduce the size and height of the proposed structure. As a result, the general CDP findings cannot be made and the project would not be the least environmentally damaging alternative. An alternative design would lower the overall height of the proposed structure and reduce variances required, impacts on the environment and visual impacts which are considered an environmental impact. It is anticipated that an alternative project would offer environmental advantages and reduce the number of variances necessary.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

1. The applicant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. Because there appears to be alternative designs that potentially could lower the height and reduce the total development square footage of the proposed structure the Planning Commission is unable to make the finding that special circumstances apply to the subject property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. The granting of the variance will exempt the project from being limited to 24 feet in height. As discussed in Finding 1 an alternative design could result in a lower building height, and would reduce view impacts to neighboring properties. Since there is the potential for a design that is lower in height, it is not possible to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives, such as reducing the size and height of the structure, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to, and in conflict with, the general provisions and intent, goals, objectives and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with the goal of preserving rural development through the limitation of height.

5. The project requires a variance because the subject site is not physically suitable to develop a residence that has a flat roof and is no higher than 24 feet above-grade, due to the required fire department access. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

6. The applicant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. Because there appears to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the finding that the variance complies with all requirements of state and local law cannot be made.

C. Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

1. The subject site is dominated by a steep slope that descends to the beach below. The top of the structure is at elevation 62.50 feet above sea level, in order to meet the requirements of the LACFD. Because of the steep slope, the height of the building exceeds the height limitations of LIP Section 3.6(E)(2) and as a result, portions of the first floor exceed 18 feet above finished or natural grade. As stated previously, because there is a potential design alternative that would result in a lower building height and place more portions of the proposed structure below 18 feet in height, the Planning Commission is unable to make the finding that special circumstances apply to the property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. To develop the property, more than two-thirds of the residence will be above 18 feet, as measured from adjacent grade, because of the steep slope that occupies the entire site. The purpose of the two-thirds regulation is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. Since there is the potential for a design, which would reduce massing and view blockage, the Planning Commission is not able to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives, the granting of the variance will constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that of which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to the goals, objectives and policies of the LCP and General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and viewshed protection. The general purpose and intent of the two-thirds size limit of the second floor is to

reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

5. The project requires a variance because the subject site is not physically suitable for the structure that is proposed. There appears to be an alternative design that would lower the proposed structure and increase the structure's compliance with the two-thirds requirement. In addition, this design could potentially reduce both public and private view impacts. While any development would require a variance for compliance with the two-thirds regulations, potential alternative designs could result in a building height lower than the proposed building height. Therefore, the finding that the site is physically suitable for the variance cannot be made.

6. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the Planning Commission is unable to make the finding that the variance complies with all requirements of state and local law.

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

1. The Planning Commission cannot make all of the required findings for LIP Chapter 6 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

E. Hazards (LIP Chapter 9)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 9 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

F. Shoreline and Bluff Development (LIP Chapter 10)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 10 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

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

PASSED, APPROVED AND ADOPTED this 4th day of October 2021.



JEFFREY JENNINGS, Planning Commission Chair

ATTEST:



PATRICIA SALAZAR, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-06 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the this 4th day of October 2021, by the following vote:

AYES:	4	Commissioners:	Hill, Mazza, Weil, Jennings
NOES:	1	Commissioner:	Smith
ABSTAIN:	0		
ABSENT:	0		



PATRICIA SALAZAR, Recording Secretary



Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner

Approved by: Richard Mollica, Planning Director

Date prepared: September 23, 2021 Meeting date: October 4, 2021

Subject: Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development (Continued from September 8, 2021)

Location: 33386 Pacific Coast Highway/ APN 4473-019-007
33398 Pacific Coast Highway / APN 4473-019-005
within the appealable coastal zone

Owner: 180 PCH, LLC

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-06 (Attachment 1) denying Coastal Development Permit (CDP) No. 14-073 to construct a new 2,342-square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33386 and 33398 Pacific Coast Highway (PCH) (180 PCH, LLC).

DISCUSSION: This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the proposed project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to the California Environmental Quality Act (CEQA). The analysis and findings contained herein demonstrate the proposed project is not consistent with the LCP and MMC.

The proposed project was continued from the April 16, 2018, Planning Commission meeting to allow the applicant to address the comments raised by the Planning Commission. The Commissioner's requested that the applicant pursue redesign options to reduce the height and size of the structure so that it would have less impacts on views from the beach as well as surrounding neighbors. One of the alternatives discussed was to revise the entry to the home and incorporate the use of vehicle lifts to allow the garage to be located below the fire department turnaround, which would result in a significantly lower structure height. It was discussed that the use of the lifts may potentially eliminate the need for a parking variance because the unenclosed parking could be provided on top of lifts which lower vehicles into the garage. While a height variance would still be necessary, the elimination of the garages and entry would result in a reduction in the overall height of the proposed structure and would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP.

The applicant revised the proposed plans to incorporate a vehicle lift and reduced structure height, however, the Los Angeles County Fire Department (LACFD) denied the revised plans as indicated on the Request for Modifications or Alternate Materials and Methods Review form (Attachment 5). The LACFD noted, "the subterranean lift will not be recognized as acceptable vehicle access."

As such, the applicant has resubmitted the project plans with minor modifications; however, the garage is still proposed and no reduction in total development square footage (TDSF) was undertaken. The structure as currently proposed maximizes the TDSF allowable for the property. As discussed by the Planning Commission, an option with a revised design that reduces the size of the structure has not been submitted.

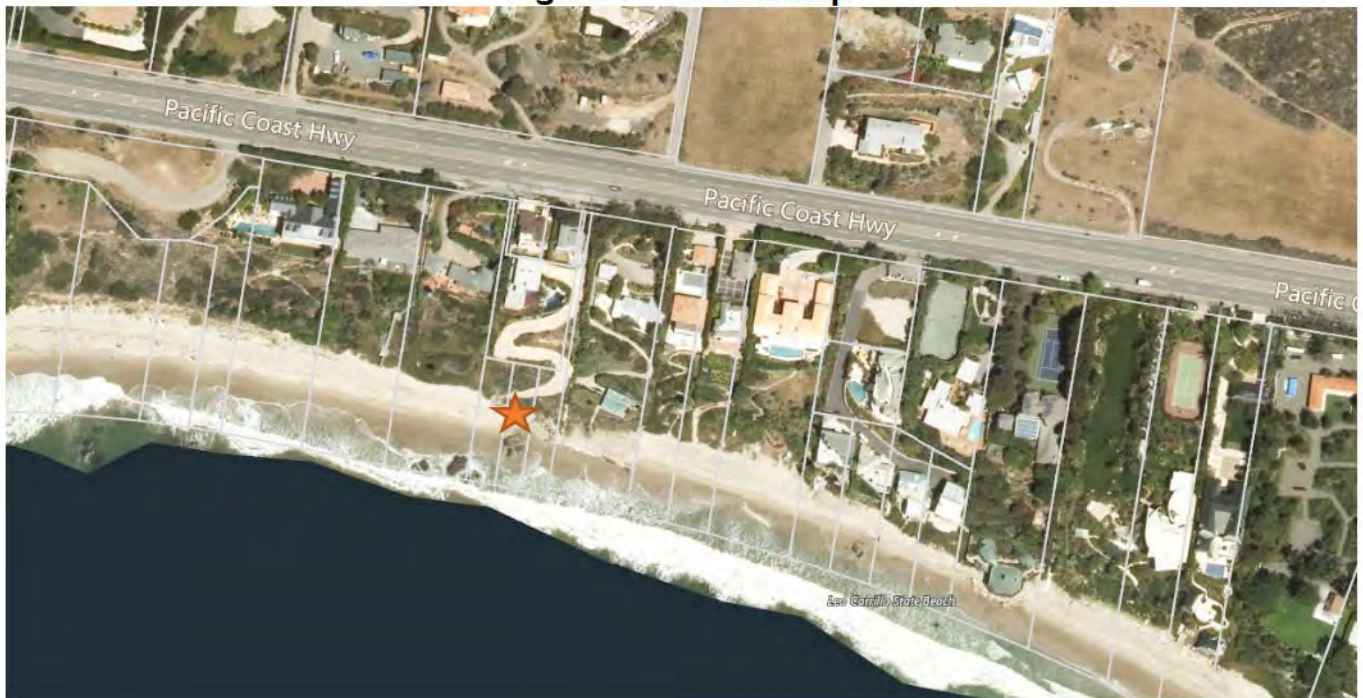
It has been demonstrated that access to the lots is feasible from the existing access easements. Furthermore, the Public Works Department and LACFD have determined that the access road as proposed is consistent with LACFD access requirements.

Furthermore, the project was continued from the February 16, 2021 Planning Commission meeting upon request of the applicant to pursue additional redesign options that would address the Planning Commissioner's concerns. The applicant submitted revised plans in April 2021 and the changes are discussed within this agenda report.

Aside from the two discretionary requests identified in the recommended action, the application includes additional discretionary requests that are listed in the Project Description section of this Agenda Report. The associated project resolution does not contain determinations for these additional requests. Since the determinations cannot be made in the affirmative for three of the required variances, the determinations for approval of a CDP cannot be made in the affirmative; therefore, the determinations for the additional requests are mute.

Project Overview

Figure 1 – Aerial Map



Source: City GIS

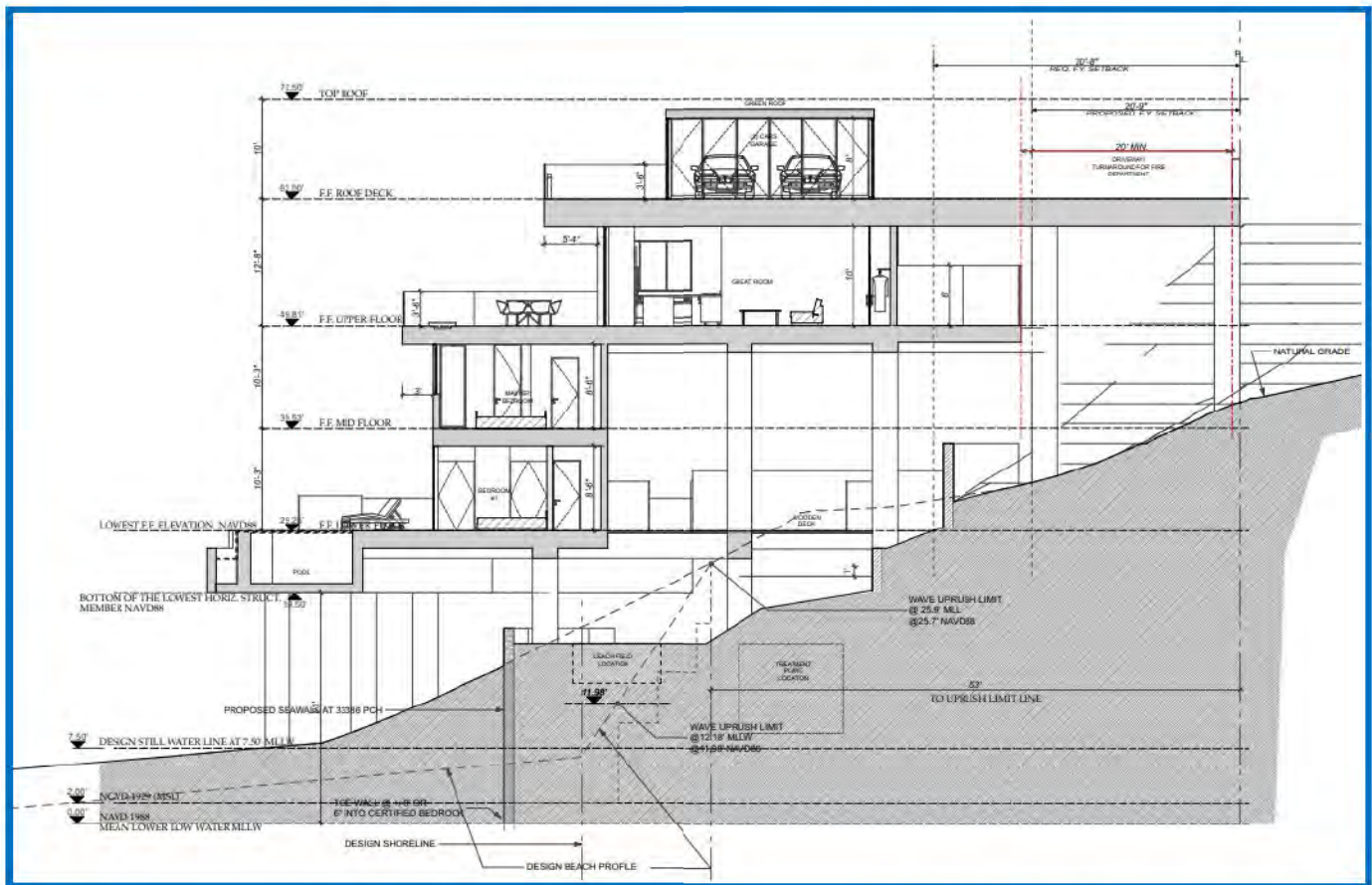
The subject parcel, addressed as 33386 PCH, is part of an existing three-lot subdivision that includes 33390 and 33398 PCH which is the subject of CDP No. 14-072. The subject lots take access from PCH through two lots located immediately to the north. These lots are developed with single-family dwellings. Currently, the subject lots are only developed with a rock revetment and private access driveway.

On February 17, 2000, the CCC issued CDP No. 4-97-243 to allow for remedial grading to address an onsite slope failure. Additionally, CDP No. 4-97-243 gave after-the-fact approval for a rock revetment (that had been installed without the benefit of permits) and installation of retaining walls along the existing driveway. Subsequently on May 5, 2006, CDP No. 4-97-243 was amended to require the removal of an unpermitted staircase that was built along the property line to the sandy beach at the rear of the property and to allow for an increase in the amount of grading that was previously approved.

The current owner (180 PCH LLC) acquired the three lots (33398, 33390, and 33386 PCH) in November 2014 and subsequently filed a new CDP application for development. Should the Planning Commission decide to approve the proposed project, the approval of CDP No. 14-072 is also required to create the lot as proposed as part of this application.

A number of variances have been requested related to the steep slopes and small parcel size which characterize the project site. Due to the steep slope, the required fire access would be provided by a new turnaround which would be built on a new elevated platform which would also support the garage and roof deck of the residence (Figure 2). Locations for the fire department access are limited on the subject site because of the difference in elevation between the subject property and PCH. If the fire department turn around were to be placed at a lower elevation, the steepness of the driveway would exceed the fire department's access requirements.

Figure 2 – Section through Project Site



Source: Project Plans Dated April 2021

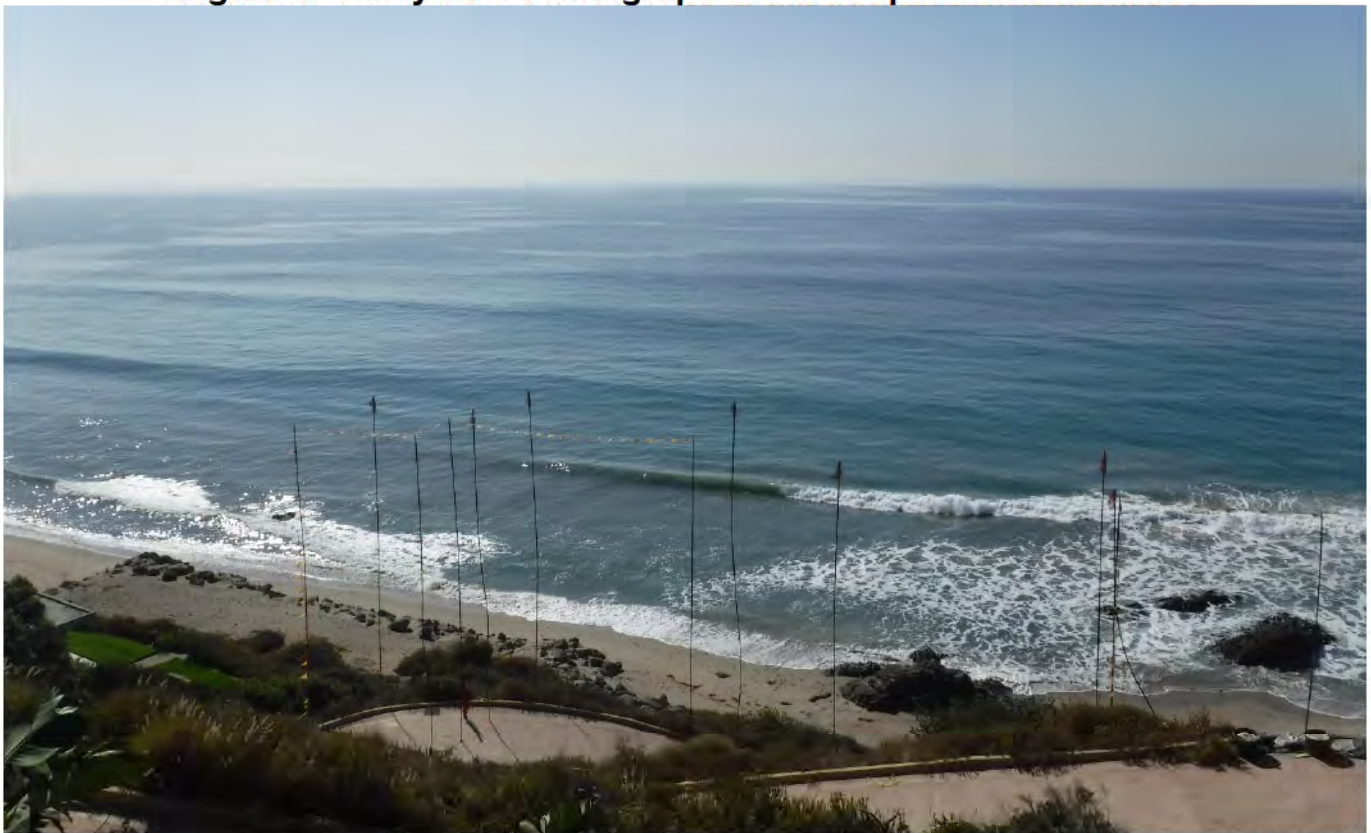
The top level of the proposed residence includes the two-car garage, roof deck, and entry to the main residence. The living areas are located below the garage and fire department turnaround. At its highest point the proposed residence would be 43.25 feet tall as measured from the top of the structure to the lowest adjacent grade. The proposed residence has a stepped design so there would be no more than two-stories at any one point. Because of the steep slope of the site and the sandy beach at the toe of the slope, the residence would be located on top of a pile supported foundation. The rock revetment

that is currently located on the site would be removed and replaced by a seawall that would protect only the onsite wastewater treatment system (OWTS). The proposed residence requires no shoreline protection due to the pile foundation which elevates and protects it from wave uprush hazards as required by the LCP.

During September 2017, the applicant installed story poles to demonstrate the bulk and height of the proposed residence as well as the residence proposed under CDP No. 14-072 (Figure 3). Subsequent to the installation of the story poles, staff was contacted by a number of neighbors concerned about their ocean views and impacts of the Project. Three of these neighbors filed applications with the City for Primary View Determinations. Based on three site visits conducted by staff it was determined that the proposed structures would be within the blue water views of the neighboring residences.

On September 13, 2021 and September 20, 2021, staff requested the applicant team to re-install the story poles. The applicant team declined to re-install the story poles and the correspondence is included in Attachment 6.

Figure 3 - Story Pole Photograph of the Proposed Residences



Photographs dated September 15, 2017

As depicted in Figure 3, the proposed development will impact ocean views from neighboring properties. Both the MMC and LIP allow for development that is 18 feet in height by right.

Applicants seeking to gain approval for structures in excess of 18 feet must demonstrate that there are no private primary view or public scenic view impacts.

Given the site topography and small lot sizes, any development on the subject property will result in view blockage from upslope private residences.

The applicant attempted to minimize view impacts through a redesign that included lifts that would lower the cars into a garage. However, LACFD denied the request for the redesign and further stated that no habitable area could be located under the fire department turnaround. No further design options were submitted to the City to address view impacts or to bring the structure closer to conformance with the MMC and LCP.

Based on review of the story poles, project plans, and project specific engineering reports it was determined that five variances and a minor modification would be required in order to find that the project is consistent with the LCP and approve the CDP. These six requests are for: 1) construction in excess of 18 feet in height, 2) construction on a steep slope, 3) allowing portions of the building in excess of 18 feet in height to exceed two-thirds of the area below 18 feet in height, 4) construction on a coastal bluff, 5) reduced side yard setbacks, and 6) a minor modification for a reduced front yard setback.

Given the constraints of the property, there is no flat area that could accommodate a residence, regardless of size, and provide the required fire department access. As discussed throughout this report, the site is characterized by a steep slope which descends to the sandy beach below.

Furthermore, the proposed project includes a raised exterior stair that would encroach into the western side yard setback. Pursuant to LIP Section 3.5(B)(5), a staircase can encroach four feet into the setback but cannot reduce the setback to less than three feet. While the majority of the staircase meets this requirement, a portion of the staircase at the lower elevation directly abuts the side yard. As such, a variance is required. (Retractable stairs are proposed for the portion of the stairs that meet the beach.)

Since the majority of the first floor of the proposed residence starts right around 18 feet in height, it was not possible to determine the allowable area above 18 feet. In effect, more than two-thirds of the residence will be above 18 feet in height. Therefore, to address compliance with the two-thirds rule, a variance is being processed.

In addition, staff is recommending denial of the project and two of the requested variances (building height and two-thirds). Staff believes that although the applicant revised the plans, no further options were explored to reduce the height or size of the proposed residence to bring the structure closer to conformance with the MMC and LCP as requested by the Planning Commission.

Surrounding Land Uses and Project Setting

As shown on Figure 1, the subject property is located along the coast in western Malibu. The subject parcels are vacant lots, rectangular in shape, and are surrounded by existing residential development. The subject lots take access from PCH along a private driveway that serves two other developed properties. The three lots located to the north and those surrounding the subject lots are currently developed with single-family residences. The project site does not contain mapped trails on or adjacent to it according to the LCP Park Lands Map. Additionally, the property is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Furthermore, a biological assessment that was prepared for the properties did not identify the presence of ESHA. However, the parcels are characterized by a steep slope that meets the LCP's definition of a coastal bluff.

The property is located in an area primarily developed with one and two-story single-family residences with accessory development and is zoned RR-2. The property is an infill lot bordered to the north, east and west by single-family residences. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

Table 1 – Surrounding Land Uses				
Direction	Address	Lot Size	Zoning	Land Use
North	33406 PCH	0.22 acres	RR-2	Single-Family Residence
	33408 PCH	0.52 acres	RR-2	Single-Family Residence
	33410 PCH	0.1 acres	RR-2	Single-Family Residence
South	Pacific Ocean			
West	33418 PCH	1.21 acres	RR-2	Single-Family Residence
East	33368 PCH	1.21 acres	RR-2	Single-Family Residence

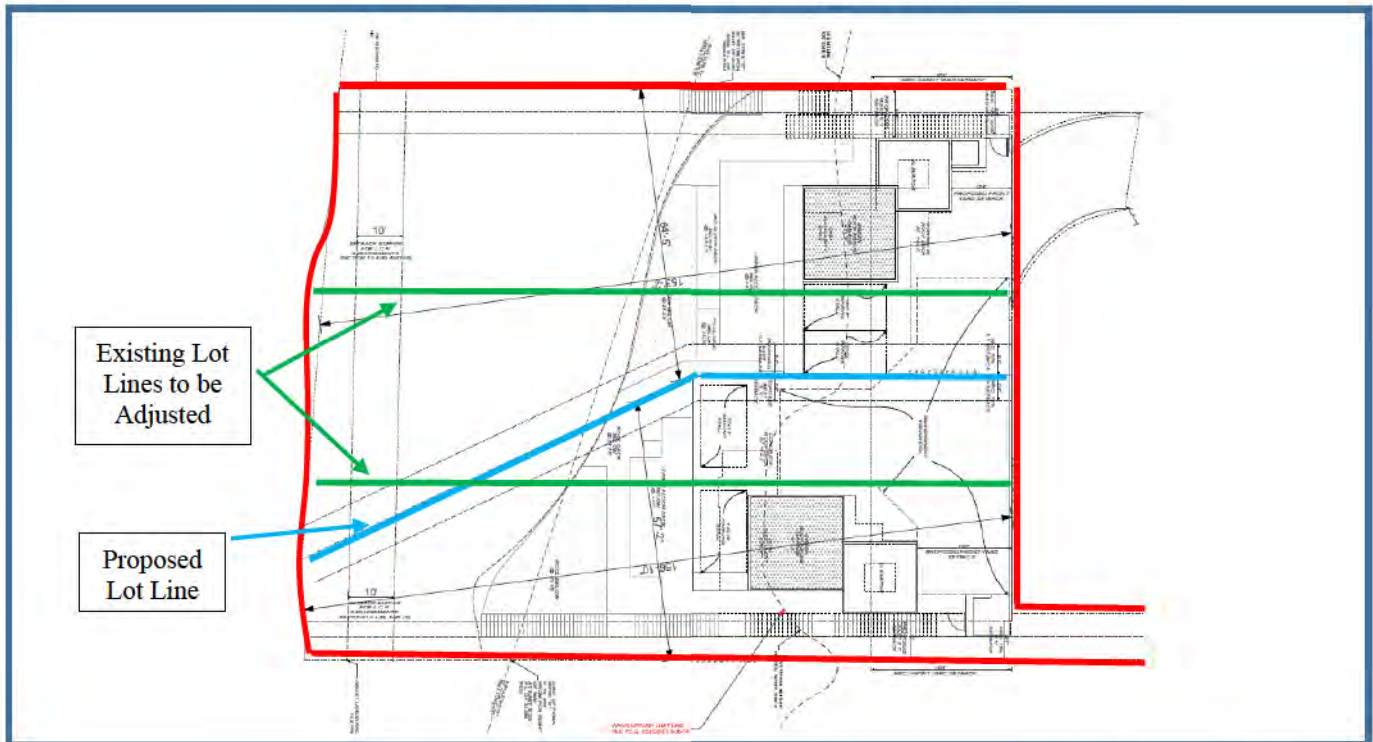
Source: City GIS

Upon completion of the lot line adjustment and merger (CDP No. 14-72) (Figure 4), the final lot size of the subject parcel site will be as follows:

Table 2 –Property Data Upon Approval of the CDP	
Lot Depth	156.8 feet
Lot Width	57.2 feet
Gross Lot Area	10,395 square feet (0.24 acres)
Area Comprised of 1:1 Slopes	83 square feet
Net Lot Area*	10,312 square feet (0.24 acres)

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

Figure 4 – Final Lot Configuration



Source: Project Plans

Project Description

The proposed scope of work is as follows:

- a. Construction of a 2,376-square foot, two-story single-family residence and a 449-square foot attached two-car garage;
- b. Construction of a new OWTS;
- c. Elevated parking and fire department turnaround platform;
- d. Construction of beach-front deck and side yard stairs;
- e. Construction of an in-deck swimming pool, spa and associated equipment;
- f. Installation of in-deck planters and landscaping;
- g. Installation of an outdoor shower;
- h. Construction of an outdoor bar, barbeque and fireplace;
- i. Construction of a seawall;
- j. Construction of pile foundation to support the residence;
- k. Construction of retaining walls (six feet high maximum);
- l. Installation of new hardscaping;
- m. Grading;
- n. Lot line adjustment and lot merger; and
- o. The following discretionary requests:
 - i. VAR No. 18-002 to allow for construction in excess of 18 feet in height, up to

- 43.25 feet for the single-family residence;
- ii. VAR No. 18-003 to allow for construction on a steep slope;
- iii. VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height;
- iv. VAR No. 18-008 to allow for construction on a coastal bluff;
- v. VAR No. 18-009 to allow for a reduced side yard setback to allow for access stairs and a connecting fire department turnaround between the subject property and the property addressed as 33398 PCH; and
- vi. MM No. 18-001 to allow for a reduction of the required front yard setback from 30 feet, 8 inches to 20 feet, 9 inches.

LCP Analysis

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

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

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

LIP Conformance Analysis

The proposed project was reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 3 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve

¹ The ESHA, Native Tree Protection, Transfer of Development Credits, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

water to the property. However, the project, as proposed, is inconsistent with some of the applicable LCP codes, standards, goals and policies. Furthermore, the evidence in the record does not support the findings necessary for two of the variances.

Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary of the project's zoning conformance. To determine the rear yard setback, deck and building stringlines were not applied because of LIP Section 10.4(G). Pursuant to LIP Section 10.4(G), the property does not meet the definition of infill development because subject properties are not part of an existing linear community of beach fronting residences where the vast majority of lots are developed with residential dwellings and relatively few vacant lots exist. In addition, because of the wave uprush limits, steepness of the slope which characterizes the property, and LACFD access requirements, the proposed structure is located above grade and most of the first floor is above 18 feet. As such, a two-thirds calculation could not be determined.

Table 3 – Zoning Conformance			
Development Requirement	Allowed/ Required	Proposed	Comments
SETBACKS (ft.)			
<i>Front Yard – 20% or 65 feet, whichever is less</i>	<i>30 feet, 8 inches</i>	<i>20 feet, 9 inches</i>	<i>Minor Modification</i>
<i>Rear Yard – 15% or 15 feet, whichever is more</i>	<i>27 feet, 9 inches</i>	<i>47 feet</i>	<i>Complies</i>
<i>Side Yard (Minimum 10% - Cumulative 25%)</i>	<i><u>West</u> 5 feet, 9 inches</i>	<i><u>West</u> 0 feet (parking/roof deck and stairs - 5 feet, 9 inches for house)</i>	<i>Variance</i>
	<i><u>East</u> 8 feet, 7 inches</i>	<i><u>East</u> 3 feet (access stairs - 10 feet for house)</i>	<i>Variance¹</i>
<i>Total Side Yard (Cumulative 25%)</i>	<i>14 feet 4 inches</i>	<i>3 feet for encroachments 15 feet, 9 inches for house</i>	<i>Variance</i>

Table 3 – Zoning Conformance			
Development Requirement	Allowed/Required	Proposed	Comments
PARKING SPACES			
Enclosed (10 ft. x 18 ft.)	2 Spaces	2 Spaces	Complies
Unenclosed (10 ft. x 18 ft.)	2 Spaces	2 Spaces	Complies
Total Development Square Footage (TDSF) (sq.ft.)			
TDSF	2,825 sq.ft.	2,825 sq.ft.	Complies
<i>2/3rd Rule: 1st Floor x 2/3rd = 2nd Floor (sq. ft.) + volume > 18 feet</i>	<i>No calculation possible</i>		<i>Variance</i>
<i>Height (ft.)</i>	<i>18 feet</i>	<i>43.25 feet</i>	<i>Variance</i>
IMPERMEABLE COVERAGE (sq.ft.)	4,640 sq.ft.	4,428 sq.ft.	Complies
NON-EXEMPT GRADING (cu.yd.)	1,000 cu.yd.	942 cu.yd.	Complies
CONSTRUCTION ON SLOPES	<i>3 to 1 and flatter</i>	<i>2 to 1 and Steeper</i>	<i>Variance</i>
Retaining Walls	6 ft. max. 12 ft. cumulative	6 ft. max. 12 ft. cumulative	Complies

As shown in Table 3, the proposed project does not meet the development standards as set forth under LIP Chapter 3. To address the non-compliant aspects of the project the applicant has requested variances and a minor modification. As discussed herein, the findings required for some of the variances are not supported by the evidence.

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 includes 942 cubic yards of non-exempt grading and 68 cubic yards of exempt grading. The proposed project complies with grading requirements set forth under LIP Section 8.3.

Table 4 – LCP Grading Conformance						
	Exempt**			Non-Exempt	Remedial	Total
	R&R*	Understructure	Safety***			
Cut	0	0	0	942	0	942
Fill	0	0	68	0	0	68
Total	0	0	68	942	0	1010
Import	0	0	68	0	0	0
Export	0	0	0	942	0	874

All quantities listed in cubic yards unless otherwise noted

*R&R= Removal and Re-compaction

**Exempt grading includes all R&R, understructure and safety grading.

***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

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 Survey was prepared by Robert J. Wlodarski of HEART, Inc. for the subject properties in April 2010. No indication of prehistoric or historic archaeological resources was discovered in the project area. HEART determined that any proposed improvements should have no adverse impacts to known cultural resources.

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed the proposed project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the westerly City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Should the project be approved, standard conditions of approval would need to include the implementation of approved storm water management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS standards. If these conditions were implemented, the proposed project would conform to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project includes an OWTS to serve the proposed development. This new OWTS would consist of a 2,493-gallon MicroSepTec ES-6 with ultraviolet disinfection unit. The new OWTS would be located under the proposed residence and would be sited as far landward as feasible. The proposed system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. The proposed OWTS would meet all applicable requirements and operating permits would be required if the project is approved. An operation and maintenance contract, and recorded covenant covering such, must comply with City of Malibu Environmental Health requirements. Should the proposed project be approved, conditions of approval which require continued operation, maintenance, and monitoring of onsite facilities would need to be included in the resolution.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

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

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

The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. Staff is not able to determine that all of the proposed variances are supportable, specifically the variance requests for building height, and two-thirds. Thus, the proposed project is not consistent with the LCP.

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 subject properties are located between the first public road and the sea and currently have a lateral public access easement recorded on title. The proposed project would not affect the recorded easements. In addition, the subject property does not contain any mapped trails as depicted on the LCP Park Lands Map. Since the recorded public access

would be maintained, the proposed project is consistent with the LCP's recreation policies and the Coastal Act.

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

Alternate Project – Based on review of the plans, it appears that the applicant could redesign the proposed project to reduce the overall height and size of the structure. The proposed structure maximizes the allowable TDSF for the property. The applicant did reduce the interior floor heights and raised the lower elevation up by three and a half feet. The total height was reduced by three and a half feet but does not significantly reduce the visual impacts nor was the total development square footage reduced. The applicant did not pursue other redesign options to reduce the height or size of the structure as requested by the Planning Commission. While any project would result in land disturbance, it is anticipated that there is a project alternative that would result in less visual massing and reduce the number of variances necessary. Visual impacts are considered as environmental impacts and therefore, redesigning the project may result in an environmentally superior project alternative.

Proposed Project – The proposed project consists of the construction of a new single-family residence, which is a permitted use within the RR-2 zoning designation, in an existing residentially developed area. Based on a possible project alternative, staff is unable to determine that the proposed project is the least environmentally damaging feasible alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board (ERB), 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. However, the site does contain a coastal bluff and,

given the lot size, construction on the bluff cannot be avoided. However, while review by the ERB is not required, a variance for construction on a bluff is included as part of the proposed project. Therefore, ERB review was not required, and this finding does not apply.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

The applicant is requesting relief from the standards contained in LIP Section 3.6(E)(2) which limit the height of flat roofs to 24 feet with the approval of a site plan review, pursuant to Section 13.27 of the Malibu LIP. Due to the steep slopes present on the site and the required fire department access, it is not possible to build a structure that is 24 feet high from adjacent grade and meet the requirements of the LACFD. In order to meet the fire departments requirements for access, the proposed development must start at elevation 62.50 which is approximately 39 feet above grade. Once the garage is setback back to accommodate fire department access, the structure is approximately 43.25 feet above grade because of the descending nature of the site. It appears that if the applicant redesigned the residence and reduced the size of the structure, there is the potential to request a variance for less of a deviation from City's height limitations. Because there is a potential alternative design that could result in a lower structure height and reduced total development square footage staff cannot make the findings in support of VAR No. 18-002.

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

There are special circumstances and exceptional characteristics of the proposed project site, specifically that the fire access cannot be constructed at a lower level or elevation, the steep slope which characterizes the area of the building pad, and the limited lot size (due to the boundaries of the mean high tide line), that would cause strict application of the zoning ordinance to deprive the property of the privilege to construct a home similar to those enjoyed by other properties in the vicinity and under the identical zoning classification. However, the privilege to construct a home does not include the privilege to build a home of unlimited height, height that obstructs blue water views, or height beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification. The applicant has proposed a structure that at its highest point would be 43.25 feet above finished grade. Although the height has been reduced from the originally proposed 47 feet to 43.25 feet, the overall design and visual impacts has not been significantly reduced. Because there appears to be alternative designs that potentially could lower the height of the proposed structure staff is unable to make this finding.

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

The granting of the variance would exempt the project from being limited to 24 feet in height. As discussed in Finding 1, an alternative design could result in an overall lower building height, and would reduce view impacts to neighboring properties. Since there is the potential for a design that is lower in height, staff is not able to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

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

Due to potential design alternatives, such as reducing the size and height of the structure, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

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

The granting of the variance will be contrary to the goals, objectives and policies of the General Plan, specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with the goal of preserving rural development through the limitation of height. Therefore, this finding cannot be made.

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

The coastal bluff on the project site was determined not be contain ESHA; this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

The variance is not associated with stringline standards; this finding does not apply.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The project requires a variance because the subject site is not physically suitable for the structure height that is proposed. An alternative design that would lower the proposed house and benefit views has not been pursued or presented. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

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

The applicant has proposed a structure that, at its highest point, would be 43.25 feet above finished grade. However, design alternatives have not been explored that potentially could lower the height of the proposed structure and bring it more in compliance with the code, and therefore, staff is unable to make this finding.

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

The variance is unrelated to public parking; this finding does not apply.

C. Variance for Construction on Slopes in Excess of 2½ to 1 (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 13.27.1(A)(4) which allows construction to be located on slopes flatter than 2½ to 1 with a site plan review. Given the steep topography which runs parallel to the shoreline, it is not possible to develop a residence on the subject site without construction on steep slopes. Through the use of the slope analysis that was submitted for the proposed project it was determined that the project site does not offer any alternative locations for development where steep slopes can be avoided. Should the project be approved, the required findings in support of Variance No. 18-003 could be made as follows.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence. The subject lot contains a 40-foot change in elevation that takes place within a horizontal distance of roughly 36 feet. This slope cuts through the property and, therefore,

it is not possible to develop a residence without placing a foundation in the area dominated by the steep slope.

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

In order to safely develop the property, the applicant must anchor the foundation for the residence in a slope that exceeds 2½ to 1. This steep slope runs parallel to the front property line and physically divides the site from the ocean. The proposed project includes the installation of piles into the slope and will not result in instability to the site. The proposed project has been reviewed and approved by the City geotechnical staff, and City Coastal Engineer, for consistency with all applicable regulations and policies. Therefore, the granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.

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

The subject site is dominated by steep slopes and it is therefore not possible to avoid construction on slopes steeper than 2½ to 1. The granting of this variance would allow for construction on a slope steeper than 2½ to 1 similar to the variance issued for 28118 PCH which is a RR zoned lot abutting the shoreline which contained steep slopes. Furthermore, the granting of the variance would not constitute a special privilege to the applicant, because it would allow for single-family development in an area designated for such development and would be consistent with surrounding land uses.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

Based on a biological assessment completed for the subject property and the LIP's ESHA Maps, the project does not contain ESHA. Therefore, this finding is not applicable.

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

The variance is not related to stringlines; therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed project is for the development of a new single-family residence, which is permitted in the subject zone. Denying the variance would preclude construction of a residence on this legal lot as no suitable location that is flatter than 2½ to 1 exists on the property.

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

The project requires a variance because the subject property is not able to accommodate residential development on a building site with slopes flatter than 2½ to 1. The granting of the variance would allow construction of a new single-family residence that is compatible with the surrounding built environment. An appropriate foundation system has been designed for the house on this site. The project has been reviewed and approved by applicable agencies for structural integrity and stability. Should the project be approved, prior to the issuance of a building permit, all final recommendations of the applicant's structural and coastal engineer, as well as those recommendations of the City Environmental Sustainability Department, the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission, WD29, and LACFD, would be incorporated into the project. The project site is physically suitable for the proposed variance.

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

The variance complies with all requirements of state and local law. Construction of the proposed improvements on a steep slope would comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies, should the project be approved.

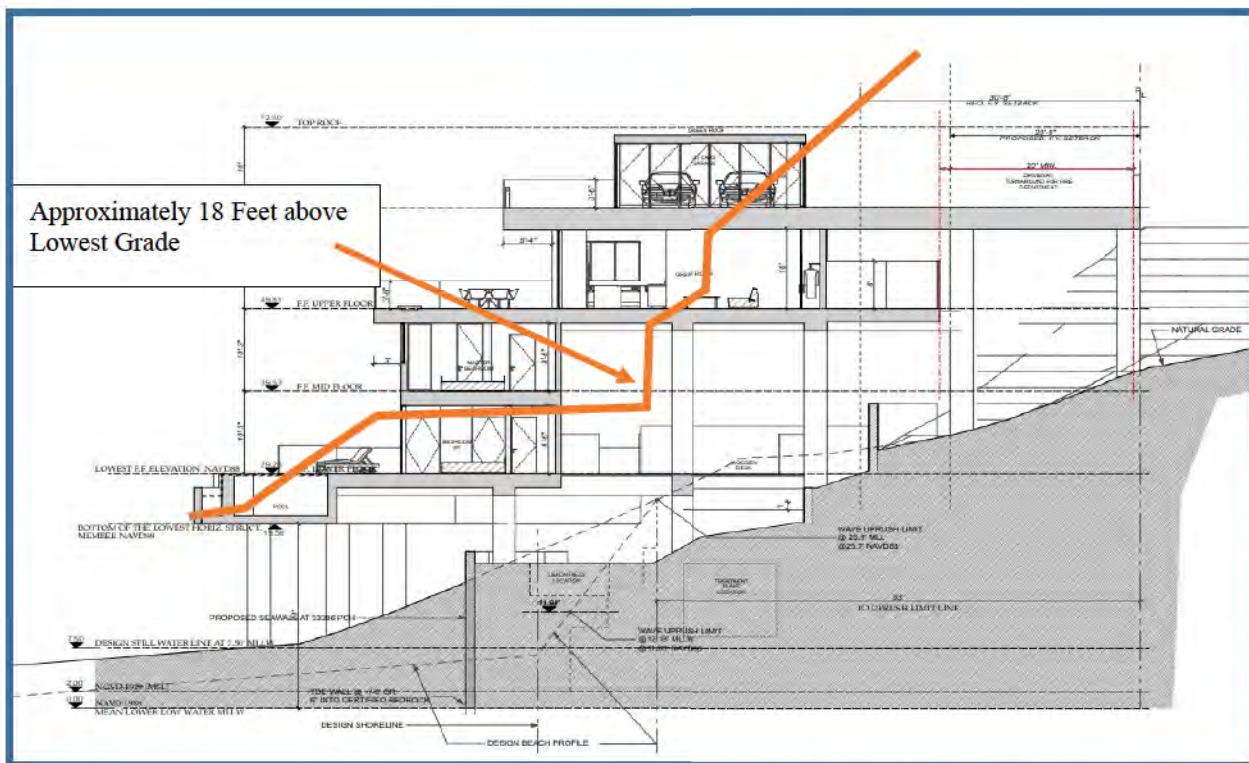
Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The variance is unrelated to public parking; this finding does not apply.

Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 3.6(K)(2), which requires that any portion of the structure above 18 feet in height shall not exceed two-thirds the first-floor area below 18 feet, and shall be oriented so as to minimize view blockage from adjacent properties. Based on the topography of the site, recommended finished floor elevation, and fire department access requirements, more than two-thirds of the floor area of the structure would be above 18 feet in height above grade (Figure 5). Staff has evaluated alternative massing designs and since there appears to be a project alternative which would lower the height of residence and place more portions of the proposed structure below 18 feet in height, staff is not able to make the findings in support of VAR No. 18-004.

Figure 5 – Two-Thirds Exhibit



Source: Project Plans dated April 2021

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

The project site is dominated by a steep slope that descends to the beach below. The top of the proposed structure would be 62.50 feet above sea level to meet the requirements of the LACFD. Because of the steep slope, the height of the building would exceed the height limitations of LIP Section 3.6(E)(2). As a result, portions of the first floor exceed 18 feet above finished or natural grade. As stated previously, because there is a potential design alternative that would result in a lower building height and place more portions of the proposed structure below 18 feet in height, staff is unable to make this finding.

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

To develop the property as proposed, more than two-thirds of the residence would be above 18 feet as measured from adjacent grade because of the steep slope that occupies the entire site. The purpose of the two-thirds regulations is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. Since there is the potential for a design that is lower in height, and would therefore reduce visual impacts, staff is not able to determine that the project would not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

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

Due to potential design alternatives, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

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

The granting of the variance will be contrary to the goals, objectives and policies of the General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and view protection. The general purpose and intent of the two-thirds size limit of the second floor

is to reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

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

The project does not contain ESHA; this finding does not apply.

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

The variance is not for a deviation of stringline standards.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed project new single-family residence is a permitted use in the subject zone.

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

The project requires a variance because the subject site is not physically suitable for the structure that is proposed. There appears to be an alternative design that would lower the proposed structure and increase the structure's compliance with the two-thirds requirement. In addition, this design could potentially reduce both public and private view impacts. While any development would require a variance for compliance with the two-thirds regulations, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, staff is unable to make this finding.

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

The proposed project does not affect public parking.

E. Variance for Construction on a Coastal Bluff (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 10.4(D) which requires that development be set back at least 50 feet from the top of bluff. The entire property consists of coastal bluff slope. Through the use of the slope analysis that was submitted for the proposed project it was determined that the project site does not offer any alternative locations for development where construction on the coastal bluff can be avoided. Should the project be approved, the required findings in support of VAR No. 18-008 could be made as follows.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence. The subject lot contains a coastal bluff slope which occupies the whole site. This slope cuts through the property and it is therefore impossible to develop a residence without construction on the coastal bluff.

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

In order to safely develop the property, the applicant must anchor the foundation for the residence into the coastal bluff that runs parallel to the front property line and physically divides the project site from the ocean. The proposed project includes the installation of piles into the bluff and would not result in instability to the site. The project has been reviewed and approved by the City geotechnical staff, and City Coastal Engineer for consistency with all applicable regulations and policies. Therefore, the granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located through the granting of a variance for construction on a coastal bluff.

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

The granting of the variance would not constitute a special privilege to the applicant, because it would allow for single-family development in a zone designated for such development and would be consistent with surrounding land uses. There is no alternative site for building a home.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

The project does not contain ESHA. Therefore, this finding is not applicable.

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

The variance is not for stringline standards; therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The project site is physically suitable for the variance because development of a single-family residence cannot avoid the bluff slope. The bluff does not contain ESHA and an appropriate foundation system has been designed for the project. Should the project be approved, prior to the issuance of a building permit, the project would be reviewed and approved for structural integrity and stability. All final recommendations of the applicant's

structural and coastal engineer, as well as those recommendations of the City departments, as well as the California State Lands Commission (CSLC), WD29, and LACFD, would be incorporated into the project.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies.

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

The proposed project does not reduce public parking for access to the beach or parklands.

F. Variance to Allow for a Reduced Side Yard Setback (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 3.6(F)(2) which requires that a single side yard setback be less than 10 percent of the width of the lot or five feet, whichever is greater. Side yard setbacks shall also be cumulatively at least twenty-five percent of the total width of the lot. Because of the steep bluff topography, the majority of the development is elevated above-grade on piles, including the required fire department hammerhead which will be shared with the adjacent property addressed as 33398 PCH. The proposed hammerhead would provide access to both properties for both the LACFD and the occupants of the residences. It is common for hammerheads and driveways to cross property lines when serving properties that do not have direct access to a street; however, normally they are on grade. Because of the steep slopes present, this access will not be on grade and is therefore subject to the required setbacks. It is not possible to provide on grade access regardless of project alternatives because the LACFD access must be at an elevation of 62.5 feet above sea level in order to connect to the existing driveway. The side yard variance request also includes a request to encroach into the west side yard with access stairs. Should the project be approved, the required findings in support of VAR No. 18-009 could be made as follows for both the LACFD turnaround and access stairs.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence because, without construction of a pile-supported above grade turnaround that connects to the property line, LACFD access cannot be provided. The coastal bluff slope covers the whole parcel and prevents the construction of an on-grade fire department

turnaround. The variance would only apply to the fire department turnaround and a portion of the access stairs which serve as part of the LACFD site access; the entire residence complies with the required side yard setback. The proposed variance would allow the property to be developed in a similar manner to other small, constrained coastal lots, nearby and elsewhere in the City.

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

The variance allows for safe, compliant LACFD access. The reduction in the side yard setback would not affect adjacent property owners as the same property owner owns the adjacent property to the west. The granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.

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

The granting of this variance would not constitute a special privilege to the applicant because it would allow for single-family development in an area designated for such development and would be consistent with surrounding land uses. A compliant fire department access is required.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

The project does not contain ESHA. Therefore, this finding is not applicable.

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

The proposed variance is not for stringline standards; this finding is not applicable.

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

The variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The subject site is physically suitable for the proposed variance because a compliant fire department access could not otherwise be constructed which would facilitate the single-family residential project. The project has been reviewed and approved by applicable agencies. Should the project be approved, prior to the issuance of a building permit, the project would be reviewed and approved for structural integrity and stability. All final recommendations of the applicant's structural and coastal engineer, City departments, as well as the CSLC, WD29, and LACFD, would be incorporated into the proposed project.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies.

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

The project does not include any reduction of public parking for the beach or parklands.

G. Minor Modification for a 33 Percent Reduction of the Front Yard Setback (LIP Section 13.27)

A minor modification is proposed to reduce the front yard setback from the required 30 feet, 8 inches to 20 feet, 9 inches. LIP Section 13.27.5(B) requires that the City make three findings in consideration and approval of a minor modification to reduce the required front yard setback. Based on the foregoing evidence contained within the record, the required findings for MM No. 18-001 are made as follows.

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

While it is not possible to develop the site without a reduction in the required front yard setback, there are portions of the project that are not consistent with the policies and provisions of the LCP.

Finding 2. That the project does not adversely affect neighborhood character.

The proposed reduction in the front yard setback is not expected to adversely affect neighborhood character. The proposed structure would be setback similar to the development found on the smaller lots in the area. In addition, the proposed residence was designed to be closer to the front property line in order to lessen visual impacts to surrounding residences. Therefore, the proposed project will not adversely affect neighborhood character as the proposed improvements will be similar to other surrounding development.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

The proposed project complies with all requirements of State and local law.

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

As discussed previously, the site does not contain ESHA and therefore, the findings in LIP Chapter 4 do not apply.

I. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the property. Chapter 5 findings do not apply.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The project site is visible from Robert H. Meyer Beach, an LUP-designated scenic area. As a result, the Scenic, Visual and Hillside Resource Protection Chapter applies, and the five findings set forth in LIP Section 6.4 could be made should the project be approved.

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

The proposed project is a new single-family residence on a parcel zoned for single-family residential development. The neighborhood is predominantly built-out with single-family beachfront homes that are either built into the hillside or on flat pads overlooking the ocean. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed project. An analysis of the proposed project's visual impact from the beach was conducted through site inspections, architectural plans and review of neighborhood character.

Due to the lot size constraints and setback requirements, there is no feasible alternative building site location where the development would not be visible from a scenic area (beach). The nearest scenic road is PCH; however, the site is not visible from PCH because of existing development and a large change in elevation. Given the bluff location, any development would take on a stepped design and no significant impacts are expected.

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

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design, which would reduce the size of the structure and lower the height of the proposed residence, appears to be possible. Therefore, this finding cannot be made.

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

As discussed in Finding 1, the proposed project would be visible from a public viewing area. However, there are no feasible alternative locations on the site from where views would be hidden from the beach. No significant adverse impacts are expected.

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, would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development will be constructed landward of the required 10-foot mean high tide line (MHTL) setback.

K. Transfer of Development Credit (LIP Chapter 7)

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

L. Hazards (LIP Chapter 9)

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. Should the project be approved, the required findings could be 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 Don Kowalewsky dated February 7, 2014, June 11, 2014, November 11, 2014, December 11, 2014, May 11, 2015, June 15, 2015, and July 30, 2015. Wave Uprush studies, prepared by Pacific Engineering Group dated April 16, 2015, July 6, 2015, and October 6, 2015 were also reviewed. According to these reports, the proposed development was determined not to increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective and to be sited in the most landward feasible location.

The Wave Uprush Study, dated April 16, 2015, addresses the MHTL and depth of beach scour. The study also addresses sea level rise and recommends a minimum finished floor elevation (+25.70 feet NAVD88²) to account for it. The City Coastal Engineer has reviewed and conditionally approved the proposed project based on the National Research Council (2012) estimate of sea level rise over a 100-year period. Conditions of approval have been incorporated in the resolution requiring that a shoreline protection monitoring program be provided and that the proposed design of the seawall be amenable to adaptation strategies in the future should the maximum projected sea level rise occur. In addition, the project complies with the floodplain updates that are to be incorporated into the proposed Federal Emergency Management Agency (FEMA) Flood Zone maps.

Liquefaction / Landslide

The site is subject to liquefaction however, based on the liquefaction analysis, the project geotechnical engineer included specific recommendations for the construction of the proposed piles which support the residence. The project geologist determined that by placing the piles into the bedrock located beneath the sand, the lateral liquefaction forces presented by the sand would not affect the proposed structure. These recommendations have been reviewed and conditionally approved by City geotechnical staff.

Flood Hazard/Tsunami

As confirmed by the FEMA Flood Insurance Rate Map, the project site is located within a floodplain (VE zone). However, based on the recommendations of the applicant's coastal engineer, the proposed structure would be elevated on piles above level of the floodplain. The property is adjacent to the ocean, and consistent with the requirements of the LIP, the property owner is required to sign a waiver indemnifying the City of Malibu against any liability or claims for wave damage. The proposed finished floor elevation of the building has been reviewed by the City's Public Works Department and City Coastal Engineer and has been given a conditional approval. The proposed residence is designed to meet the lowest recommended finish floor elevation (+25.70 feet NAVD88) as outlined in the Wave Uprush Study prepared by Pacific Engineering Group, dated April 16, 2015.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards. The proposed development may actually decrease the site's

² North American Vertical Datum 1988 (NAVD88) is the vertical control datum of height established for surveying in the US.

susceptibility to wildfire through the use of appropriate building materials will be utilized during construction.

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

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design appears to be possible which would lower the height of the proposed residence. Therefore, this finding cannot be made.

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 Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding 3 of Section A, there are no feasible alternatives to development and due to site constraints, any other project alternative would also result in grading, the need for a pile foundation, seawall to protect the proposed OWTS, land disturbance, and construction on steep slopes.

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

As discussed in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative.

M. Shoreline and Bluff Development (LIP Chapter 10)

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

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

The proposed project includes the removal of the existing rock revetment and the construction of a new residence, OWTS, and seawall. The proposed seawall is only for the protection of the OWTS. The residence and all accessory development as designed with a pile foundation that does not require a shoreline protection device for the life of the project pursuant to LIP Section 10.4(H). As previously discussed in this report, based on the determination letter from the CSLC, the proposed development is sited 10 feet landward of the 1928 MHTL and, as such, would not result in negative impacts to public access or other resources. The proposed location of the OWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer, City Environmental Health Administrator and City geotechnical staff and determined to be sited as landward as feasible. Therefore, the project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources.

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

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

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design appears to be possible which would lower the height of the proposed residence and therefore this finding cannot be made.

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

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

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

As previously discussed in Finding 1, the proposed OWTS has been sited in the most landward feasible location and the proposed seawall complies with the shoreline protection device stringline requirements. Additionally, the seawall would be under the new residence where it would not obstruct public access or affect shoreline sand supply. Public access would also benefit from removal of the revetment. Nonetheless, pursuant to LIP Section 10.6, should the project be approved, as a condition of approval, the property owner would be required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation.

N. Public Access (LIP Chapter 12)

The subject property is located seaward of the first public road (PCH) and according to recorded documents, currently offers public lateral beach access. Approval of the residence, lot line adjustment, and lot merger will not affect the public's ability to utilize the lateral access located at the rear of the properties. Based on these factors, the project is not expected to affect the public's ability to cross the sand and access the shoreline. Therefore, the project conforms to LIP Chapter 12 and further findings need not be made.

ENVIRONMENTAL REVIEW: While environmental review is not required for projects that are denied by the Planning Commission; nonetheless, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the 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 pursuant to 15303(a) and (e) - New Construction. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: The previous staff report included comments from the neighbors of the project have submitted correspondence indicating concerns overview impacts, development of the subject properties, and legality of the lots. Staff has verified that each of the lots that are part of this application can legally be developed. In addition, staff has meet with neighbors of the project to evaluate the visual impacts of the development relative to their ocean views

Upon receipt of the public notice dated August 12, 2021 for the revised design, neighbors of the project have submitted additional correspondence indicating concerns regarding view impacts, and the removal of unlawful structures (Attachment 6).

PUBLIC NOTICE: On August 12, 2021, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject properties (Attachment 7).

SUMMARY: Some of the required findings demonstrating that the proposed project complies with the LCP and MMC cannot be made. 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 denial of this project.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-06
2. Project Plans
3. Department Review Sheets
4. Story Pole Photographs
5. Fire Department Request for Modifications or Alternate Materials and Methods Review
6. Public Correspondence
7. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DENYING COASTAL DEVELOPMENT PERMIT (CDP) NO. 14-073 TO CONSTRUCT A NEW 2,342 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, WITH A 483 SQUARE FOOT ATTACHED TWO-CAR GARAGE, ROOFTOP DECK, SWIMMING POOL, SPA AND ASSOCIATED EQUIPMENT, BARBEQUE, OUTDOOR FIREPLACE, RETAINING WALLS, HARDSCAPING, GRADING, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM, AND DENYING VARIANCE NO. 18-002 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT, UP TO 43.25 FEET FOR THE SINGLE-FAMILY RESIDENCE, AND DENYING VAR NO. 18-004 TO ALLOW THE PORTIONS OF THE BUILDING IN EXCESS OF 18 FEET IN HEIGHT TO EXCEED TWO-THIRDS THE AREA BELOW 18 FEET IN HEIGHT LOCATED IN THE RURAL RESIDENTIAL TWO-ACRE (RR-2) ZONING DISTRICT AT 33386 and 33398 PACIFIC COAST HIGHWAY (PCH)(180 PCH, LLC)

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

SECTION 1. Recitals.

A. On November 25, 2014, an application for Coastal Development Permit (CDP) No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system and to merge a portion of APN No. 4473-019-006 with the subject lot and another portion to the adjacent lot (33398 Pacific Coast Highway, CDP No. 14-072. The application was submitted to the Planning Department by the property owner, 180 PCH, LLC and was routed to the City geotechnical staff, City Environmental Health Administrator, City Coastal Engineer, City Biologist, the City Public Works Department, Los Angeles County Waterworks District 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

D. On April 17, 2015, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On July 15, 2015, the applicant submitted revised project plans.

F. On June 19, 2017, the applicant submitted approved LACFD access plans.

G. During September of 2017, the applicant installed story poles on the subject property.

H. On September 15, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

I. On March 8, 2018, 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.

J. On the April 2, 2018, the Planning Commission meeting was canceled, and the item was adjourned to the April 16, 2018 Regular Planning Commission meeting.

K. On April 16, 2018, the Planning Commission opened the public hearing, and, at the request of the applicant, the item was continued to allow the applicant to address the Commission's concerns.

L. On January 7, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

M. On February 1, 2021, the Planning Commission continued the item to the February 16, 2021 Regular Planning Commission meeting.

N. On February 16, 2021, the Planning Commission, at the applicant's request, continued the item to a date uncertain to allow the applicant to pursue redesign options.

O. On August 12, 2021, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

P. On the September 8, 2021, the Planning Commission continued the item to October 4, 2021 Regular Planning Commission meeting.

Q. On October 4, 2021, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Findings for Denial.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and denies without prejudice CDP No. 14-073 to construct a new 2,342- square foot, two-story, single-family residence, with a 483-square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height.

The project, as proposed, is not consistent with the applicable LCP and Malibu Municipal Code (MMC), codes, standards, goals, and policies. The proposed structure maximizes the Total Development Square Footage (TDSF) allowable for the property. An option with a revised design that reduces the size of the structure has not been submitted. The applicant did not pursue other redesign options to reduce the height or size of the structure. A reduction in the height and size of the proposed structure would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP.

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. The Planning Commission is not able to determine that all of the proposed variance requests are supportable. Due to the height, and two-thirds rule departures from the LIP requirements, and failure to obtain variances from these requirements, the project is not consistent with the LCP.

2. Based on review of the plans, evidence shows the applicant could redesign and reduce the size and height of the proposed structure. As a result, the general CDP findings cannot be made and the project would not be the least environmentally damaging alternative. An alternative design would lower the overall height of the proposed structure and reduce variances required, impacts on the environment and visual impacts which are considered an environmental impact. It is anticipated that an alternative project would offer environmental advantages and reduce the number of variances necessary.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

1. The applicant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. Because there appears to be alternative designs that potentially could lower the height and reduce the total development square footage of the proposed structure the Planning Commission is unable to make the finding that special circumstances apply to the subject property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. The granting of the variance will exempt the project from being limited to 24 feet in height. As discussed in Finding 1 an alternative design could result in a lower building height, and would reduce view impacts to neighboring properties. Since there is the potential for a design that is lower in height, it is not possible to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives, such as reducing the size and height of the structure, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to, and in conflict with, the general provisions and intent, goals, objectives and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with the goal of preserving rural development through the limitation of height.

5. The project requires a variance because the subject site is not physically suitable to develop a residence that has a flat roof and is no higher than 24 feet above-grade, due to the required fire department access. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

6. The applicant has proposed a structure that, at its highest point, is 43.25 feet above finished grade. Because there appears to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the finding that the variance complies with all requirements of state and local law cannot be made.

C. Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

1. The subject site is dominated by a steep slope that descends to the beach below. The top of the structure is at elevation 62.50 feet above sea level, in order to meet the requirements of the LACFD. Because of the steep slope, the height of the building exceeds the height limitations of LIP Section 3.6(E)(2) and as a result, portions of the first floor exceed 18 feet above finished or natural grade. As stated previously, because there is a potential design alternative that would result in a lower building height and place more portions of the proposed structure below 18 feet in height, the Planning Commission is unable to make the finding that special circumstances apply to the property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. To develop the property, more than two-thirds of the residence will be above 18 feet, as measured from adjacent grade, because of the steep slope that occupies the entire site. The purpose of the two-thirds regulation is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. Since there is the potential for a design, which would reduce massing and view blockage, the Planning Commission is not able to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives, the granting of the variance will constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that of which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to the goals, objectives and policies of the LCP and General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and viewshed protection. The general purpose and intent of the two-thirds size limit of the second floor is to

reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

5. The project requires a variance because the subject site is not physically suitable for the structure that is proposed. There appears to be an alternative design that would lower the proposed structure and increase the structure's compliance with the two-thirds requirement. In addition, this design could potentially reduce both public and private view impacts. While any development would require a variance for compliance with the two-thirds regulations, potential alternative designs could result in a building height lower than the proposed building height. Therefore, the finding that the site is physically suitable for the variance cannot be made.

6. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the Planning Commission is unable to make the finding that the variance complies with all requirements of state and local law.

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

1. The Planning Commission cannot make all of the required findings for LIP Chapter 6 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

E. Hazards (LIP Chapter 9)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 9 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height and reduce the size of the proposed residence appears to be possible.

F. Shoreline and Bluff Development (LIP Chapter 10)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 10 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

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

PASSED, APPROVED AND ADOPTED this 4th day of October 2021.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

PATRICIA SALAZAR, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-06 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the this 4th day of October 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

PATRICIA SALAZAR, Recording Secretary

33386 Pacific Coast Highway Residence











March 2021

[illegible]33386 PCH
Residence

33386 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 COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
	Mar 14 2014	INITIAL COP SUBMITTAL
	Mar 14 2014	RE-SUBMIT AFTER PLAN CORRECTIONS CORRECTED 03/14/14 BY 1000
	Mar 2014	RE-SUBMIT AFTER PLAN CORRECTIONS CORRECTED 03/14/14 BY 1000
	Mar 2014	RE-SUBMITTING BEFORE MOST DATA IS AVAILABLE (SEE PLANS BEFORE DED)
	Mar 2014	Plan Dep Connection
	Mar 2014	Plan Dep Connection
	Mar 2014	Plan Dep Connection
	Mar 2014	Minor Planning comments
	Apr 11 2014	FIRMA Issues w/ comment
	Apr 11 2014	Gain and Loss Accounting

BURIDGE
 & Associates
 ARCHITECTS
 MAY 1000
 WWW.BURIDA.COM
 34011 PACIFIC COAST HWY
 SAN JUAN, CA 95063
 TEL. 313.464.8100

DESCRIPTION:

COVER SHEET /
PROJECT INDEX

DRAWING NO. T-1.1











PROJECT	3136 FCH RESIDENCE
DATE	
SCALE	Plot Date 3/24/73
DRAWN BY	THOMAS, J. L., A.M.

33386 PACIFIC COAST HWY.
MALIBU,
CA 90266

33386 PACIFIC COAST HWY.
MALIBU,
CA 90266

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WHEN ORDERS SHALL BE VERIFIED ON THE JOB SITE, CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
	Mar 24 2019	INITIAL CDP SUBMITTAL
	July 6 2019	RE-SUBMIT AFTER PLANNING COMMISSION July 6, 2019
	July 2019	RE-SUBMIT AFTER PLANNING COMMISSION July 20, 2019
	Mar 2019	Revisions/adding above roof deck & revision deck plans below deck.
	Sept 2018	Fire Dept/Com. Issue
	Oct 2018	Fire Dept/Com. Issue
	Nov 14 2018	Fire Dept/Com. Issue
	Jan 24 2019	Mixing Planning, corrections
	Aug 27 2019	PERMA Zone adjustment
	Aug 28 2019	Garage Roof lowering

BURDGE
Associates
ARCHITECTS

ATA No. WWW.
~~0000000000~~

SOUTHERN PACIFIC COAST HWY
SAN JUAN, CALIFORNIA
TEL. 310-426-8400

DESCRIPTION:

SITE PLAN

DRAWING NO. **A-0.1**











PROJECT	3346 POLICE DANCE
DATE	
SCALE	Plot Date 8/24/78
Drawn BY	DWB, S.L., A.M.

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO	DATE	ISSUE
	May 24 2018	INITIAL CDP SUBMITTAL
	July 5 2018	RE-SUBMIT AFTER PLANS/PERMITS COMMIT CDDP-18-015-18-18
	July 18 2018	RE-SUBMIT AFTER PLANS/PERMITS COMMIT CDDP-18-015-18-18
	Aug. 2018	Revised building plans roof deck & revision floor plan below deck
	Sept. 2018	File Dept 2-Cover sheet
	Oct. 2018	File Dept 2-Cover sheet
	File Dec 2018	File Dept 2-Cover sheet
	Jan 14 2019	Misc P planning correction
	Aug 13 2019	FURSA item adjustment
	Aug 15 2019	Change Roof framing

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WWW.BURJA.COM

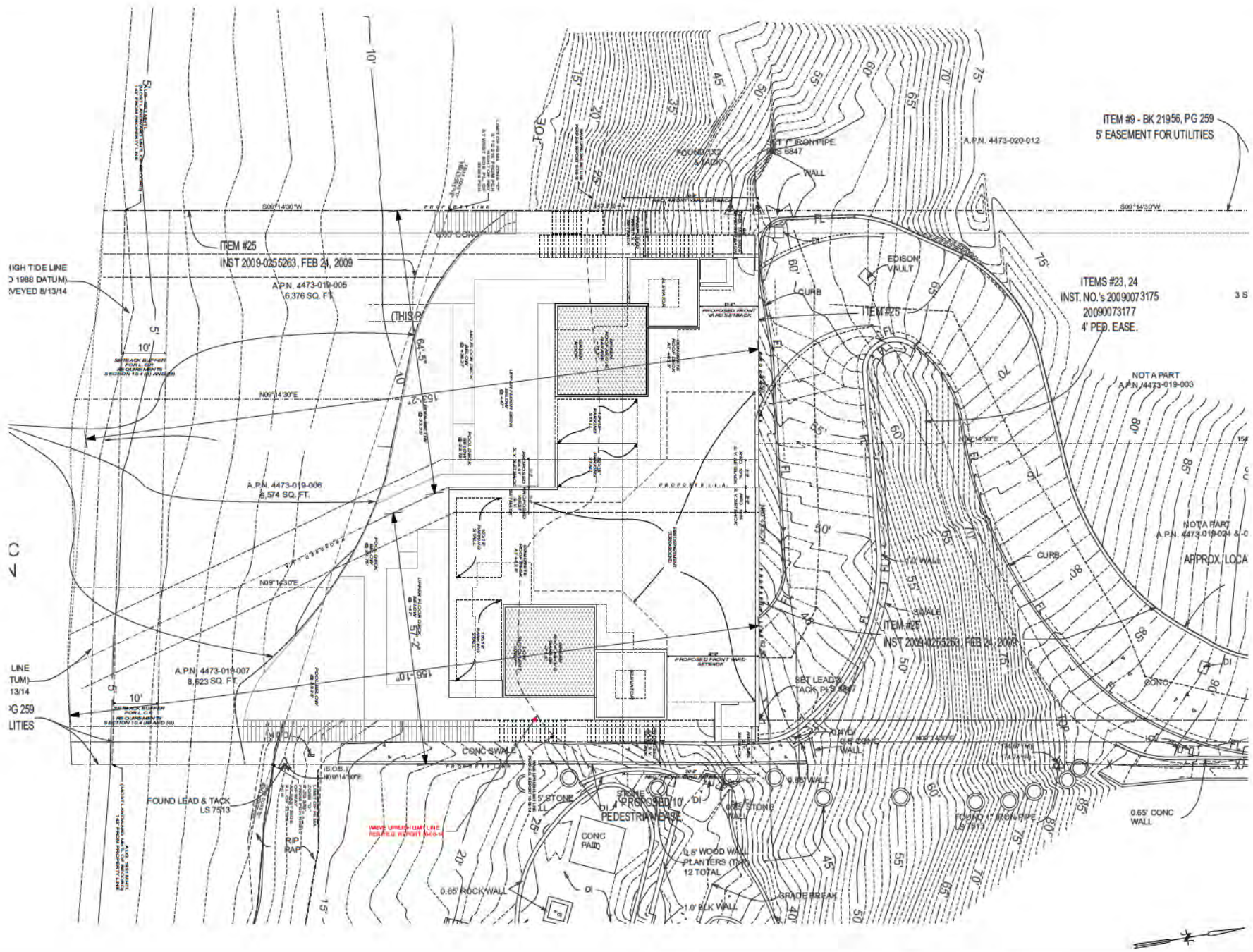
SOUTH PACIFIC COAST HAWAII
HAWAII, CANCER
TEL. 210-436-8808

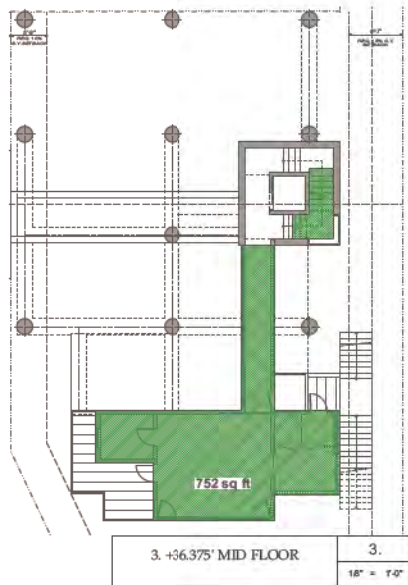
DESCRIPTION:

PARTIAL SITE PLAN

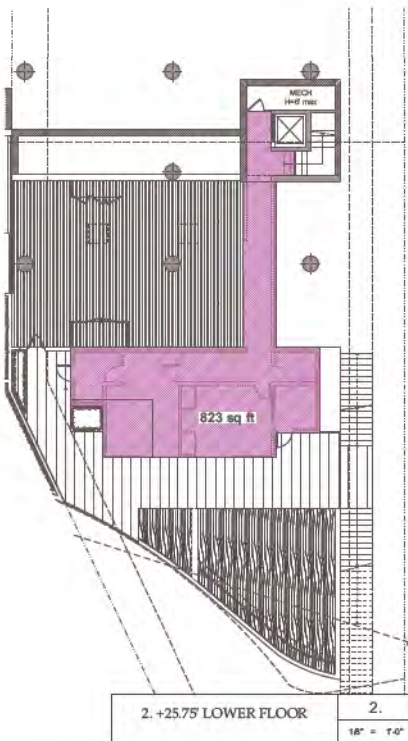
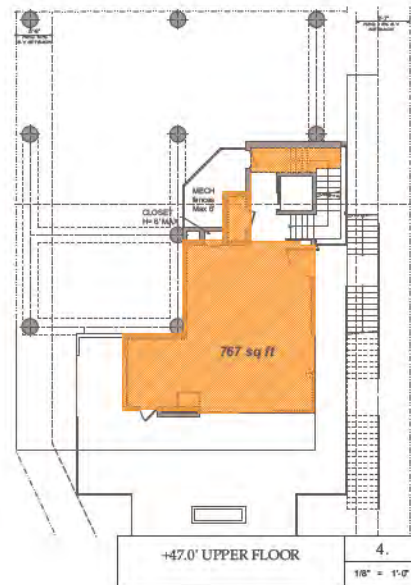
DRAWING NO. **A-0.2**

PROJECT	33346 PCH IMPROVEMENT
DATE	
SCALE	Plot Date 8/24/23
DRAWN BY	DAVID, B.L., A.M.

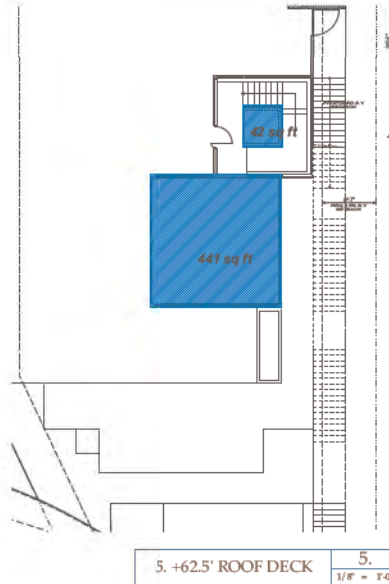




APN 4473-019-007
33386 PCH



APN 4473-019-007
33386 PCH



AREA CALCULATION		
APN 4473-019-007 33386 PCH		
Lower Floor	823 s.f. +	
Mid Floor	752 s.f. +	
Upper Floor	767 s.f. =	
TOTAL LIVABLE	2,342 s.f.	
Garage & Elevator at Roof deck	483 s.f. =	
GRAN TOTAL	2,825 s.f.	

NOTE:

The area of the stairway and elevator shaft is 201 sqft. This area is been split as follow: 42 sqft at Roof top deck and 53 sqft each floor below.

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
3	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
4	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
5	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
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17	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
18	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION'S REVIEW

BURDGE & Associates
ARCHITECTS
11311 W. WILSON AVE.
WWW.BURDGE.COM

DESCRIPTION:

AREA TABULATION

DRAWING NO.	
A-03	
PROJECT	33386 PCH RESIDENCE
DATE	2/28/23
DESIGNED BY	DNB, J.L., A.M.

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NOTES: (1) THE ARCHITECT SHALL BE ADVISED OF ANY CHANGES TO THE DESIGN OR CONSTRUCTION OF THE PROJECT BEFORE THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	10/14/14	INITIAL CONCEPTUAL
2	10/14/14	REVISIONS TO PLANNING
3	10/14/14	REVISIONS TO PLANNING
4	10/14/14	REVISIONS TO PLANNING
5	10/14/14	REVISIONS TO PLANNING
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19	10/14/14	REVISIONS TO PLANNING
20	10/14/14	REVISIONS TO PLANNING

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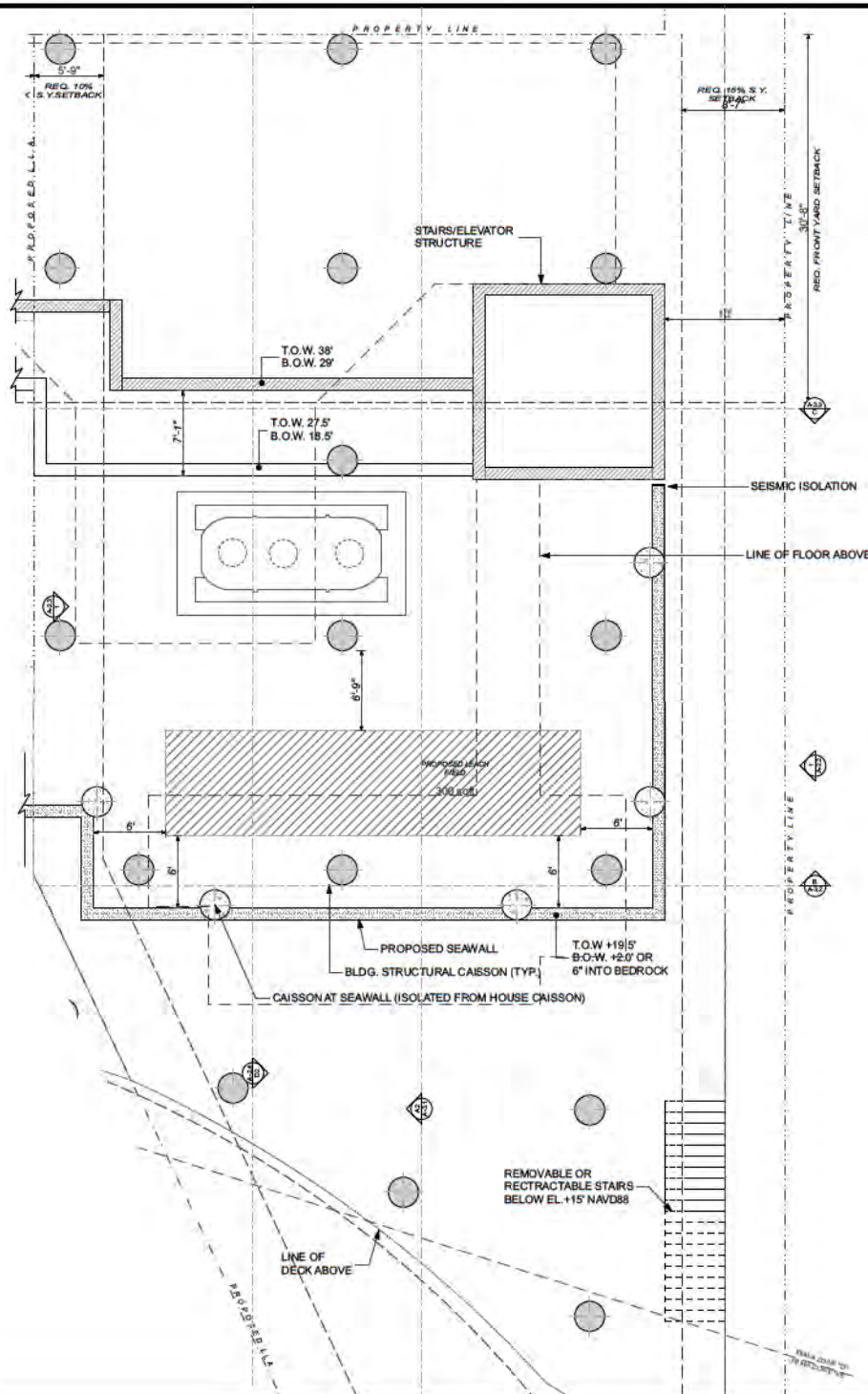
33386 PCH RESIDENCE
MALIBU, CALIFORNIA
10.14.14-10.14.14

DESCRIPTION:

FOUNDATION PLAN

DRAWING NO.
A-1.1

PROJECT	33386 PCH RESIDENCE
DATE	10/14/14
SCALE	1/8" = 1'-0"
DRAWN BY	CHS/BJS/ALS



NOTE 1: PROJECT STRUCTURAL ENGINEER TO INCORPORATE WAVE UPPLUSH STUDY AND COSTAL ENGINEERING DESIGN PARAMETERS AND WAVE FORCES INTO THE STRUCTURAL DESIGN OF THE RESIDENCE, FOUNDATION, RETAINING WALLS AND POOL. SEE REPORT BY PACIFIC ENGINEERING GROUP (P.E.G.) DATED OCT 06, 2014.

NOTE 2: ENTIRE HOUSE, RETAINING WALLS, POOL/SPA, DECKS AND LOWER EXTERIOR STAIRS TO BE SUPPORTED ON CONCRETE PILE FOUNDATION. BEACH ACCESS STAIRS BELOW EL. +15' TO BE REMOVABLE AND RETRACTABLE.

NOTE 3: ALL ELEVATIONS ARE BASED ON NAVD 88.

NOTE 4: Location of FEMA zones lines per: qls.cdm.com/gov/fema/floodzone/

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
3	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
4	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
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18	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
19	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
20	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14

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Malibu, CA 90263
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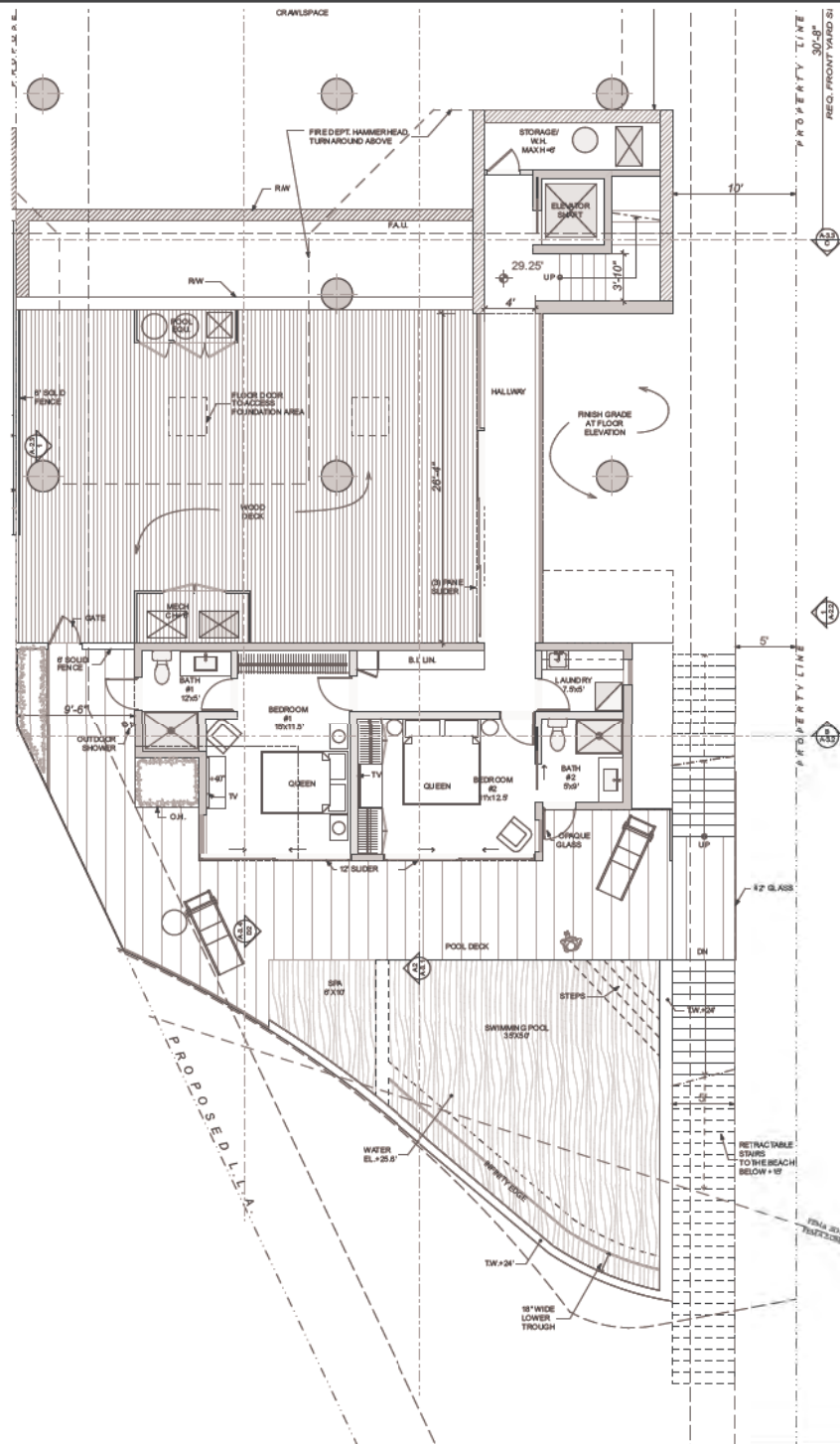
DESCRIPTION:

LOWER FLOOR PLAN

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
3	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
4	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
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20	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14

A-1.2

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
3	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14
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20	May 14, 2014	REDESIGN AFTER PLANNING COMMISSION'S 6/16/14



33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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WHEN DIMENSIONS SHALL BE VIEWED
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ARCHITECT PRIOR TO THE
COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
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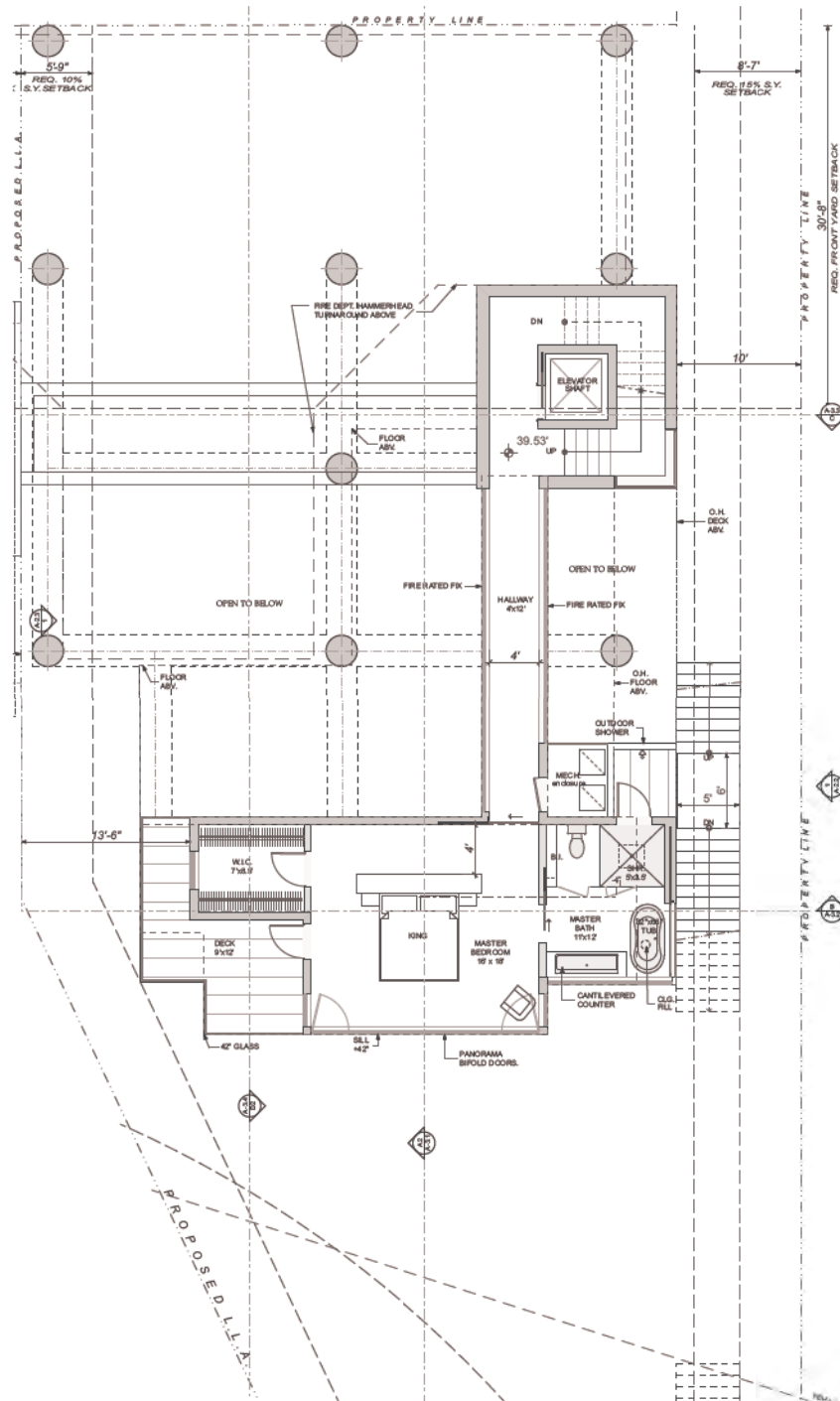
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Malibu, CA 90263
www.burda.com

DESCRIPTION:

MID FLOOR PLAN

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
2	May 14, 2014	REVISIONS AFTER PLANNING
3	May 14, 2014	REVISIONS AFTER PLANNING
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20	May 14, 2014	REVISIONS AFTER PLANNING



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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 COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
	Mar 24 2018	INITIAL CDF SUBMITTAL
	May 8 2018	RE-SUBMIT AFTER PLANNING CORRECTIONS Feb 8, 2018
	Jul 18 2018	RE-SUBMIT AFTER PLANNING CORRECTIONS Jan 18, 2018
	Nov 15 2018	Memorandum on above noted deck revision flow plans before deck
	Sep 14 2019	Plan Dep I Connections
	Oct 2019	Plan Dep I Connections
	Feb 26, 2019	Plan Dep I connections
	Jan 24 2019	Miscellaneous corrections
	Aug 17 2019	PIDMA lane adjustment
	Aug 6, 2019	Gageage Red teaming

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SOUTH PACIFIC COAST HARBOR
MARINA, CA 90265
TEL. 310-498-6305

DESCRIPTION:

UPPER FLOOR PLAN

DRAWING NO. **A-1.4**











PROJECT	3336 FCH RESIDENCE
DATE	
SCALE	Plot Date 3/24/23
DRAWN BY	DWCB, P.L., A.M.

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO	DATE	ISSUE
	Nov 24, 2015	INITIAL CDP SUBMITTAL
	May 5, 2016	RE-SUBMIT AFTER PLANTING CORRECT CDDC'S (Feb. 7, 10)
	Jul 2016	RE-SUBMIT AFTER PLANTING CORRECT CDDC'S (Jan. 5, 10)
	March 2017	Remove deadling above road deck & install new plastic road deck
	Oct 2017	Fix Dept/Cross-Cont
	Oct 2017	Fix Dept/Cross-Cont
	Nov 14, 2017	Fix Dept/Cross-Cont
	Jan 24, 2018	Minor Planning corrections
	Aug 17, 2018	PRIMA loss adjustment
	Aug 17, 2018	Change of lowering

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SOUTH PACIFIC COAST HWY.
MARIETTA, GA 30066
TEL. 210-426-8800

DESCRIPTION:

ROOF DECK PLAN

DRAWING NO. **A-1.5**

PROJ. NO.	CCRM FCH R 15-02-0000
DATE	
SCALE	Plot Date: 9/24/23
DRAWN BY	D.W.B., S.L., A.M.

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
2	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
3	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
4	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
5	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
6	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
7	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
8	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
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12	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
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14	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
15	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
16	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
17	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
18	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
19	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL
20	May 14, 2014	REVISIONS TO INITIAL CONCEPTUAL

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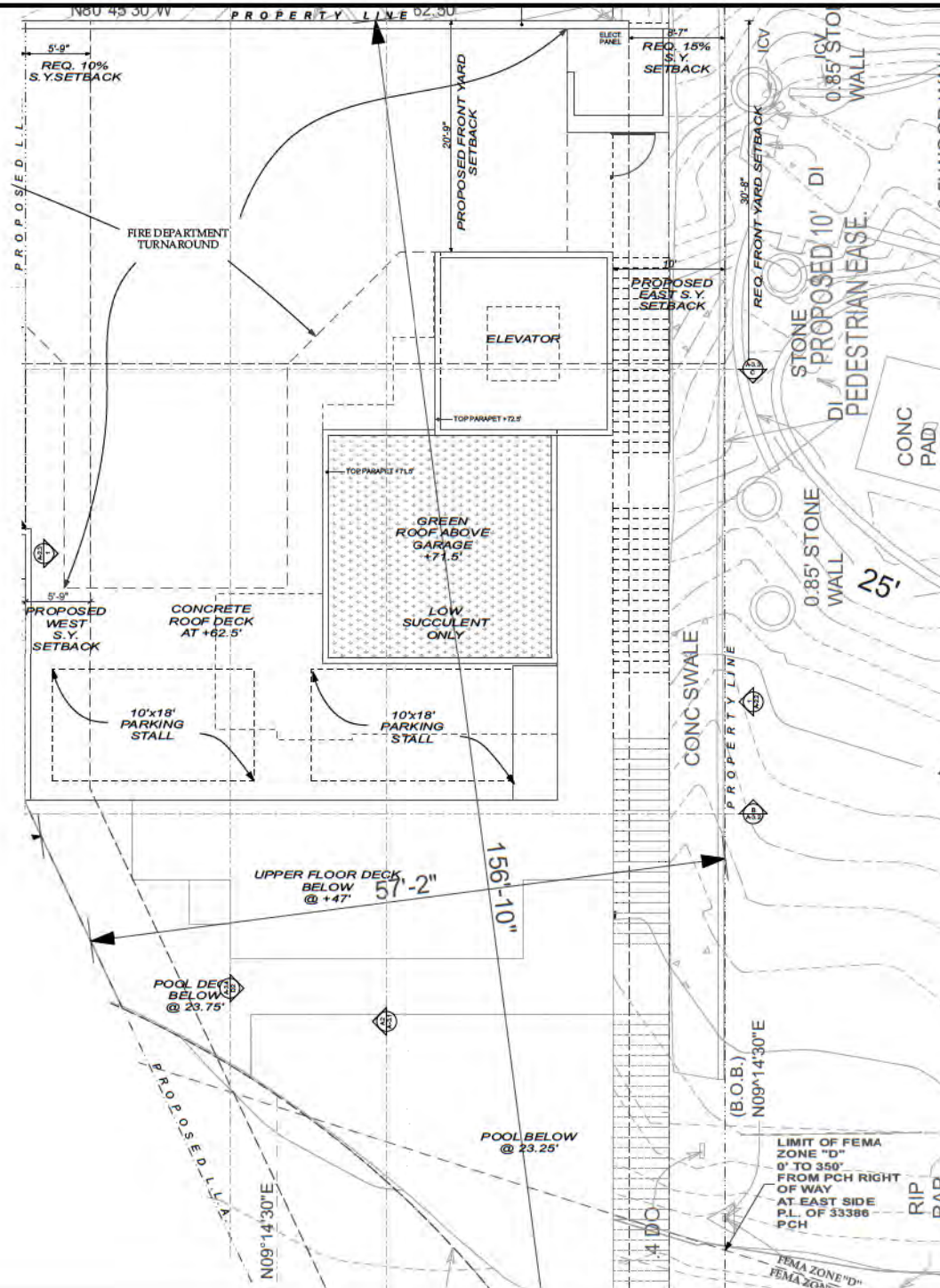
DATE: 05/14/2014
DRAWN BY: J. BURDGE

DESCRIPTION:

ROOF PLAN

DRAWING NO. **A-1.6**

PROJECT: 33386 PCH RESIDENCE
DATE: 05/14/2014
SCALE: 1/8" = 1'-0"
DRAWN BY: J. BURDGE



33386 PCH Residence

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MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	10/14/14	INITIAL CONSTRUCTION
2	10/14/14	REVISIONS TO PLANS
3	10/14/14	REVISIONS TO PLANS
4	10/14/14	REVISIONS TO PLANS
5	10/14/14	REVISIONS TO PLANS
6	10/14/14	REVISIONS TO PLANS
7	10/14/14	REVISIONS TO PLANS
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16	10/14/14	REVISIONS TO PLANS
17	10/14/14	REVISIONS TO PLANS
18	10/14/14	REVISIONS TO PLANS
19	10/14/14	REVISIONS TO PLANS
20	10/14/14	REVISIONS TO PLANS

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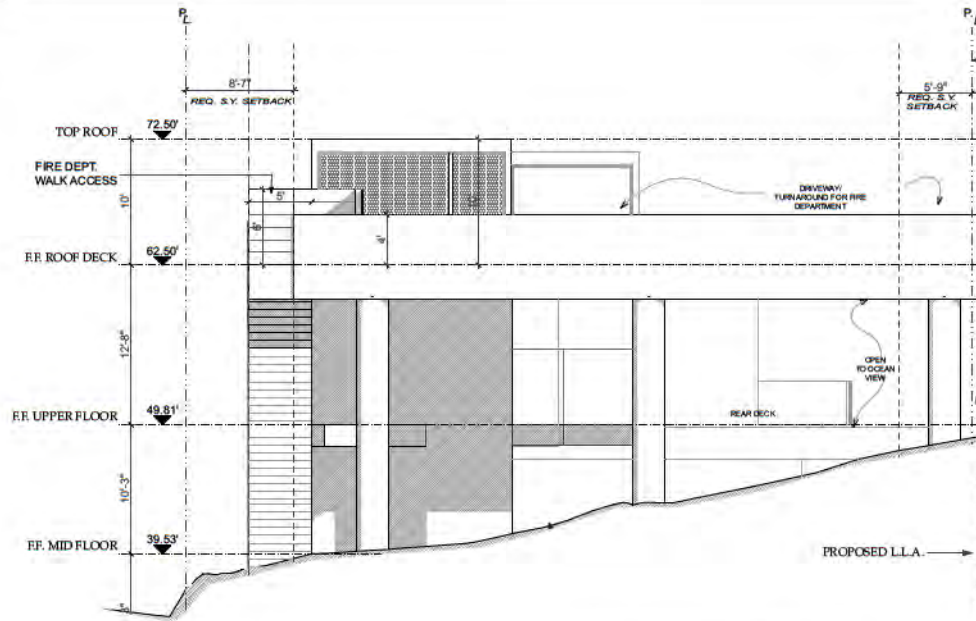
33386 PCH RESIDENCE
MALIBU, CALIFORNIA
10/14/14

DESCRIPTION:

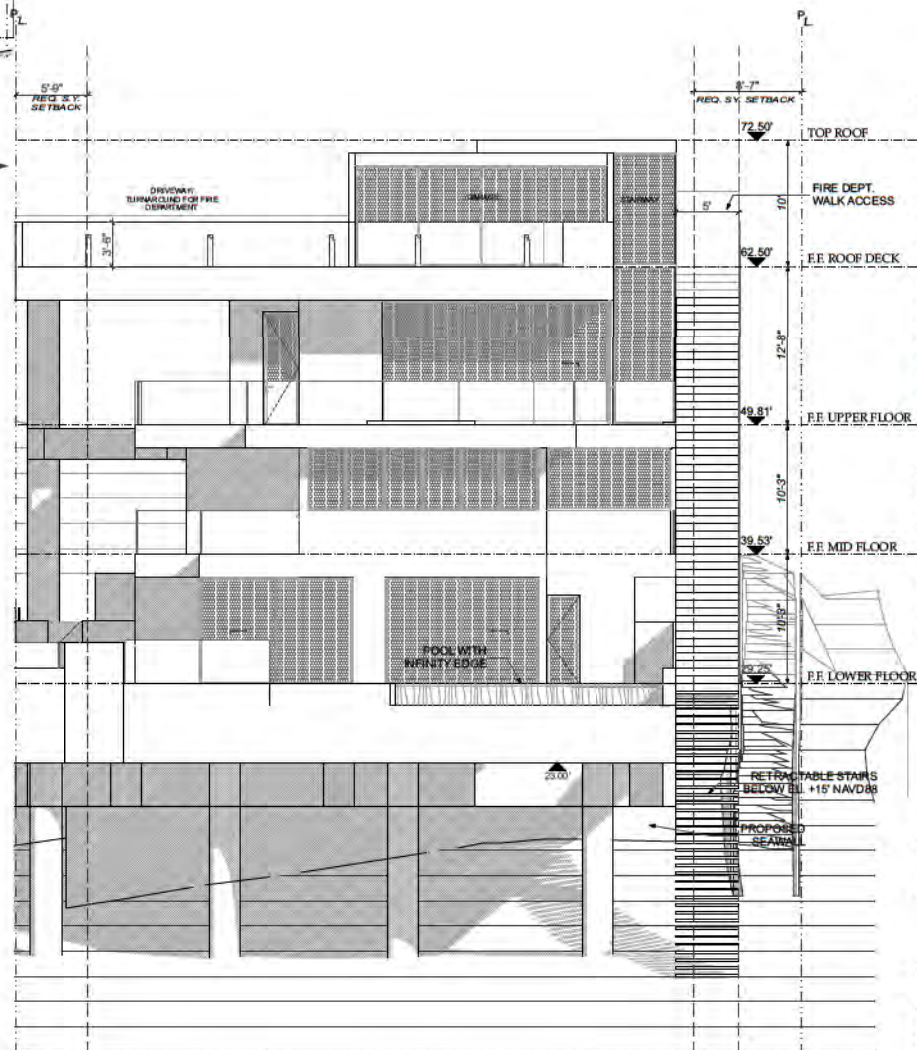
ELEVATIONS NORTH & SOUTH

ORIGIN: A-2.1

PROJECT	33386 PCH RESIDENCE
DATE	10/14/14
SCALE	1/4" = 1'-0"
DRAWN BY	DAVID S. BURDGE



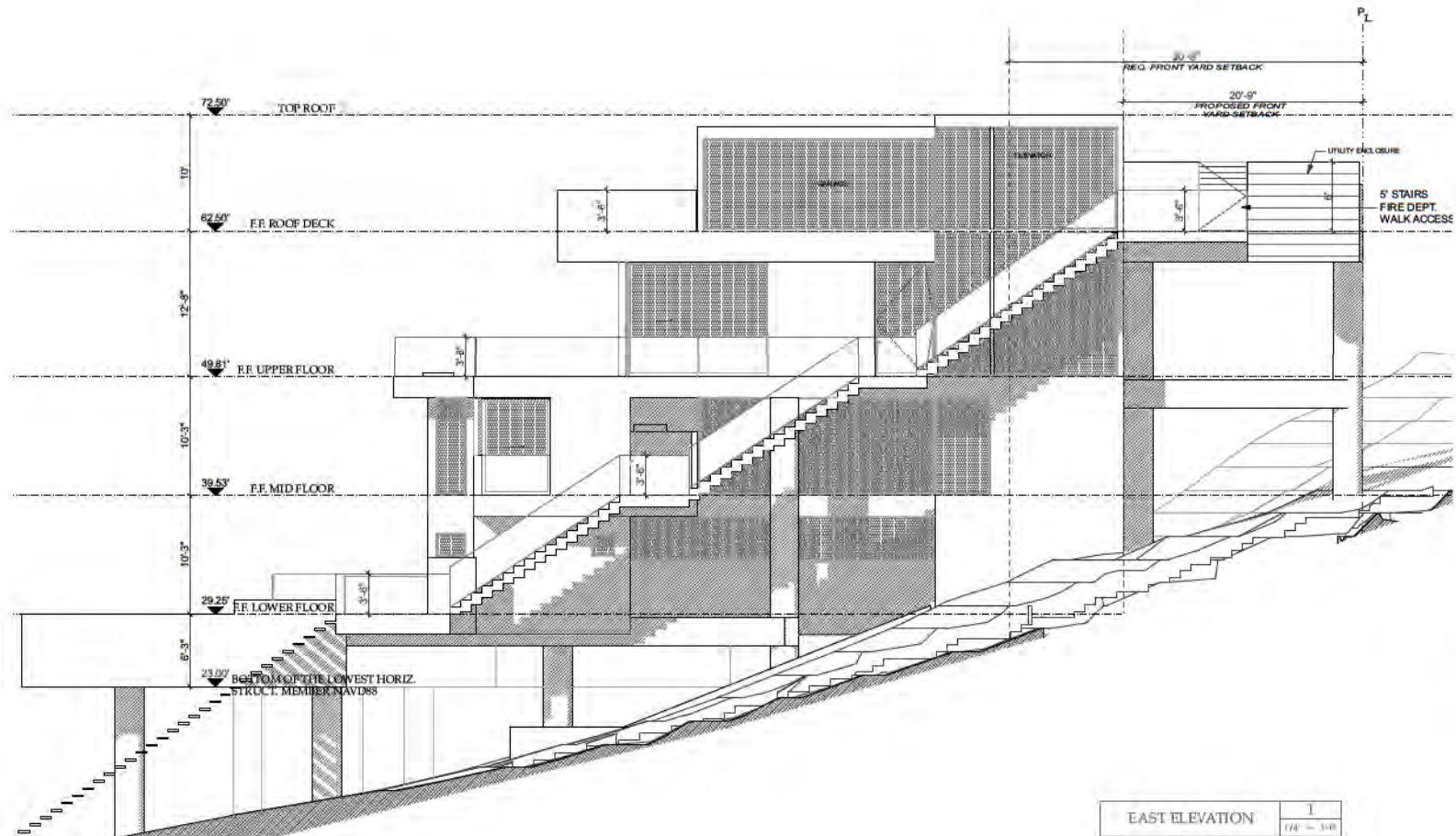
NORTH ELEVATION 2
1/4" = 1'-0"



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

33386 PCH
Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



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NOTES: (1) THE DRAWING SHALL BE VIEWED ON THE JOB SITE. DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	10/14/2011	INITIAL CONCEPTUAL
2	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
3	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
4	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
5	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
6	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
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12	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
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17	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
18	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
19	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS
20	10/14/2011	REVISIONS TO PLANNING CONCERNING THE 5' STAIRS

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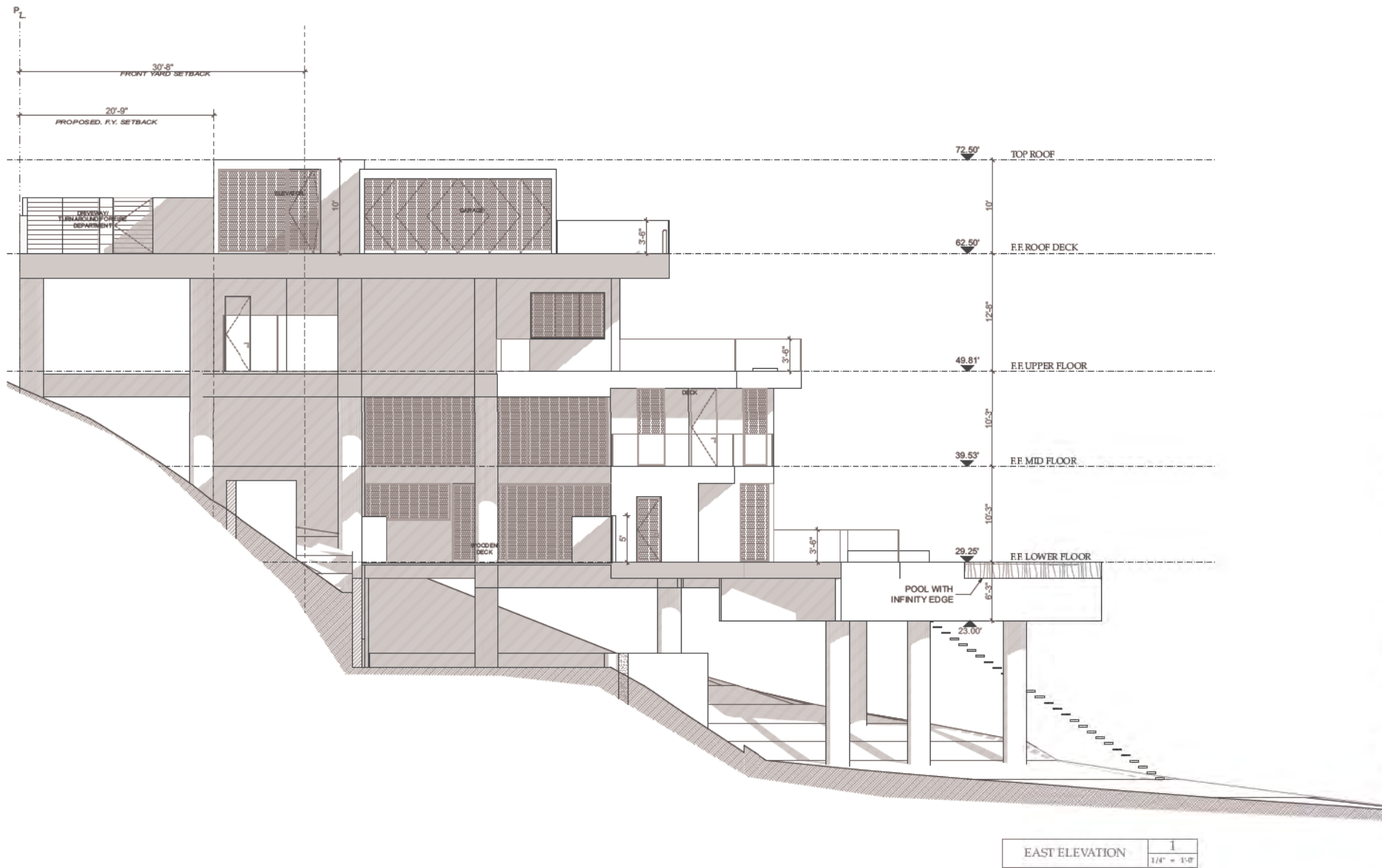
33386 PCH RESIDENCE
MALIBU, CA 90265
10/14/2011

DESCRIPTION:

ELEVATION EAST

DRAWING NO. **A-2.2**

PROJECT	33386 PCH RESIDENCE
DATE	10/14/2011
SCALE	1/8" = 1'-0"
DRAWN BY	DAVID B. BURDGE



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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
3	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
4	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
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6	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
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18	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW

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TEL: 310-468-6888

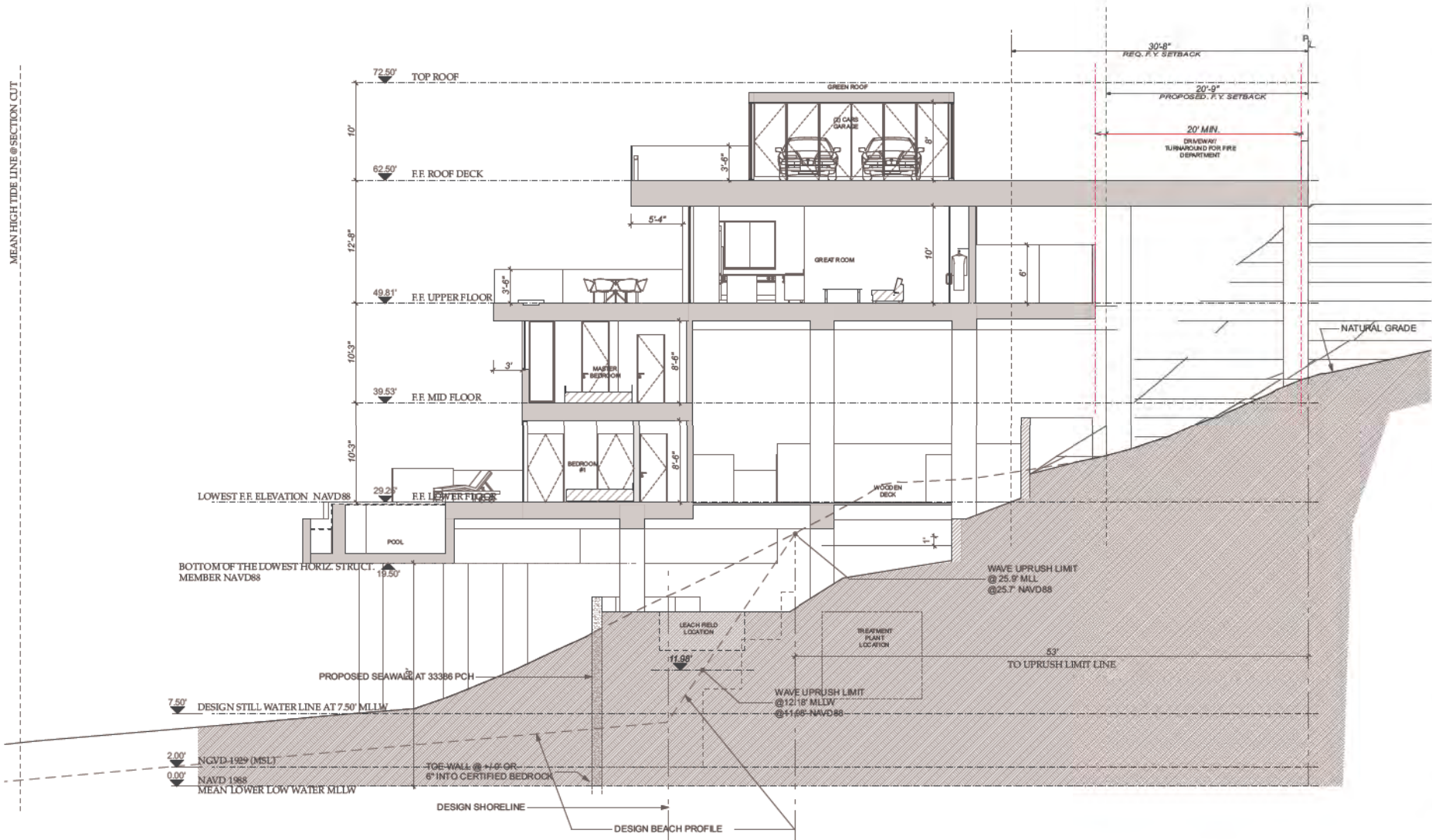
DESCRIPTION:

ELEVATION WEST

DRAWING NO. **A-2.3**

PROJECT	33386 PCH RESIDENCE
DATE	Plot Date 3/28/23
DESIGNER	DRG: J.L., A.M.

MEAN HIGH TIDE LINE @ SECTION CUT



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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
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17	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
18	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW

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DESCRIPTION:
PROPOSED SECTION A-A

A2 SECTION	A2
	1/4" = 1'-0"

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
2	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
3	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
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19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW

33386 PCH
Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
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19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONERS REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONERS REVIEW

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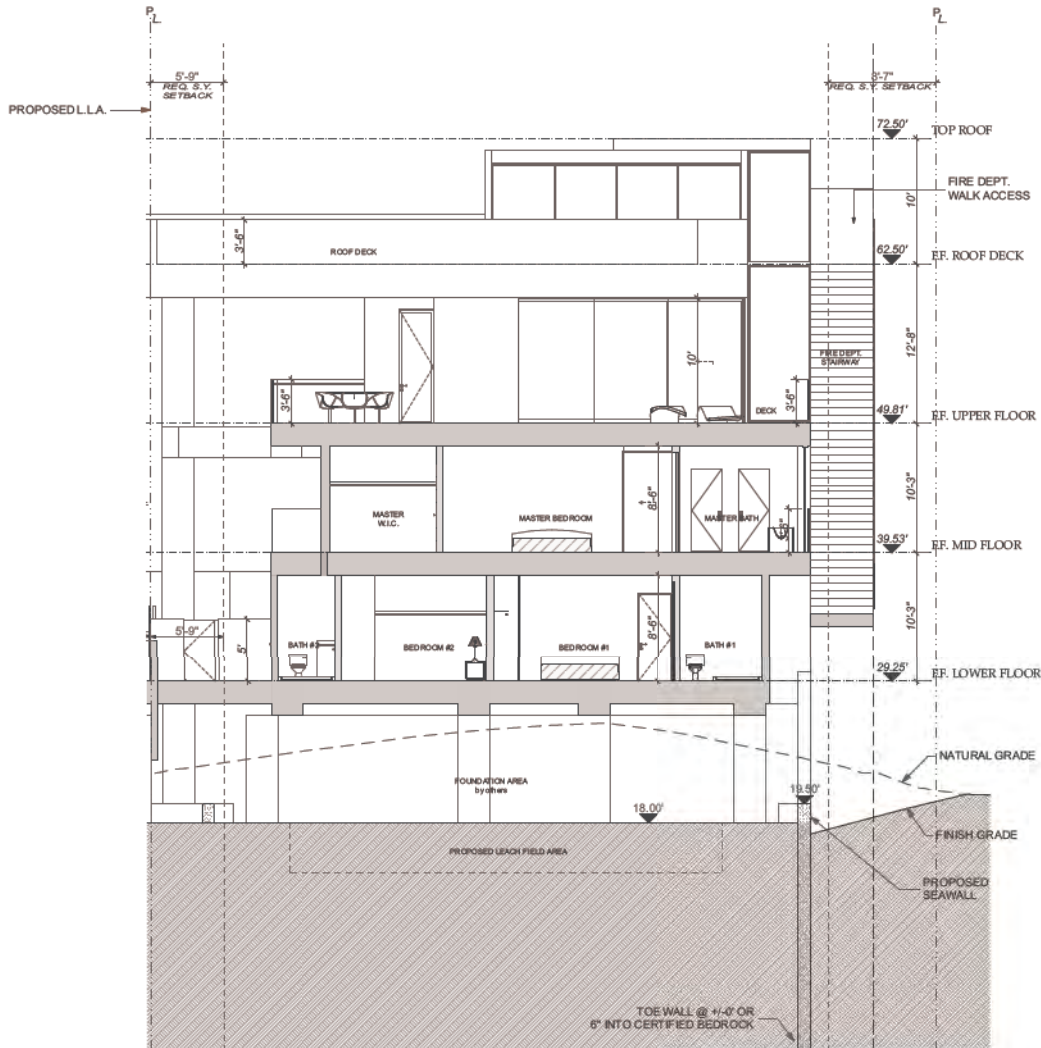
MALIBU

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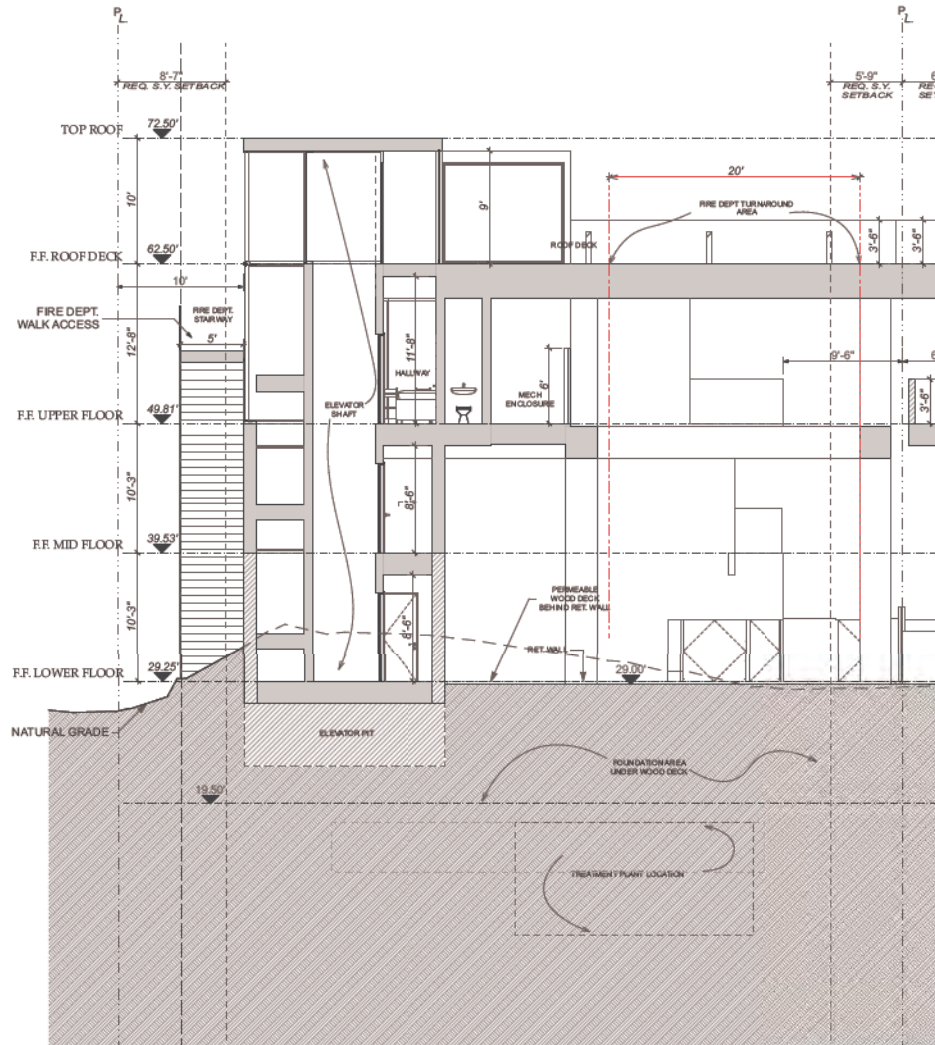
DESCRIPTION:

PROPOSED SECTION B-B

DRAWING NO.	
A-3.2	
PROJECT	
33386 PCH RESIDENCE	
DATE	
First Order 3/28/23	
DESIGNED BY	
DANIEL J. JAMES, AIA	



B SECTION
B
1/4" = 1'-0"



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NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CDP SUBMITTAL
2	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW
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20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSIONER'S REVIEW

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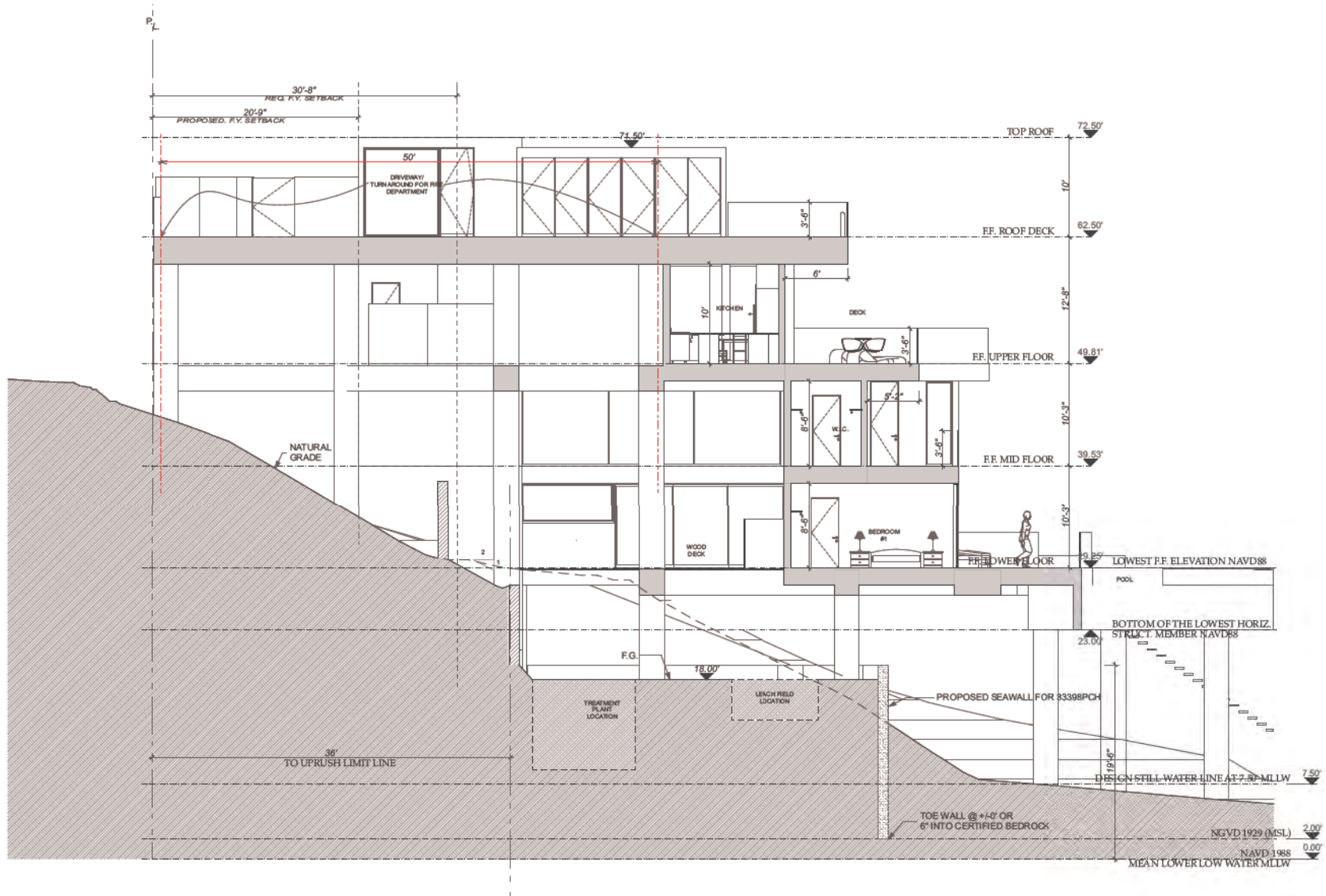
DESCRIPTION:

PROPOSED SECTION C-C

C SECTION	C
	1/4" = 1'-0"

DRAWING NO. **A-3.3**

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 3/28/23
DRAWN BY	DNB, J.L., A.M.



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NO.	DATE	ISSUE
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3	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
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8	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
9	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
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19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW

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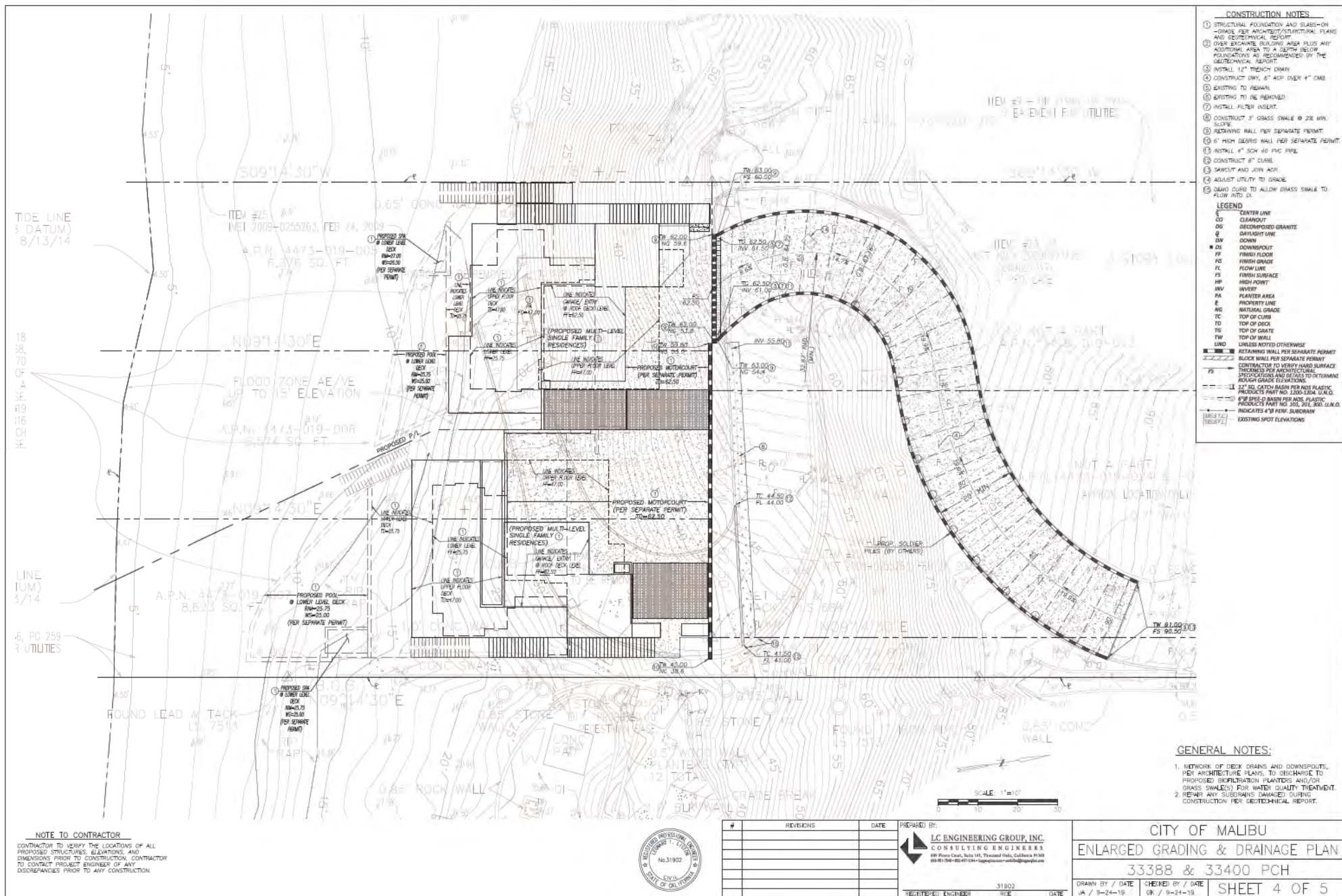
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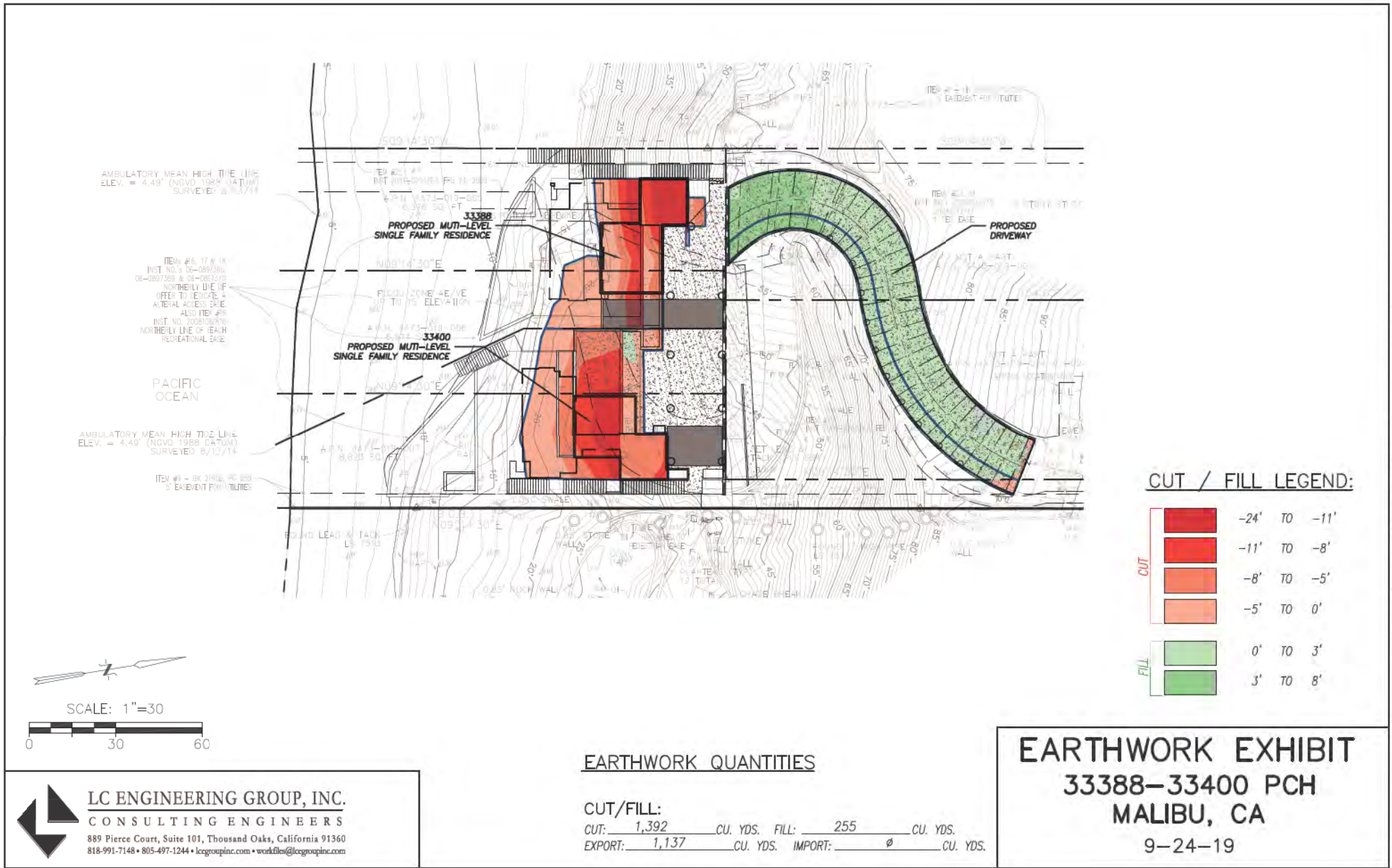
DESCRIPTION:

PROPOSED SECTION D-D

NO.	DATE	ISSUE
1	May 14, 2014	INITIAL CONCEPTUAL
2	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
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18	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
19	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW
20	May 14, 2014	REVISIONS AFTER PLANNING COMMISSION REVIEW

D2 SECTION	D2
	1/4" = 1'-0"





City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department


BIOLOGICAL REVIEW

Site Address: 33386 Pacific Coast Highway
Applicant/Phone: Joseph Lezama/ 310.456.5905
Project Type: LLA and NSFR
Project Number: CDP 14-073
Project Planner: Richard Mollica

REFERENCES: Site Survey, Site Plans

RECOMMENDATIONS:

1. The project is **APPROVED** 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 of 5,000 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
 - B. 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.
 - C. Lighting of the shore is prohibited

Reviewed By:  Date: 1/27/15
Dave Crawford, City Biologist
310-456-2489 ext.227 (City of Malibu); e-mail dcrawford@malibucity.org
Available at Planning Counter Tuesdays 9:00 a.m. to 11:00 a.m.



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

7/27/15

TO: City of Malibu Environmental Health Administrator DATE: 11/26/2014
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-073
JOB ADDRESS: 33386 PACIFIC COAST HWY
APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates
APPLICANT ADDRESS: 21235 Pacific Coast Highway
Malibu, CA 90265
APPLICANT PHONE #: (310) 456-5905
APPLICANT FAX #:
APPLICANT EMAIL: joseph@buaia.com
PROJECT DESCRIPTION: NSFR Beachfront

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

AUGUST 4, 2015
Date

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

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



City of Malibu

Environmental Health • Environmental Sustainability Department

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

Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant : (name and email address)	Joseph Lezama joseph@buaia.com		
Project Address:	33386 Pacific Coast Highway Malibu, CA 90265		
Planning Case No.:	CDP 14-073		
Project Description:	NSFR, NAOWTS		
Date of Review:	August 4, 2015		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: 805-340-1025 x 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Burdge and Associates (Submitted 11-26-2014)
Grading Plans:	N/A
OWTS Plan:	Ensitu (7-17-2015, 9-26-2014)
OWTS Report:	Ensitu (7-21-2015, 7-17-2015, 10-13-2014)
Geology Report:	Kowalewsky (6-15-2015, 4-23-2015, 11-11-2014)
Miscellaneous:	Ventilation report by Creative Engineering Group dated 7-13-2015
Previous Reviews:	2-3-2015

REVIEW FINDINGS

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

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

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

Conditions of Planning Conformance Review

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

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

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



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

- e. All AOWTS design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For AOWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

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

4) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:**

All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in Malibu Plumbing Code Table H 1.7) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the Table H 1.7 setback is reduced.

All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in Table H 1.7) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in his letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check

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



which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- 5) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 6) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the AOWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
- 7) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. **Please note only original "wet signature" documents are acceptable.**
- 8) **AOWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix H, Section H 1.10. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 9) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.
- 11) **City of Malibu Coastal Engineering Approval:** City of Malibu Coastal Engineering final approval of the AOWTS plan shall be submitted.
- 12) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.



- 13) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.
- 14) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an AOWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

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

cc: Environmental Health file
Planning Department



33386 PACIFIC COAST HIGHWAY
MALIBU, CA 90265

(CDP 14-073)

S.F.D.: 3 Bedrooms/51 Fixture Units (N)
TREATMENT TANK: 2,493 Gallon MicroSepTec ES-6
with UV Disinfection Unit (N)
ACTIVE: 1 - 300 ft² Leach Field (N)
FUTURE: N/A
PERC RATE: Beach Sand Category (2.0 gpf/d)
DESIGNER: John Yaroslaski, RCE (60149)
REFERENCE: Ensitu Engineering: OWTS design report
dated 7-17-2015

NOTES:

1. This conformance review is for a new 3 bedroom (51 fixture units) single family dwelling. The alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

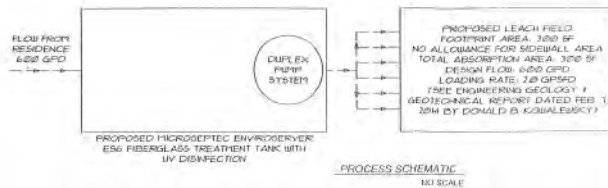
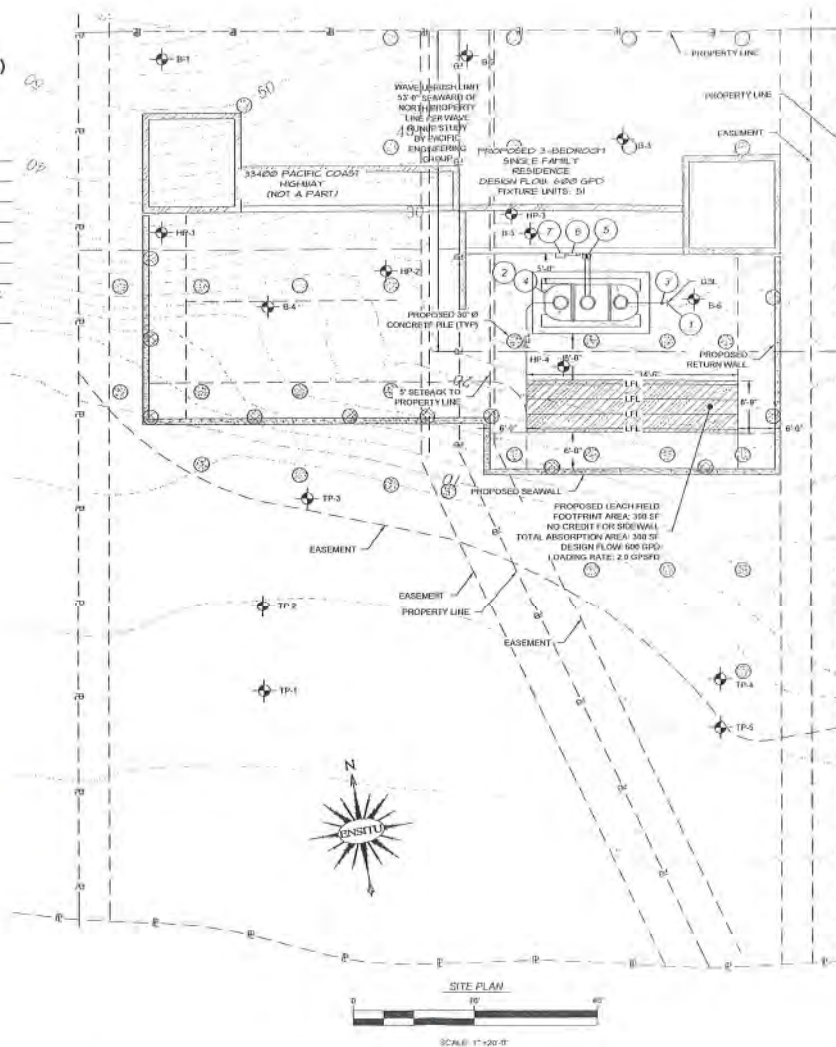
CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW

AUG 9 4 2015

SIGNATURE:

John Yaroslaski

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



NOTE: THE OWTS IS SITED AS FAR FROM THE PROPERTY LINE AS POSSIBLE.

NOTES

1. FROM TO COMMENSURATE WITH ADDITION, REMOVAL, OR REPAIR EXISTING DWELLING WASTEWATER TREATMENT SYSTEMS TO CONFORM TO THE CITY OF MALIBU PLUMBING CODE (MPC) SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED BY THE CITY OF MALIBU SHALL BE IN ACCORDANCE WITH THE CITY OF MALIBU PLUMBING CODE (MPC) AND THE LOCAL COASTAL PLAN (LCP). THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
2. EXISTING SEPTIC TANKS REQUIRING REMOVAL SHALL BE REMOVED AND THE SITE SHALL BE RESTORED TO ORIGINAL CONDITION. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
3. SYSTEM COMPONENTS AND AIR INTAKES (INCLUDING CLEAN OUTS) SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MALIBU PLUMBING CODE (MPC) AND THE LOCAL COASTAL PLAN (LCP). THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
4. ELECTRICAL COMPONENTS AND AIR INTAKES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MALIBU PLUMBING CODE (MPC) AND THE LOCAL COASTAL PLAN (LCP). THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
5. A REGISTERED GEOLOGICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER TREATMENT SYSTEM WILL CAUSE THE EXISTING SOIL TO BECOME UNSATURATED. IF THE SOIL IS SATURATED, THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
6. ALL CONDUITS AND UNITS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF MALIBU PLUMBING CODE (MPC) AND THE LOCAL COASTAL PLAN (LCP). THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
7. EXISTING WASTEWATER TREATMENT SYSTEM SHALL BE REMOVED IN ACCORDANCE WITH THE CITY OF MALIBU PLUMBING CODE (MPC) AND THE LOCAL COASTAL PLAN (LCP). THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM. THE CITY OF MALIBU SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE TREATMENT SYSTEM.
8. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION. MINIMUM PROPOSED DEPTH SHALL BE 2'-0" TO CONNECTION POINT.
9. THERE IS NO EXISTING SEPTIC SYSTEM.

LEGEND

- B-3 BUCKET AUGER BORING LOCATION (SEE ENGINEERING GEOLOGY & GEOTECHNICAL REPORT DATED FEB. 7, 2014 BY DONALD B. KOWALEWSKY)
- TP-1 TEST PIT LOCATION (GEOCONCEPTS, 2011)
- TP-2 TEST PIT LOCATION (GEOCONCEPTS, 2011)
- TP-3 TEST PIT LOCATION (GEOCONCEPTS, 2011)
- TP-4 TEST PIT LOCATION (GEOCONCEPTS, 2011)

COMPONENT	DESIGN CAPACITY
TREATMENT	500 GPD / 3 BEDROOMS
DISTRIBUTION	500 GPD @ 2 GPD/SF / 3 BEDROOMS

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

EQUIPMENT SCHEDULE

ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SEWER	
2	1	DUPLEX PUMP SYSTEM	MICROSEPTIC
3	1	GRAVITY CLEAN-OUT	
4	1	TREATMENT TANK	MICROSEPTIC ES-6
5	2	AIR COMPRESSOR	MICROSEPTIC
6	1	REMOTE TELEMETRY CONTROL UNIT	MICROSEPTIC
7	1	CONTROL UNIT	GEOFLOW

PIPING SCHEDULE

TAG	DESCRIPTION	SPECIFICATION
GSL	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
PGL	PROPOSED PUMPED EFFLUENT LINE	2" SCH40 PVC
ACL	PROPOSED AIR COMPRESSOR LINE	1" SCH40 PVC
LFL	PROPOSED LEACH FIELD LATERAL	1/2" SCH40 PVC

PRELIMINARY
ISSUED
17 JULY 2015

JOHN N. YAROSLASKI
PRINCIPAL ENGINEER

ENSITU
ENGINEERING, INC.
1000 SANDHILL AVENUE, SUITE 100
SANTA ANITA, CALIFORNIA 94068
TEL: 415.352.1515
WWW.ENSITUENGINEERING.COM

NO.	DATE	BY
1		

33386 PACIFIC COAST HIGHWAY
CONFORMANCE REVIEW 11x17
MALIBU, CALIFORNIA



DATE: 08/04/2015
DESIGNED BY: JCY
CHECKED BY: JCY
JOB NO.: 144-01
SHEET: 1 OF 2



City of Malibu

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

RECEIVED
APR 11 2019
PLANNING DEPT

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department DATE: 11/26/2014
FROM: City of Malibu Planning Department
PROJECT NUMBER: CDP 14-073
JOB ADDRESS: 33386 PACIFIC COAST HWY
APPLICANT / CONTACT: Jake Jesson, 180 PCH, LLC
APPLICANT ADDRESS: 22837 Pacific Coast Highway #775
Malibu, CA 90265
APPLICANT PHONE #: (310)456-2600
APPLICANT FAX #: (310) 456-2644
PROJECT DESCRIPTION: NSFR Beachfront

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 CK
The project DOES NOT require Fire Department Plan Review _____
The required fire flow for this project is 1,250 gallons per minute at 20 pounds per square inch for 2 hour duration. (Provide flow information from the water dept.) CK
The project is required to have an interior automatic fire sprinkler system. CK
Final Fuel Modification Plan Approval is required prior to Fire Department Approval CK

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

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

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

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

SIGNATURE

DATE

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



City of Malibu

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	July 29, 2019	Review Log #:	3683
Site Address:	33386 Pacific Coast Highway	Planning #:	CDP 14-073
Lot/Tract/PM #:	n/a		Ref: PA 14-007
Applicant/Contact:	Jake Jesson, jjesson@weintraubre.com	BPC/GPC #:	
Contact Phone #:	310-456-2600	Planner:	Richard Mollica
Project Type:	Revisions: New single-family residence, grading, swimming pool and spa, seawall, retaining walls, new Onsite Wastewater Treatment System (OWTS), Lot Line Adjustment		

Submittal Information

Consultant(s) / Report Date(s): Donald B. Kowalewsky (CEG 1025; Tsao, RCE 46886): 4-23-15, 11-11-14; Ref: 6-11-14, 2-7-14
(Current submittal(s) in **Bold**)
Ref: GeoConcepts, Inc.: 1-18-11
EnSitu Engineering, Inc. (Yaroslawski, RCE 60149): 7-21-15, 7-17-15, 10-13-14

Building plans prepared by Burdge & Associates Architects dated June 24, 2019.
Preliminary OWTS plan prepared by EnSitu Engineering, Inc. dated July 17, 2015.
Grading plans prepared by LC Engineering Group, Inc. dated September 24, 2014.
Structural plans prepared by LC Engineering Group, Inc. dated October 10, 2014.

Previous Reviews: 9-30-15, 12-15-14, Geotechnical Review Referral Sheet dated 12-2-14; Ref: 7-9-14, 3-26-14, 2-9-11, Geotechnical Review Referral Sheet dated 1-6-11

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/Grading 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.

- | | |
|--------------------------|--|
| <input type="checkbox"/> | APPROVED from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals. |
| <input type="checkbox"/> | NOT APPROVED from a geotechnical perspective. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans. |

Remarks

The referenced Building plans were reviewed by the City from a geotechnical perspective. Revisions included the removal of habitable space beneath the Fire Department hammerhead area.

The project comprises a new 2,825 square foot four-level single-family residence and attached garage on a pile and grade beam foundation system, swimming pool and spa, decking, a new seawall on a pile foundation system, retaining walls, an impact wall, retractable beach access stairs, and a new OWTS consisting of a treatment tank system and a 300 square foot leach field. The design flow is 600 GPD and the loading rate is 2.0 GPSFD. Grading consists of 68 yards of fill for safety; 942 yards of cut non-exempt; and 874 yards of export.

The property includes a coastal bluff as defined in the City's Local Coastal Program-Local Implementation Plan (LCP-LIP). In accordance with Chapter 10.4(D) of the LIP, all new development located on a bluff top shall be setback from the bluff edge no less than 100 feet, unless slope stability analyses by the Project Geotechnical Consultant determines that reduced setbacks, no less than 50 feet, can be accepted in accordance with the conditions discussed in Chapter 10.4 (D). Please contact the Planning Department regarding this issue.

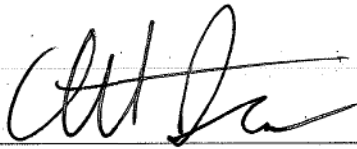
Building Plan Check Review Comments:

1. The Consultant provided supplemental down-drag calculations using the same downdrag force as the previous 'quick & dirty' assumptions that prompted the previous comment. The commentary that accompanied the response suggests that the downdrag force has not considered the soil strength of the upper materials. The Consultant states 'As long as the unit weight of the overlying fill soil and the bedrock is the same, the results of the calculation will be the same . . .'. Because downdrag is a function of the 'grabbing' soil strength, both friction and cohesion, or 'adhesion', we still do not understand the Consultant's statement. For example, where water, being frictionless, would not contribute to downdrag, a high friction material with identical unit weight would contribute greatly to downdrag. The Consultant needs to review the downdrag calculations and incorporate the upper soil strengths into the calculations to assure that adequate allowance has been made for down drag. The applicable equations and their input variables shall be listed and explained on the calculation sheet. Please re-submit.
2. Provide documentation that the rip-rap has been permitted by the California Coastal Commission and that re-locating the rip-rap materials during construction of the residence and OWTS is allowed under the permit.
3. Please provide reduced setback letters from the Structural Consultants for the OWTS and proposed foundations and structures, as necessary.
4. The Project Geotechnical Consultant has provided recommendations to repair any subdrains damaged during construction. Include these comments as notes on the grading and building plans.
5. The following note must be placed on the plans: *'Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.'*
6. Section 7.2.1 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.

7. Include the following note on the building plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles"*.
8. Include the following note on the OWTS, Building, and Grading plans: *"Inspections of the proposed leach field and pile excavations are required by the Project Geotechnical Consultant, and any repairs to subdrains encountered in the excavations need to be documented in writing in the as-built reports for the site grading and pile installations."*
9. Two sets of final grading, retaining wall, shoring, swimming pool and spa, seawall, OWTS, and residence plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:



Christopher Dean, C.E.G. #1751, Exp. 9-30-20
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

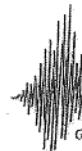
7/29/2019

Date

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



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



GeoDynamics, Inc.

Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants



City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

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

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

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



City of Malibu

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

RECEIVED
SEP 25 2019

PLANNING DEPT.

PUBLIC WORKS REVIEW REFERRAL SHEET

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

DATE: 11/26/2014

PROJECT NUMBER: CDP 14-073
JOB ADDRESS: 33386 PACIFIC COAST HWY
APPLICANT / CONTACT: Jake Jesson, 180 PCH, LLC
APPLICANT ADDRESS: 22837 Pacific Coast Highway #775
Malibu, CA 90265
APPLICANT PHONE #: (310)456-2600
APPLICANT FAX #: (310) 456-2644
APPLICANT EMAIL: jjesson@weintraubre.com
PROJECT DESCRIPTION: NSFR Beachfront

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

10/1/19



City of Malibu

MEMORANDUM

To: Planning Department

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

Date: October 1, 2019

Re: Tentative Proposed Conditions of Approval for 33386 Pacific Coast Highway CDP 14-073

The Public Works Department has reviewed the plans submitted for the above referenced project. Legal access has yet to be attained for the property. Based on legal documents submitted, it is understood that the access issues are being handled in court and a final determination cannot be made and the case is under an "Order to Stay" until the Planning Commission makes a determination or until further Order of the Court. Should the legal access issues be finalized, the applicant shall comply with the following conditions:

GRADING AND DRAINAGE

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



3. A grading and drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
- Public Works Department General Notes
 - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
 - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
 - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
 - If the property contains trees that are to be protected they shall be highlighted on the grading plan.
 - If the property contains rare and endangered species as identified in the resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
 - Private storm drain systems shall be shown on the grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
 - Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.
4. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

STORMWATER

5. The ocean between Latigo Point and the West City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation allows discharge of storm water only where it is essential for flood control or slope stability, including roof, landscape, road and parking lot drainage, to prevent soil erosion, only occurs during wet weather, and is composed of only storm water runoff. The applicant shall provide a drainage system that accomplishes the following:



- Installation of permanent BMPs that are designed to treat the potential pollutants in the storm water runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
 - Prohibits the discharge of trash.
 - Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e. no additional pollutant loading).
 - Elimination of non-storm water discharges.
6. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

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



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

FEMA

8. Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.
9. The proposed pool is located within a SFHA, Zone VE – 15'. The proposed pool must be elevated above one foot above the base flood elevation (BFE), the structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. All pool equipment shall be placed above the BFE. A professional engineer must certify by that these standards have been satisfied.
10. The proposed septic system is located within a SFHA, Zone VE – 15'. The proposed septic system shall be designed to eliminate infiltration of flood waters into the system and discharges from the system into flood waters. The septic system shall be located to avoid impairment or contamination during flooding. The septic system shall be buried below the expected depth of erosion and scour. The tank shall be anchored to prevent a buoyancy failure. Septic system tanks must not be structurally attached to building foundations. All septic lines shall be protected from water and debris damage. Riser lines shall be located



on the landward side of a pile or other vertical structural member or inside an enclosure designed to withstand the forces from the event.

11. The proposed seawall in the FEMA floodzone will require a variance. Prior to the approval of any permits, the applicant shall submit exhibits for review and request the Public Works Department to take this variance to City Council.
12. All buildings and infrastructure to be constructed must be structurally independent from other buildings and infrastructure on neighboring parcels.

MISCELLANEOUS

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

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

15. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.
16. The proposed lot line adjustment must be approved by the City and filed with the City Clerk's office prior to the approval of this grading permit.



Story Pole Photos



Project site as viewed from the beach



Subject property when viewed from existing access road.



COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Date: May 14, 2018

4/20/17

**REQUEST FOR MODIFICATIONS OR ALTERNATE MATERIALS AND
METHODS REVIEW**

*Building Code Sections 104.2.7-Modifications and 104.2.8-Alternate Materials, Design, and Methods of Construction
Fire Code Sections 104.8 - Modifications and 104.9 - Alternate Materials and Methods*

SECTION 1 - APPLICANT

INSTRUCTION: Applicants are Project Owners or Owner's designee (with written authorization from Project Ownership accompanying this form). Please complete SECTION 1 and submit this form and all supporting documents (building plans, calculations, specifications, test reports, etc.) to the Supervising Fire Prevention Engineer for review of this document. An Alternate Materials and Methods Review fee is required upon submittal and prior to the review.

Project Address: 33398 and 33386 Pacific Coast Highway

City: Malibu, CA

Incorporated ☒ Unincorporated Area ☐

Owner: 180 PCH, LLC

Applicant's Name: Zarui Chaparyan

Owner's Address: PO Box 6528, Malibu, CA 90264

Applicant's Contact Phone Number: (818) 338-3636 Applicant's Email: zchaparyan@schmitzandassociates.net

Plan-check Number: CDP 14-072

Fire Prevention Office: Calabasas

Type of Construction: VB Occupancy: R-3/U Stories: 2 Sprinklered? ☒ YES ☐ NO

Is this referral for:

☐ Modifications

☒ Alternate Materials

☐ Alternate Methods of Construction
or Protection

Project description:

NSFR with hammerhead turnaround, with four (4) subterranean parking automobile lifts with smooth steel deck

Modification Request - Explain the practical difficulties involved in carrying out the provisions of the Code and proposed application. -OR- Alternate Request - Explain the materials, designs, or methods of construction not specifically prescribed in the Code and proposed application. (Attach additional documents as necessary):

See attached response to modifications in cover letter.

Applicable Code References: (List all applicable Code Sections)

Chapter 5, Section 503.1.1 (Building and Facilities), 503.2.2 (Surface)

Appendix D, D102.1 (Access and loading), Section D103.1 (SFR)

Justification – Demonstrate conformity and equivalence with that prescribed in the Code.
(Attach additional documents as necessary):

See attached response to justification in cover letter.

SECTION 2 – SUPERVISING FIRE PREVENTION ENGINEER

INSTRUCTION: Please verify Alternate Materials and Methods Review fee is paid. Ensure the submittal package is complete and all pertinent information is included. Complete SECTION 2 and forward this form and all supporting documents to Engineering Section Chief.

Reviewed By: Jackie Switzler Date: 7/26/2018
(print name)

Comments: Denied, Not Approved
Subterranean lift will NOT be recognized as
acceptable vehicle access.

SECTION 3 – ENGINEERING SECTION CHIEF

Reviewed By: James Bailey Date: 7/31/18
(print name)

Comments: Recommend denial. Fire apparatus access should not be place on top of the involved
structure

SECTION 4 – FINAL DETERMINATION: This request is:

☐ **APPROVED** (Provide Conditions of Approval, if any) **APPROVED BY:** Nullo Dually
(print name)

☒ **NOT APPROVED** (Provide comments, if any)

Comments: Denied due to operational safety. The turnaround area and firefighting area of operations
should not be placed on top of the protected premise. Mechanical elevator lifts should not be
incorporated within the turnaround area.

IF APPROVED, ROUTE TO: City Building Official, in the City of: _____

SECTION 5 – USE

INSTRUCTION: To Contractors: Approvals must be incorporated into the plans by attachment to the plans or electronically scanned into future plan submissions. All Approvals must be presented to Department Inspectors at the time of the project inspection.

Via Hand-Delivery

May 14, 2018

Los Angeles County Fire Department
Attn: Jackie Switzler, Supervising Fire Prevention Engineer
26600 Agoura Road, Suite 110
Calabasas, CA 91302

RE: Request for Modifications or Alternative Materials and Methods Review Application for 33398 and 33386 Pacific Coast Highway, Malibu, CA (APN: 4473-019-005, -006 and -007)

Dear Ms. Switzler:

On behalf of 180 PCH, LLC, property owners of the above-referenced project, we submit to you the attached Application for the LA County Fire Department Request for Modifications or Alternative Materials and Methods Review and plans for Fire Department (FD) Access Approval.

The proposed project scope is for a new single-family residence with a hammerhead turnaround and four (4) subterranean parking/automobile lifts with smooth steel deck, as pictured.

Accordingly, please find enclosed in support of our client's request the following materials:

- Three (3) full-size sets of the Fire Department Site Plan and Architectural Plans;
- One (1) full-size set of architectural plans;
- Responses and Justifications for the Modification Request found herein (below);
- City of Malibu Fire Department Referral Sheet;
- Mechanical Car Lift proposal from American Custom Lifts;
- HS-20 Capability



Modification Request:

Due to visual and environmental constraints of the properties for development, the following design modifications for parking are requested.

Under the Los Angeles County Universal Fire Code Section D102.1, fire apparatus access roads shall be constructed with "asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus." The hammerhead turnaround that will house the subterranean mechanical lifts will include a top canopy that sits flush with the upper level when not in use, as well as a high capacity steel deck canopy for roll over and parking of a HS-20 fire truck, capable of holding 8,000 lbs. in the front and 32,000 lbs. on each of the rear wheel axles, for a total of 72,000 pounds (See Exhibit A for AASHTO loading capabilities). The subterranean parking lift with fixed canopy includes the following materials and design specs:

- Upper Canopy – 115"W x216"L smooth steel deck with beveled toe guards, four (4) posts, four(4) guide angles from the upper to lower floor.

- Lower carriage – 115"W x 216"L smooth steel deck with straight sides and chain guards. 107"Wx176"L clearance between the 3 ½" square canopy support posts. 174"H clearance between the lower carriage and the upper canopy. Includes four (4) landing legs for leveling lift deck and (1) maintenance access panel in the lower deck.
- Lowered platform height of 24" at lower level.
- Actuators – Hydraulically actuated by four (4) direct acting, single stage, high pressure cylinders each with a chromed rod and hydraulic flow control.
- Synchronization – chain and sprocket mechanical equalization system to compensate for any off-center loading and maintain a level lifting deck through the vertical travel.
- Paint – entire lift finished with Black Epoxy, a high gloss direct to metal acrylic epoxy with resistance to UV, salt, acid and water exposure.

Safety features include, but are not limited to:

- Motion detector: sensor to be installed along open end or side of platform to shut off the lift if motion is detected during lift operation.
- Wireless security camera and monitor: to watch the lift operating zone that is outside the operator's line of sight.
- "Lift-in-Motion" audible alarm: to warn by-standers whenever the lift is moving.
- Automatic re-pressurization safety circuit: to keep the lift in the fully raised position-even over extended periods of time.
- Flow restrictors: on each cylinder to control the rate of descent of the lift in the event of a catastrophic hose failure.
- Beveled toe guard protection around perimeter of top canopy.
- Overpressure protection: in the hydraulic circuit to prevent the system from exceeding the 3,000 psi maximum allowable working pressure.
- Maintenance devices: provided to support an empty lift in a raised position when engaged for safe inspection, maintenance and repair.

Further design specs are included in the attachment from the manufacturer.

Justification:

The proposed project at 33398 and 33386 Pacific Coast Highway, Malibu (APN: 4473-019-005, -006 and -007) is for a new single family residential development with hammerhead turnaround and four (4) subterranean parking automobile lifts with smooth steel deck coverage. The automobile lifts are proposed below the hammerhead turnaround. The LA County Universal Fire Code specifies in Section 503.2.3 that "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities." Furthermore, in Section D102.1, "Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing" at least 50,000 pounds (22,700 kg) for single lot single family residential developments. The proposed materials and design for the project's mechanical automobile lifts will be HS-20 capable, which can withstand 72,000 pounds of surface pressure, therefore capable of supporting a 50,000-pound load.

We thank you for your time and consideration regarding this matter. Should you have any questions or comments, or require any additional information, please feel free to contact us at (818) 338-3636 or zchaparyan@schmitzandassociates.net.

From: Fred Gaines [REDACTED]
Sent: Thursday, April 2, 2020 7:03 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: 33386-33398 PCH

Hello Richard – Hope you are doing OK. I see that the 33386-33398 PCH houses are on Monday's Planning Commission agenda to be continued "to a date uncertain." We certainly understand the situation and look forward to having these items placed on the Planning Commission agenda at the earliest possible date.

As you discuss these cases with Bonnie and prepare the updated staff report, please consider this short summary of where these cases were left off and how all of the issues raised in the prior staff reports have been successfully addressed.

The following were the reasons given in the prior staff report for the not providing a staff recommendation for approval of these two homes:

- 1) The Department of Public Works had not yet approved the project plans (that approval was granted 10/1/2019); and
- 2) Staff felt they were unable to make findings for three of the variance requests (as detailed below the issues raised have been addressed and no longer provide any basis for denial of the variances).

The primary concern raised in the prior Staff Report involved the rooftop parking and resulting massing of the homes, which staff believed could be addressed by incorporating parking lifts. As stated in the prior Staff Report:

"Based on review of plans, it appears that the applicant could redesign the proposed structure to incorporate parking lifts to lower cars into a garage below the driveway level and revise the entry stairs to the main residence. This design alternative would lower the overall height of the proposed structure and reduce visual impacts. In addition, the use of lifts to lower cars into a garage would also provide additional onsite unenclosed parking, possibly eliminating the need for a parking variance and increase compliance with the two-thirds requirement. While any project would result in land disturbance, it is anticipated that there is a project alternative that would result in less visual massing and reduce the number of variances necessary. Visual impacts are considered as environmental impacts and therefore, redesigning the project may result in an environmentally superior alternative project."

The Applicant has now spent significant time and resources in an effort to accommodate the suggested project changes. Following the last Planning Commission hearing, the Applicant worked with the architectural team to redesign the homes to conform with the suggested alternative concept presented in the Staff Report dated April 16, 2018. This concept included removing the garages above the Fire Department turnaround and replacing them with mechanical lifts that would lower the vehicles into a subterranean garage beneath the Fire Department turnaround in an effort to reduce the massing of the homes. The Applicant held multiple meetings with the Fire Department regarding this concept beginning with Johnnie McGee in the Calabasas office and taking it all the way up the chain of command to Chief Bailey in the City of Industry. Ultimately Chief Bailey insisted on a denial of this concept as it would involve inserting a combustible vehicle beneath the Fire Department turnaround and therefore inhibit safe access to the property in the event of a fire. While both have previously been submitted to the City, attached here for your convenience is a copy of the "alternative project" plans presented to the Fire Department for review, as well as their eventual denial letter dated July 31, 2018.

Specifically with regard to the Department Approvals, all approvals have now been issued as follows:

33398 PCH

Biology: 02/02/2016

Geology: 08/21/2015

Coastal Engineering: 08/12/2015

Environmental Health: 08/06/2015

Fire Department: 01/07/2016

Public Works: 10/01/2019

33386 PCH

Biology: 02/02/2016

Geology: 09/30/2015

Coastal Engineering: 08/12/2015

Environmental Health: 08/04/2015

Fire Department: 01/07/2016

Public Works: 10/01/2019

Specifically with regard to the variance findings, the prior staff analysis is set forth below followed by the current status which in each case supports the required findings:

- 1) Var No. 17-050 to allow for construction in excess of 18 feet in height, up to 53 feet for the single family residence.

Prior Staff Report:

"It appears that if the applicant redesigned the entry to the residence and utilized vehicle lifts which would lower vehicles into a garage the level of the driveway, the structure could be approximately 10 feet lower. Because there is a potential alternative design that could result in a lower structure height staff cannot make the findings in support of Var No. 17-050."

Current Status:

The Applicant pursued this alternative concept (see attached Mechanical Lift Plan), however the alternative was ultimately denied by the Fire Department (see attached Fire Department Denial Letter). As a result the Applicant is not able to lower the height of the home beyond the proposed condition.

- 2) Var No. 17-051 to allow for construction on a steep slope.

Prior Staff Report:

"Given the steep topography which runs parallel to the shoreline, it is not possible to develop a residence on the subject site without construction on steep slopes. Through the use of the slope analysis that was submitted for the proposed

project it was determined that the project site does not offer any alternative locations for development where steep slopes can be avoided. Should the project be approved, the required findings in support of Variance No. 17-051 could be made."

Current Status:

No change. Staff Report acknowledges that the required variance can be supported.

- 3) Var No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height.

Prior Staff Report:

"Staff has evaluated alternative massing designs and since there appears to be a project alternative which would lower the height of residence and place more portions of the proposed structure below 18 feet in height, staff is not able to make the findings in support of Var No. 18-001."

Current Status:

The Applicant pursued this alternative concept (see attached Mechanical Lift Plan), however the alternative was ultimately denied by the Fire Department (see attached Fire Department Denial Letter). As a result the Applicant is not able to lower the height of the home beyond the proposed condition.

- 4) Var No. 18-005 to allow for construction on a coastal bluff.

Prior Staff Report:

"The entire property consists of coastal bluff slope. Through the use of a slope analysis that was submitted for the proposed project it was determined that the project site does not offer any alternative locations for development where construction on the coastal bluff can be avoided. Should the project be approved, the required findings in support of Var No. 18-005 could be made."

Current Status:

No change. Staff Report acknowledges that the required variance can be supported.

- 5) Var No. 18-006 to allow for a reduced side yard setback to allow for access stairs and a connecting fire department turnaround between the subject property and the property addressed as 33386 PCH.

Prior Staff Report:

"The side yard variance request also includes a request to encroach into the west side yard with access stairs and the east side yard with planters. Should the project be approved, the required findings in support of Var No. 18-006 could be made as follows for both the LACFD turnaround and access stairs but not the planter boxes."

Current Status:

The Applicant has submitted plans that reflect the removal of planter boxes. As a result the required variance can be supported per Staff recommendation.

- 6) Var No. 18-007 to allow for the elimination of two unenclosed parking spaces.

Prior Staff Report:

"To create space for unenclosed parking, the upper level of the proposed home could be redesigned and the garage could be redesigned to be below the driveway level and could incorporate parking lifts that would lower the cars into the garage and leave space on top for unenclosed parking. Because there is a potential alternative design that would allow for onsite unenclosed parking, staff cannot make the findings in support of Var No. 18-007."

Current Status:

The Applicant pursued this alternative concept (see attached Mechanical Lift Plan), however the alternative was ultimately denied by the Fire Department (see attached Fire Department Denial Letter). The Fire Department determined that having mechanical parking beneath their turnaround would result in a fire life safety issue. As a result the Applicant is not able to utilize parking lifts as staff previously suggested.

- 7) Var No. 18-005 to allow for a reduction of the required front yard setback from 30 feet, 8 inches to 13 feet, 4 inches.

Prior Staff Report:

"The required front yard setback for the project is 30 feet , 8 inches and the applicant is requesting a 13 foot 4 inch front yard setback. Should the project be approved, the required findings in support of Var No. 18-015 could be made."

Response by Applicant:

No change. Staff Report acknowledges that the required variance can be supported.

Given that the previous concerns have been addressed as detailed above, an approval recommendation is warranted. Thank you for all of your assistance with this matter. Please let me know if I can answer any questions or provide any additional information.

Take care.

Fred Gaines, Esq.



Gaines & Stacey LLP



 | [website](#) | [bio](#)

Due to the current situation with Covid-19, we are working remotely and therefore ask that you please provide all correspondence by email including but not limited to letters, pleadings and documents. Thank you for your cooperation.

This message and any attached documents are intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone or return e-mail, and return the original to us without making a copy. Thank you.



COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION DIVISION

Date: May 14, 2018

4/20/17

**REQUEST FOR MODIFICATIONS OR ALTERNATE MATERIALS AND
METHODS REVIEW**

*Building Code Sections 104.2.7-Modifications and 104.2.8-Alternate Materials, Design, and Methods of Construction
Fire Code Sections 104.8 - Modifications and 104.9 - Alternate Materials and Methods*

SECTION 1 – APPLICANT

INSTRUCTION: Applicants are Project Owners or Owner's designee (with written authorization from Project Ownership accompanying this form). Please complete SECTION 1 and submit this form and all supporting documents (building plans, calculations, specifications, test reports, etc.) to the Supervising Fire Prevention Engineer for review of this document. An Alternate Materials and Methods Review fee is required upon submittal and prior to the review.

Project Address: 33398 and 33386 Pacific Coast Highway

City: Malibu, CA Incorporated ☒ Unincorporated Area ☐

Owner: 180 PCH, LLC Applicant's Name: Zarui Chaparyan

Owner's Address: PO Box 6528, Malibu, CA 90264

Applicant's Contact Phone Number: (818) 338-3636 Applicant's Email: zchaparyan@schmitzandassociates.net

Plan-check Number: CDP 14-072 Fire Prevention Office: Calabasas

Type of Construction: VB Occupancy: R-3/U Stories: 2 Sprinklered? ☒ YES ☐ NO

Is this referral for:

☐ Modifications ☒ Alternate Materials ☐ Alternate Methods of Construction
or Protection

Project description:

NSFR with hammerhead turnaround, with four (4) subterranean parking automobile lifts with smooth steel deck

Modification Request - Explain the practical difficulties involved in carrying out the provisions of the Code and proposed application. -OR- Alternate Request - Explain the materials, designs, or methods of construction not specifically prescribed in the Code and proposed application. (Attach additional documents as necessary):

See attached response to modifications in cover letter.

Applicable Code References: (List all applicable Code Sections)

Chapter 5, Section 503.1.1 (Building and Facilities), 503.2.2 (Surface)

Appendix D, D102.1 (Access and loading), Section D103.1 (SFR)

Justification – Demonstrate conformity and equivalence with that prescribed in the Code.
(Attach additional documents as necessary):

See attached response to justification in cover letter.

SECTION 2 – SUPERVISING FIRE PREVENTION ENGINEER

INSTRUCTION: Please verify Alternate Materials and Methods Review fee is paid. Ensure the submittal package is complete and all pertinent information is included. Complete SECTION 2 and forward this form and all supporting documents to Engineering Section Chief.

Reviewed By: Jackie Switzler Date: 7/26/2018
(print name)

Comments: Denied, Not Approved
Subterranean lift will not be recognized as
acceptable vehicle access.

SECTION 3 – ENGINEERING SECTION CHIEF

Reviewed By: James Bailey Date: 7/31/18
(print name)

Comments: Recommend denial. Fire apparatus access should not be place on top of the involved
structure

SECTION 4 – FINAL DETERMINATION: This request is:

☐ **APPROVED** (Provide Conditions of Approval, if any) **APPROVED BY:** Nullo Dually
(print name)

☒ **NOT APPROVED** (Provide comments, if any)

Comments: Denied due to operational safety. The turnaround area and firefighting area of operations
should not be placed on top of the protected premise. Mechanical elevator lifts should not be
incorporated within the turnaround area.

IF APPROVED, ROUTE TO: City Building Official, in the City of: _____

SECTION 5 – USE

INSTRUCTION: To Contractors: Approvals must be incorporated into the plans by attachment to the plans or electronically scanned into future plan submissions. All Approvals must be presented to Department Inspectors at the time of the project inspection.

Via Hand-Delivery

May 14, 2018

Los Angeles County Fire Department
Attn: Jackie Switzler, Supervising Fire Prevention Engineer
26600 Agoura Road, Suite 110
Calabasas, CA 91302

RE: Request for Modifications or Alternative Materials and Methods Review Application for 33398 and 33386 Pacific Coast Highway, Malibu, CA (APN: 4473-019-005, -006 and -007)

Dear Ms. Switzler:

On behalf of 180 PCH, LLC, property owners of the above-referenced project, we submit to you the attached Application for the LA County Fire Department Request for Modifications or Alternative Materials and Methods Review and plans for Fire Department (FD) Access Approval.

The proposed project scope is for a new single-family residence with a hammerhead turnaround and four (4) subterranean parking/automobile lifts with smooth steel deck, as pictured.

Accordingly, please find enclosed in support of our client's request the following materials:

- Three (3) full-size sets of the Fire Department Site Plan and Architectural Plans;
- One (1) full-size set of architectural plans;
- Responses and Justifications for the Modification Request found herein (below);
- City of Malibu Fire Department Referral Sheet;
- Mechanical Car Lift proposal from American Custom Lifts;
- HS-20 Capability



Modification Request:

Due to visual and environmental constraints of the properties for development, the following design modifications for parking are requested.

Under the Los Angeles County Universal Fire Code Section D102.1, fire apparatus access roads shall be constructed with "asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus." The hammerhead turnaround that will house the subterranean mechanical lifts will include a top canopy that sits flush with the upper level when not in use, as well as a high capacity steel deck canopy for roll over and parking of a HS-20 fire truck, capable of holding 8,000 lbs. in the front and 32,000 lbs. on each of the rear wheel axles, for a total of 72,000 pounds (See Exhibit A for AASHTO loading capabilities). The subterranean parking lift with fixed canopy includes the following materials and design specs:

- Upper Canopy – 115"W x216"L smooth steel deck with beveled toe guards, four (4) posts, four(4) guide angles from the upper to lower floor.

- Lower carriage – 115"W x 216"L smooth steel deck with straight sides and chain guards. 107"Wx176"L clearance between the 3 ½" square canopy support posts. 174"H clearance between the lower carriage and the upper canopy. Includes four (4) landing legs for leveling lift deck and (1) maintenance access panel in the lower deck.
- Lowered platform height of 24" at lower level.
- Actuators – Hydraulically actuated by four (4) direct acting, single stage, high pressure cylinders each with a chromed rod and hydraulic flow control.
- Synchronization – chain and sprocket mechanical equalization system to compensate for any off-center loading and maintain a level lifting deck through the vertical travel.
- Paint – entire lift finished with Black Epoxy, a high gloss direct to metal acrylic epoxy with resistance to UV, salt, acid and water exposure.

Safety features include, but are not limited to:

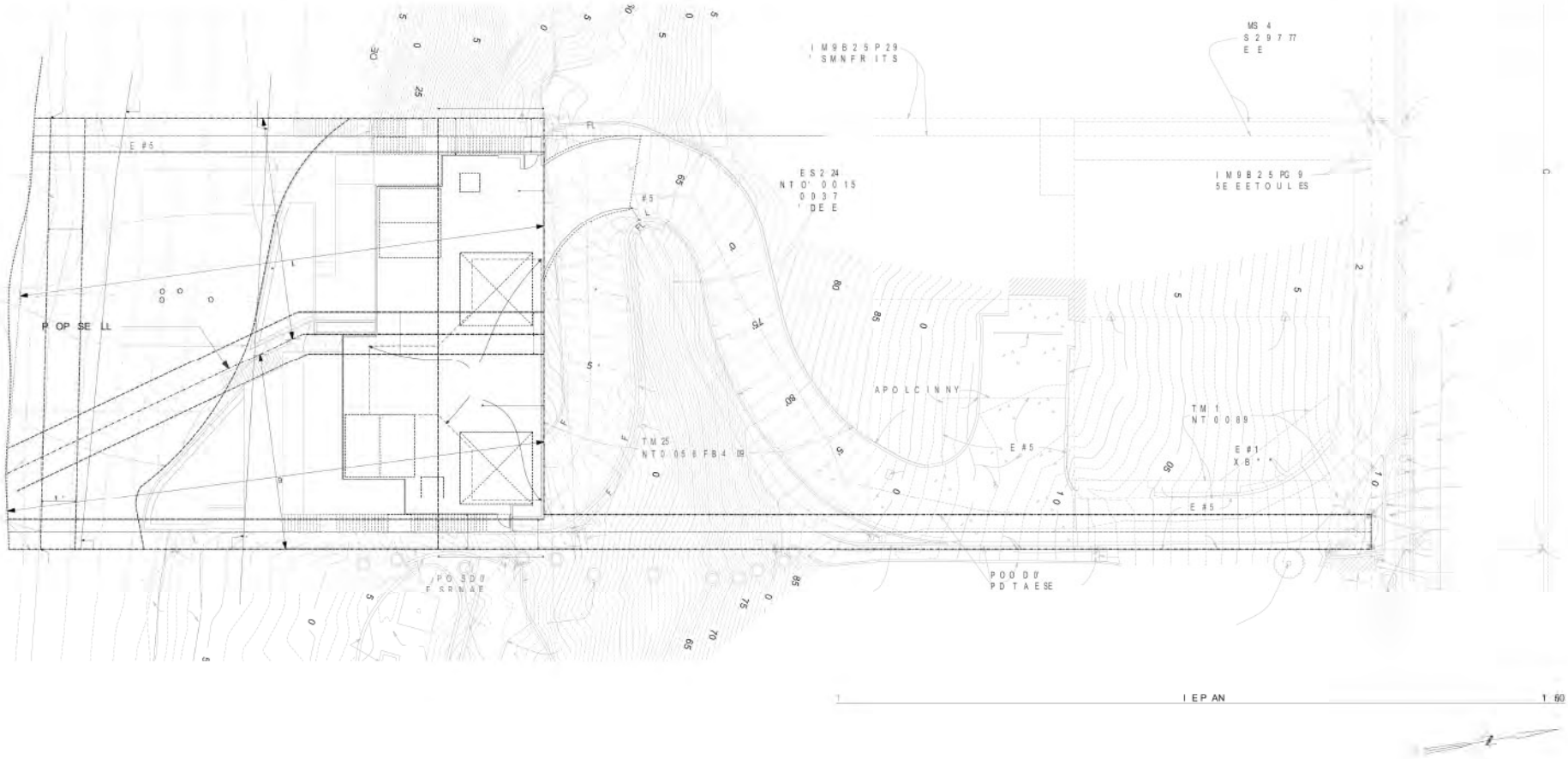
- Motion detector: sensor to be installed along open end or side of platform to shut off the lift if motion is detected during lift operation.
- Wireless security camera and monitor: to watch the lift operating zone that is outside the operator's line of sight.
- "Lift-in-Motion" audible alarm: to warn by-standers whenever the lift is moving.
- Automatic re-pressurization safety circuit: to keep the lift in the fully raised position-even over extended periods of time.
- Flow restrictors: on each cylinder to control the rate of descent of the lift in the event of a catastrophic hose failure.
- Beveled toe guard protection around perimeter of top canopy.
- Overpressure protection: in the hydraulic circuit to prevent the system from exceeding the 3,000 psi maximum allowable working pressure.
- Maintenance devices: provided to support an empty lift in a raised position when engaged for safe inspection, maintenance and repair.

Further design specs are included in the attachment from the manufacturer.

Justification:

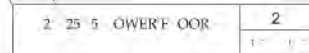
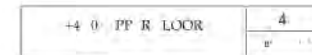
The proposed project at 33398 and 33386 Pacific Coast Highway, Malibu (APN: 4473-019-005, -006 and -007) is for a new single family residential development with hammerhead turnaround and four (4) subterranean parking automobile lifts with smooth steel deck coverage. The automobile lifts are proposed below the hammerhead turnaround. The LA County Universal Fire Code specifies in Section 503.2.3 that "Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities." Furthermore, in Section D102.1, "Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing" at least 50,000 pounds (22,700 kg) for single lot single family residential developments. The proposed materials and design for the project's mechanical automobile lifts will be HS-20 capable, which can withstand 72,000 pounds of surface pressure, therefore capable of supporting a 50,000-pound load.

We thank you for your time and consideration regarding this matter. Should you have any questions or comments, or require any additional information, please feel free to contact us at (818) 338-3636 or zchaparyan@schmitzandassociates.net.





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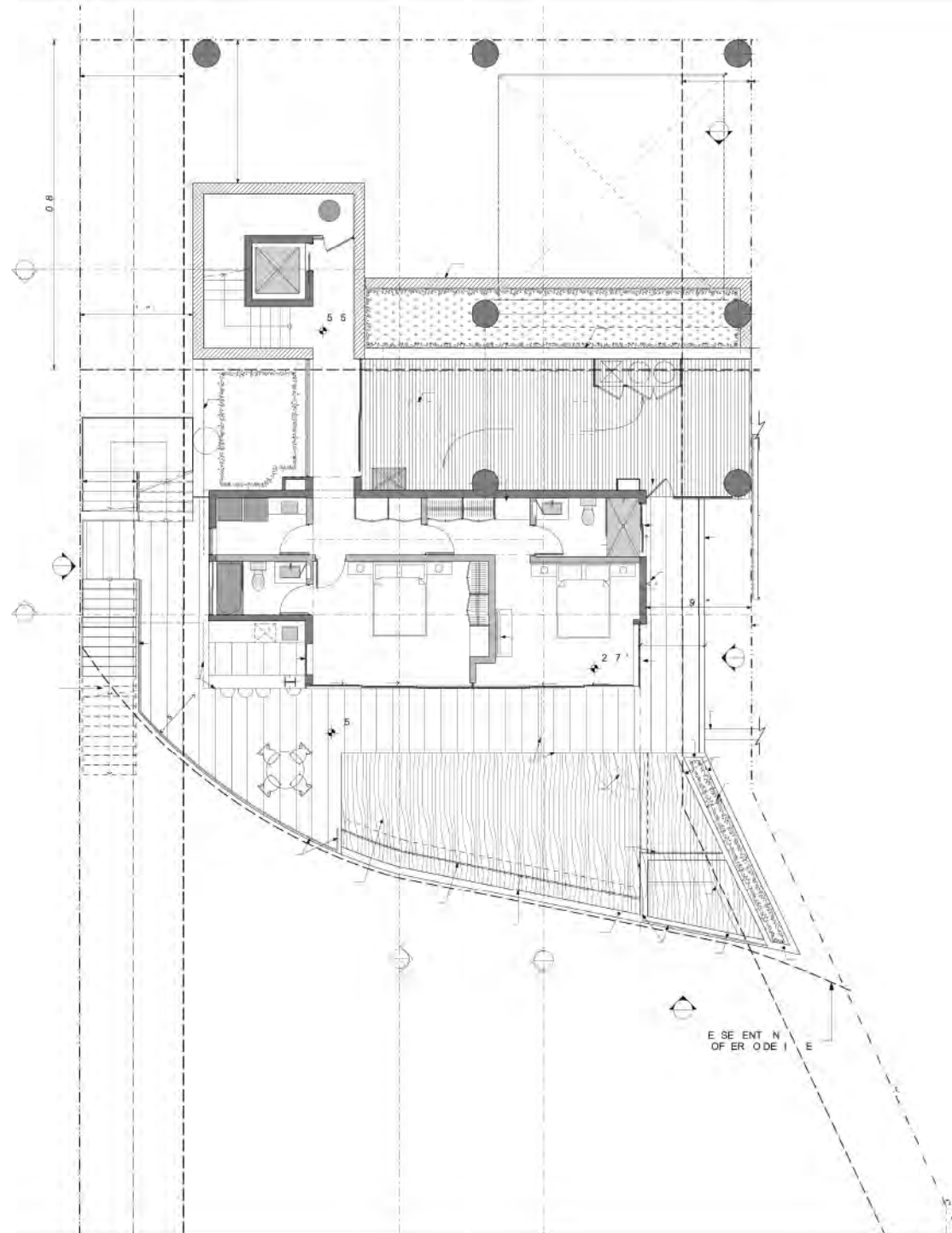


		33398 PCH	
		OLD	NEW
	LOWER LEVEL	938	966
	MID LEVEL	627	1184
	UPPER LEVEL	812	936
	ROOF DECK	448	0
	TOTAL TDSF	2825	3086

BURDGE
& Associates
ARCHITECTS
MALIBU WWW.EUAIA.COM

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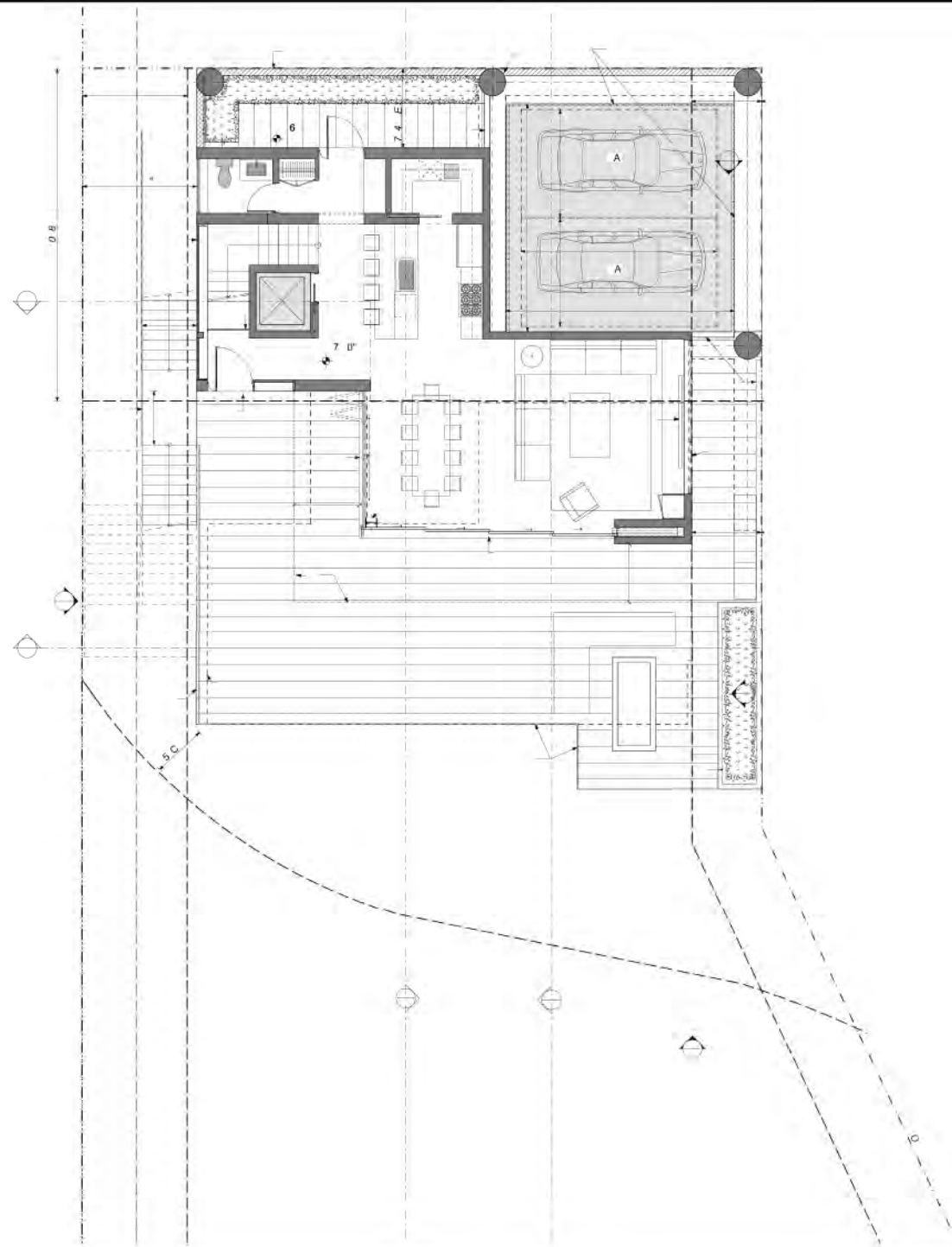
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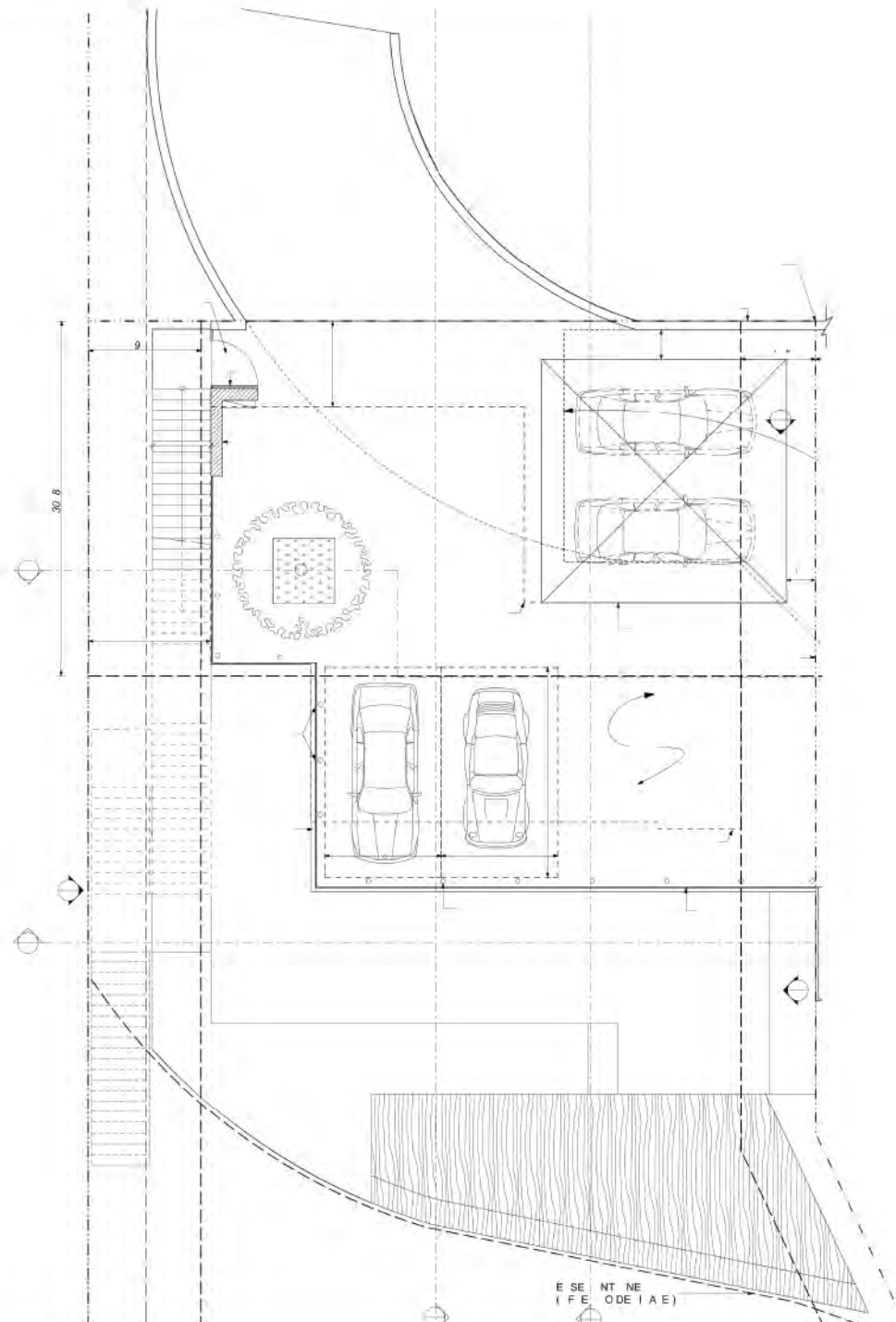


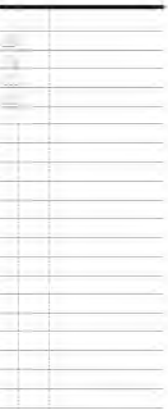
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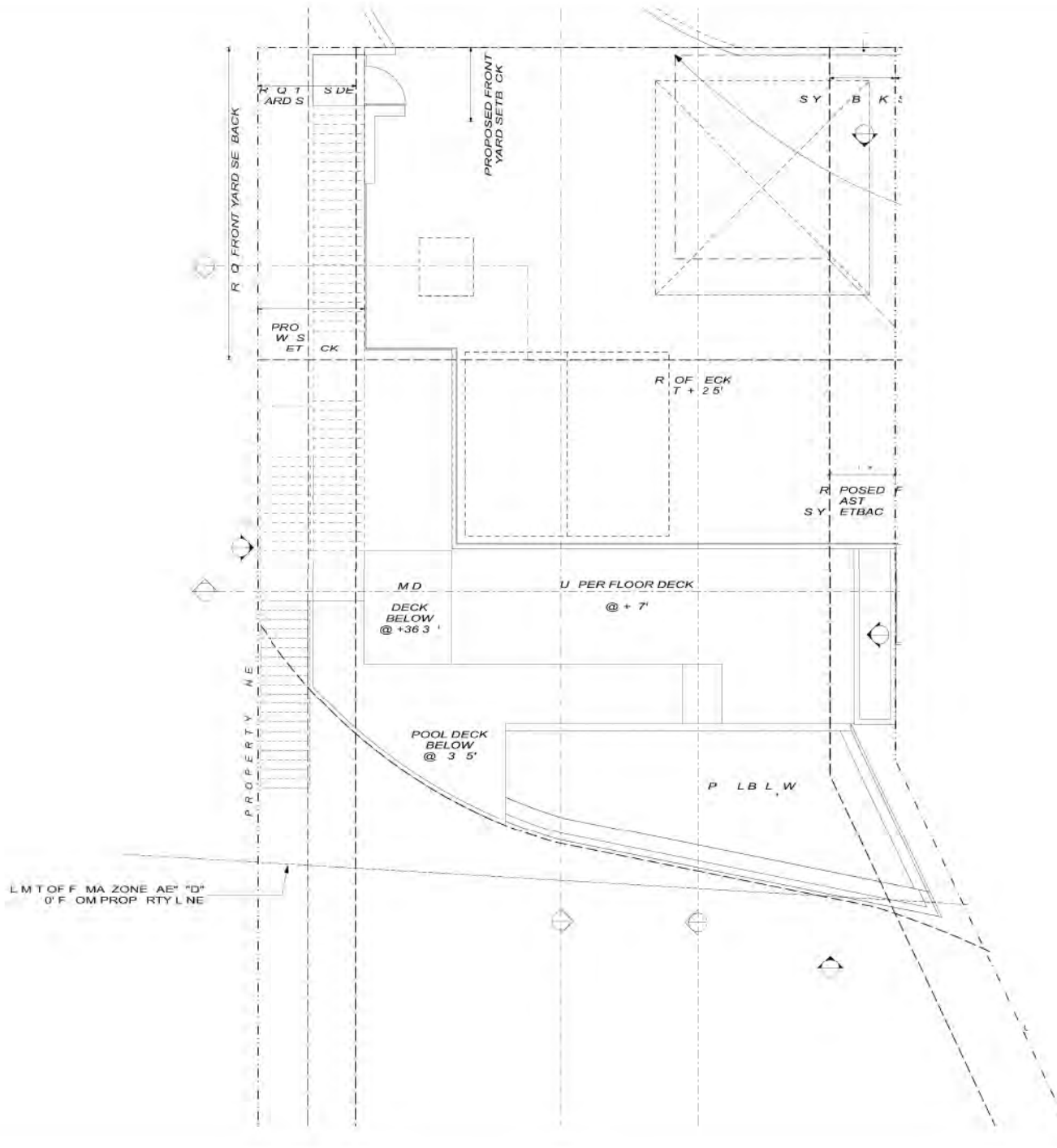
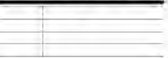


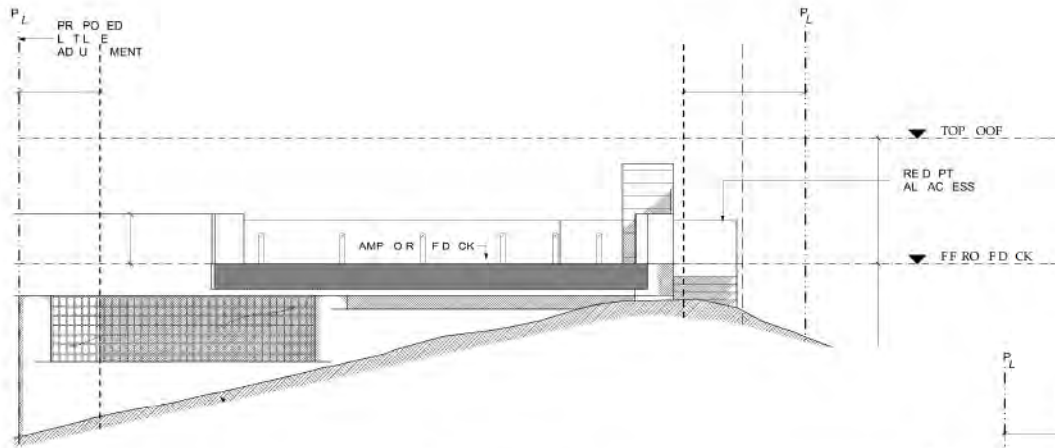


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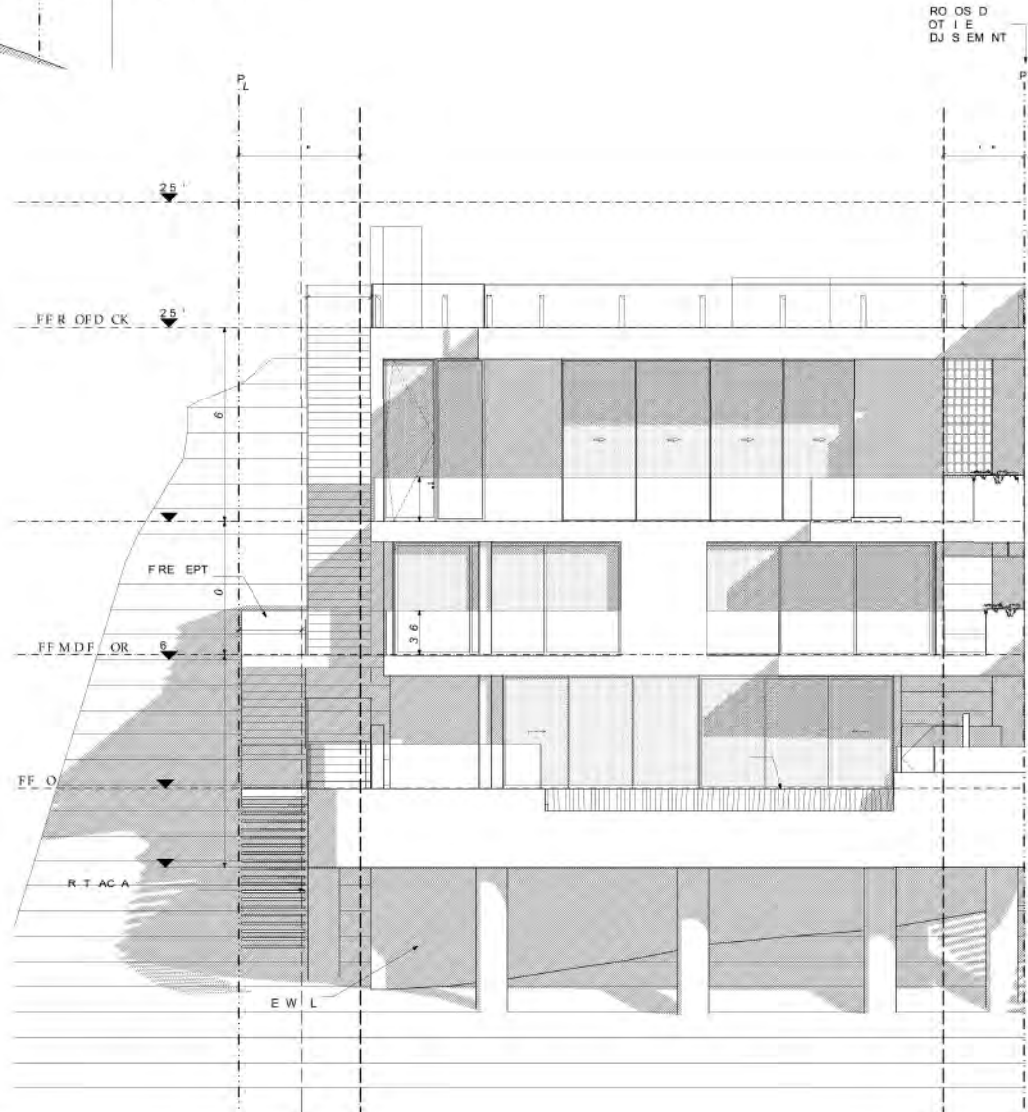
PROOF. Let \mathcal{P} and \mathcal{Q} be any two partitions of \mathcal{A} . Let $\mathcal{P} = \{P_1, \dots, P_n\}$ and $\mathcal{Q} = \{Q_1, \dots, Q_m\}$. Let $\mathcal{R} = \{R_1, \dots, R_k\}$ be the partition of \mathcal{A} defined by $R_i = P_i \cap Q_j$ for some i and j . Then \mathcal{R} is a partition of \mathcal{A} and $\mathcal{R} \leq \mathcal{P}$ and $\mathcal{R} \leq \mathcal{Q}$. If $\mathcal{P} \leq \mathcal{Q}$, then $\mathcal{R} = \mathcal{P}$. If $\mathcal{Q} \leq \mathcal{P}$, then $\mathcal{R} = \mathcal{Q}$. If neither $\mathcal{P} \leq \mathcal{Q}$ nor $\mathcal{Q} \leq \mathcal{P}$, then \mathcal{R} is a partition of \mathcal{A} that is strictly finer than both \mathcal{P} and \mathcal{Q} . This completes the proof. \square

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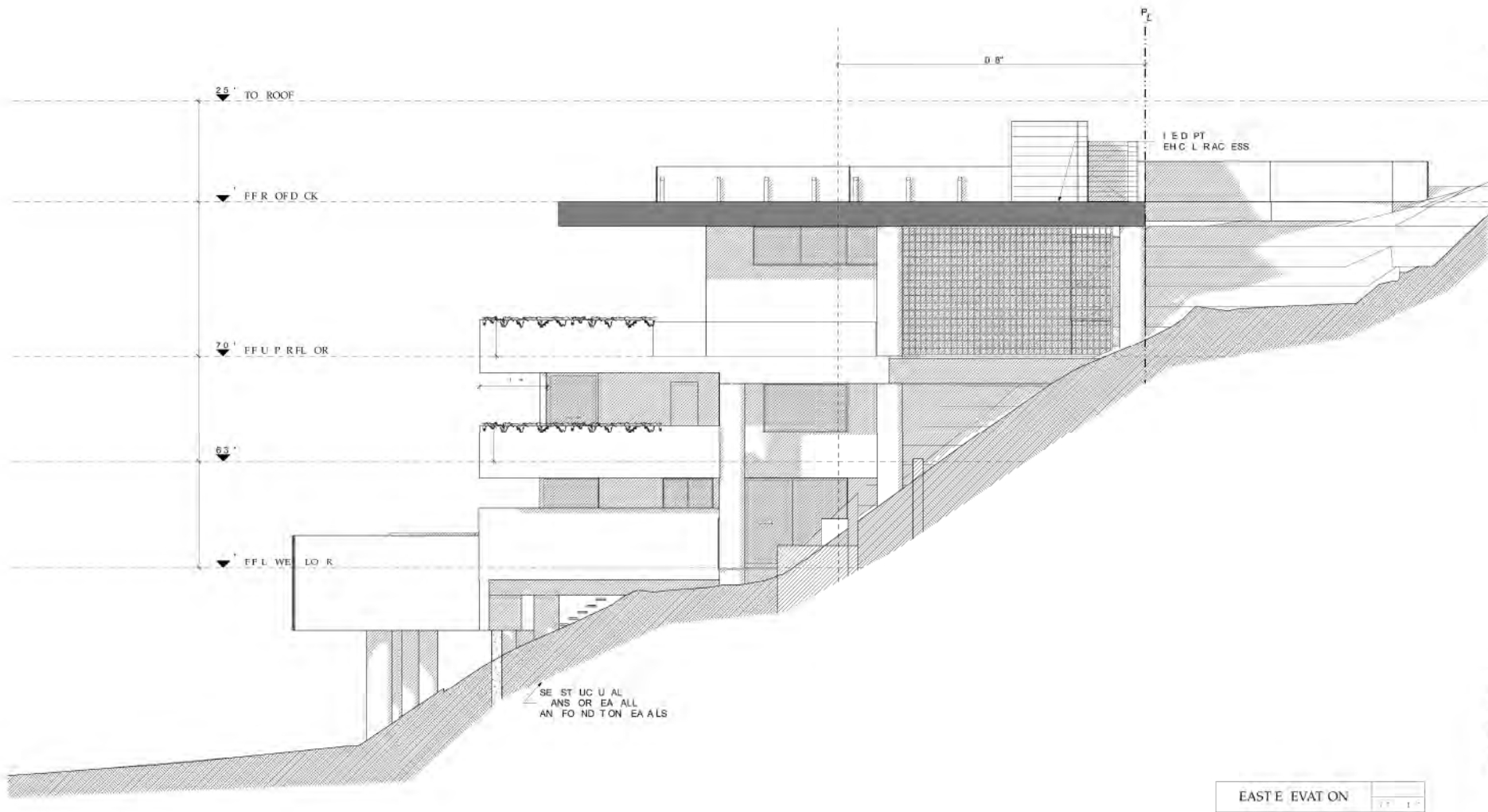


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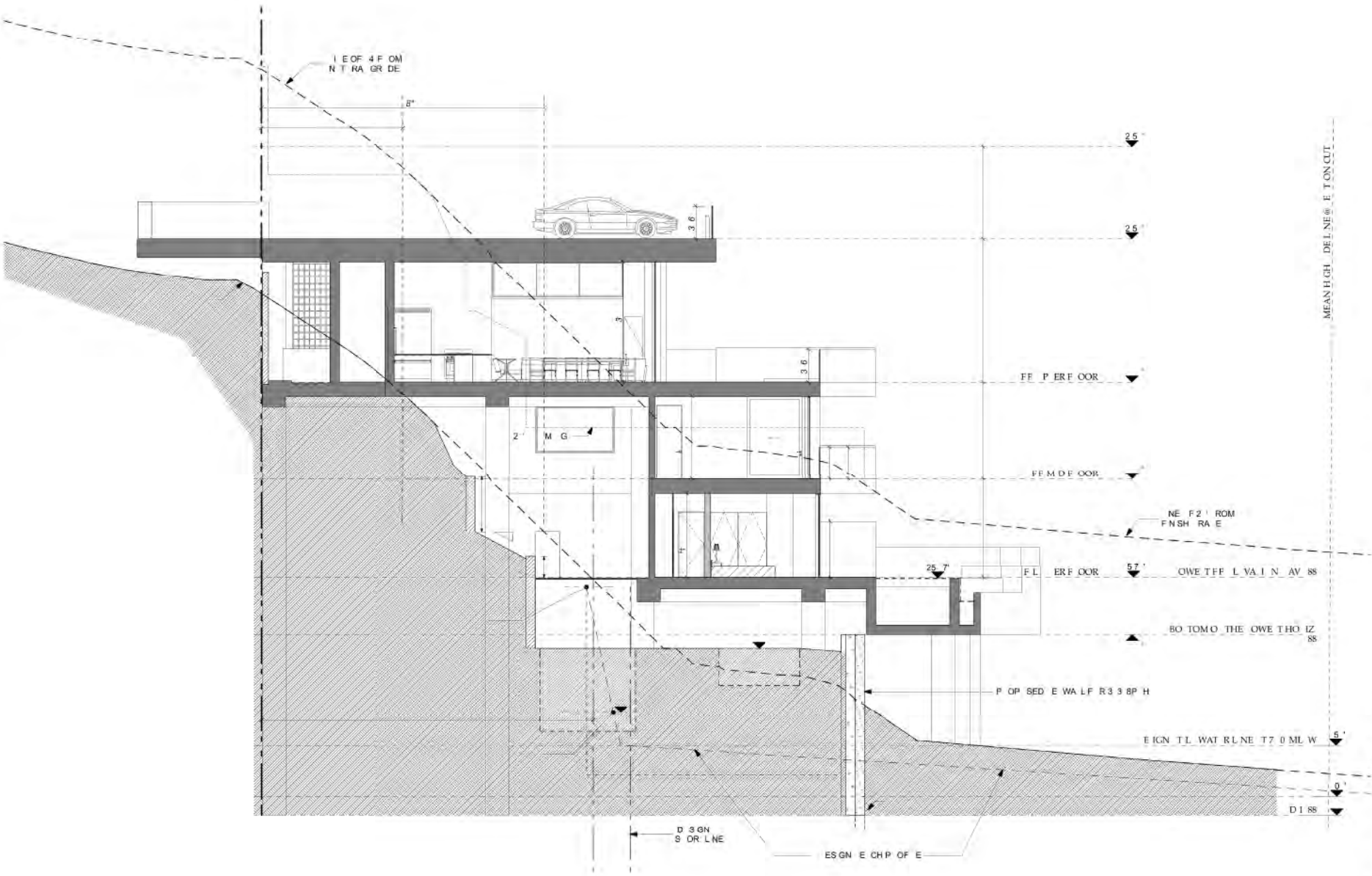


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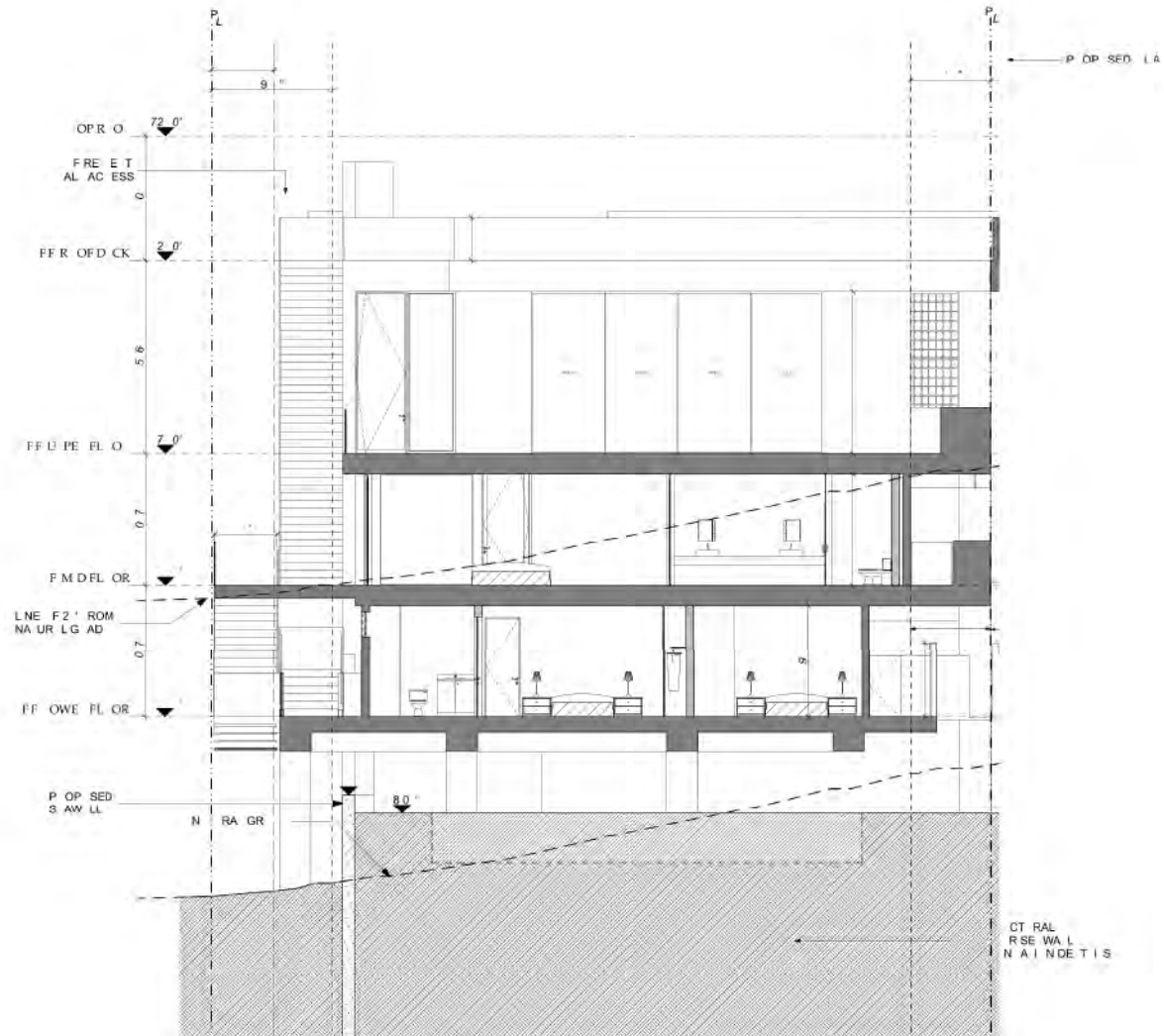




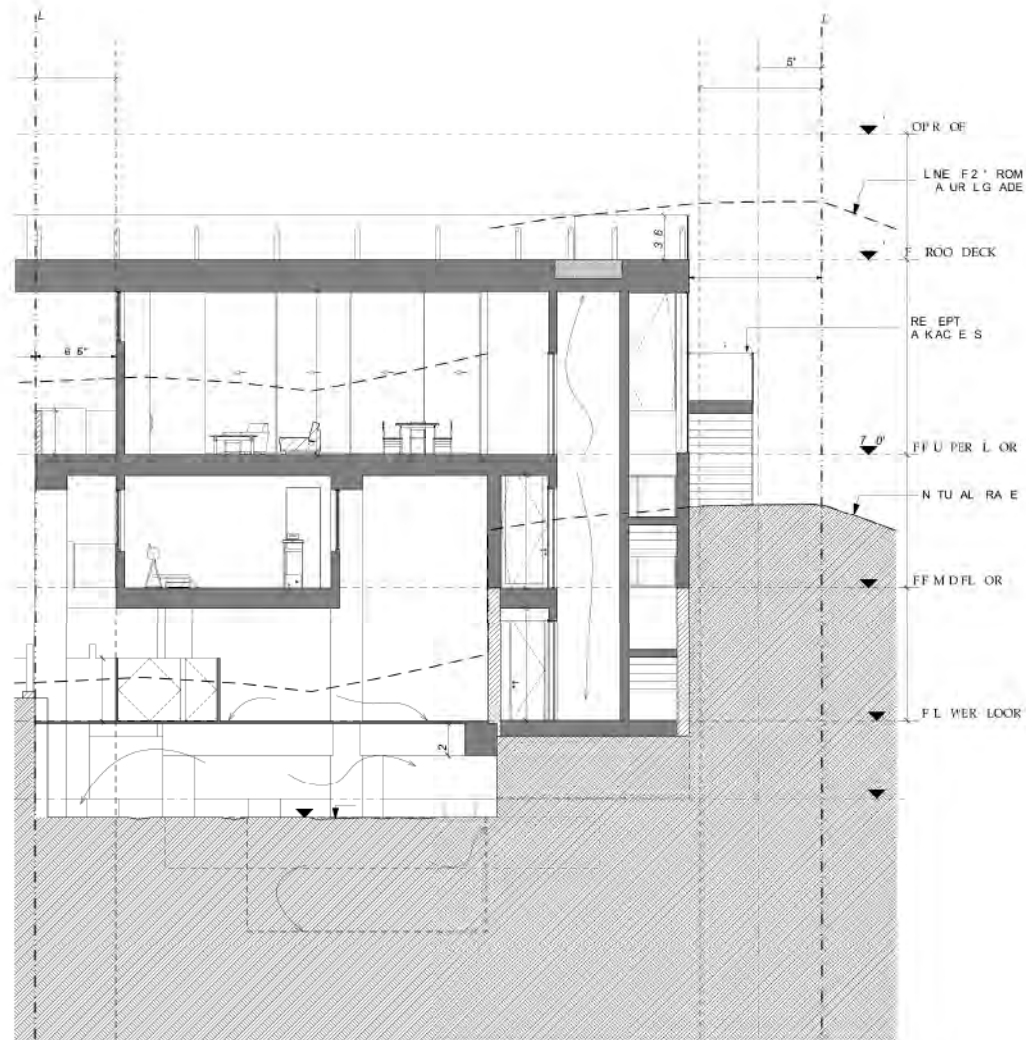
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A1 SECT ON 1/4" = 1'-0"



B SECTION B



C ECT ON 1) C

Aaron Gribben
City of Malibu
agribben@malibucity.org
jthompson@malibucity.org
planningcommission@malibucity.org
rmollica@malibucity.org

RE: Unlawful SEA WALLS and BUNGALOW, most likely build without permits
Work done AFTER Coastal Commission formed
Possibly on the property of 33386, 33390, and / or 33398 Pacific Coast Highway
Malibu, CA 90265

IF the pictured sea wall and structure are on the beach portion of the lots at the addresses 33386, 33390, 33398 PCH, then, I am against the building of homes **UNTIL THE UNLAWFUL STRUCTURES ARE REMOVED.** This may be the same property that dragged “A frames” down to the beach when the Coastal Commission was formed. They were “ordered” to remove the “A frames”.

Picture One: The rocks are jetting out from the hill to the normal tide line. There are TWO parallel rocks jetties connected together along the tide line by a third rock structure forming a “U”. The sea wall is four to five feet (4 to 5 feet) high and filled in with sand. It is difficult getting around the jetty during tides above a mean tide level. Before owners were allowed to build in the past, the Coastal Commission **required owners to give up beach property for public access along the shoreline [public good]**. This sea wall has changed the sand patterns in the cove and the sand has receded over the years.

Picture Two and Four: Along with the sea wall jetting out into the public access, you can see the bungalow. The bungalow was constructed around 2005 over a 4-to-5-year period. It was constructed a little at a time, very slowly, very slowly to not draw attention.

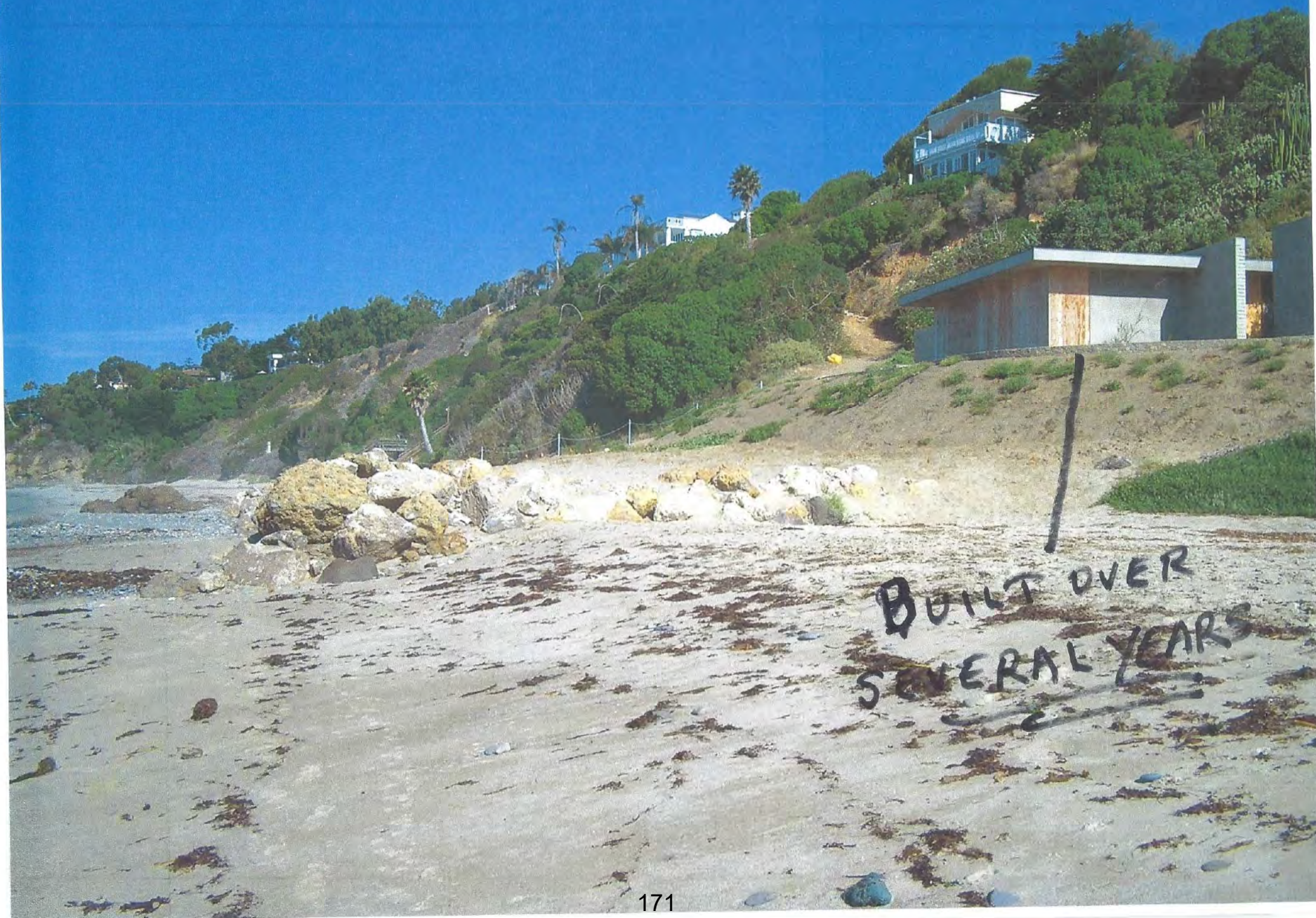
Picture Three: You can see “water” coming up out of the ground on the west side of the landfill. **One possible reason for the sand filled U shaped sea wall would be to provide a septic LEACH FIELD for the bungalow.** MUST BE REMOVED.



ABOUT 33386.4
~~33388~~
HOUSE BUILT OVER
SEVERAL YEARS

UNLAWFUL
ROCKS ADDED AND
FILLED IN WITH SAND

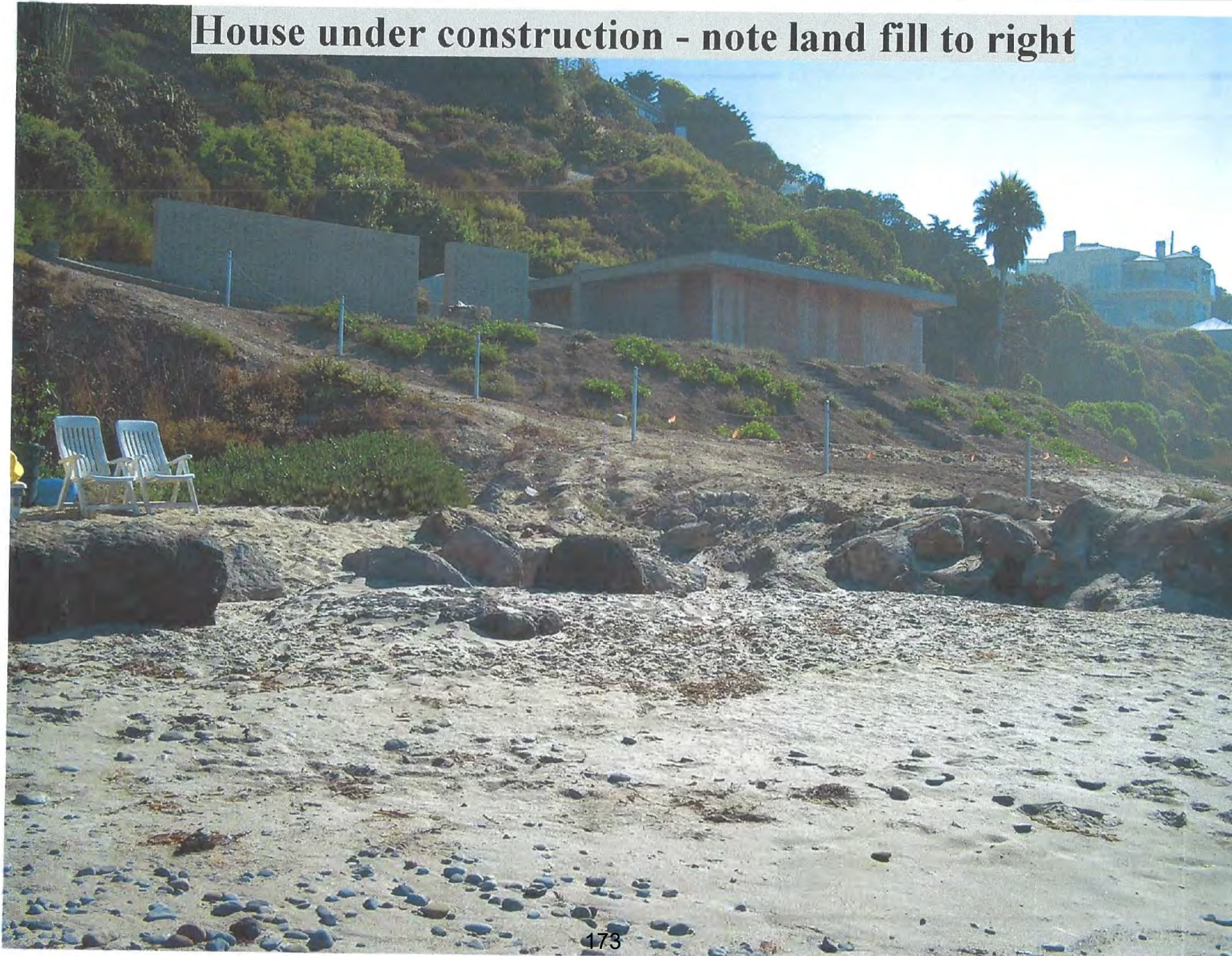
Land fill [looking West] - extending >50 ft to ocean blocking ped. traffic



Area below house [west side] - drainage from leach field - toilet waste?



House under construction - note land fill to right



From: James George
Sent: Monday, February 1, 2021 12:18 PM
To: Planning Commission <planningcommission@malibucity.org>
Subject: Bluff Slide Neglect and Liability Risk 33398, 33390, 33386 PCH

5D.

Coastal Development Permit No. 14-072, Lot Merger No. 17-007, Lot Line Adjustment No. 14-004, Variance Nos. 17-050, 17-051, 18-001, 18-005, 18-006, and 18-007, and Minor Modification No. 17-022 – An application for a new single-family residence and associated development, lot merger, and lot line adjustment Location: 33398 and 33390 Pacific Coast Highway, within the appealable coastal zone APNs: 4473-019-005 and 4473-019-006 Owner: 180 PCH, LLC

5E.

Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and 18-010, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development Locations: 33386 Pacific Coast Highway, within the appealable coastal zone Applicant/Owner: 180 PCH, LLC APN: 4473-019-007

Subject: Bluff Slide Neglect and Liability Risk

Members of the Planning Commission-

Enclosed are recent photos of the bluff that 180 PCH LLC is still attempting to build upon.

The bluff has continued to slide with the recent rains. It has been eroding for a number of years, while the 180 PCH project has repeatedly been put before this body. The only upkeep for this area has been by Mr. Saitman's efforts to prevent further destabilization of the bluff.

The recent resubmitted project proposal has the original 7 building code exceptions along with 2 more, that have yet to be adequately addressed to planning.

In the meantime, the neglect of the bluff increasingly creates risk to the beach, beachgoers, and neighboring properties,

Should the bluff fail, it could permanently alter the beach and access to it by the many residents that reside there. 180 PCH being an LLC could simply shut down, but leave residents and the City with large legal liabilities that this neglect has brought about. Somehow it seems that unless the project is allowed to go forward with its many problems, the developer will simply sit on their hands and do nothing to avoid this risk.

It would seem prudent that stabilization of the bluff would be a precondition for owning the bluff, not for a difficult and disruptive development project.

Thank you for your consideration in this matter.

Sincerely

James & Janice George

Malibu

Adjacent Property and Deeded Beach Access Easement Holders

Subject: 33386/98 PCH

Good Morning Jake,

Yes, after the last hearing we did receive calls to have the poles taken down and the Planning Director at the time agreed that the documentation in the file would serve as evidence for future evaluations.

However, given the complexity of the project and recent comments by members of the Planning Commission regarding the need for story poles, we felt it would be wise to ask for the installation of poles that reflect the redesigned homes. In addition, I am concerned that while Bonnie did issue you a waiver, the Planning Commission could see this as an opportunity for a continuance as was the case with the latest motel project. Those are my thoughts on this and why we made the request.

Richard

Richard Mollica / Planning Director / City of Malibu

23825 Stuart Ranch Road, Malibu CA, 90265

Phone: 310.456.2489 ext. 346

Fax: 310.456.7650

Connect with the City of Malibu!



From: Jake Jesson

Sent: Tuesday, September 21, 2021 4:55 PM

To: Jessica Thompson <jthompson@malibucity.org>; 'Don Schmitz - Schmitz & Associates, Inc.

Cc: Richard Mollica <rmollica@malibucity.org>

Subject: RE: 33386/98 PCH

Hi Richard,

As you'll likely recall, we previously had the story poles up for multiple months at this property both leading up to and after the public hearing but were ultimately requested by staff to have them taken down. This request by staff was based off of the strong feedback that you had gotten from the neighbors stating that they'd like to have the polls removed and that they were no longer needed.

At the time I was hesitant but I ultimately agreed to take them down under the condition that we wouldn't have to reconstruct them for a later hearing which you assured me would not be the case.

The poles were well documented in the staff report and the reconstruction of these was also not required when we were scheduled for other subsequent hearings over the past year or so.

Given the above I do request that staff reconsiders the request to erect new story poles at the subject property.

Thank You,

Jake Jesson

Sr. Project Manager

Weintraub Real Estate Group

P.O. Box 6528, Malibu, CA 90264

jjesson@weintraubre.com

O: (310) 456-2600 ext. 4

C: (310) 739-7931

*******Our office is moving as of 9/12/2020, but our PO Box will remain the same******* Please reach out for the new physical office address for any deliveries, overnight mail, and meetings. Please continue to use PO Box for regular mail service. Thank you.

The information transmitted herein is intended only for the person or entity to which it is addressed and may contain confidential, proprietary, and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please immediately contact the sender and delete the material from all computers

From: Jessica Thompson <jthompson@malibucity.org>
Sent: Monday, September 20, 2021 8:30 AM
To: 'Don Schmitz - Schmitz & Associates, Inc.'
Cc: Jake Jesson <Richard Mollica <rmollica@malibucity.org>>
Subject: FW: 33386/98 PCH

Hi Don,

I hope you had a nice weekend. I wanted to follow-up on the request below. Thank you!

Regards,

Jessica Thompson
Associate Planner
City of Malibu | Planning Department
Phone: (310) 456-2489, ext. 280

From: Jessica Thompson
Sent: Monday, September 13, 2021 5:48 PM
To: 'Don Schmitz - Schmitz & Associates, Inc.'
Cc: Richard Mollica <rmollica@malibucity.org>
Subject: 33386/98 PCH

Good evening Don,

I hope this email finds you well and you had a nice weekend. Given the recent comments from the Planning Commission, staff highly recommends the story poles be re-erected for 33386/98 PCH to allow analysis by the Planning Commissioners. Please let me know if you have any further questions, thank you!

Regards,

Jessica Thompson



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

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Wednesday, September 8, 2021, at 6:30 p.m.** on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor's Executive Order N-08-21 and the County of Los Angeles Public Health Officer's Order.

COASTAL DEVELOPMENT PERMIT NO. 14-073, VARIANCE NOS. 18-002, 18-003, 18-004, 18-008 AND 18-009, AND MINOR MODIFICATION NO. 18-001 - An application to construct a new 2,825 square foot, two-story, single-family residence, with an attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and onsite wastewater treatment system; including variances for construction in excess of 24 feet in height, for construction on slopes steeper than 2.5 to 1, for building area over 18 feet in height to exceed two-thirds of the first floor, for construction on a coastal bluff, for a reduced side yard setback to allow for access stairs and a connecting fire department turnaround between the subject property and the adjacent property addressed as 33398 Pacific Coast Highway, and a minor modification for a reduced front yard setback

LOCATION: 33386 Pacific Coast Highway / APN 4473-019-007
33398 Pacific Coast Highway / APN 4473-019-005
ZONING: Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER: 180 PCH, LLC
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(d) and (e)
APPLICATION FILED: November 26, 2014
CASE PLANNER: Jessica Thompson, Associate Planner, jthompson@malibucity.org (310) 456-2489 ext 280

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. To view or sign up to speak during the meeting, visit www.malibucity.org/virtualmeeting.

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

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

RICHARD MOLLICA, Planning Director

Date: August 12, 2021

ATTACHMENT 7



Supplemental Commission Agenda Report

Planning Commission
Meeting
04-16-18
**Item
4.C.**

To: Chair Marx and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: April 10, 2018 Meeting date: April 16, 2018

Subject: Coastal Development Permit No. 14-073, Variance Nos. 18-002, 18-003, 18-004, 18-008, 18-009, and 18-010, and Minor Modification No. 18-001 – An application for a new single-family residence and associated development (Continued from April 2, 2018)

Location: 33386 Pacific Coast Highway, within the appealable coastal zone

APNs: 4473-019-007

Owners: 180 PCH, LLC

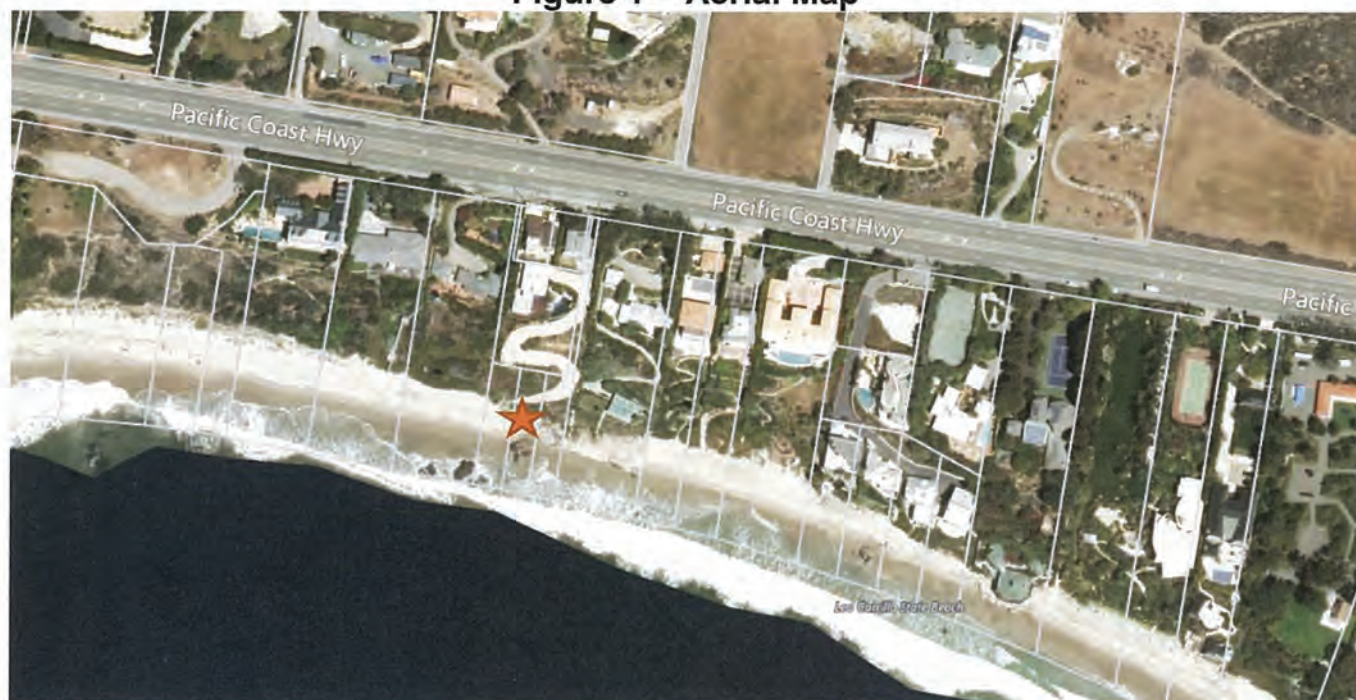
RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 18-30 (Attachment 1) Coastal Development Permit (CDP) No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 50 feet for the single-family residence, denying VAR No. 18-010 to allow for the elimination of two unenclosed parking spaces, and denying VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height located in the Rural Residential Two-Acre (RR-2) zoning district at 33386 Pacific Coast Highway (PCH) (180 PCH, LLC).

DISCUSSION: This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the proposed project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to the California Environmental Quality Act (CEQA). The analysis and findings contained herein demonstrate the proposed project is not consistent with the LCP and MMC.

Aside from the three discretionary requests identified in the recommended action, the application includes additional discretionary requests that are listed in the Project Description section of this Agenda Report. The associated project resolution does not contain determinations for these additional requests. Since the determinations cannot be made in the affirmative for three of the required variances, the determinations for approval of a CDP cannot be made in the affirmative; therefore, the determinations for the additional requests are mute.

Project Overview

Figure 1 – Aerial Map



Source: City GIS

The subject parcel, addressed as 33386 PCH, is part of an existing 3-lot subdivision that includes 33390 and 33398 PCH which is the subject of CDP No. 14-072. The subject lots take access from PCH through two lots located immediately to the north. These lots are developed with single-family dwellings. Currently, the subject lots are only developed with a rock revetment and private access driveway.

On February 17, 2000, the CCC issued CDP No. 4-97-243 to allow for remedial grading to address an onsite slope failure. Additionally, CDP No. 4-97-243 gave after-the-fact approval for a rock revetment (that had been installed without the benefit of permits) and installation of retaining walls along the existing driveway. Subsequently on May 5, 2006 CDP No. 4-97-243 was amended to require the removal of an unpermitted staircase that was built along the property line to the sandy beach at the rear of the property and to allow for an increase in the amount of grading that was previously approved.

A number of variances have been requested related to the steep slope and small parcel size which characterize the project site. Due to the steep slope, the required fire access would be provided by a new turnaround which would be built on a new elevated platform which would also support the garage and roof deck of the residence (Figure 2). Locations for the fire department access are limited on the subject site because of the difference in elevation between the subject property and PCH. If the fire department turn around were to be placed at a lower elevation, the steepness of the driveway would exceed the fire department's access requirements.

Architectural section drawing of a building. A red circle highlights a 'Raised Access Platform' on the second floor. The drawing shows multiple floors with various rooms and structural elements. A red arrow points from the text 'Raised Access Platform' to the highlighted area.

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requires no shoreline protection due to the pile foundation which elevates and protects it from wave uprush hazards as required by the LCP.

During September 2017, the applicant installed story poles to demonstrate the bulk and height of the proposed residence as well as the residence proposed under CDP No. 14-072 (Figure 3). Subsequent to the installation of the story poles, staff was contacted by a number of neighbors concerned about their ocean views and impacts of the Project. Three of these neighbors filed applications with the City for Primary View Determinations. Based on three site visits conducted by staff it was determined that the proposed structures would be within the blue water views of the neighboring residences.

Figure 3 - Story Pole Photograph of the Proposed Residences



As depicted in Figure 3, the proposed development will impact ocean views from neighboring properties. Both the MMC and LIP allow for development that is 18 feet in height by right. Applicants seeking to gain approval for structures in excess of 18 feet must demonstrate that there are no private primary view or public scenic view impacts. Given the site topography and small lot sizes, any development on the subject property will result in view blockage from upslope private residences. However, staff analysis shows it is possible to redesign the home to use parking lifts and a lower garage which would lessen impacts to private views and lower the overall height of the structure. No

public view impacts would occur when viewing the site from PCH because of the steep descending topography of the site and existing development located adjacent to PCH, which obstruct the line of sight from that vantage point.

Based on review of the story poles, project plans, and project specific engineering reports it was determined that seven variances would be required in order to find that the project is consistent with the LCP and approve the CDP. These variances are for: 1) construction in excess of 18 feet in height, 2) construction on a steep slope, 3) allowing portions of the building in excess of 18 feet in height to exceed two-thirds of the area below 18 feet in height, 4) construction on a coastal bluff, 5) reduced side yard setbacks, 6) elimination of unenclosed parking and a minor modification for a reduced front yard setback.

Given the constraints of the property, there is no flat area that could accommodate a residence, regardless of size, and provide the required fire department access. As discussed throughout this report, the site is characterized by a steep slope which descends to the sandy beach below.

Furthermore, the proposed project includes a raised exterior stair that would encroach into the western side yard setback. Pursuant to LIP Section 3.5(B)(5), a staircase can encroach four feet into the setback but cannot reduce the setback to less than three feet. While the majority of the staircase meets this requirement, a portion of the staircase at the lower elevation directly abuts the side yard. As such, a variance is required. (Retractable stairs are proposed for the portion of the stairs that meet the beach.) In addition, since the majority of the first floor of the proposed residence starts right around 18 feet in height, it was not possible to determine the allowable area above 18 feet. In effect, more than two-thirds of the residence will be above 18 feet in height. Therefore, to address compliance with the two-thirds rule, a variance is being processed.

Staff is recommending denial of the project for four reasons. First, portions of the proposed fire department access and access to the residences would be located outside of the existing access easement (Figure 4). Based on the information provided to date by the applicant, the Public Works Department has not signed off that the proposed project has adequate site access. No evidence has been presented that the owner has permission for construction of the portions of the proposed project that are located offsite (i.e., outside of the easement). The existing access easement generally follows the existing driveway, which currently crosses into the subject property at the easterly most lot (33386 PCH). As currently designed, the applicant is proposing to provide the fire department access and access to both residences at the westerly most lot (33398 PCH). A small area between the existing access road and the property line at 33398 PCH is outside the existing access easement. The applicant has indicated that he is working on a settlement with the owner of the property but to date, that settlement has not been finalized.

[illegible]

Surrounding Land Uses and Project Setting

Agenda Item 4.C.

Lands Map. Additionally, the property is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Furthermore, a biological assessment that was prepared for the properties did not identify the presence of ESHA. However, the parcels are characterized by a steep slope that meets the LCP's definition of a coastal bluff.

The property is located in an area primarily developed with one and two-story single-family residences with accessory development, and is zoned RR-2. The property is an infill lot bordered to the north, east and west by single-family residences. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

Table 1 – Surrounding Land Uses				
Direction	Address	Lot Size	Zoning	Land Use
North	33406 PCH	0.22 acres	RR-2	Single-Family Residence
	33408 PCH	0.52 acres	RR-2	Single-Family Residence
	33410 PCH	0.1 acres	RR-2	Single-Family Residence
South	Pacific Ocean			
West	33418 PCH	1.21 acres	RR-2	Single-Family Residence
East	33368 PCH	1.21 acres	RR-2	Single-Family Residence

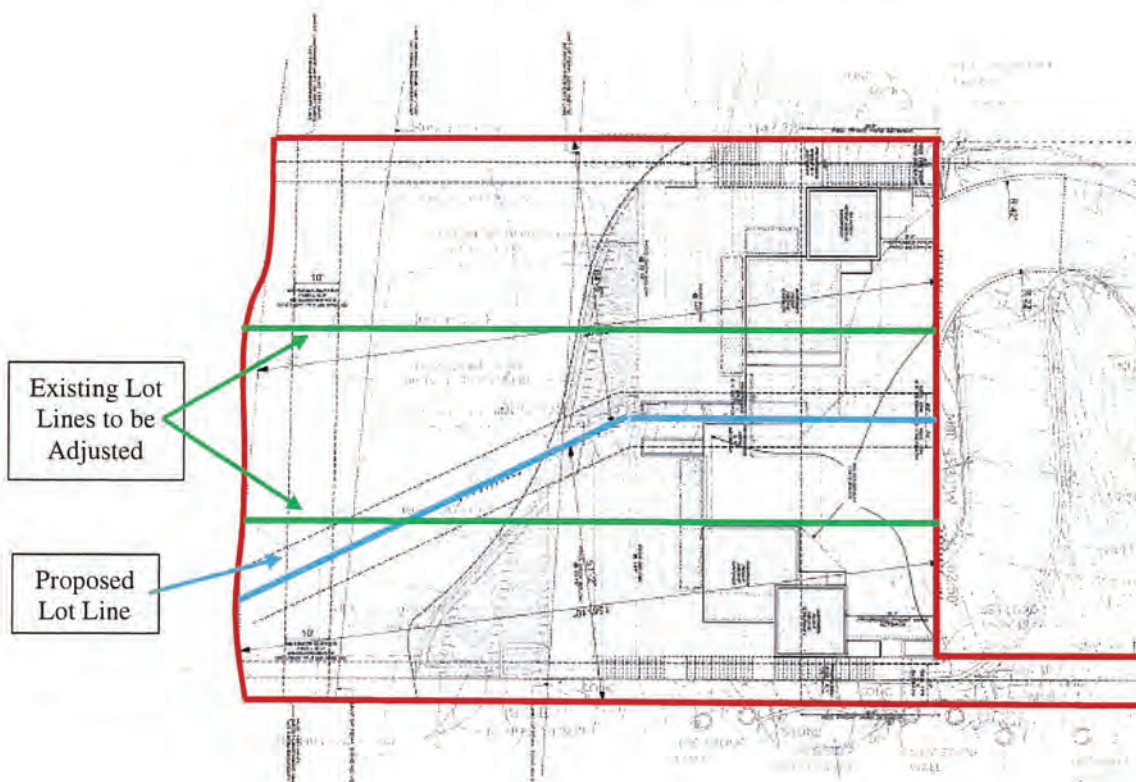
Source: City GIS

Upon completion of the lot line adjustment and merger (CDP No. 14-72) (Figure 5), the final lot size of the subject parcel site will would be as follows:

Table 2 –Property Data Upon Approval of the CDP	
Lot Depth	156.8 feet
Lot Width	57.2 feet
Gross Lot Area	10,395 square feet (0.24 acres)
Area Comprised of 1:1 Slopes	83 square feet
Net Lot Area*	10,312 square feet (0.24 acres)

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

Figure 5 – Final Lot Configuration



Project Description

The proposed scope of work is as follows:

- a. Construction of a 2,376 square foot, two-story single-family residence and a 449 square foot attached two-car garage;
- b. Construction of a new AOWTS;
- c. Elevated parking and fire department turnaround platform;
- d. Construction of beach-front deck and side yard stairs;
- e. Construction of an in-deck swimming pool, spa and associated equipment;
- f. Installation of in-deck planters and landscaping;
- g. Installation of an outdoor shower;
- h. Construction of an outdoor bar, barbeque and fireplace;
- i. Construction of a seawall;
- j. Construction of pile foundation to support the residence;
- k. Construction of retaining walls (six feet high maximum);
- l. Installation of new landscaping and hardscaping;
- m. Grading;
- n. Lot line adjustment and lot merger; and
- o. The following discretionary requests:

- i. VAR No. 18-002 to allow for construction in excess of 18 feet in height, up to 50 feet for the single-family residence;
- ii. VAR No. 18-003 to allow for construction on a steep slope;
- iii. VAR No. 18-004 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height;
- iv. VAR No. 18-008 to allow for construction on a coastal bluff;
- v. VAR No. 18-009 to allow for a reduced side yard setback to allow for access stairs and a connecting fire department turnaround between the subject property and the property addressed as 33398 PCH;
- vi. VAR No. 18-010 to allow for the elimination of two unenclosed parking spaces; and
- vii. MM No. 18-001 to allow for a reduction of the required front yard setback from 30 feet, 8 inches to 15 feet, 4 inches.

LCP Analysis

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

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

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

LIP Conformance Analysis

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

¹ The ESHA, Native Tree Protection, Transfer of Development Credits, Public Access, and Land Division findings are neither applicable nor required for the proposed project.

the Los Angeles County Fire Department (LACFD) (Attachment 4 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. However, the project, as proposed, is inconsistent with some of the applicable LCP codes, standards, goals and policies. Furthermore, the evidence in the record does not support the findings necessary for two of the variances.

Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary of the project's zoning conformance. To determine the rear yard setback, deck and building stringlines were not applied because of LIP Section 10.4(G). Pursuant to LIP Section 10.4(G), the property does not meet the definition of infill development because subject properties are not part of an existing linear community of beach fronting residences where the vast majority of lots are developed with residential dwellings and relatively few vacant lots exist. In addition, because of the wave uprush limits, steepness of the slope which characterizes the property, and LACFD access requirements, the proposed structure is located above grade and most of the first floor is above 18 feet. As such, a two-thirds calculation could not be determined.

Table 3 – Zoning Conformance			
Development Requirement	Allowed/ Required	Proposed	Comments
SETBACKS (ft.)			
<i>Front Yard – 20% or 65 feet, whichever is less</i>	<i>30 feet, 8 inches</i>	<i>15 feet, 4 inches</i>	<i>Minor Modification</i>
<i>Rear Yard – 15% or 15 feet, whichever is more</i>	<i>27 feet, 9 inches</i>	<i>50 feet</i>	<i>Complies</i>
<i>Side Yard (Minimum 10% - Cumulative 25%)</i>	<i>East 5 feet, 9 inches</i>	<i>East 3 feet (access stairs - 10 feet 4 inches for house)</i>	<i>Variance</i>
	<i>West 8 feet, 7 inches</i>	<i>West - 0 feet (parking/roof deck and stairs - 10 feet 4 inches for house)</i>	<i>Variance¹</i>
<i>Total Side Yard (Cumulative 25%)</i>	<i>14 feet 4 inches</i>	<i>3 feet for encroachments 20 feet, 1 inches for house</i>	<i>Variance</i>

Table 3 – Zoning Conformance			
Development Requirement	Allowed/ Required	Proposed	Comments
PARKING SPACES			
Enclosed (10 ft. x 18 ft.)	2 Spaces	2 Spaces	Complies
Unenclosed (10 ft. x 18 ft.)	2 Spaces	0 Spaces	Variance
Total Development Square Footage (TDSF) (sq.ft.)			
TDSF	2,825	2,825	Complies
<i>2/3rd Rule: 1st Floor x 2/3rd = 2nd Floor (sq. ft.) + volume > 18 feet</i>	<i>No calculation possible</i>		<i>Variance</i>
<i>Height (ft.)</i>	<i>18 feet</i>	<i>50</i>	<i>Variance</i>
IMPERMEABLE COVERAGE (sq.ft.)	4,460	4,428	Complies
NON-EXEMPT GRADING (cu.yd.)	1,000	942	Complies
CONSTRUCTION ON SLOPES	<i>3 to 1 and flatter</i>	<i>2 to 1 and Steeper</i>	<i>Variance</i>
Retaining Walls	6 ft. max. 12 ft. cumulative	6 ft. max. 12 ft. cumulative	Complies

As shown in Table 3, the proposed project does not meet the development standards as set forth under LIP Chapter 3. To address the non-compliant aspects of the project the applicant has requested variances. As discussed herein, the findings required for some of the variances are not supported by the evidence.

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 includes 942 cubic yards of non-exempt grading and 68 cubic yards of exempt grading. The proposed project complies with grading requirements set forth under LIP Section 8.3.

Table 4 – LCP Grading Conformance						
	Exempt**			Non-Exempt	Remedial	Total
	R&R*	Understructure	Safety***			
Cut	0	0	0	942	0	942
Fill	0	0	68	0	0	68
Total	0	0	68	942	0	1010
Import	0	0	68	0	0	0
Export	0	0	0	942	0	874

All quantities listed in cubic yards unless otherwise noted

*R&R= Removal and Re-compaction

**Exempt grading includes all R&R, understructure and safety grading.

***Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds and any other increases in driveway width above 15 feet required by the LACFD).

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 Survey was prepared by Robert J. Wlodarski of HEART, Inc. for the subject properties in April 2010. No indication of prehistoric or historic archaeological resources was discovered in the project area. HEART determined that any proposed improvements should have no adverse impacts to known cultural resources.

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed the proposed project for conformance to LIP Chapter 17 requirements for water quality protection and requirements of the State Water Resources Control Board because the property is located in an Area of Special Biological Significance (ASBS). The ocean between Latigo Point and the westerly City limits has been established by the State Water Resources Control Board as an ASBS as part of the California Ocean Plan. Should the project be approved, standard conditions of approval would need to include the implementation of approved storm water management plans during construction activities and to manage runoff from the development, including recordation of a water quality mitigation plan, and best management practices in compliance with ASBS standards. If these conditions were implemented, the proposed project would conform to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project includes an AOWTS to serve the proposed development. This new AOWTS would consist of a 2,493 gallon MicroSepTec ES-6 with ultraviolet disinfection unit. The new AOWTS would be located under the proposed residence, and would be sited as far landward as feasible. The proposed system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the MMC and the LCP. The proposed AOWTS would meet all applicable requirements and operating permits would be required if the project is approved. An operation and maintenance contract, and recorded covenant covering such, must comply with City of Malibu Environmental Health requirements. Should the proposed project be approved, conditions of approval which require continued operation, maintenance, and monitoring of onsite facilities would need to be included in the resolution.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

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

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

The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. The City's Public Works Department has not been able to determine that the proposed project conforms to the requirements of the LCP because the applicant has not obtained the full easement required to construct the fire department and residence access as designed. A portion of the proposed access, approximately 48 square feet, as shown in Figure 4, remains located on property on which the applicant admits it does not have the right to construct upon. In addition, staff is not able to determine that all of the proposed variances are supportable, specifically, the building height, two-thirds, and unenclosed parking variances. Thus, the proposed project is not consistent with the LCP.

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 subject properties are located between the first public road and the sea and currently have a lateral public access easement recorded on title. The proposed project would not affect the recorded easements. In addition, the subject property does not contain any mapped trails as depicted on the LCP Park Lands Map. Since the recorded public access would be maintained, the proposed project is consistent with the LCP's recreation policies and the Coastal Act.

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

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

Alternate Project – Based on review of the plans, it appears that the applicant could redesign the proposed structure to incorporate parking lifts to lower cars into a garage below the driveway level and revise the entry stairs to the main residence. This design alternative would lower the overall height of the proposed structure and reduce visual impacts. In addition, the use of lifts to lower cars into a garage would also provide additional onsite unenclosed parking, possibly eliminating the need for a parking variance and increase compliance with the two-thirds requirement. While any project would result in land disturbance, it is anticipated that there is a project alternative that would result in less visual massing and reduce the number of variances necessary. Visual impacts are considered as environmental impacts and therefore, redesigning the project may result in an environmentally superior project alternative.

Proposed Project – The proposed project consists of the construction of a new single-family residence, which is a permitted use within the RR-2 zoning designation, in an existing residentially developed area. Based on a possible project alternative, staff is unable to determine that the proposed project is the least environmentally damaging feasible alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board (ERB), 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. However, the site does contain a coastal bluff and,

given the lot size, construction on the bluff cannot be avoided. However, while review by the ERB is not required, a variance for construction on a bluff is included as part of the proposed project. Therefore, ERB review was not required, and this finding does not apply.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

The applicant is requesting relief from the standards contained in LIP Section 3.6(E)(2) which limit the height of flat roofs to 24 feet with the approval of a site plan review, pursuant to Section 13.27 of the Malibu LIP. Due to the steep slopes present on the site and the required fire department access, it is not possible to build a structure that is 24 feet high from adjacent grade and meet the requirements of the LACFD. In order to meet the fire departments requirements for access, the proposed development must start at elevation 62.50 which, once the required front yard setback is applied, the required access would be approximately 39 feet above grade. The applicant is proposing a structure that is 50 feet above finished grade. It appears that if the applicant redesigned the entry to the residence and utilized vehicle lifts which would lower vehicles into a garage the level of the driveway, the structure could be approximately 10 feet lower. Because there is a potential alternative design that could result in a lower structure height staff cannot make the findings in support of VAR No. 18-002.

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

There are special circumstances and exceptional characteristics of the proposed project site, specifically that the fire access cannot be constructed at a lower level or elevation, the steep slope which characterizes the area of the building pad, and the limited lot size (due to the boundaries of the mean high tide line), that would cause strict application of the zoning ordinance to deprive the property of the privilege to construct a home similar to those enjoyed by other properties in the vicinity and under the identical zoning classification. However, the privilege to construct a home does not include the privilege to build a home of unlimited height, height that obstructs blue water views, or height beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification. The applicant has proposed a structure that at its highest point would be 50 feet above finished grade. Importantly, there appears to be a design alternative that would result in a structure that is 40 feet in height and still would allow for fire access to the project site as well as reasonable use of the property, such that the applicant would not be denied privileges enjoyed by other properties in the vicinity. Because there appear to be alternative designs that potentially could lower the height of the proposed structure staff is unable to make this finding.

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

The granting of the variance would exempt the project from being limited to 24 feet in height. As discussed in Finding 1, an alternative design would result in a lower building height, potentially additional parking, and would reduce view impacts to neighboring properties. Since there is the potential for a design that is lower in height and does not require a parking variance, staff is not able to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

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

Due to potential design alternatives, such as the revised entry to the home and garage design discussed above, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

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

The granting of the variance will be contrary to the goals, objectives and policies of the General Plan, specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with the goal of preserving rural development through the limitation of height. Therefore, this finding cannot be made.

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

The coastal bluff on the project site was determined not be contain ESHA; this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 12 of the Malibu LIP.

The variance is not associated with stringline standards; this finding does not apply.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The project requires a variance because the subject site is not physically suitable for the structure height that is proposed. There appears to be an alternative design that would lower the proposed structure and reduce both public and private view impacts. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

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

The applicant has proposed a structure that, at its highest point, would be 50 feet above finished grade. However, there appears to be a design alternative that would result in a structure that would be 40 feet in height and still would allow for fire access to the site and reasonable use of the property sufficient for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, staff is unable to make this finding.

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

The variance is unrelated to public parking; this finding does not apply.

C. Variance for Construction on Slopes in Excess of 2½ to 1 (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 13.27.1(A)(4) which allows construction to be located on slopes flatter than 2½ to 1 with a site plan review. Given the steep topography which runs parallel to the shoreline, it is not possible to develop a residence on the subject site without construction on steep slopes. Through the use of the slope analysis that was submitted for the proposed project it was determined that the project site does not offer any alternative locations for development where steep slopes can be avoided. Should the project be approved, the required findings in support of Variance No. 18-003 could be made as follows.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence. The subject lot contains a 40-foot change in elevation that takes place within a horizontal distance of roughly 36 feet. This slope cuts through the property and, therefore, it is not possible to develop a residence without placing a foundation in the area dominated by the steep slope.

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

In order to safely develop the property, the applicant must anchor the foundation for the residence in a slope that exceeds 2½ to 1. This steep slope runs parallel to the front property line and physically divides the site from the ocean. The proposed project includes the installation of piles into the slope and will not result in instability to the site. The proposed project has been reviewed and approved by the City geotechnical staff, and City Coastal Engineer, for consistency with all applicable regulations and policies. Therefore, the granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.

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

The subject site is dominated by steep slopes and it is therefore not possible to avoid construction on slopes steeper than 2½ to 1. The granting of this variance would allow for construction on a slope steeper than 2½ to 1 similar to the variance issued for 28118 PCH which is a RR zoned lot abutting the shoreline which contained steep slopes. Furthermore, the granting of the variance would not constitute a special privilege to the applicant, because it would allow for single-family development in an area designated for such development and would be consistent with surrounding land uses.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

Based on a biological assessment completed for the subject property and the LIP's ESHA Maps, the project does not contain ESHA. Therefore, this finding is not applicable.

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

The variance is not related to stringlines; therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed project is for the development of a new single-family residence, which is permitted in the subject zone. Denying the variance would preclude construction of a residence on this legal lot.

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

The project requires a variance because the subject property is not able to accommodate residential development on a building site with slopes flatter than 2½ to 1. The granting of the variance would allow construction of a new single-family residence that is compatible with the surrounding built environment. An appropriate foundation system has been designed for the house on this site. The project has been reviewed and approved by applicable agencies for structural integrity and stability. Should the project be approved, prior to the issuance of a building permit, all final recommendations of the applicant's structural and coastal engineer, as well as those recommendations of the City Environmental Sustainability Department, the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission, WD29, and LACFD, would be incorporated into the project. The project site is physically suitable for the proposed variance.

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

The variance complies with all requirements of state and local law. Construction of the proposed improvements on a steep slope would comply with all building code

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

D. Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

Figure 6 – Two-Thirds Exhibit



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

The project site is dominated by a steep slope that descends to the beach below. The top of the proposed structure would be 62.50 feet above sea level to meet the requirements of the LACFD. Because of the steep slope, the height of the building would exceed the height limitations of LIP Section 3.6(E)(2). As a result, portions of the first floor exceed 18 feet above finished or natural grade. As stated previously, because there is a potential design alternative that would result in a lower building height and place more portions of the proposed structure below 18 feet in height, staff is unable to make this finding.

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

To develop the property, more than two-thirds of the residence would be above 18 feet as measured from adjacent grade because of the steep slope that occupies the entire site. The purpose of the two-thirds regulations is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. Since there is the potential for a design that is lower in height, and would therefore reduce visual impacts, staff is not able to determine that the project would not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

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

Due to potential design alternatives, such as the previously discussed revised entry to the home and garage design which would affect the two-thirds calculation, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

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

The granting of the variance will be contrary to the goals, objectives and policies of the General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and

viewshed protection. The general purpose and intent of the two-thirds size limit of the second floor is to reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

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

The project does not contain ESHA; this finding does not apply.

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

The variance is not for a deviation of stringline standards.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed project new single-family residence is a permitted use in the subject zone.

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

The project requires a variance because the subject site is not physically suitable for the structure that is proposed. There appears to be an alternative design that would lower the proposed structure and increase the structure's compliance with the two-thirds requirement. In addition, this design could potentially reduce both public and private view impacts. While any development would require a variance for compliance with the two-thirds regulations, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, staff is unable to make this finding.

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

The proposed project does not affect public parking.

E. Variance for Construction on a Coastal Bluff (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 10.4(D) which requires that development be set back at least 50 feet from the top of bluff. The entire property consists of coastal bluff slope. Through the use of the slope analysis that was submitted for the proposed project it was determined that the project site does not offer any alternative locations for development where construction on the coastal bluff can be avoided. Should the project be approved, the required findings in support of VAR No. 18-008 could be made as follows.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence. The subject lot contains a coastal bluff slope which occupies the whole site. This slope cuts through the property and it is therefore impossible to develop a residence without construction on the coastal bluff.

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

In order to safely develop the property, the applicant must anchor the foundation for the residence into the coastal bluff that runs parallel to the front property line and physically divides the project site from the ocean. The proposed project includes the installation of piles into the bluff and would not result in instability to the site. The project has been reviewed and approved by the City geotechnical staff, and City Coastal Engineer for consistency with all applicable regulations and policies. Therefore, the granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located through the granting of a variance for construction on a coastal bluff.

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

The granting of the variance would not constitute a special privilege to the applicant, because it would allow for single-family development in a zone designated for such development and would be consistent with surrounding land uses. There is no alternative site for building a home.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

The project does not contain ESHA. Therefore, this finding is not applicable.

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

The variance is not for stringline standards; therefore, this finding is not applicable.

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

The requested variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The project site is physically suitable for the variance because development of a single-family residence cannot avoid the bluff slope. The bluff does not contain ESHA and an appropriate foundation system has been designed for the project. Should the project be approved, prior to the issuance of a building permit, the project would be reviewed and

approved for structural integrity and stability. All final recommendations of the applicant's structural and coastal engineer, as well as those recommendations of the City departments, as well as the California State Lands Commission (CSLC), WD29, and LACFD, would be incorporated into the project.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies.

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

The proposed project does not reduce public parking for access to the beach or parklands.

F. Variance to Allow for a Reduced Side Yard Setback (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 3.6(F)(2) which requires that a single side yard setback be less than 10 percent of the width of the lot or five feet, whichever is greater. Side yard setbacks shall also be cumulatively at least twenty-five percent of the total width of the lot. Because of the steep bluff topography, the majority of the development is elevated above-grade on piles, including the required fire department hammerhead which will be shared with the adjacent property addressed as 33398 PCH. The proposed hammerhead would provide access to both properties for both the LACFD and the occupants of the residences. It is common for hammerheads and driveways to cross property lines when serving properties that do not have direct access to a street; however, normally they are on grade. Because of the steep slopes present, this access will not be on grade and is therefore subject to the required setbacks. It is not possible to provide on grade access regardless of project alternatives because the LACFD access must be at an elevation of 62.5 feet above sea level in order to connect to the existing driveway. The side yard variance request also includes a request to encroach into the west side yard with access stairs. Should the project be approved, the required findings in support of VAR No. 18-009 could be made as follows for both the LACFD turnaround and access stairs.

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

Strict application of the zoning ordinance would prevent the construction of a single-family residence because, without construction of a pile-supported above grade turnaround that connects to the property line, LACFD access cannot be provided. The coastal bluff slope

covers the whole lot and prevents the construction of an on-grade fire department turnaround. The variance would only apply to the fire department turnaround and a portion of the access stairs which serve as part of the LACFD site access; the entire residence complies with the required side yard setback. The proposed variance would allow the property to be developed in a similar manner to other small, constrained coastal lots, nearby and elsewhere in the City.

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

The variance allows for safe, compliant LACFD access. The reduction in side yard setbacks would not affect adjacent property owners as the same property owner owns the adjacent property to the west. The granting of the variance would not be detrimental to the public interest, safety, health or welfare, and would not be detrimental or injurious to the property or improvements in the same vicinity in which the property is located.

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

The granting of this variance would not constitute a special privilege to the applicant because it would allow for single-family development in an area designated for such development and would be consistent with surrounding land uses. A compliant fire department access is required.

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

The granting of the variance would not be contrary to or in conflict with the general provisions and intent, nor the goals, objectives and policies of the LCP and the General Plan. Granting the variance would allow the subject property to be developed in a similar manner to properties in the vicinity.

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

The project does not contain ESHA. Therefore, this finding is not applicable.

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

The proposed variance is not for stringline standards; this finding is not applicable.

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

The variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The subject site is physically suitable for the proposed variance because a compliant fire department access could not otherwise be constructed which would facilitate the single-family residential project. The project has been reviewed and approved by applicable agencies. Should the project be approved, prior to the issuance of a building permit, the project would be reviewed and approved for structural integrity and stability. All final recommendations of the applicant's structural and coastal engineer, City departments, as well as the CSLC, WD29, and LACFD, would be incorporated into the proposed project.

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

The variance complies with all requirements of state and local law. Should the project be approved, construction plans must comply with all building code requirements and would incorporate all recommendations from applicable City and County agencies.

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

The project does not include any reduction of public parking for the beach or parklands.

G. Variance for Unenclosed Parking (LIP Section 13.26)

The applicant is requesting relief from the standards contained in LIP Section 3.14.3 which requires two enclosed and two unenclosed parking spaces. The project includes two enclosed spaces; however, the proposed residence and access design occupy so much of the lot that no space for unenclosed parking is left. To create space for unenclosed parking, the upper level of the proposed home could be redesigned and the garage could be redesigned to be below the driveway level and could incorporate parking lifts that would lower the cars into the garage and leave space on top for unenclosed parking. Because

there is a potential alternative design that could allow for onsite unenclosed parking, staff cannot make the findings in support of VAR No. 18-007

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

While the subject property has constraints that limit design options and compliance with some development standards, there are alternatives which could allow for the onsite parking requirements to be met. An alternative project design which lowers cars into a garage through the use of lifts would allow for unenclosed parking on top of the lifts as well as in the garage. Because there appear to be alternative designs that could provide the required parking, staff is unable to make the finding that the application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the vicinity with the same zoning classification.

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

The granting of the variance would exempt the project from providing two unenclosed parking spaces. As discussed in Finding 1, an alternative design would result in additional parking. There is a lack of safe offsite parking in the immediate vicinity of the residence since the only proximate area is occupied by the fire department hammerhead and the driveway, which must remain clear. As the failure to provide the unenclosed parking could be detrimental to the public interest, welfare, health or safety, or be detrimental or injurious to the property or improvements in the same vicinity and zone as the Property, staff is not able to make this finding.

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

Due to potential design alternatives such as a revised garage design, the granting of the variance would constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. The applicant would be exempted from the unenclosed parking requirements that others must adhere to, even though such parking could be accommodated.

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

The granting of the variance would conflict with the goals and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 1.3.1 which addresses parking requirements with the goal of preserving the availability of parking through the use of required onsite parking.

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

The project does not contain ESHA. Therefore, this finding is not applicable.

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

The proposed variance is not for stringline standards; this finding is not applicable.

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

The variance is for relief from a specific development standard and does not authorize a use not otherwise permitted within the RR-2 zoning designation. The proposed single-family residential use is permitted in the subject zone.

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

The subject site is not physically suitable for the proposed variance because a design alternative exists which could provide the required unenclosed parking, and failure to provide the full required parking could lead to obstruction of the driveway and/or LAFD access.

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

Because there appears to be design alternative that could meet the parking requirements, staff is unable to make this finding.

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

The project does not include any reduction of public parking for the beach or parklands.

H. Minor Modification for a 33 Percent Reduction of the Front Yard Setback (LIP Section 13.27)

A minor modification is proposed to reduce the front yard setback from the required 30 feet, 8 inches to 15 feet, 4 inches. LIP Section 13.27.5(B) requires that the City make three findings in consideration and approval of a minor modification to reduce the required front yard setback. Based on the foregoing evidence contained within the record, the required findings for MM No. 18-001 are made as follows.

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

While it is not possible to develop the site without a reduction in the required front yard setback, there are portions of the project that are not consistent with the policies and provisions of the LCP.

Finding 2. That the project does not adversely affect neighborhood character.

The proposed reduction in the front yard setback is not expected to adversely affect neighborhood character. The proposed structure would be setback similar to the development found on the smaller lots in the area. In addition, the proposed residence was designed to be closer to the front property line in order to lessen visual impacts to surrounding residences. Therefore, the proposed project will not adversely affect neighborhood character as the proposed improvements will be similar to other surrounding development.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

The proposed project complies with all requirements of State and local law.

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

As discussed previously, the site does not contain ESHA and therefore, the findings in LIP Chapter 4 do not apply.

J. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the property. Chapter 5 findings do not apply.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing

area. The project site is visible from Robert H. Meyer Beach, an LUP-designated scenic area. As a result, the Scenic, Visual and Hillside Resource Protection Chapter applies, and the five findings set forth in LIP Section 6.4 could be made should the project be approved.

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

The proposed project is a new single-family residence on a parcel zoned for single-family residential development. The neighborhood is predominantly built-out with single-family beachfront homes that are either built into the hillside or on flat pads overlooking the ocean. Story poles were placed on the project site to demonstrate the size, mass, height, and bulk of the proposed project. An analysis of the proposed project's visual impact from the beach was conducted through site inspections, architectural plans and review of neighborhood character.

Due to the lot size constraints and setback requirements, there is no feasible alternative building site location where the development would not be visible from a scenic area (beach). The nearest scenic road is PCH; however, the site is not visible from PCH because of existing development and a large change in elevation. Given the bluff location, any development would take on a stepped design and no significant impacts are expected.

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

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design, which would lower the height of the proposed residence, appears to be possible. Therefore this finding cannot be made.

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

As discussed in Finding 1, the proposed project would be visible from a public viewing area. However, there are no feasible alternative locations on the site from where views would be hidden from the beach. No significant adverse impacts are expected.

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, would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development will be constructed landward of the required 10-foot mean high tide line (MHTL) setback.

G. Transfer of Development Credit (LIP Chapter 7)

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

H. Hazards (LIP Chapter 9)

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

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. Should the project be approved, the required findings could be 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 Don Kowalewsky dated February 7, 2014, June 11, 2014, November 11, 2014, December 11, 2014, May 11, 2015, June 15, 2015, and July 30, 2015. Wave Uprush studies, prepared by Pacific Engineering Group dated April 16, 2015, July 6, 2015, and October 6, 2015 were also reviewed. According to these reports, the proposed development was determined not to increase instability of the site or structural integrity from a geologic, flood or fire hazards perspective and to be sited in the most landward feasible location.

The Wave Uprush Study, dated April 16, 2015, addresses the MHTL and depth of beach scour. The study also addresses sea level rise and recommends a minimum finished floor

elevation (+25.70 feet NAVD88²) to account for it. The City Coastal Engineer has reviewed and conditionally approved the proposed project based on the National Research Council (2012) estimate of sea level rise over a 100-year period. Conditions of approval have been incorporated in the resolution requiring that a shoreline protection monitoring program be provided and that the proposed design of the seawall be amenable to adaptation strategies in the future should the maximum projected sea level rise occur. In addition, the project complies with the floodplain updates that are to be incorporated into the proposed Federal Emergency Management Agency (FEMA) Flood Zone maps.

Liquefaction / Landslide

The site is subject to liquefaction however, based on the liquefaction analysis, the project geotechnical engineer included specific recommendations for the construction of the proposed piles which support the residence. The project geologist determined that by placing the piles into the bedrock located beneath the sand, the lateral liquefaction forces presented by the sand would not affect the proposed structure. These recommendations have been reviewed and conditionally approved by City geotechnical staff.

Flood Hazard/Tsunami

As confirmed by the FEMA Flood Insurance Rate Map, the project site is located within a floodplain (VE zone). However, based on the recommendations of the applicant's coastal engineer, the proposed structure would be elevated on piles above level of the floodplain. The property is adjacent to the ocean, and consistent with the requirements of the LIP, the property owner is required to sign a waiver indemnifying the City of Malibu against any liability or claims for wave damage. The proposed finished floor elevation of the building has been reviewed by the City's Public Works Department and City Coastal Engineer and has been given a conditional approval. The proposed residence is designed to meet the lowest recommended finish floor elevation (+25.70 feet NAVD88) as outlined in the Wave Uprush Study prepared by Pacific Engineering Group, dated April 16, 2015.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire through the use of appropriate building materials will be utilized during construction.

² North American Vertical Datum 1988 (NAVD88) is the vertical control datum of height established for surveying in the US.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, would 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 proposed project, as designed, conditioned and approved by the applicable departments and agencies with the exception of the Public Works Department, would not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design appears to be possible which would lower the height of the proposed residence. Therefore this finding cannot be made.

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 Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding 3 of Section A, there are no feasible alternatives to development and due to site constraints, any other project alternative would also result in grading, the need for a pile foundation, seawall to protect the proposed AOWTS, land disturbance, and construction on steep slopes.

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

As discussed in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative.

I. Shoreline and Bluff Development (LIP Chapter 10)

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

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

The proposed project includes the removal of the existing rock revetment and the construction of a new residence, AOWTS, and seawall. The proposed seawall is only for the protection of the AOWTS. The residence and all accessory development as designed with a pile foundation that does not require a shoreline protection device for the life of the project pursuant to LIP Section 10.4(H). As previously discussed in this report, based on the determination letter from the CSLC, the proposed development is sited 10 feet landward of the 1928 MHTL and, as such, would not result in negative impacts to public access or other resources. The proposed location of the AOWTS and seawall have been reviewed and conditionally approved by the City Coastal Engineer, City Environmental Health Administrator and City geotechnical staff and determined to be sited as landward as feasible. Therefore, the project is not anticipated to result in significant adverse impacts to public access, shoreline sand supply or other resources.

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

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

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

As previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design appears to be possible which would lower the height of the proposed residence and therefore this finding cannot be made.

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

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

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

As previously discussed in Finding 1, the proposed AOWTS has been sited in the most landward feasible location and the proposed seawall complies with the shoreline protection device stringline requirements. Additionally, the seawall would be under the new residence where it would not obstruct public access or affect shoreline sand supply. Public access would also benefit from removal of the revetment. Nonetheless, pursuant to LIP Section 10.6, should the project be approved, as a condition of approval, the property owner would be required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such activities that may exist under Coastal Act Section 30235. Said deed restriction shall be submitted to the Planning Department for approval prior to recordation.

I. Public Access (LIP Chapter 12)

The subject property is located seaward of the first public road (PCH) and according to recorded documents, currently offers public lateral beach access. Approval of the residence, lot line adjustment, and lot merger will not affect the public's ability to utilize the lateral access located at the rear of the properties. Based on these factors, the project is not expected to affect the public's ability to cross the sand and access the shoreline. Therefore, the project conforms to LIP Chapter 12 and further findings need not be made.

ENVIRONMENTAL REVIEW: While environmental review is not required for projects that are denied by the Planning Commission; if the Commission determines that the project is approvable, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e) - New Construction.

CORRESPONDENCE: Neighbors of the project have submitted correspondence indicating concerns over view impacts, development of the subject properties, and legality of the lots. Staff has verified that each of the lots that are part of this application can legally be developed. In addition, staff has meet with neighbors of the project to evaluate the

visual impacts of the development relative to their ocean views. Included with the correspondence is a petition from neighbors of the project documenting their objection to the application (Attachment 5).

PUBLIC NOTICE: On March 8, 2018, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject properties (Attachment 6).

SUMMARY: Some of the required findings demonstrating that the proposed project complies with the LCP and MMC cannot be made. 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 denial of this project,

ATTACHMENTS:

1. Planning Commission Resolution No. 18-30
2. Project Plans
3. Story Pole Photos
4. Department Review Sheets
5. Public Correspondence
6. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 18-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DENYING COASTAL DEVELOPMENT PERMIT (CDP) NO. 14-073 TO CONSTRUCT A NEW 2,376 SQUARE FOOT, TWO-STORY, SINGLE-FAMILY RESIDENCE, WITH A 449 SQUARE FOOT ATTACHED TWO-CAR GARAGE, ROOFTOP DECK, SWIMMING POOL, SPA AND ASSOCIATED EQUIPMENT, BARBEQUE, OUTDOOR FIREPLACE, RETAINING WALLS, LANDSCAPING, HARDSCAPING, GRADING, AND INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, AND DENYING VARIANCE (VAR) NO. 18-002 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT, UP TO 50 FEET FOR THE SINGLE-FAMILY RESIDENCE, DENYING VAR NO. 18-010 TO ALLOW FOR THE ELIMINATION OF TWO UNENCLOSED PARKING SPACES, AND DENYING VAR NO. 18-004 TO ALLOW THE PORTIONS OF THE BUILDING IN EXCESS OF 18 FEET IN HEIGHT TO EXCEED TWO-THIRDS THE AREA BELOW 18 FEET IN HEIGHT LOCATED IN THE RURAL RESIDENTIAL TWO-ACRE (RR-2) ZONING DISTRICT AT 33386 PACIFIC COAST HIGHWAY (PCH) (180 PCH, LLC).

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

SECTION 1. Recitals.

A. On November 25, 2014, an application for Coastal Development Permit (CDP) No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system and to merge a portion of APN No. 4473-019-006 with the subject lot and another portion to the adjacent lot (33398 Pacific Coast Highway, CDP No. 14-072. The application was submitted to the Planning Department by the property owner, 180 PCH, LLC and was routed to the City Geologist, City Environmental Health Administrator, City Coastal Engineer, City Biologist, the City Public Works Department, Los Angeles County Waterworks District 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

D. On April 17, 2015, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On July 15, 2015, the applicant submitted revised project plans.

F. On June 19, 2017, the applicant submitted approved LACFD access plans.

G. During September of 2017, the applicant installed story poles on the subject property.

H. On September 15, 2017, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

I. On March 8, 2018, 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.

J. On the April 2, 2018, the Planning Commission meeting was canceled and the item was continued to the April 16, 2017 regularly scheduled Planning Commission meeting.

K. On April 16, 2018, 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 California Environmental Quality Act (CEQA) Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 3. Findings for Denial.

Based on substantial evidence contained within the record and pursuant to LIP Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and denies without prejudice CDP No. 14-073 to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, and denying Variance (VAR) No. 18-002 for construction in excess of 18 feet in height, up to 50 feet for the single-family residence, denying VAR No. 18-004 to allow for the elimination of two unenclosed parking spaces, and denying VAR No. 18-010 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height.

The project, as proposed, is not consistent with the applicable LCP and Malibu Municipal Code (MMC), codes, standards, goals, and policies. The applicant has not demonstrated that it has a right to build the fire department access or access the residences as proposed as portions of these accesses are located outside of the existing access easement, as acknowledged by the applicant. Based on the information provided, the City's Public Works Department could not determine that the proposed project has adequate site access and no evidence has been presented that the owner has permission for construction or use of the portions of the proposed scope of work that are located offsite. The existing access easement generally follows the existing roadway which currently crosses the property line at the easterly most lot (33386 PCH). As currently designed, the applicant is proposing to provide the fire department access and access to both residences at the westerly-most lot (33398 PCH). A small area between the existing access road and the property line at 33398 PCH is outside the existing access easement.

In addition, if the applicant revised the entry to the home and incorporated the use of vehicle lifts to allow the garage to be located below the fire department turnaround, it would result in a lower structure height and the likely elimination of the parking variance because the unenclosed parking could be provided on top of the lifts which lower vehicles into the garage. A reduction in the height of the proposed structure would lessen visual impacts to neighboring properties as well as bring the structure closer to conformance with the MMC and LCP.

A. General Coastal Development Permit (LIP Chapter 13)

1. The proposed project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City Coastal Engineer, City geotechnical staff, WD29, and LACFD. The City's Public Works Department has not been able to determine that the proposed project conforms to the requirements of the LCP because the applicant has not obtained the right to the full proposed access as acknowledged by the applicant and described in the associated title reports, grant deeds and related materials. In addition, the Planning Commission is not able to determine that all of the proposed variance requests are supportable. Due to the proposed access, height, two-thirds rule, and unenclosed parking departures from the LIP requirements, and failure to obtain variances from these requirements, the project is not consistent with the LCP.

2. Based on review of the plans, evidence shows the applicant could redesign the proposed structure to incorporate lifts to lower cars into a garage and revise the entry stairs to the main residence. As a result, the general CDP findings cannot be made and the project would not be the least environmentally damaging alternative. This design would lower the overall height of the proposed structure and reduce variances required, impacts on the environment and visual impacts which are considered an environmental impact. In addition, the use of lifts to lower cars into a garage would also provide additional onsite unenclosed parking, likely eliminating the need for a parking variance. It is anticipated that an alternative project would offer environmental advantages and reduce the number of variances necessary.

B. Variance Findings for construction in excess of 24 feet in height (LIP Section 13.26)

1. The applicant has proposed a structure that, at its highest point, is 50 feet above finished grade. However, there appears to be a design alternative that would result in a structure that is 40 feet in height and would also allow for fire access to the project site. Because there appears to be alternative designs that potentially could lower the height of the proposed structure the Planning Commission is unable to make the finding that special circumstances apply to the subject property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. The granting of the variance will exempt the project from being limited to 24 feet in height. As discussed in Finding 1 an alternative design would result in a lower building height, additional parking and would reduce view impacts to neighboring properties. Since there is the potential for a design that is lower in height, it is not possible to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives such as a revised entry to the home and garage design, the granting of the variance will constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made.

4. The granting of the variance will be contrary to, and in conflict with, the general provisions and intent, goals, objectives and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 2.3.2 which addresses the City's height limits for development with

the goal of preserving rural development through the limitation of height.

5. The project requires a variance because the subject site is not physically suitable to develop a residence that has a flat roof and is no higher than 24 feet above-grade, due to the required fire department access. While any development would require a variance for height, potential alternative designs could result in a building height lower than the proposed building height; therefore, this finding cannot be made.

6. The applicant has proposed a structure that, at its highest point, is 50 feet above finished grade. However, there appears to be a design alternative that would result in a structure that is 40 feet in height and still would allow for fire access to the site. Because there appears to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the finding that the variance complies with all requirements of state and local law cannot be made.

C. Variance Findings for reduction in the amount of required onsite parking (LIP Section 13.26)

1. The proposed design of the residence does not allow for onsite parking because of the LACFD turnaround. An alternative project design which lowers cars into a garage through the use of lifts would allow for unenclosed parking on top of the lifts as well and outside of the fire department turnaround. Because there appears to be alternative designs that potentially could lower the height of the proposed structure and provide the required onsite parking the Planning Commission is unable to make the finding that strict application of the zoning ordinance would deprive the applicant of privileges enjoyed by property owners in the same zone and vicinity.

2. The granting of the variance will exempt the project from providing two unenclosed parking spaces. As discussed in Finding 1 an alternative design would result in additional parking and a lower roof height. Since there is the potential for a design that is lower in height, which would allow additional parking to be provided, the finding to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property cannot be made.

3. Due to potential design alternatives such as a revised garage design, which would eliminate the need for a variance, the granting of the variance will constitute a special privilege to the applicant or property owner and therefore, the required finding that the variance would not convey a special privilege to the applicant cannot be made.

4. The granting of the variance will be contrary to and in conflict with the general provisions and intent, goals, objectives and policies of the LCP and the General Plan. Specifically, General Plan Land Use Policy 1.3.1 which addresses parking requirements with the goal of preserving the availability of parking through the use of required onsite parking.

5. The proposed project requires a variance because the applicant's design does not allow for both unenclosed parking and fire department access. However, there appears to be a design alternative which would allow for both; four onsite parking spaces and the required fire department access. Therefore, the finding that the site is physically suitable for the variance cannot be made.

6. Because there appears to be alternative designs that potentially could provide the required onsite parking and fire access and bring it in compliance with the code, the Planning Commission is unable to make the finding that the variance complies with all requirements of state and local law.

D. Variance to Allow for a Second Floor in Excess of Two-Thirds of the First Floor (LIP Section 13.26)

1. The subject site is dominated by a steep slope that descends to the beach below. The top of the structure is at elevation 62.50 feet above sea level, in order to meet the requirements of the LACFD. Because of the steep slope, the height of the building exceeds the height limitations of LIP Section 3.6(E)(2) and as a result portions of the first floor exceed 18 feet above finished or natural grade. As stated previously, because there is a potential design alternative that would result in a lower building height and place more portions of the proposed structure below 18 feet in height, the Planning Commission is unable to make the finding that special circumstances apply to the property such that without the variance as proposed the applicant would be denied privileges enjoyed by other property owners in the same zone and vicinity.

2. To develop the property, more than two-thirds of the residence will be above 18 feet, as measured from adjacent grade, because of the steep slope that occupies the entire site. The purpose of the two-thirds regulation is for both reduced massing and orienting development so as to minimize view blockage from adjacent properties. Since there is the potential for a design that is lower in height, which would reduce massing and view blockage, the Planning Commission is not able to determine that the project will not be detrimental to the public's interest, safety, health or welfare or detrimental or injurious to the property or improvements in the same vicinity and zone as the subject property.

3. Due to potential design alternatives such as a revised entry to the home and garage design as discussed previously which would affect the two-thirds calculation, the granting of the variance will constitute a special privilege to the applicant or property owner and therefore, the required finding cannot be made. Granting a variance to a height that obstructs blue water views, which is beyond that of which is required for the applicant to enjoy the privileges enjoyed by other homes in the vicinity with the identical zoning classification, would constitute a special privilege.

4. The granting of the variance will be contrary to the goals, objectives and policies of the LCP and General Plan, specifically, General Plan Land Use Objective 1.4 which provides for development that is consistent with the preservation of the natural topography and viewshed protection. The general purpose and intent of the two-thirds size limit of the second floor is to reduce aesthetic impacts of a box-like structure and to minimize view blockage from adjacent properties. As discussed earlier, there appears to be a design alternative would lessen view impacts to neighboring properties.

5. The project requires a variance because the subject site is not physically suitable for the structure that is proposed. There appears to be an alternative design that would lower the proposed structure and increase the structure's compliance with the two-thirds requirement. In addition, this design could potentially reduce both public and private view impacts. While any development would require a variance for compliance with the two-thirds regulations, potential alternative designs could result in a building height lower than the proposed building height.

Therefore, the finding that the site is physically suitable for the variance cannot be made.

6. Because there appear to be alternative designs that potentially could lower the height of the proposed structure and bring it more in compliance with the code, the Planning Commission is unable to make the finding that the variance complies with all requirements of state and local law.

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

1. The Planning Commission cannot make all of the required findings for LIP Chapter 6 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

F. Hazards (LIP Chapter 9)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 9 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

G. Shoreline and Bluff Development (LIP Chapter 10)

1. The Planning Commission cannot make all of the required findings for LIP Chapter 10 because, as previously stated in Section A, the proposed project, as designed and conditioned, is not the least environmentally damaging alternative because an alternative design which would lower the height of the proposed residence appears to be possible.

SECTION 6. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 16th day of April 2018.

CHRIS MARX, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Malibu Municipal Code Section 17.04.220 (Appeal of Action), a decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms and fee schedule may be found online at www.malibucity.org, 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 to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or 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. 18-30 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the this 16th day of April 2018, by the following vote:

AYES:

NOES:

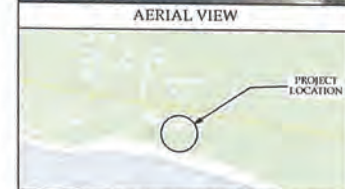
ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

October 2014

RECEIVED
JUL 22 2015
PLANNING DEPT



VICINITY MAP

F-1.1	COVER SHEET/PROJECT INDEX
F-1.2	SURVEY
F-1.3	GENERAL NOTES
F-1.4	PLANS
F-1.5	SECTIONAL ELEVATIONS
F-1.6	DETAILS
F-1.7	PROFILES
F-1.8	CONSTRUCTION DETAILS
F-1.9	CONSTRUCTION DETAILS
F-1.10	CONSTRUCTION DETAILS
F-1.11	CONSTRUCTION DETAILS
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F-1.100	CONSTRUCTION DETAILS

FD1.1	FIRE DEPARTMENT SITE ACCESS
FD1.2	FIRE DEPARTMENT DETAILS AND NOTES




SHEET-1 COVER SHEET
SHEET-2 TOPOGRAPHIC SURVEY
SHEET-3 OVERALL SITE PLAN
SHEET-4 GRADING AND DRAINAGE PLAN
SHEET-5 SUBMITTAL / WORK BMP PLAN

- A-0.1 SITE PLAN
- A-0.2 PARTIAL SITE PLAN
- A-0.3 AREA TABULATION
- A-1.1 FOUNDATIONS PLAN
- A-1.2 LOWER FLOOR PLAN
- A-1.3 MID FLOOR PLAN
- A-1.4 UPPER FLOOR PLAN
- A-1.5 ROOF DECK PLAN
- A-1.6 ROOF PLAN
- A-2.1 ELEVATIONS NORTH & SOUTH
- A-2.2 ELEVATIONS EAST
- A-2.3 ELEVATIONS WEST
- A-3.1 SECTION A-A
- A-3.2 SECTION B-B
- A-3.3 SECTION C-C
- A-3.5 SECTION D-D

- S-1 GENERAL NOTES
- S-2 STANDARD DETAILS
- S-3 FOUNDATION PLAN
- S-4 LOWER FLOOR FRAMING PLAN
- S-5 MID FLOOR FRAMING PLAN
- S-6 UPPER FLOOR FRAMING PLAN
- S-7 ROOF DECK FRAMING PLAN
- S-8 UPPER ROOF FRAMING PLAN

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

[illegible]

NO	DATE	ISSUE
	May 1st 2015	INITIAL CIP SUBMITTAL
	May 8, 2015	RE SUBMIT AFTER PLANNING CORRECTIONS Feb 11, 2015
	July 2015	RE SUBMIT AFTER PLANNING CORRECTIONS Jan 27, 2015

This is a blank sheet of white paper with horizontal blue or grey ruling lines. There are two vertical red lines on the left side, creating a margin. The paper appears to be from a notebook or a standard writing template.

BURDGE
& Associates
ARCHITECTS

VALLEY
SUN VALLEY

01275 FROM DE DESAIGLE 1997

952 212-4000 5000

1000

DESCRIPTION:

COVER SHEET

PROJECT IND

2008 RELEASE UNDER E.O. 14176

T-1

1-1

PROJECT	YOUNG FISH
---------	------------

DATE	
------	--

SCALE	8/11/11
SEASON BY	11/11/11

[illegible]

ATTACHMENT 2

33386-33398
PACIFIC COAST HWY.
MALIBU,
CA 90265

THE CHAIRMAN AND THE CHAIRMAN ARE
THE PROPERTY AND COPYRIGHT OF THE
AMERICAN AND THERE IS NO OTHER
ANY OTHER IN THE WORLD AND THERE IS
AFTER THE WORLD THE AMERICAN

[illegible]

BURDGE
 & Associates
 ARCHITECTS
 VALLEJO
 SAN VALLEY
 WWW.
 BUJA.COM

21228-21800 21228-21800
 21228-21800 21228-21800
 21228-21800 21228-21800

DESCRIPTION:

FIRE DEPARTMENT
VEHICULAR ACCESS

DRAWING NO.	
AFD-1	
PROJECT	33366-00390 1C10 RESIDENCE
DATE	
SCALE	As Noted 7/2/95
DRAWN BY	DVS B. R. L. A.M.

1)-The required fire flow is based on the following calculation: Type of construction per the Building Code, Type V-B
 The floor based on the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of the building (area 2,825 Sq.Ft.):
 2,250 gpm
 Reduction for fire sprinklers system (maximum 50%): 1,125 gpm
 Total fire flow required: 1,125 gpm, 20 psi residual pressure for the duration of 2 hours. [Fire Code 507.3, County Los Angeles Fire Department Regulation 8.]

Code Reference: Residential Code & Fire Code 903.1

Type of fire Sprinkler System: 903.3.1.1, 903.3.1.2, 903.3.1.3



CROSS HATCHED FILL
INDICATES FIRE DEPARTMENT
ACCESS CLEAR TO SKY

SITE PLAN	1
	3/16" = 1'-0"

33386-33398
PACIFIC COAST HWY.
MALIBU,
CA 90265

THE EMPLOYERS AND SPECIFICATIONS AND THE PROPERTY AND COMPENSATION OF THE ARCHITECTS AND ENGINEERS WILL BE LEFT TO ANY OTHER WORKS (CEPT BY MUTUAL AGREEMENT WITH THE ARCHITECTS)

IMPORTATION OF PERSONS SHALL BE DENIED
ON THE BASIS THAT SUCH PERSONS SHALL
BE BROUGHT TO THE ATTENTION OF IN-
SPECTION FROM THE
COMMISSIONER OF THE WORK.

NO.	DATE	ISSUE
	May 24	INITIAL CTR SUBMITT.

BURDGE
& Associates
ARCHITECTS

VALLEY
SUN VALLEY
WWW.
SUNVALLEY.COM[illegible]

DESCRIPTION:

FIRE DEPT. WALK
ACCESS & STANDARD
NOTES

DRAWING NO. **AFD-2**

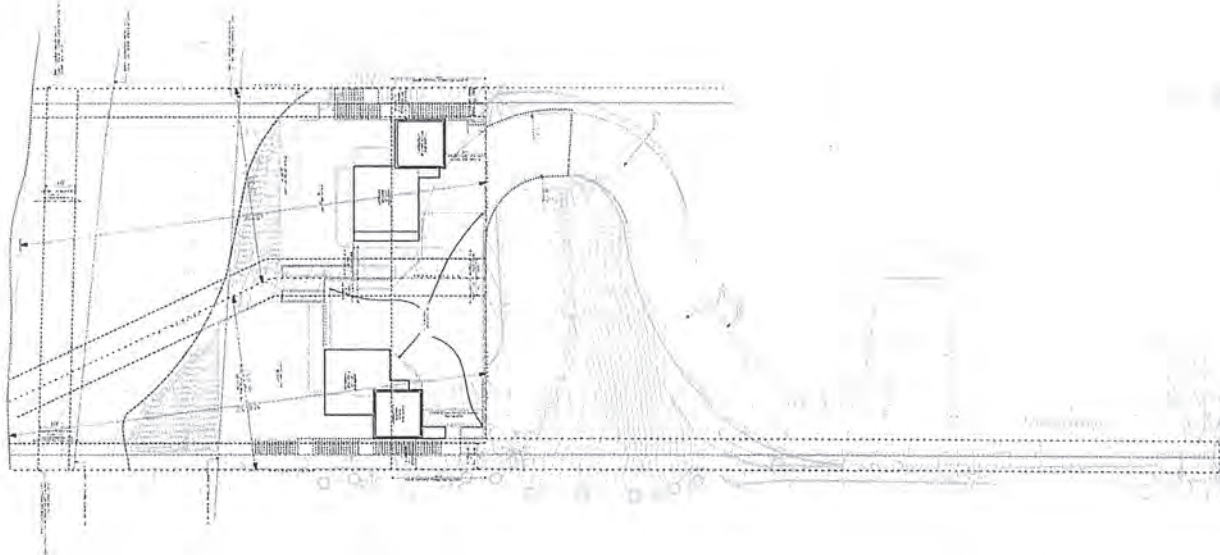
PROJECT	ANALOGIC PC11 RESIDEN
---------	-----------------------

DATE	
SCALE	Plot Date: 2/22/05

DRAWN BY: JWB, RL, AM

33386 PCH
Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



SITE PLAN

1/16" = 1'-0"

THE UNDERSIGNED HEREBY REPRESENTS AND WARRANTS THAT THE PROJECT AND COMPASSION OF THE ARCHITECT HAS BEEN REVIEWED AND APPROVED FOR THE PROJECT AND COMPASSION OF THE ARCHITECT.

WHETHER THE PROJECT AND COMPASSION OF THE ARCHITECT HAS BEEN REVIEWED AND APPROVED FOR THE PROJECT AND COMPASSION OF THE ARCHITECT OR NOT, THE ARCHITECT HAS NO LIABILITY FOR THE PROJECT AND COMPASSION OF THE ARCHITECT.

NO.	DATE	ISSUE
1	10/10/10	INITIAL CONSTRUCTION
2	10/10/10	REVISIONS TO THE PROJECT
3	10/10/10	REVISIONS TO THE PROJECT
4	10/10/10	REVISIONS TO THE PROJECT
5	10/10/10	REVISIONS TO THE PROJECT
6	10/10/10	REVISIONS TO THE PROJECT
7	10/10/10	REVISIONS TO THE PROJECT
8	10/10/10	REVISIONS TO THE PROJECT
9	10/10/10	REVISIONS TO THE PROJECT
10	10/10/10	REVISIONS TO THE PROJECT
11	10/10/10	REVISIONS TO THE PROJECT
12	10/10/10	REVISIONS TO THE PROJECT
13	10/10/10	REVISIONS TO THE PROJECT
14	10/10/10	REVISIONS TO THE PROJECT
15	10/10/10	REVISIONS TO THE PROJECT
16	10/10/10	REVISIONS TO THE PROJECT
17	10/10/10	REVISIONS TO THE PROJECT
18	10/10/10	REVISIONS TO THE PROJECT
19	10/10/10	REVISIONS TO THE PROJECT
20	10/10/10	REVISIONS TO THE PROJECT

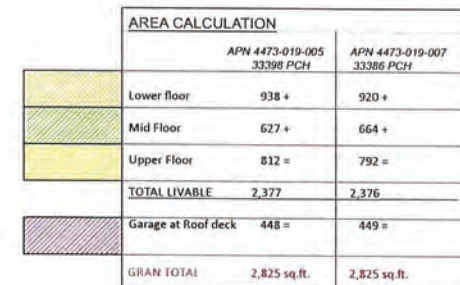
BURDGE & Associates
ARCHITECTS
MALIBU, CALIFORNIA
WWW.BURDGE.COM

1111 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL: 310.454.1000
FAX: 310.454.1001

DESCRIPTION:

SITE PLAN

PROJECT	33386 PCH RESIDENCE
DATE	10/10/10
SCALE	1/16" = 1'-0"
DRAWN BY	J. BURDGE, AIA

[illegible]




DRAWING NO.
A-0.3

PROJECT 3336-3336 PCH RESIDENCE
DATE
SCALE Plot Date 7/27/85
DRAWN BY JWB, R.L. AM

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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WHITFORD DRAWINGS SHALL BE RETURNED TO THE FIRM DATE, CONCERN PAPERWORK BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
	Nov 24, 2013	INITIAL CDP SUBMITTAL
	May 8, 2015	RE-PLAN AFTER PLANNING CORRECTIONS FEB 15, 2015
	Jul - 2015	RE-PLAN AFTER PLANNING CORRECTIONS JUN 12, 2015

BURDGE
& Associates
ARCHITECTS

www.BUAA.COM

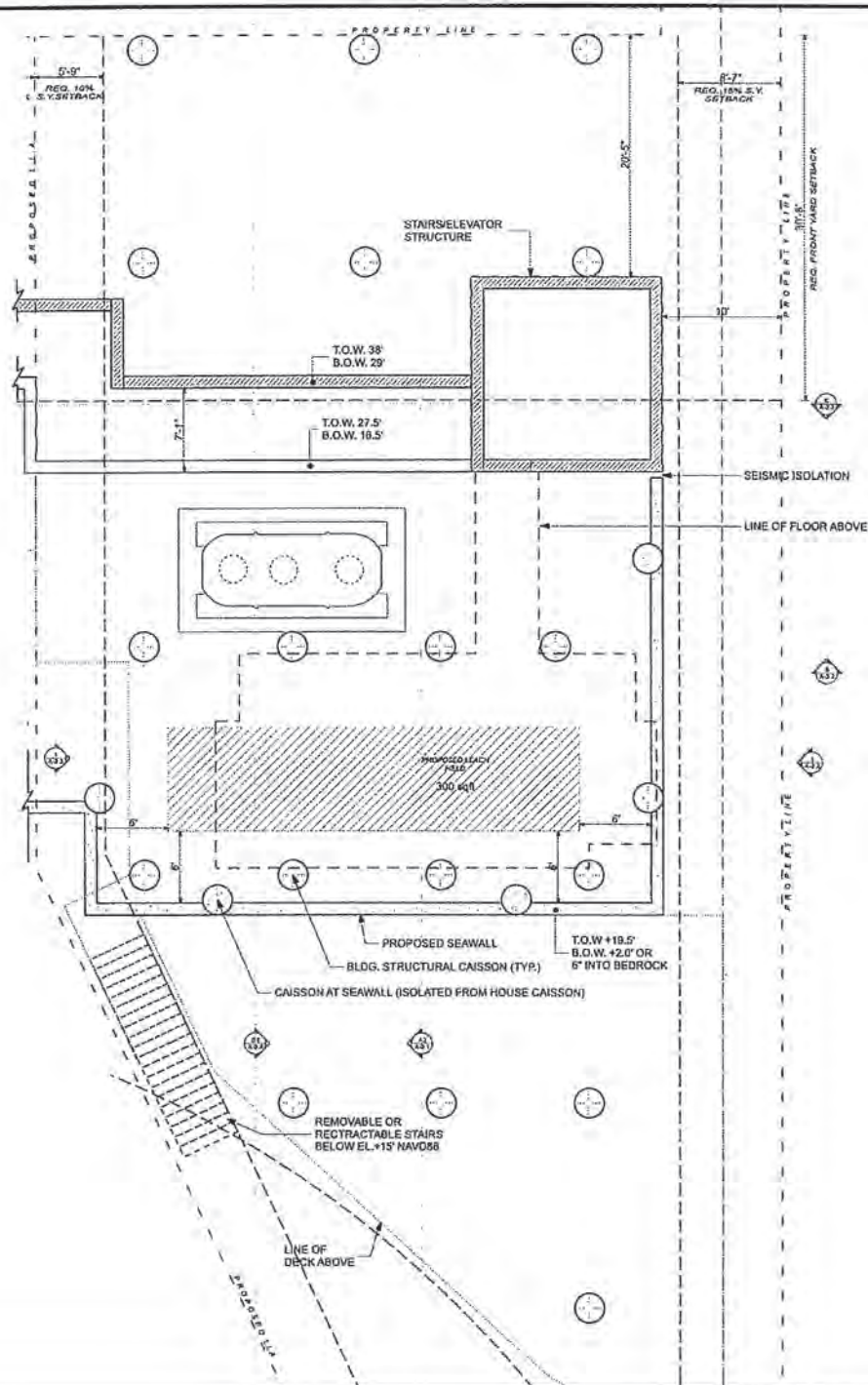
81225 PINEHURST GATE | 10007
MADISON, GA 30650
TEL: 516-454-5885

DESCRIPTION:

FOUNDATION PLAN

A-1.1

PROJECT	3136 PCB RECONSTRUCTION
DATE	
SCALE	Per Draw 7/7/15
DRAWN BY	JJ W.B. & L., A.E.



NOTE 1: PROJECT STRUCTURAL ENGINEER TO INCORPORATE WAVE UPRUSH STUDY AND COSTAL ENGINEERING DESIGN PARAMETERS AND WAVE FORCES INTO THE STRUCTURAL DESIGN OF THE RESIDENCE, FOUNDATION, RETAINING WALLS AND POOL. SEE REPORT BY PACIFIC ENGINEERING GROUP (P.E.G.) DATED OCT 06, 2014.

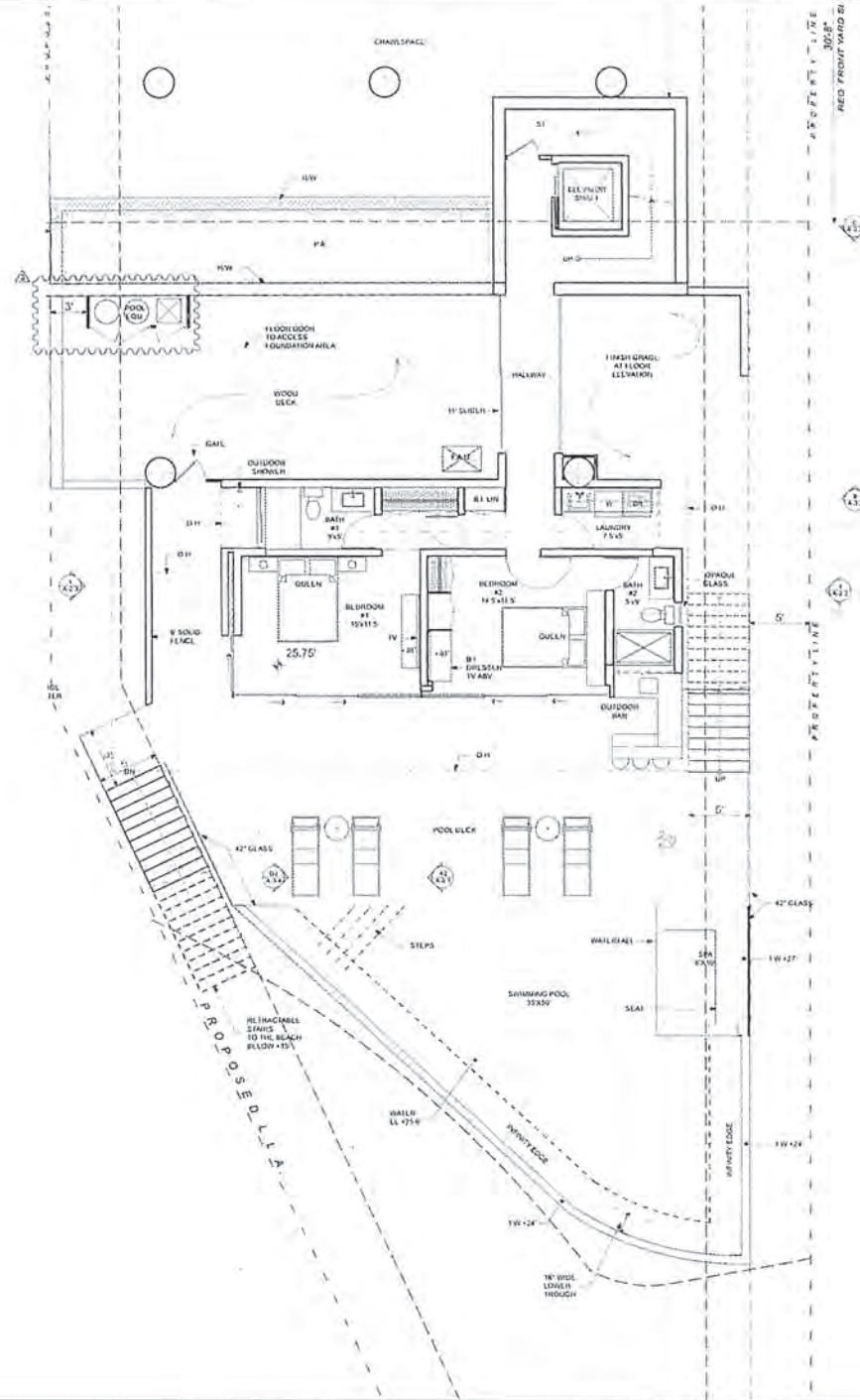
NOTE 2: ENTIRE HOUSE, RETAINING WALLS, POOL/SPA, DECKS AND LOWER EXTERIOR STAIRS TO BE SUPPORTED ON CONCRETE PILE FOUNDATION. REAR ACCESS STAIRS BELOW, +15' TO BE REMOVABLE AND RETRACTABLE.

NOTE 3: ALL ELEVATIONS ARE BASED ON NAVD 88

NOTE 4: Location of FEMA contour lines per: open.alacounty.gov/wm3/food/inter/

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



THE ARCHITECT HAS PREPARED THIS PLAN AND SPECIFICATIONS FOR THE PROJECT SHOWN HEREIN. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE.

NO.	DATE	ISSUE
1	10/10/10	INITIAL SET/REVISION
2	11/10/10	REVISIONS TO THE PLAN
3	12/10/10	REVISIONS TO THE PLAN
4	01/11/11	REVISIONS TO THE PLAN

BURDGE
Associates
ARCHITECTS
MALIBU
BURDGE.COM

10000 BURDGE COURT
MALIBU, CA 90265
TEL: 310.414.1000
FAX: 310.414.1001

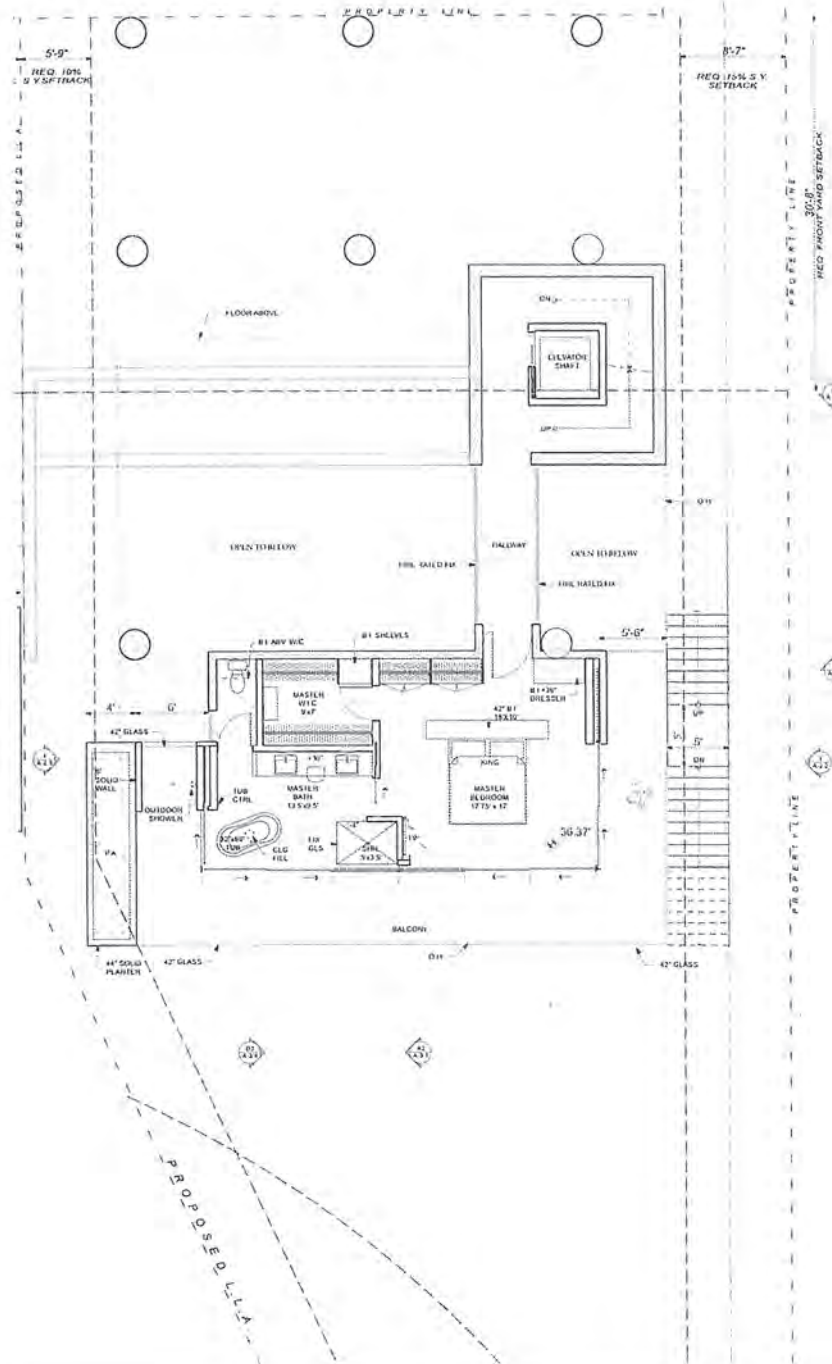
DESCRIPTION:

LOWER FLOOR PLAN

DATE	10/10/10
PROJECT	33386 PCH RESIDENCE
SCALE	1/8" = 1'-0"
DRAWN BY	31010 B. L. A. 10

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



THESE DRAWINGS ARE PREPARED FOR THE ARCHITECT AND CONTRACTOR OF THE PROJECT AND SHALL BE USED ONLY FOR THE PROJECT AND NOT FOR ANY OTHER PROJECT. ANY REUSE OF THESE DRAWINGS FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF BURDGE & ASSOCIATES IS PROHIBITED.

NO.	DATE	ISSUE
1	10/1/10	INITIAL CUP/SHARTEL
2	10/1/10	REVISIONS TO PLANNOG
3	10/1/10	REVISIONS TO PLANNOG
4	10/1/10	REVISIONS TO PLANNOG

BURDGE & Associates
ARCHITECTS
MALIBU, CA 90265
WWW.BURDGE.COM

11111 BURDGE & ASSOCIATES
MALIBU, CA 90265
TEL: 310-314-1111
FAX: 310-314-1111

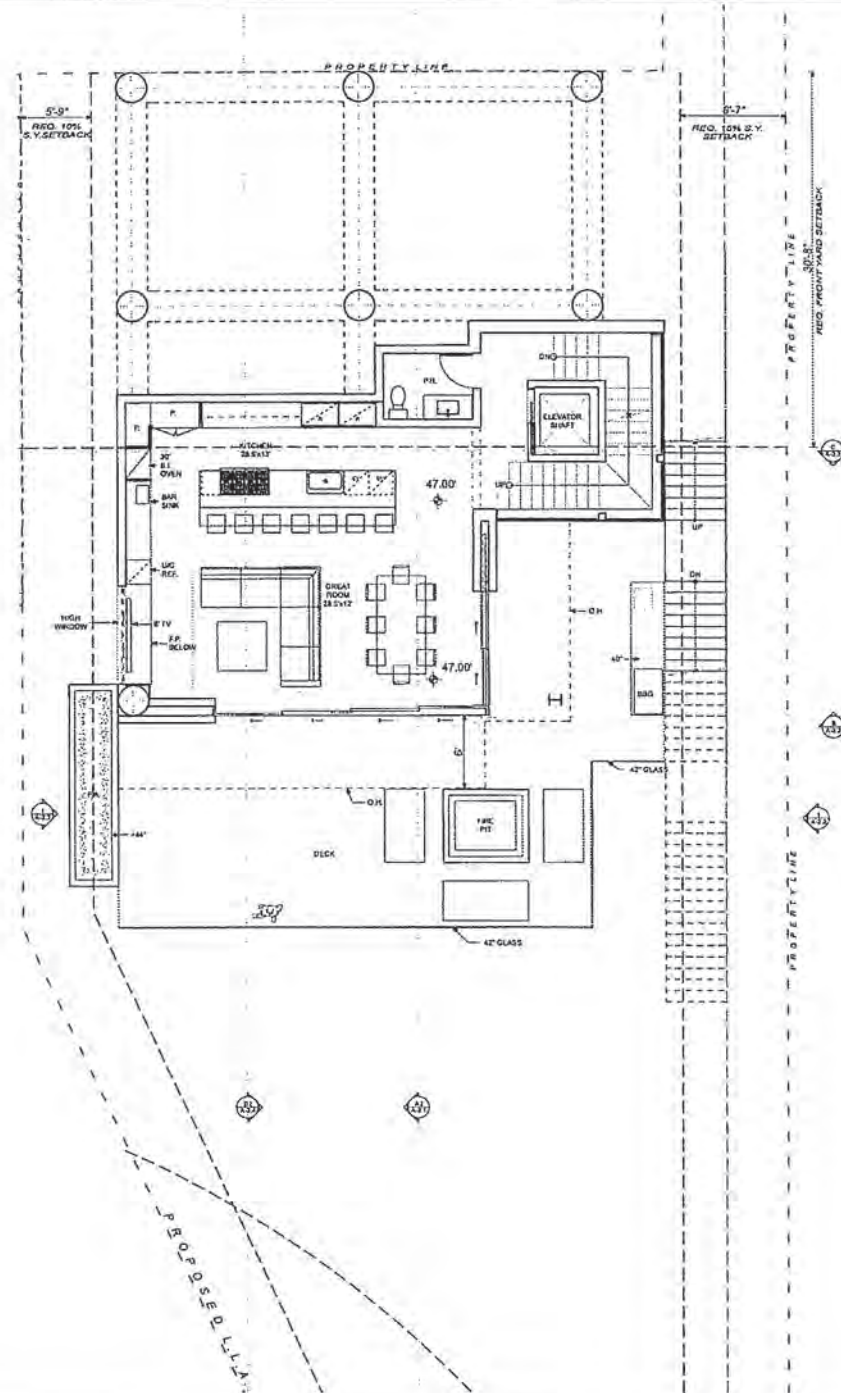
DESCRIPTION:

MID FLOOR PLAN

NO.	DATE	ISSUE
1	10/1/10	INITIAL CUP/SHARTEL
2	10/1/10	REVISIONS TO PLANNOG
3	10/1/10	REVISIONS TO PLANNOG
4	10/1/10	REVISIONS TO PLANNOG

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND SOLEWORK OF THE ARCHITECT AND SHALL NOT BE USED OR ANY PART THEREOF REPRODUCED WITHOUT AGREEMENT WITH THE ARCHITECT.

WRITTEN DIMENSIONS SHALL BE USED IN THE EVENT OF DISCREPANCIES BETWEEN DIMENSIONS TO THE ATTENTION OF THE ARCHITECT FROM THE COMMENCEMENT OF ANY WORK.

NO.	DATE	ISSUE
1	10/10/10	INITIAL CITY SUBMITTAL
2	10/10/10	REVISIONS TO CITY SUBMITTAL
3	10/10/10	REVISIONS TO CITY SUBMITTAL
4	10/10/10	REVISIONS TO CITY SUBMITTAL
5	10/10/10	REVISIONS TO CITY SUBMITTAL
6	10/10/10	REVISIONS TO CITY SUBMITTAL
7	10/10/10	REVISIONS TO CITY SUBMITTAL
8	10/10/10	REVISIONS TO CITY SUBMITTAL
9	10/10/10	REVISIONS TO CITY SUBMITTAL
10	10/10/10	REVISIONS TO CITY SUBMITTAL
11	10/10/10	REVISIONS TO CITY SUBMITTAL
12	10/10/10	REVISIONS TO CITY SUBMITTAL
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18	10/10/10	REVISIONS TO CITY SUBMITTAL
19	10/10/10	REVISIONS TO CITY SUBMITTAL
20	10/10/10	REVISIONS TO CITY SUBMITTAL

BURDGE
& Associates
ARCHITECTS

1000 AVENUE OF THE STARS
SUITE 200
LOS ANGELES, CA 90069
TEL: 310-414-1000
WWW.BURDGE.COM

1000 AVENUE OF THE STARS
SUITE 200
LOS ANGELES, CA 90069
TEL: 310-414-1000
WWW.BURDGE.COM

DESCRIPTION:

UPPER FLOOR PLAN

DRAWING NO.
A-14
PROJECT 33386 PCH RESIDENCE
DATE 10/10/10
DRAWN BY J.W.B. J.L.A.

33386 PCH Residence

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWING AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT. THEY SHALL NOT BE USED FOR ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

WHETHER DIMENSIONS SHALL BE NOTED ON THE JOB OR NOT, DIMENSIONS SHALL BE SPECIFIED TO THE EXTENSION OF THE DIMENSIONS FROM THE CORNER OF THE LOT OR FROM THE

NO.	DATE	ISSUE
1	10/14/17	INITIAL CDP SUBMITTAL
2	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
3	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
4	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
5	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
6	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
7	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
8	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
9	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
10	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
11	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
12	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
13	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
14	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
15	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
16	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
17	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
18	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
19	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING
20	10/14/17	RE-DESIGN AFTER PLANNING COMMISSION PUBLIC MEETING

BURDGE
& Associates
ARCHITECTS

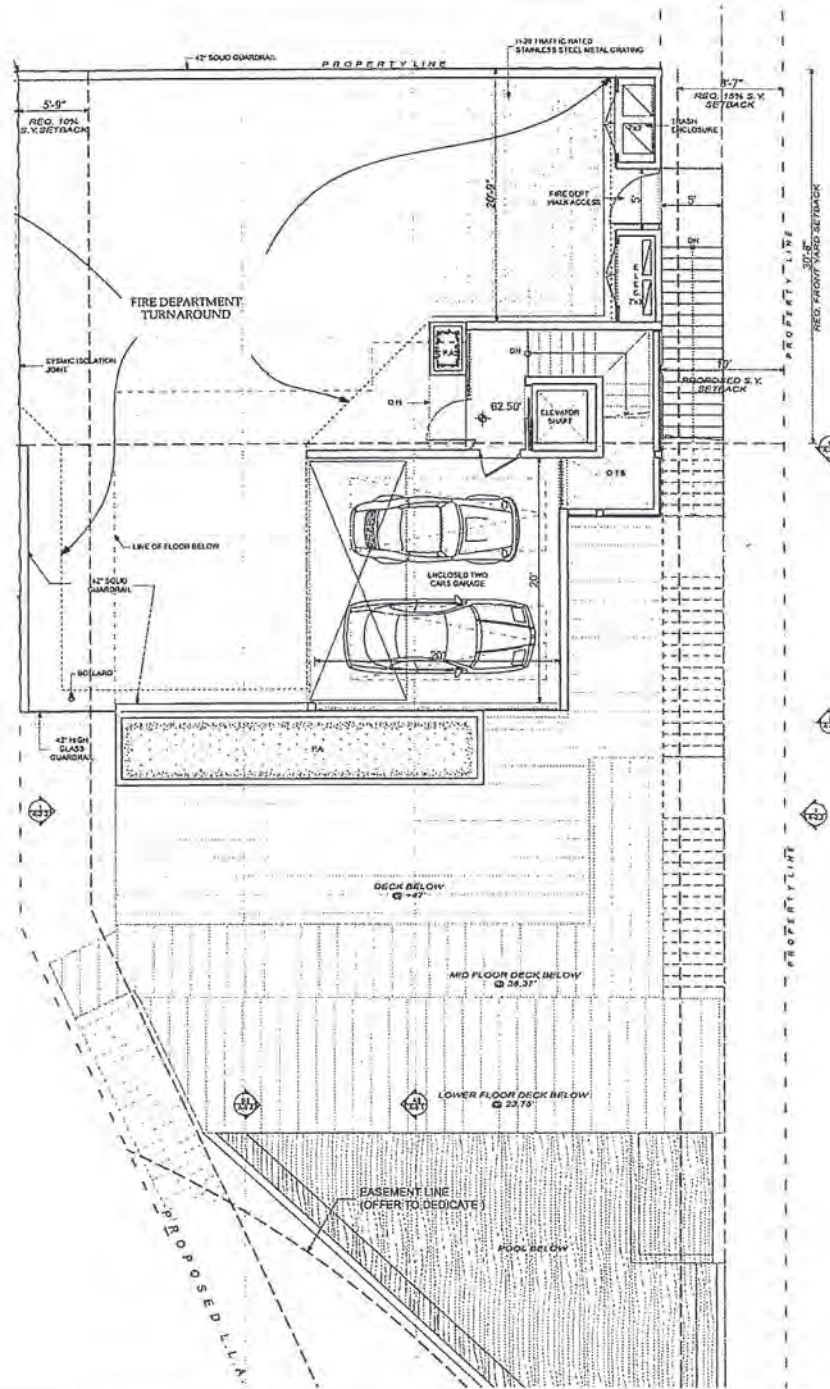
1000
BURDGE
1000
BURDGE

1000
BURDGE
1000
BURDGE

DESCRIPTION:

ROOF DECK PLAN

DATE: 10/14/17
PROJECT: 33386 PCH RESIDENCE
SCALE: 1/8" = 1'-0"
DRAWN BY: J. BURDGE



33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER PROJECT WITHOUT THE WRITTEN AGREEMENT WITH THE ARCHITECT.

WHILE CONSTRUCTION SHALL BE VIEWED ON SITE, ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

[illegible]

BURDGE
 & Associates
 ARCHITECTS

WYTYCZNIKA
BIAŁA.COM

24135 BACK OF COUNTESS
MUNDA, CA 94019
TEL: 510 458 8428

DESCRIPTION:

ROOF PLAN

DRAWING NO.	
A-1.6	
PROJECT	3386 PC71 RUSSELL AVE
DATE	
SCALE	Plan Scale 7/17/13
DRAWN BY	C. H. B. P. L. A. M.

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



DRAWING NO.	
A-2.1	
PROJECT	030614 RESIDENCE
DATE	
SCALE	Plot Date 07/15/15
DRAWN BY	JOHN R. LAM



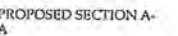
REQUEST	31 MAR 1971
DATE	
CLASS	FILE DATE 7/7/75
REMARKS	31 MAR 71, A.M.



DRAWING NO.

A-2.3

PROJECT	3506 ECTI RESIDENCE
DATE	
SCALE	1/4" = 1'-0"
DRAWN BY	JOHN K. AM



SCALE	File Date: 7/17/13
1000000000	0.0000000000

3386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE SIGNATURE AND ENDORSEMENTS ARE THE PROPERTY AND CONFIDENCE OF THE AGENTS OF AND SHOULD NOT BE REPRODUCED ANYWHERE WITHOUT THE WRITTEN AGREEMENT WITH THE AGENTS OF

WITTENBERG AND ASSOCIATES, INC. NEW YORK, NEW YORK. DISSEMINATION OF THIS BROCHURE FOR THE INFORMATION OF THE AGENTS OF PRODUCED BY THE COMPANY IS PROHIBITED BY LAW.

BURDGE
 & Associates
 ARCHITECTS
 MALIBU
 SUN VALLEY
 WWW.BUAIA.COM

DESCRIPTION:

DRAWING NO.	
A-3.2	
PROJECT	JANG PCH RESIDENCE
DATE	
SCALE	Plotting 1/2"=1'-0"
DRAWN BY	JOHN, R., AIA

B SECTION	B
	1/4" = 1'-0"

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265



2123 PACIFIC COAST HWY
MILPITAS, CA 95035
TEL: 415-434-5995

WWW.
GUAVA.COM

400 WASHINGTON ST. FIVE
SUITE 200 E
RICHMOND, CA 94804
TEL: 415-485-5729

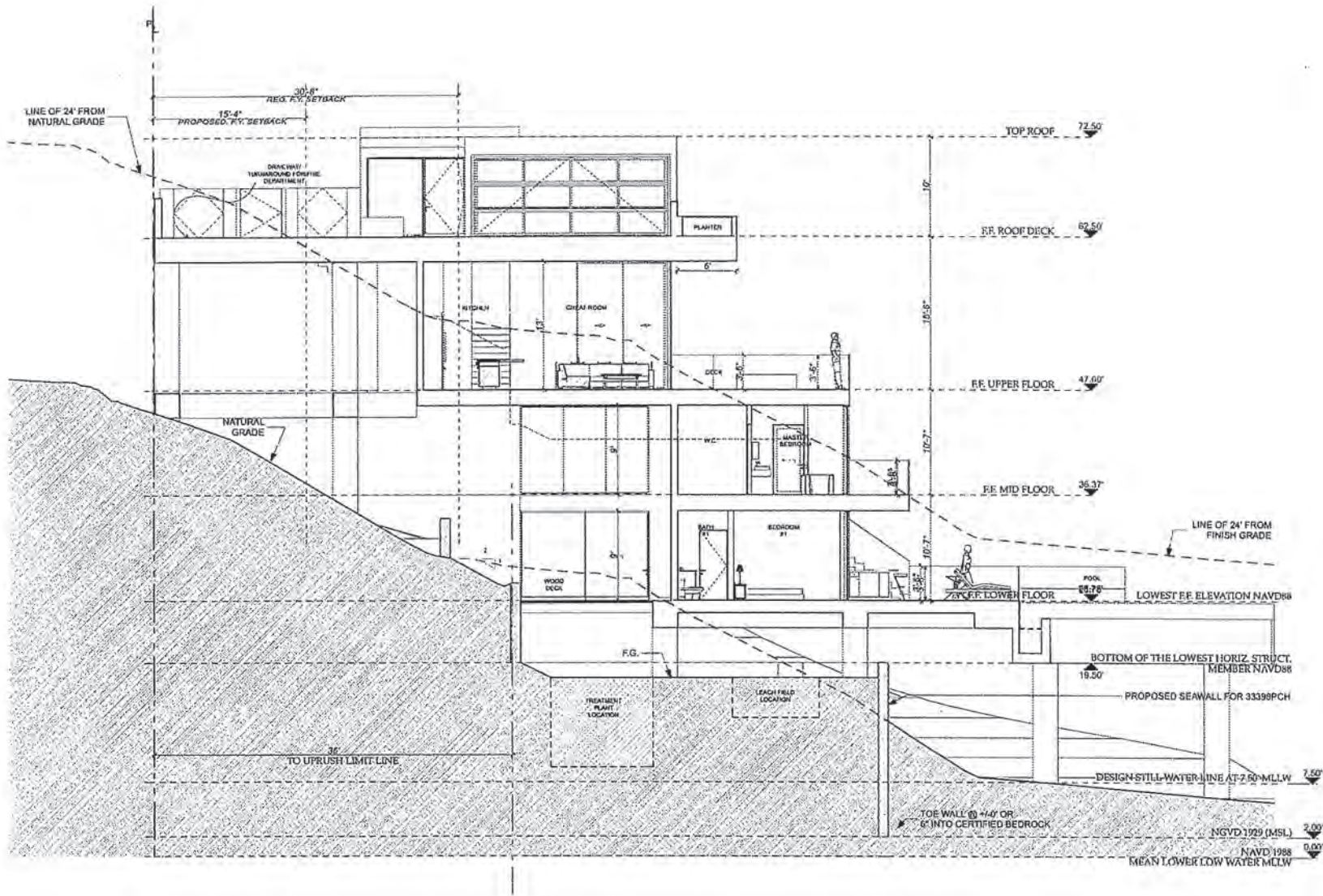
DESCRIPTION:

A-3.3	
PROPERTY	33366 FOX RESIDENCE
DATE	
SCALE	Plotter 7/27/19
DRAWN BY	UVEB, R.L. ABE

C
$1/4 \times 1/4$

33386 PCH
Residence

33386 PACIFIC COAST HWY
MALIBU,
CA 90263



THE UNDERSIGNED HAS INCORPORATED THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND ENGINEER INTO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND AGREES TO HOLD THE ARCHITECT AND ENGINEER HARMLESS FROM ALL LIABILITY FOR THE CONSEQUENCES OF ANY WORK.

THE UNDERSIGNED HAS INCORPORATED THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND ENGINEER INTO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND AGREES TO HOLD THE ARCHITECT AND ENGINEER HARMLESS FROM ALL LIABILITY FOR THE CONSEQUENCES OF ANY WORK.

NO.	DATE	ISSUE
1	10/1/11	INITIAL CDP SUBMITTAL
2	10/1/11	REVISIONS AFTER PLANNING COMMISSION REVIEW
3	10/1/11	NO. 10/1/11 AFTER PLANNING COMMISSION REVIEW

BURDGE
& Associates
ARCHITECTS
MALIBU, CA 90263
PHONE: 310.316.1111
WWW.BURDGEARCH.COM

33386 PCH COAST HWY, MALIBU, CA 90263
FILED FOR THE CITY OF MALIBU, CALIFORNIA
DATE: 10/1/11
BY: [Signature]

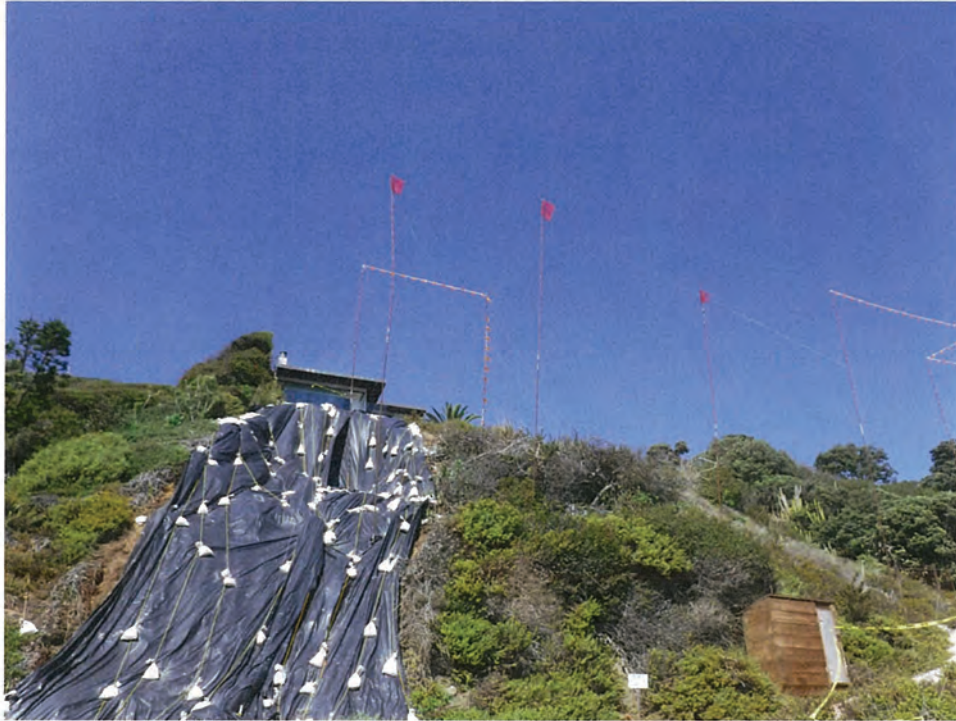
DESCRIPTION:

PROPOSED SECTION D-D

PROJECT NO.
A-3.4
PROJECT: 33386 PCH RESIDENCE
DATE: 10/1/11
SCALE: 1/4" = 1'-0"
DRAWN BY: [Signature]

D2 SECTION	D2
	1/4" = 1'-0"

Story Pole Photos



Project site as viewed from the beach



Subject property when viewed from existing access road.

City of Malibu

23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department


BIOLOGICAL REVIEW

Site Address: 33386 Pacific Coast Highway
Applicant/Phone: Joseph Lezama/ 310.456.5905
Project Type: LLA and NSFR
Project Number: CDP 14-073
Project Planner: Richard Mollica

REFERENCES: Site Survey, Site Plans

RECOMMENDATIONS:

1. The project is **APPROVED** 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 of 5,000 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
 - B. 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.
 - C. Lighting of the shore is prohibited

Reviewed By:  Date: 1/27/15
Dave Crawford, City Biologist
310-456-2489 ext.227 (City of Malibu); e-mail dcrawford@malibucity.org
Available at Planning Counter Tuesdays 9:00 a.m. to 11:00 a.m.



CDP 14-073

City of Malibu

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

MALC 5085
Log #C414

COASTAL ENGINEERING REVIEW REFERRAL SHEET

TO: City of Malibu Coastal Engineer Staff

DATE: 5/8/15
11/26/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-073

JOB ADDRESS: 33386 PACIFIC COAST HWY (Planner: Richard Mollica)

APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates

APPLICANT ADDRESS: 21235 Pacific Coast Highway
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

APPLICANT EMAIL: joseph@buaia.com

PROJECT DESCRIPTION: NSFR Beachfront

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 geotechnical feasibility is determined. Depending upon the nature of the project, this may require engineering geologic and/or geotechnical engineering (soils) reports which evaluate the site conditions, factor of safety, and potential geologic hazards.

[Signature]
SIGNATURE

8/12/15
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 307.

* See attached review letter.



City of Malibu

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

COASTAL ENGINEERING REVIEW SHEET

Project Information

Date: August 12, 2015	Review Log #: C414
Site Address: 33386 Pacific Coast Highway	Lat:
Lot/Tract/PM #: APN 4473-019-005	Lon:
Applicant: Joseph Lezama, Burdge & Associates	Planning #: CDP 14-073
Phone #: 310-456-5905	BPC/GPC #: N/A
Email: joseph@buaia.com	Planner: R. Mollica
Project Type: LLA, Demo Existing SPD, NSFR, NSPD, NOWTS	

Submittal Information

Consultant(s): Pacific Engineering Group
Report Date(s): 10-06-14 (revised 04-16-15); 04-16-15; 07-6-15
Project Plan(s): Submitted (05-08-15)
Previous Reviews: 01-05-15; 07-25-13 (for CDP 13-027); 06-19-15
FEMA SFHA: VE/AE/D

Review Findings

Planning Stage

- ☒ **APPROVED** in **PLANNING** - stage from a coastal engineering perspective. 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.
- ☐ **APPROVED** from a coastal engineering perspective.
- ☐ **NOT APPROVED** from a coastal engineering perspective. Please respond to the listed 'Building Plan-Check Stage Review Comments.'

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*)

The proposed project will include removal of an existing rock revetment, construction of a new residence, new onsite wastewater treatment system, and new shore protection.

Planning Stage Conditions of Approval:

1. The property owner shall comply with the requirements for recorded documents and deed restrictions outlined in Sections 10.6A and 10.6B.1 of the LCP/LIP.
2. Previously recommended design values for wave forces on piling and seawall have been superseded. Please provide an addendum to the coastal engineering report on changes to wave forces for the design of proposed pilings and seawall. Update structural design for respective structures accordingly.

Building Plan Check Stage Review Comments:

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

1. The topographic survey should be signed and stamped, and include the locations of known historical MHTL surveys for the property including surveyed MHTLs acceptable to the California State Lands Commission.
2. The Project Coastal Engineer's recommendations, contained in the coastal engineering report and addenda, 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.
3. The final design of the proposed seawall (SPD) shall incorporate recommendations provided by the project geotechnical consultant and OWTS consultant. The new SPD shall be designed to include appropriate earth and seepage pressures imposing on the SPD from backfill and proposed OWTS.
4. The final project plans shall show the land and beach contours and profiles that include: storm scour profile, wave uprush limit for the maximum breaking wave showing the landward extent of the uprush limit, and the Mean High Tide line with month and year on plans based on available historical surveys.
5. Identify the Special Flood Hazard Area designation applicable to the proposed development on the structural plans.
6. Provide the proposed elevation of the bottom of the lowest horizontal structural member of the lowest floor, on the project structural plans.

Reviewed by:


Michael B. Phipps, PG 5748, CEG 1832
Coastal Engineering Review Consultant (x 307)

August 12, 2015
Date

Reviewed by:


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

August 12, 2015
Date

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



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



GeoDynamics, Inc.

Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants



City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

7/27/15

TO: City of Malibu Environmental Health Administrator DATE: 11/26/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-073
JOB ADDRESS: 33386 PACIFIC COAST HWY
APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates
APPLICANT ADDRESS: 21235 Pacific Coast Highway
Malibu, CA 90265
APPLICANT PHONE #: (310) 456-5905
APPLICANT FAX #:
APPLICANT EMAIL: joseph@buaia.com
PROJECT DESCRIPTION: NSFR Beachfront

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

AUGUST 4, 2015
Date

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

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



City of Malibu

Environmental Health • Environmental Sustainability Department

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

Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Joseph Lezama joseph@buaia.com		
Project Address:	33386 Pacific Coast Highway Malibu, CA 90265		
Planning Case No.:	CDP 14-073		
Project Description:	NSFR, NAOWTS		
Date of Review:	August 4, 2015		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: 805-340-1025 x 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Burdge and Associates (Submitted 11-26-2014)
Grading Plans:	N/A
OWTS Plan:	Ensitu (7-17-2015, 9-26-2014)
OWTS Report:	Ensitu (7-21-2015, 7-17-2015, 10-13-2014)
Geology Report:	Kowalewsky (6-15-2015, 4-23-2015, 11-11-2014)
Miscellaneous:	Ventilation report by Creative Engineering Group dated 7-13-2015
Previous Reviews:	2-3-2015

REVIEW FINDINGS

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

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2013 Edition with City of Malibu local amendments (Malibu Municipal Code Section 12.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

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

Conditions of Planning Conformance Review

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

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

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



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

- e. All AOWTS design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For AOWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

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

- 4) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:**

All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in Malibu Plumbing Code Table H 1.7) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the Table H 1.7 setback is reduced.

All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in Table H 1.7) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in his letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

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



which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- 5) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.
- 6) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the AOWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.
- 7) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. **Please note only original "wet signature" documents are acceptable.**
- 8) **AOWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of sewage disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix H, Section H 1.10. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 9) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. **Please submit a certified copy issued by the Los Angeles County Recorder.**
- 10) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.
- 11) **City of Malibu Coastal Engineering Approval:** City of Malibu Coastal Engineering final approval of the AOWTS plan shall be submitted.
- 12) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.



- 13) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.
- 14) **Operating Permit Application and Fee:** In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental Health office for an AOWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

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

cc: Environmental Health file
Planning Department

33386 PACIFIC COAST HIGHWAY (CDP 14-073)
MALIBU, CA 90265


S.F.D.: 3 Bedrooms/51 Fixture Units (N)
TREATMENT TANK: 2,493 Gallon MicroSepTec ES-6
with UV Disinfection Unit (N)
ACTIVE: 1 - 300 ft² Leach Field (N)
FUTURE: N/A
PERC RATE: Beach Sand Category (2.0 gpf/d)
DESIGNER: John Yaroslaski, RCE (60149)
REFERENCE: Ensitu Engineering: OWTS design report
dated 7-17-2015

NOTES:

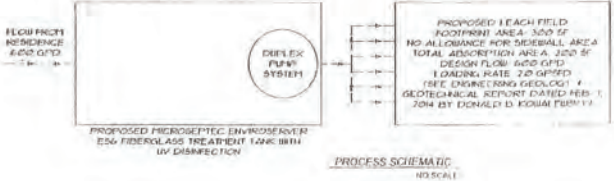
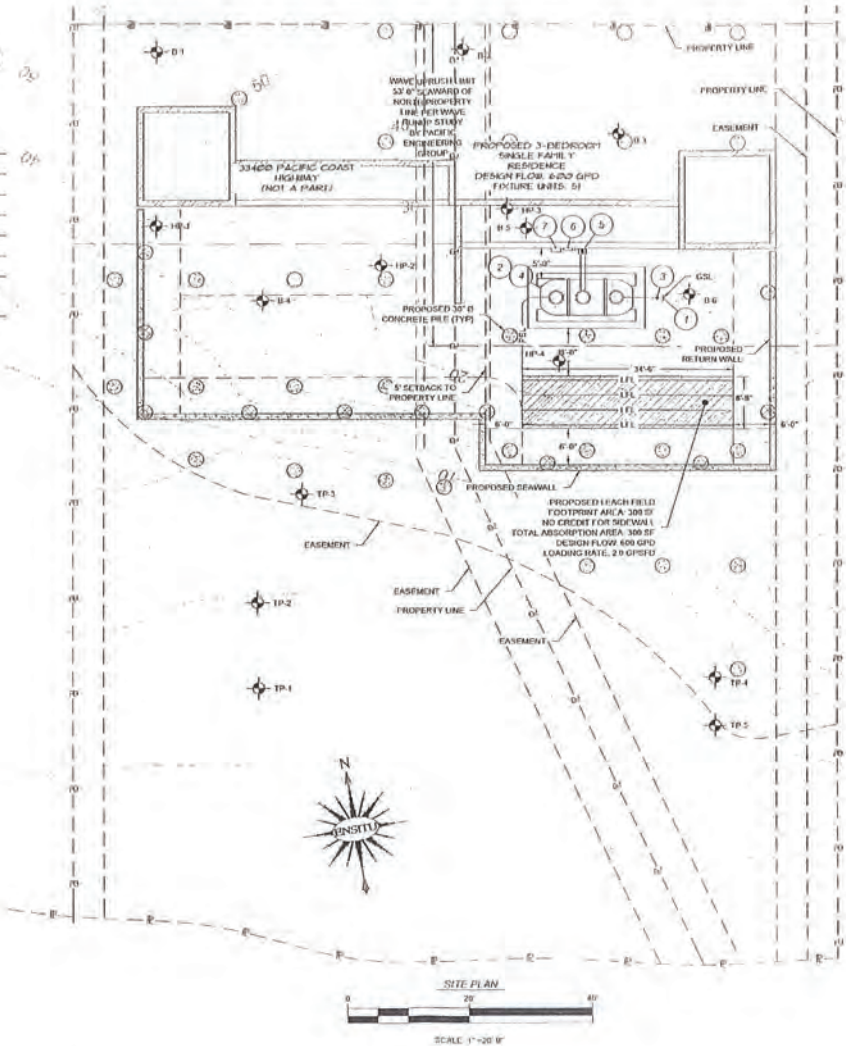
1. This conformance review is for a new 3 bedroom (51 fixture units) single family dwelling. The alternative onsite wastewater treatment system conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.
3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW

AUG 9 4 2015

SIGNATURE: 

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



- NOTES:
1. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AND TOWNSHIP-OWNED PERMITS SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK SHALL BE COMPLETED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
 2. EXISTING SEPTIC TANKS REQUIRING REMOVAL SHALL BE PUMPED, CRUSHED AND FILLED WITH LOCAL FILL MATERIAL COMPACTED TO 90% OF ASTM D1557. SEWER PIPES SHALL BE REPEATED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 24 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
 3. SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING ELIM OUTS) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 24 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
 4. ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 24 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA ELECTRICAL CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
 5. A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. LINTHUS ENGINEERING, INC. IS NOT A GEOTECHNICAL ENGINEERING FIRM. THEREFORE, WE CANNOT PREDICT AND/OR BE RESPONSIBLE FOR THE STABILITY OF THE EXISTING SLOPE.
 6. ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION. BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION.
 7. SINGLE WASTEWATER TREATMENT SYSTEM SHALL BE VERIFIED IN ACCORDANCE WITH REQUIREMENTS OF TITLE 24 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE CALIFORNIA PLUMBING CODE, 2010 EDITION, ADOPTED BY REFERENCE BY THE CITY OF MALIBU.
 8. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION, MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.
 9. THERE IS NO EXISTING SEPTIC SYSTEM.

LEGEND


OWTS MAX. DESIGN CAPACITY	
COMPONENT	CAPACITY
TREATMENT	600 GPD / 3 BEDROOMS
DISPERAL	600 GPD @ 2 GPD / 3 BEDROOMS

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

EQUIPMENT SCHEDULE			
ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SEWER	
2	1	DUPLEX PUMP SYSTEM	MICROSEPTEC
3	1	GRAVITY CLEAN OUT	
4	1	TREATMENT TANK	MICROSEPTEC ES-6
5	2	AIR COMPRESSOR	MICROSEPTEC
6	1	REMOTE TELEMETRY CONTROL UNIT	MICROSEPTEC
7	1	CONTROL UNIT	GEORLOW

PIPING SCHEDULE	
TAG	SPECIFICATION
GSL	PROPOSED GRAVITY SEWER LINE 4" SCH40 PVC
PFL	PROPOSED PUMPED FLUENT LINE 2" SCH40 PVC
ACL	PROPOSED AIR COMPRESSOR LINE 1" SCH40 PVC
LFL	PROPOSED LEACH FIELD LATERAL 10" SCH40 PVC

PRELIMINARY
ISSUED
17 JULY 2015



JOHN M. YAROSLASKI
PRINCIPAL ENGINEER

ENSITU ENGINEERING, INC.
1000 W. 10TH ST., SUITE 200
MALIBU, CA 90263
TEL: 310.316.1111
WWW.ENSITUENGINEERING.COM


ENSITU
ENGINEERING, INC.
1000 W. 10TH ST., SUITE 200
MALIBU, CA 90263
TEL: 310.316.1111
WWW.ENSITUENGINEERING.COM

REVISIONS

DATE BY

NO.

33386 PACIFIC COAST HIGHWAY
CONFORMANCE REVIEW 11-17
MALIBU, CALIFORNIA



DATE: SEPT 2014
DESIGNED BY: JCY
CHECKED BY: JCY
JOB NO. 144-B1
SHEET 1 OF 2



City of Malibu

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

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

DATE: 11/25/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-073

JOB ADDRESS: 33386 PACIFIC COAST HWY

APPLICANT / CONTACT: Joseph Lezama, Burdge & Associates

APPLICANT ADDRESS: 21235 Pacific Coast Highway
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5905

APPLICANT FAX #:

PROJECT DESCRIPTION: NSFR Beachfront

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

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

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

The project DOES NOT require Fire Department Plan Review ☐

The required fire flow for this project is 1000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.) ☐

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

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

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

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

App'd N/app'd

Required and/or proposed Fire Department Vehicular Turnaround ☐

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

Width of proposed driveway/access roadway gates ☐

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

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

SIGNATURE

DATE

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

FIRE DEPARTMENT NOTE:

1) Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. [Fire Code 501.04]

2) County Los Angeles Fire Department, Fire Code 507.3, and Appendix B05.1 Appendix B. The required fire flow is based on the following calculation:

Type of construction per Building Code: Type VII
 VEHESZ: YES
 Size of the lot (acres): less than an acre
 Fire flow based on the fire flow calculation area: 1,250 gpm
 Reduction for fire sprinklers system (max 50%): 250 gpm
 Total fire flow required: 1,000 gpm

3) Provide an approved automatic fire sprinkler as set forth by Building Code 903 and Fire Code 903. Plans shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation.
 Code Reference: Residential Code & Fire Code 903.1 fire flow reduction
 Type of fire sprinkler system: 903.3.1, 903.3.1.2, 903.3.1.3

4) Fire apparatus access should be designed and maintained to support the imposed load of fire apparatus weighing 25 tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having grade of 10 percent or greater shall have a paved concrete surface. Fire Code 503.2.3

See in attachment Fire Department access drive centerline profile.

LEGEND
 CROSS HATCHED Hatched Indicate FIRE DEPARTMENT VEHICULAR AND PEDESTRIAN ACCESS CLEAR TO SKY

5 feet Walkway length:
 A to B = 152.04'
 C to D = 24.75'

6" x 12" x 2' 5"
 2500 GPM
 AT 20 PSI MAX
 2 HAS AT 10 PSI

EXISTING CONCRETE PAVING

PROPOSED (A) CONCRETE DRIVEWAY TO BE CONNECTED TO (B) DRIVEWAY

EL. +62.5 AT TURNAROUND

PROPOSED (A) CONCRETE DRIVEWAY SEE NOTE 4)

GATE TO HAVE OPENABLE CLEAR WIDTH OF 15 MIN.

EXISTING CONCRETE PAVING

PROVIDE CLEAR WIDTH OF 15 MIN.

EXISTING CONCRETE PAVING

1-2% SLOPE MAX ON THE TURNAROUND IN EACH DIRECTION

SITE PLAN WITH PROPOSED FIRE DEPT. ACCESS
 SCALE: 1" = 20' AFD-1

PROPOSED FIRE DEPT. ACCESS
 SCALE: 1" = 10' AFD-1

33386 PCH Residence

33386 PACIFIC COAST HWY
 MALIBU,
 CA 90265

APPROVED
 ACCESS REQUIREMENTS
 Fire Department Engineer
 Date: January 7, 2016

THE DIMENSIONS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT. NO PART OF THIS DOCUMENT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM THE ARCHITECT.

NO. DATE ISSUE
 1. 1/10/16 INITIAL CDR/PL/INITIAL
 2. 1/10/16 RE-DESIGN AFTER PL/ASSIGN
 3. 1/10/16 CORRECTED DRAWING FOR 1/10/16

BURDGE & Associates
 ARCHITECTS
 MALIBU
 BURBANK
 WWW.BURDGE.COM

DESCRIPTION:

FIRE DEPARTMENT ACCESS

DRAWING NO. **AFD-1**

PROJECT: 33386 PCH RESIDENCE
 DATE: 1/10/16
 SCALE: 1" = 10'
 DRAWN BY: D.W.B., R.L., A.M.

255

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE LOANED OR ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

ARTIST CONSENTS SHALL BE OBTAINED ON THE JOB SITE. DISCREPANCIES SHALL BE RESOLVED TO THE SATISFACTION OF THE ARCHITECT PRIOR TO THE COMMENCEMENT OF ANY WORK.

NO	DATE	ISSUE
1	Nov 28, 2013	INITIAL CYPN SUBMITTAL
2	May 9, 2014	RE SUBMIT AFTER PLANNING COMPLETION ON 04.11.2014
3	Feb 2015	RE SUBMIT AFTER PLANNING COMPLETION ON 11.2015

BURDGE
& Associates
ARCHITECTS

MALIBU
SUN VALLEY

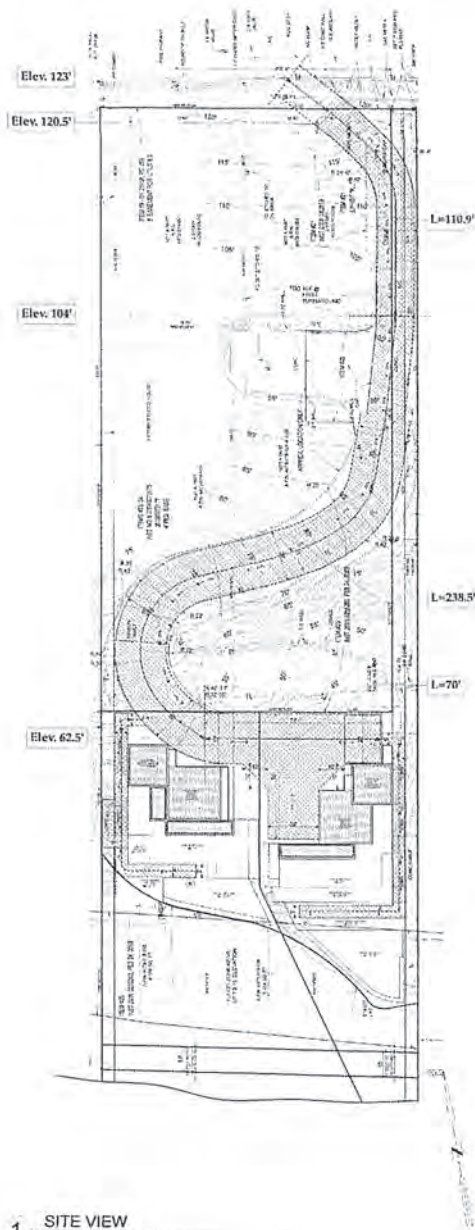
7125 PACIFIC COAST HWY.
MIRAMONTE, CA 91302
TEL: 913-450-8808

DESCRIPTION

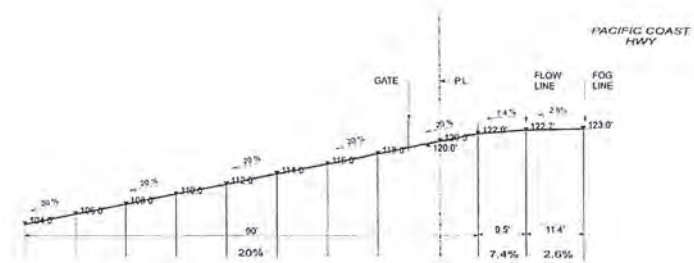
ROADWAY PROFILE
FROM PCH

DRAWING NO. **AFD-2**

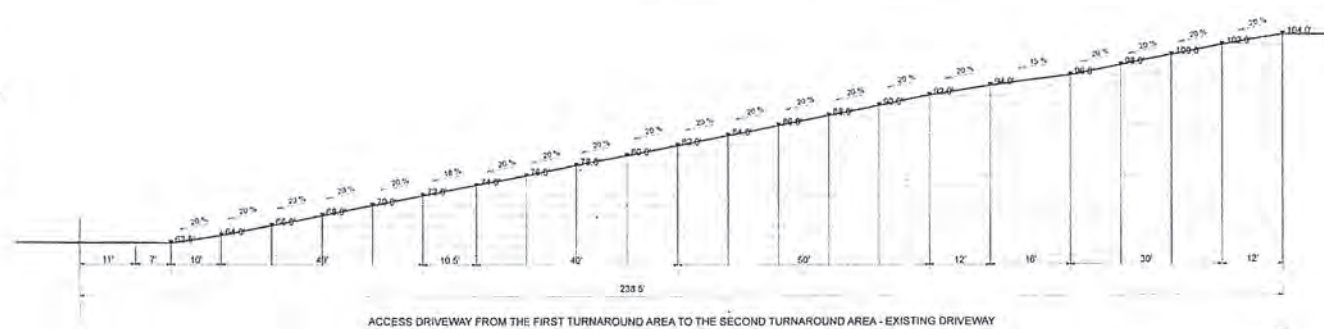
PROJECT: 337th FCH REFRESHMENT
DATE:
SCALE: 1/4" = 1'-0" 12/9/15
DRAWN BY: J. H. H. H. H. H.



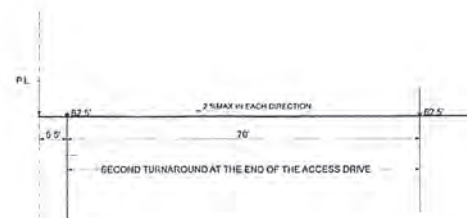
1 SITE VIEW
SCALE: 1" = 20'



2 SCALE: 1" = 10'



3 SCALE: 1" = 10'



4 SCALE: 1" = 10'

From PCH to the end of the second Fire Department vehicular access turnaround area at elevation 62.5' the distance is 419.4'. The average grade of the slope is 14.42%.

Length = 419.4'
Change in elevation = 123'-62.5' = 60.5'
Average slope = 60.5' / 419.4' = 14.42%



City of Malibu

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

GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>	
Date:	September 30, 2015
Site Address:	33386 Pacific Coast Highway
Lot/Tract/PM #:	n/a
Applicant/Contact:	Joseph Lezama, joseph@buaia.com
Contact Phone #:	310-456-5905
Project Type:	New single-family residence, seawall, swimming pool and spa, new Onsite Wastewater Treatment System (OWTS), Lot Line Adjustment
Review Log #:	3683
Planning #:	CDP 14-073
BPC/GPC #:	Ref: PA 14-007
Planner:	Richard Mollica

<u>Submittal Information</u>	
Consultant(s) / Report Date(s): (Current submittal(s) in Bold.)	Donald B. Kowalewsky (CEG 1025; Tsao, RCE 46886): 4-23-15 , 11-11-14; Ref: 6-11-14, 2-7-14 Ref: GeoConcepts, Inc.: 1-18-11 EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): 7-21-15 , 7-17-15 , 10-13-14
Building plans prepared by Burdge & Associates Architects dated March 9, 2015.	
Preliminary OWTS plan prepared by EnSitu Engineering, Inc. dated July 17, 2015.	
Grading plans prepared by LC Engineering Group, Inc. dated September 24, 2014.	
Structural plans prepared by LC Engineering Group, Inc. dated October 10, 2014.	
Previous Reviews:	12-15-14, Geotechnical Review Referral Sheet dated 12-2-14; Ref: 7-9-14, 3-26-14, 2-9-11, Geotechnical Review Referral Sheet dated 1-6-11

<u>Review Findings</u>	
<u>Coastal Development Permit Review</u>	
<input checked="" type="checkbox"/>	The residential project is APPROVED from a geotechnical perspective.
<input type="checkbox"/>	The residential project is NOT APPROVED from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.
<u>Building/Grading Plan-Check Stage Review</u>	
<input checked="" type="checkbox"/>	<u>Awaiting Building plan check submittal.</u> Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
<input type="checkbox"/>	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. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

Remarks

The addendum report, revised plans, and OWTS reports and plans were reviewed by the City from a geotechnical perspective. The project comprises a new 2,825 square foot four-level single-family residence and attached garage on a pile and grade beam foundation system, swimming pool and spa, decking, a new seawall on a pile foundation system, retaining walls, an impact wall, and a new OWTS consisting of a treatment tank system and a 300 square foot leach field. The design flow is 600 GPD and the loading rate is 2.0 GPSFD. Grading consists of 68 yards of fill for safety; 942 yards of cut non-exempt; and 874 yards of export.

NOTICE: Applicants shall be required to submit all Geotechnical reports for this project as searchable PDF files on a CD. At the time of Building Plan Check application, the Consultant must provide searchable PDF files on a CD to the Building Department for ALL previously submitted reports that have been reviewed by City Geotechnical Staff.

The property includes a coastal bluff as defined in the City's Local Coastal Program-Local Implementation Plan (LCP-LIP). In accordance with Chapter 10.4(D) of the LIP, all new development located on a bluff top shall be setback from the bluff edge no less than 100 feet, unless slope stability analyses by the Project Geotechnical Consultant determines that reduced setbacks, no less than 50 feet, can be accepted in accordance with the conditions discussed in Chapter 10.4 (D). Please contact the Planning Department regarding this issue.


Building Plan Check Review Comments:

1. The Consultant provided supplemental down-drag calculations using the same downdrag force as the previous 'quick & dirty' assumptions that prompted the previous comment. The commentary that accompanied the response suggests that the downdrag force has not considered the soil strength of the upper materials. The Consultant states 'As long as the unit weight of the overlying fill soil and the bedrock is the same, the results of the calculation will be the same . . .' Because downdrag is a function of the 'grabbing' soil strength, both friction and cohesion, or 'adhesion', we still do not understand the Consultant's statement. For example, where water, being frictionless, would not contribute to downdrag, a high friction material with identical unit weight would contribute greatly to downdrag. The Consultant needs to review the downdrag calculations and incorporate the upper soil strengths into the calculations to assure that adequate allowance has been made for down drag. The applicable equations and their input variables shall be listed and explained on the calculation sheet. Please re-submit.
2. Provide documentation that the rip-rap has been permitted by the California Coastal Commission and that re-locating the rip-rap materials during construction of the residence and OWTS is permitted under the permit.
3. Please provide reduced setback letters from the Structural Consultants for the OWTS and proposed foundations and structures, as necessary.
4. The Project Geotechnical Consultant has provided recommendations to repair any subdrains damaged during construction. Include these comments as notes on the grading and building plans.
5. The following note must be placed on the plans: *'Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.'*

6. Section 7.2.1 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.
7. Include the following note on the building plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles".*
8. Include the following note on the OWTS, Building, and Grading plans: *"Inspections of the proposed leach field and pile excavations are required by the Project Geotechnical Consultant, and any repairs to subdrains encountered in the excavations need to be documented in writing in the as-built reports for the site grading and pile installations."*
9. Two sets of final grading, retaining wall, shoring, swimming pool and spa, seawall, OWTS, and residence plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by:


Christopher Dean, C.E.G. #1751, Exp. 9-30-16
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Date

9/30/15

Geotechnical Engineering Review by:


Kenneth Clements, G.E. # 2010, Exp. 6-30-16
Geotechnical Engineering Reviewer (805-563-8909)
Email: Kclements@fugro.com

September 30, 2015

Date

This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.

FUGRO CONSULTANTS, INC. 
4820 McGrath Street, Suite 100
Ventura, California 93003-7778
(805) 650-7000 (Ventura office)
(310) 456-2489, x306 (City of Malibu)



City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

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

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

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



City of Malibu

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

PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

DATE: 11/26/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-073
JOB ADDRESS: 33386 PACIFIC COAST HWY
APPLICANT / CONTACT: Jake Jesson, 180 PCH, LLC
APPLICANT ADDRESS: 22837 Pacific Coast Highway #775
Malibu, CA 90265
APPLICANT PHONE #: (310)456-2600
APPLICANT FAX #: (310) 456-2644
APPLICANT EMAIL: jjesson@weintraubre.com
PROJECT DESCRIPTION: NSFR Beachfront

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]
SIGNATURE

7/31/17
DATE



City of Malibu

MEMORANDUM

To: Jake Jessen

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

Date: July 31, 2017

Re: Memorandum #4 for 33386 Pacific Coast Highway CDP 14-073

The Public Works Department has begun its review of this application and cannot recommend approval at this time.

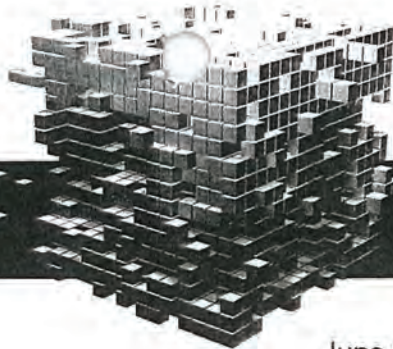
1. The applicant shall provide legal access for New Parcel A and New Parcel B. A separate driveway easement document is needed prior to the approval of any permits. Parcel B requires a driveway easement from 33406 Pacific Coast Highway and Parcel A requires an easement from 33406 Pacific Coast Highway and Parcel B. Please provide the easement document from the property owner at 33406 Pacific Coast Highway granting the subject property legal access.

Until these issues are revised the Public Works Department cannot recommend approval for the project.



24031 El Tero Road, Suite 210
Laguna Hills, CA 92653

949-540-0320
We Build Your Case



CARNO LAW GROUP

Construction Counselors

www.CarnoConstructionLaw.com

June 8, 2015

Our File No.: 10-34

Via Certified Return Receipt

Christi Hogin, City Attorney
Malibu City Hall
23815 Stuart Ranch Road
Malibu, CA 90265-4861

Christi Hogin, Esq.
Jenkins & Hogin LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

Richard Mollica, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

RECEIVED
JUN 11 2015
PLANNING DEPT.

Re: 180 PCH, LLC
33388 Pacific Coast Highway and
33400 Pacific Coast Highway
Malibu, California

Dear Sir/Madam:

This firm serves as legal counsel to Mr. Lloyd Saitman, the title owner of 33406 Pacific Coast Highway, Malibu. The purpose of this correspondence is to make you aware of certain concerns and objections to the development proposed by 180 PCH, LLC.

Enclosed for your records is a copy of the Access Easement Agreement concerning Mr. Saitman's property and the proposed development which was recorded

ATTACHMENT 5

Christi Hogin, Esq.
Richard Mollica, Senior Planner
June 8, 2015
Page 2

in 2012 (hereinafter "Easement"). The Easement allows for a means of egress and ingress, in other words, **access only**.

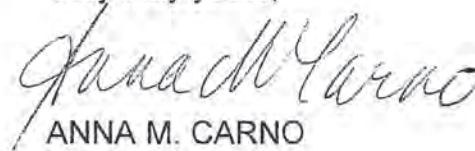
My client was made aware of the "Notice of Application for Coastal Development Permit" regarding Coastal Development Permit (CDP) No. 14-072, and Lot Line Adjustment (LLA) No. 14-004. Mr. Saitman and I have reviewed the plans prepared by Burdge and Associates which were submitted to the City of Malibu regarding 180 PCH, LLC's proposed development of Tax Assessor Parcels Nos. 005, 006, and 007, found on page 019, in Map Book 4473 (hereinafter referred to as "Subject Property"). Each of the parcels included in the Subject Property adjoin Mr. Saitman's property. 180 PCH, LLC's plans, as submitted, depict proposed demolition, reconfiguration, elevation alteration, re-grading and reconstruction of the roadway as referenced in the Easement. Said alterations are unequivocally prohibited by the Easement and Mr. Saitman's property rights.

180 PCH, LLC's proposed plans clearly show it intends to illegally encroach upon the existing bluff and the existing road, both of which are located on Mr. Saitman's property. However, **the Easement explicitly limits use of the existing roadway for access only to the Subject Property** and includes no provision for any construction or modification of the existing roadway.

Due to the forgoing, we are compelled to make you aware that Mr. Saitman has not, and will not, agree to construction of any kind on his property, including, but not limited to, modification of the aforementioned roadway, Easement or any of its terms. As a result, 180 PCH, LLC's proposed modifications should not be considered as they blatantly abuse the Easement and Mr. Saitman's property rights. In short, the proposed plans should not be considered for any approvals or permits.

We kindly request that you keep us apprised of any further requests for alterations to the subject property or 180 PCH, LLC's future requests for permits. Should you have any questions, or require additional information, please contact the undersigned.

Very truly yours,


ANNA M. CARNO
Attorney for Firm

AMC:jmc
Enclosure (Easement)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

EWB-1, LLC
135 North Los Robles Avenue
Seventh Floor
Pasadena, CA 91101



NC5 522623

SPACE ABOVE THIS LINE RECORDER'S USE

12

ACCESS EASEMENT AGREEMENT

This Easement Agreement, herein referred to as "Agreement", is made this th day of July, 2012 by and between EWB-1, LLC, a California Limited Liability Corporation, herein referred to as the "Bank," and Lloyd Saitman, a single man, herein referred to as "Saitman." Each party is also referred to as "Parcel Owner" with respect to that party's fee title ownership described herein.

RECITALS

- A. The Bank is the fee title owner of that certain parcel described as Los Angeles County Tax Assessor Parcel 005, on page 019, in Map Book 4473. Said parcel will be referred to herein as "Parcel 5."
- B. The Bank is the fee title owner of that certain parcel described as Los Angeles County Tax Assessor Parcel 006, on page 019, in Map Book 4473. Said parcel will be referred to herein as "Parcel 6."
- C. The Bank is the fee title owner of that certain parcel described as Los Angeles County Tax Assessor Parcel 007, on page 019, in Map Book 4473. Said parcel will be referred to herein as "Parcel 7."
- D. Saitman is the fee title owner of that certain parcel described as Los Angeles County Tax Assessor Parcel 003, on page 019, in Map Book 4473. Said parcel will be referred to herein as "Parcel 3."
- E. Saitman is the fee title owner of that certain parcel described as Los Angeles County Tax Assessor Parcels 024 & 025, on page 019, in Map Book 4473. Said parcels will be referred to herein as "Parcel 24 & 25."

DOCUMENTARY TRANSFER TAX \$ 0

☐ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED
☐ OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE

Rubie Romero
SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX. PRINT NAME

Initials SR YS

* The value of the property in this conveyance, exclusive of liens and encumbrances is \$100.00 or less, and there is no additional consideration received by the grantor(s). RET 11041 *

Easement Agreement

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- 2
- F. There exists that certain parcel described as Los Angeles County Tax Assessor Parcel 002, on page 019, in Map Book 4473. Said parcel will be referred to herein as "Parcel 2."
- G. Parcels 5, 6, and 7 currently do not have sufficient access rights from Pacific Coast Highway to permit the development of said parcels with one or more single family homes.
- H. All Parcels described in these Recitals are referred to collectively as "Parcels."

NOW THEREFORE, in consideration of the mutual covenants herein contained and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do hereby agree as follows:

1. Access Easement

- a. Access Easement from Saitman to Bank. Saitman hereby grants to the Bank and its successors in interest to the ownership of Parcels 5, 6, and 7 and their guests and the guests and assigns of said ownerships, an egress and ingress ("access") easement over Parcel 3 and Parcel 24 & 25 that extends from Pacific Coast Highway to the northerly property line of Parcel 24 & 25, and continues southerly to the northerly property lines of Parcels 5, 6, and 7. The legal description of said access easement is attached hereto as Exhibit "A-1" and "A-2". The easement granted herein is permanent, perpetual, shall run with the land, shall burden Parcel 3 and Parcel 24 & 25, and shall benefit Parcels 5, 6, and 7. The access easement granted by this Paragraph shall include pedestrian and vehicular access and allow access over the access easement area for construction on Parcels 5, 6, and 7. To be clear, this Access Easement Agreement is limited to access only so that Bank, its successors, and assigns shall have access to Parcels 5, 6 and 7, and this Access Easement Agreement does not grant any rights on Saitman's property (Parcels 3, 24 and 25) except to use the Access Easement (which is the existing road) to get to Parcels 5, 6 and 7.
- b. Access Easement from Bank to Saitman. The Bank hereby grants to Saitman and his successors in interest to the ownership of Parcels 3, and 24 & 25, and his guests and assigns of said ownership, only, a non-exclusive pedestrian access easement that extends over the easterly four feet of Parcel 7 from the southerly property line of Parcels 24 and 25 to the beach, or at the Bank or its successors in interest's option, an equivalent easement for the purpose of such beach access. The legal description of said access easement is attached hereto as Exhibit "A-3"

Initials 

Easement Agreement

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The Access Easements described in this paragraph 1, subparagraphs (a) and (b), and each of them, are referred to herein as "Access Easement." A diagram of the Access Easement is attached hereto as Exhibit "A-4".

- c. Each Parcel Owner reserves all right, title, and interest in and to the Access Easement area incident to its fee simple estate therein, and for any and all purposes not inconsistent with the use by the other parcel owner of the Access Easement as expressly permitted herein. Each Parcel Owner, in exercise of its rights granted hereunder shall in no way interfere with the use by the other Parcel Owner or their permittees to the extent permitted under this Agreement. No Parcel Owner shall use the Access Easement in any manner that will damage the driveway, the Access Easement area, or any other Parcel Owner's parcel.
- d. By entering into this Agreement and granting the Access Easement provided herein, neither party waives or releases any rights obligations or promises of either party arising from that certain Residential Purchase Agreement between the parties regarding the sale of Parcels 3, and 24 & 25 by Bank to Saitman dated March 19, 2009, including but not limited to the Addendum thereto dated March 19, 2009.
2. **Obstructions.** Each party shall maintain and keep the Access Easement area free of all obstructions which would interfere with the use of the Access Easement area except for such temporary obstructions as needed for construction of the Parcels and/or repair and maintenance of the improvements within the Access Easement area.
3. **Compliance with the Law.** The use of the Access Easement shall be in compliance with all laws, ordinances, codes, rules and regulations of all governmental authorities having jurisdiction over the Access Easement area, now or hereafter encumbering the Access Easement area.
4. **Covenants Running With Land; Successors and Assigns.** The terms and conditions of this Agreement, including all rights and obligations related to the Access Easement, created hereby or granted hereunder shall constitute covenants running with the land and shall bind the respective encumbered property to the extent provided herein and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. It is specifically understood that all of the benefits, rights, burdens, and obligations hereunder are not intended to be personal to any party hereto, but that all of such benefits, rights, burdens and obligations are solely derivative of such party's ownership interest in the encumbered property and shall run with the land accordingly.

Initials 

Easement Agreement

3

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5. **Duration.** The Access Easement hereby created, granted and conveyed shall be perpetual in duration, unless otherwise specified, and may not be changed, amended, modified, canceled or terminated except by an instrument in writing executed by the then owners of the Parcels. A default in this Agreement shall not cancel or terminate the Agreement although a party may pursue other remedies. Further, the Access Easement and this Agreement shall not in any way impair, affect, modify, terminate, nullify, or cancel any existing easements of record on or for the benefit of the Parcels including any existing pedestrian and vehicular easements that the owners of the Parcels 3, 24, 25, 5, 6, and 7, and any of them, currently enjoy, have the legal right to, and benefit of.
6. **Private Easements.** The Access Easement created herein is solely for the benefit of the parties hereto, and their successor in title to each party's respective Parcel or portion thereof, subject to and in accordance with the terms and conditions hereof and no third party beneficiary rights are created or inferred. It is agreed that neither this Agreement nor any rights herein shall constitute a public dedication of the Access Easement area to the general public, nor for any public use or purpose whatsoever.
7. **Incidental Rights.** Except as otherwise specifically provided or limited herein, the easements, rights and obligations hereby created, granted and conveyed include all incidental rights reasonably necessary for the use and enjoyment of the easements granted herein and for their intended purpose.
8. **No Common Ownership.** Notwithstanding anything herein set forth, the parties hereto expressly negate any construction of this Agreement which implies the joint or common ownership of any part of the Parcels, or which implies the creation, establishment, or existence of any partnership, joint venture, or other such scheme of common ownership or common operation of the respective properties and there shall be no fiduciary duties between the parties.
9. **Applicable Law; Attorney's Fees.** The Agreement shall be construed and enforced in accordance with the laws of the State of California by appropriate legal or equitable action in the Superior Court of Los Angeles County. In any legal or equitable proceeding for the enforcement of this Agreement or any provision hereof, the prevailing party shall be entitled to recover its attorney's fees and costs incurred.
10. **Integration.** This Agreement is the entire agreement of the parties hereto with respect to the subject matter contained herein and supersedes all prior agreements, whether written or oral, of the parties hereto.

Initials 

Easement Agreement

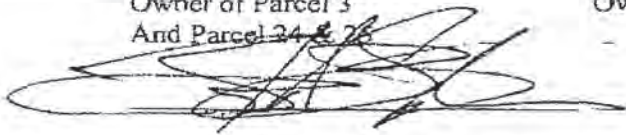
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- 4
11. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. All exhibits referred to are attached and incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective on the date first written above.

LLOYD SAIMAN
Owner of Parcel 3
And Parcel 24 & 25

EWB-1, LLC, A California Limited Liability Company
Owner of Parcels 5, 6, AND 7



Camille J Everett
By: Camille J Everett
Name: —
Title: First Vice President
AKA CAMILLE EVERETT

Initials CJE

Easement Agreement

5

7

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ss.

On Aug 1, 2012, 2012, before me, Mary L. Gallardo-Notary Public (insert name and title of the officer), personally appeared Lloyd Saitman (insert name of signer), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal

Signature Mary L. Gallardo

My commission expires March 16, 2013
(SEAL)



Easement Agreement

6

2

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

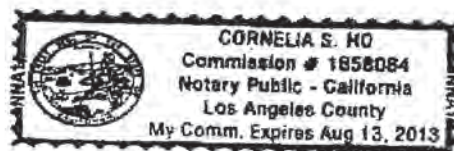
ss.

On August 2, 2012, before me, Cornelia S. Ho, Notary Public (insert name and title of the officer), personally appeared Carville Everett (insert name of signer), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal

Signature 



My commission expires August 13, 2013
(SEAL)

Easement Agreement

7

5

EXHIBITS

Exhibits A-1 through A-4, inclusive, are attached hereto.

Easement Agreement

5

Initials

Is ~~SS~~ CE


10

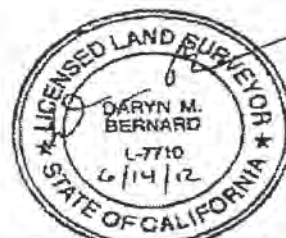
Access Easement

A strip of land, variable width, being a portion of Parcels 1 and 2 as said Parcels are described in Document Number 05-2184705 and shown on a plat filed in Book 208 at Page 41 of Record of Surveys, both documents being part of the Official Records for Los Angeles County, California, and being a portion of the Rancho Topanga Malibu Sequit as confirmed to Mathew Keller by patent recorded in Book 1 at Page 407 of Patents in said office, situate in Malibu, Los Angeles County, California, consisting of an existing concrete roadway as of a field survey dated June, 2012, and being more particularly described as follows:

COMMENCING at the most northeasterly corner of said Parcel 2, said corner being a found 1" iron pipe as shown on said Record of Survey; thence along the easterly line of said Parcel 2, South 9°14'30" West a distance of 11.79 feet to the TRUE POINT OF BEGINNING of the easement herein described; thence continuing along said line, South 9°14'30" West a distance of 140.33 feet; thence leaving said line, South 44°00'12" West a distance of 3.45 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 90.00 feet, through a central angle of 35°13'41", an arc length of 55.34 feet; thence South 79°13'53" West a distance of 7.32 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 56.00 feet, through a central angle of 14°18'38", an arc length of 13.99 feet to a point of reverse curvature; thence along said curve to the left having a radius of 27.00 feet, through a central angle of 49°04'11", an arc length of 23.12 feet to a point of compound curvature; thence along said curve to the left having a radius of 7.00 feet, through a central angle of 129°10'09", an arc length of 15.78 feet; thence South 84°41'49" East a distance of 40.65 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 45.00 feet, through a central angle of 55°13'05", an arc length of 43.37 feet to a point on said easterly line of Parcel 2; thence along said line, South 9°14'30" West a distance of 9.93 feet to the southeasterly corner of said Parcel 2; thence along the southerly line of said Parcel 2, North 80°45'30" West a distance of 24.00 feet; thence leaving said line and along a non-tangent curve to the left from which point a radial line bears South 58°08'35" West, having a radius of 17.50 feet, through a central angle of 52°13'57", an arc length of 15.95 feet; thence North 84°05'22" West a distance of 43.28 feet; thence North 89°07'03" West a distance of 17.70 feet; thence North 78°55'32" West a distance of 9.28 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 5.00 feet, through a central angle of 86°10'28", an arc length of 7.52 feet; thence North 7°14'56" East a distance of 12.26 feet to the beginning of a tangent curve to the right; thence along said curve having a radius of 45.00 feet, through a central angle of 77°30'07", an arc distance of 60.87 feet; thence North 84°45'03" East a distance of 23.72 feet to the beginning of a tangent curve to the left; thence along said curve having a radius of 61.00 feet, through a central angle of 63°32'53", an arc length of 67.66 feet; thence North 21°12'05" East a distance 39.56 feet; thence North 7°06'37" East a distance of 21.87 feet to a point along the westerly line of said Parcel 2; thence along said line, North 9°14'30" East a distance of 56.17 feet to a point, said point being South 9°14'30" West a distance of 7.54 feet from the most northwesterly corner of said Parcel 2; thence leaving said line, South 40°24'35" East a distance of 6.56 feet to the TRUE POINT OF BEGINNING and containing an area of 0.14 acres or 6,019 square feet, more or less.

This description was prepared by me based on field observations dated June 11, 2012.


Daryn Bernard, PLS #7710 (Expires 12/31/2012)



EXP 12-31-2012

Initials 

Exhibit A-1

In ge Summary List

CALIFORNIA TITLE COMPANY, CIT, 1003

9/14/2012 1:01 PM HBUM

State	County	Type	Date	Instrument	Party 1	Pages	Status
Order Number: None Title Officer: None Comments: Agreement							
CA	LOS ANGELES	AG	08/23/2012	2012.1257928	EWB1	13	completed

This page is part of your document - DO NOT DISCARD



20121257928



Pages:
0013

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

08/23/12 AT 08:00AM

FEES:	51.00
TAXES:	0.00
OTHER:	0.00
PAID:	51.00



LEADSHEET



201208230160006

00006318413



004227419

SEQ:
06

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

T89

E44221Y

June 5, 2017

Via FedEx

Richard Mollica, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, California 90265

Re: 180 PCH, LLC – 33388 and 33400 Pacific Coast Highway

Dear Mr. Mollica:

This firm serves as legal counsel to Lloyd Saitman, title owner of 33406 Pacific Coast Highway, Malibu. The purpose of this letter is to clarify and, hopefully, resolve the factual record regarding 180 PCH, LLC's proposed development of 33388 and 33340 Pacific Coast Highway, which are made up of Parcels APN 4373-019-005, 4373-019-006, and APN 4373-019-007 (the "Parcels"). This letter is sent in furtherance of the letters dated June 8, 2015, November 25, 2015, and July 27, 2016 sent by Mr. Saitman's prior counsel, Anna Carno of the Carno Law Group.¹

Legal Access

The first and most important issue to resolve is whether Richard Weintraub's company, 180 PCH, LLC, has legal access to the three lots he seeks to develop. We understand that your office has previously questioned whether such access exists. In deposition, Mr. Weintraub testified that confirming legal access to all three parcels was the only impediment to your office approving his development plans. While we have serious doubts that confirming legal access to the three Parcels is the only impediment to final approval of the development plans, we would like to set the record straight on this issue.

Mr. Saitman has never intended to deny 180 PCH legal access to the Parcels via the existing road that runs through his property. In litigation, however, 180 PCH alleged that the road did not provide adequate access to the Parcels because the road did not touch each

¹ Copies of these letters are attached hereto as Exhibit A.

Richard Mollica
June 5, 2017
Page 2

individual Parcel. Mr. Saitman repeatedly requested evidence demonstrating this lack of access, but was not provided sufficient evidence. As a result, Mr. Saitman commissioned a survey from Chris Nelson and Associates, a certified and licensed surveyor, to make that determination.

Mr. Saitman's survey revealed that there is, indeed, a small gap between the road and the Parcels.² Mr. Saitman wishes to be very clear: He does not dispute that the Parcels are entitled to legal access to the existing road, and is willing to extend the easement to ensure that each Parcel has access to the existing road. Thus, to the extent that the City or the Coastal Commission has any question concerning whether 180 PCH has legal access to its parcels, that question can now be put to rest.

Proposed Modifications to Mr. Saitman's Property

Separate and apart from the issue of legal access over the existing road, we understand that 180 PCH's development would require significant modifications to the existing road and possibly other areas of Mr. Saitman's property. Mr. Saitman does not oppose development that occurs within 180 PCH's property line. However, Mr. Saitman will not consent to allow his own property to be modified in any way as part of 180 PCH's development efforts. This includes any proposals to:

- Drill caissons or add other stabilizing mechanisms to Mr. Saitman's Property;
- Change the elevation of the roadway on the portions that are located on Mr. Saitman's property;
- Reconfigure the layout of the road on Mr. Saitman's property, which would necessarily involve taking other portions of his private property, turning that property into new roadway, and then seeking an easement over this new road;
- Conduct any work or make modifications to the bluff area located on Mr. Saitman's property.

Though 180 PCH contends that the Access Easement Agreement ("AEA") signed by Mr. Saitman requires that Mr. Saitman agree to such modifications on his property, Mr. Saitman strongly disagrees with this interpretation of the AEA. That dispute is currently the subject of the litigation between 180 PCH and Mr. Saitman.

² A copy of the survey is attached hereto as Exhibit B.

Richard Mollica

June 5, 2017

Page 3

Approvals

180 PCH has indicated that it has obtained numerous approvals from the City of Malibu and its various agencies regarding its development plan. We would appreciate if you could provide us with a list of any approvals 180 PCH has obtained. We are willing to come copy those documents at our own expense.

Counsel for 180 PCH has also stated that the City of Malibu determined that no caissons are required as part of its proposed development. Similarly, 180 PCH's counsel has suggested that either the City of Malibu or the Fire Department had indicated that the steep grade of the existing roadway is no longer an issue and that no modifications would be required.³ It would help tremendously in furthering resolution of this lawsuit if you could provide any documentation to confirm these facts to us on an informal basis. While we can serve subpoenas if necessary, we are hoping to work together cooperatively to reach a resolution that is agreeable to all parties, including the City of Malibu.

Please let us know if you have any questions or require any additional information from Mr. Saitman. Thank you for your attention to this matter.

Very truly yours,

MURPHY ROSEN LLP



Daniel N. Csillag

cc: Christi Hogin, Esq.
Jenkins & Hogin LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

³ Note that Mr. Saitman is concerned that any such representation by the Fire Department may be based on inaccurate grade measurements. The recent Chris Nelson & Associates survey revealed that the roadway is significantly steeper than indicated in the documents 180 PCH previously submitted to the various approving agencies. See Exhibit B.

Richard Mollica

June 5, 2017

Page 4

Christi Hogin, City Attorney
Malibu City Hall
23815 Stuart Ranch Road
Malibu, CA 90265

Ms. Bonnie Blue
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Fire Chief Daryl Osby
Los Angeles County Fire Department
Central Region, Division VII Headquarters
3970 Carbon Canyon Road
Malibu, CA 90265

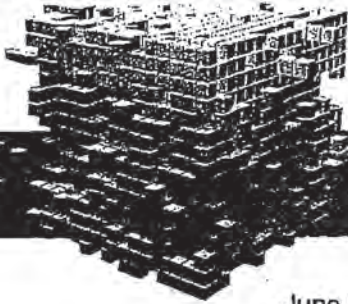
Jack Ainsworth
Senior Deputy Director
California Coastal Commission
89 S California Street, Suite 200
Ventura, CA 93001

Rachael H. Berman, Esq.
Sonia Y. Lee, Esq.
Raines Feldman, LLP
1800 Avenue of the Stars, 12th Floor
Los Angeles, California 90067

Exhibit A

24031 El Toro Road, Suite 210
Laguna Hills, CA 92653

949-540-0320
We Build Your Case



CARNO LAW GROUP

Construction Counselors

www.CarnoConstructionLaw.com

June 8, 2015

Our File No.: 10-34

Via Certified Return Receipt

Christi Hogin, City Attorney
Malibu City Hall
23815 Stuart Ranch Road
Malibu, CA 90265-4861

Christi Hogin, Esq.
Jenkins & Hogin LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

Richard Mollica, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Re: 180 PCH, LLC
33388 Pacific Coast Highway and
33400 Pacific Coast Highway
Malibu, California

Dear Sir/Madam:

This firm serves as legal counsel to Mr. Lloyd Saitman, the title owner of 33406 Pacific Coast Highway, Malibu. The purpose of this correspondence is to make you aware of certain concerns and objections to the development proposed by 180 PCH, LLC.

Enclosed for your records is a copy of the Access Easement Agreement concerning Mr. Saitman's property and the proposed development which was recorded

EXHIBIT 20
Lloyd I. Saitman
180 PCH vs.
Lloyd I. Saitman

Susan B. Sullivan, C.S.R. 2/17/2017

180PCH1729

CARNO LAW GROUP
ATTORNEYS AT LAW

Christi Hogan, Esq.
Richard Mollica, Senior Planner
June 8, 2015
Page 2

in 2012 (hereinafter "Easement"). The Easement allows for a means of egress and ingress, in other words, **access only**.

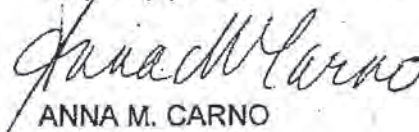
My client was made aware of the "Notice of Application for Coastal Development Permit" regarding Coastal Development Permit (CDP) No. 14-072, and Lot Line Adjustment (LLA) No. 14-004. Mr. Saitman and I have reviewed the plans prepared by Burdge and Associates which were submitted to the City of Malibu regarding 180 PCH, LLC's proposed development of Tax Assessor Parcels Nos. 005, 006, and 007, found on page 019, in Map Book 4473 (hereinafter referred to as "Subject Property"). Each of the parcels included in the Subject Property adjoin Mr. Saitman's property. 180 PCH, LLC's plans, as submitted, depict proposed demolition, reconfiguration, elevation alteration, re-grading and reconstruction of the roadway as referenced in the Easement. Said alterations are unequivocally prohibited by the Easement and Mr. Saitman's property rights.

180 PCH, LLC's proposed plans clearly show it intends to illegally encroach upon the existing bluff and the existing road, both of which are located on Mr. Saitman's property. However, **the Easement explicitly limits use of the existing roadway for access only to the Subject Property** and includes no provision for any construction or modification of the existing roadway.

Due to the forgoing, we are compelled to make you aware that Mr. Saitman has not, and will not, agree to construction of any kind on his property, including, but not limited to, modification of the aforementioned roadway, Easement or any of its terms. As a result, 180 PCH, LLC's proposed modifications should not be considered as they blatantly abuse the Easement and Mr. Saitman's property rights. In short, the proposed plans should not be considered for any approvals or permits.

We kindly request that you keep us apprised of any further requests for alterations to the subject property or 180 PCH, LLC's future requests for permits. Should you have any questions, or require additional information, please contact the undersigned.

Very truly yours,



ANNA M. CARNO
Attorney for Firm

AMC:jmc
Enclosure (Easement)

180PCH1730

November 25, 2015

Our File No.: 10-34

Via Certified Return Receipt

Jack Ainsworth
Senior Deputy Director
California Coastal Commission
89 S California Street, Suite 200
Ventura, CA 93001

Re: 180 PCH, LLC
33388 Pacific Coast Highway and
33400 Pacific Coast Highway
Malibu, California
Coastal Development Permit (CDP) No. 14-072, and Lot
Line Adjustment (LLA) No. 14-004

Dear Director Ainsworth:

This firm serves as legal counsel to Mr. Lloyd Saitman, the title owner of 33406 Pacific Coast Highway, Malibu. Though we understand that you are very aware of the development of 33388 and 33400 Pacific Coast Highway proposed by 180 PCH, LLC and its member, Mr. Richard E. Weintraub, we write to share some information that you may have not yet received regarding the same.

180 PCH, LLC's proposed development of Tax Assessor Parcels Nos. 005, 006, and 007 (hereinafter referred to as "Subject Property"), concerns property that adjoins Mr. Saitman's property. Enclosed for your records is a copy of the Access Easement Agreement concerning Mr. Saitman's property which was recorded in 2012 (hereinafter "Easement"). The Easement allows for a means of egress and ingress, in other words, **access only**, with respect to the road described therein.

According to the plans prepared by Burdge and Associates and submitted by Mr. Weintraub to the City of Malibu regarding the proposed development of the Subject

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Saitman000363

Jack Ainsworth
Senior Deputy Director
November 25, 2015
Page 2

Property, 180 PCH, LLC's plans, as submitted, depict proposed demolition, reconfiguration, elevation alteration, re-grading and reconstruction of the roadway found on Mr. Saitman's property as referenced in the Easement. Said alterations are unequivocally prohibited by the Easement and Mr. Saitman's property rights.

180 PCH, LLC's proposed plans clearly show it intends to illegally encroach upon the existing bluff and the existing road, both of which are located on Mr. Saitman's property. Mr. Saitman is very concerned that 180 PCH, LLC and/or Mr. Weintraub will go forward with their plans to build on the above referenced sites despite the fact they may not have the requisite permission to do so. For example, an unsightly fence has already been erected around the proposed site though, to our knowledge, no permit has been issued allowing its installation. Not only is the fence in violation of Malibu building code, it also blocks access to the beach, a factor that violates neighboring parties' use and enjoyment of their property and the surrounding area. We have requested that the fence be removed but as of the date of this letter, it remains.

Weintraub Real Estate Group has been known to be a very aggressive developer. In fact, on its website it describes Mr. Weintraub as "a new kind of developer, with an uncommon ability to find opportunities and an unwavering commitment to creating value for his financial partners..." It seems that Weintraub may ascribe to the philosophy that "it is better to seek forgiveness, rather than permission." That is disconcerting to say the least. Mr. Saitman is extremely concerned that Mr. Weintraub may plow forward with his intended development and seek approval and permission later.

There is good reason for Mr. Saitman to be concerned about Mr. Weintraub's business methods and his intended plan to build. Despite the fact that Mr. Weintraub is well aware that Mr. Saitman is the owner of 33406 Pacific Coast Highway, and therefore the party that is most impacted by the intended development, Mr. Weintraub has *never once* communicated with Mr. Saitman to explain his intended plan, much less seek Mr. Saitman's approval of the development.

Moreover, what is known about Mr. Weintraub's intended plan is that:

- the proposed design and plans are flawed;
- it is in violation of the Access Easement Agreement that pertains to Mr. Saitman's property¹;

¹ The Easement explicitly limits use of the existing roadway for access only to the Subject Property and includes no provision for any construction or modification of the existing roadway.

Jack Ainsworth
Senior Deputy Director
November 25, 2015
Page 3

- it will require extensive demolition in and around the area of improvement (on Mr. Saitman's property);
- it will negatively impact the configuration of the existing road (which is owned by Mr. Saitman);
- it will require that the elevation of the existing road to be significantly altered (property that is owned by Mr. Saitman);
- it will require caissons to be installed on Mr. Saitman's property which is also a delicate bluff area to shore up the existing road for heavy fire truck access;
- it cannot be developed without encroaching upon and detrimentally impacting Mr. Saitman's property; and
- most importantly, it violates Mr. Saitman's property rights.

Due to the significant damages Mr. Saitman will undoubtedly suffer should Mr. Weintraub's proposed plan go forward, Mr. Saitman has not, and will not, agree to construction of any kind on his property, including, but not limited to, modification of the aforementioned roadway, Easement or any of its terms.

In the event you were already aware of the foregoing information, I apologize for needlessly consuming your time. However, due to the anticipated resultant damage to Mr. Saitman's property should Mr. Weintraub's proposed plan go forward, we were compelled to share the foregoing with you.

We ask that 180 PCH, LLC's proposed modifications not be considered for any approvals or permits.

Should you require additional information, please do not hesitate to contact the undersigned. Thank you for your time and attention.

Very truly yours,


ANNA M. CARNO
Attorney for Firm

AMC:lh
Encl.

cc: Via Certified Return Receipt (w/ encl.)
Christi Hogin, City Attorney
Malibu City Hall
23815 Stuart Ranch Road

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Saitman000365

CARNO LAW GROUP
A Professional Law Corporation

Jack Ainsworth
Senior Deputy Director
November 25, 2015
Page 4

Malibu, CA 90265-4861

Christi Hogin, Esq.
Jenkins & Hogin LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

Ms. Bonnie Blue
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Fire Chief Daryl Osby
Los Angeles County Fire Department
Central Region, Division VII Headquarters
3970 Carbon Canyon Road
Malibu, CA 90265-5005

Richard Mollica, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

CONFIDENTIAL

Saitman000366

July 27, 2016

Our File No.: 10-34

Via E-mail (lore@hilburglaw.com) and U.S. Mail

Lore Hilburg, Esq.
Law Office of Lore Hilburg
1943 Buckingham Rd
Los Angeles, CA 90016

Re: 180 PCH, LLC
33388 Pacific Coast Highway and
33400 Pacific Coast Highway
Malibu, California
Coastal Development Permit (CDP) No. 14-072, and Lot
Line Adjustment (LLA) No. 14-004

Dear Ms. Hilburg:

Thank you for contacting me with respect to the development of 33388 and 33400 Pacific Coast Highway proposed by 180 PCH, LLC and its member, Mr. Richard E. Weintraub (hereinafter referred to collectively as "180 PCH"). I have conferred with my client, Mr. Lloyd Saitman, regarding the issues we discussed.

Before addressing the issues in detail, I think it is important to say, on the onset, Mr. Saitman is not anti-development. To the contrary, Mr. Saitman is, and for many years, has been, the President of a prominent electrical contracting corporation. He fully supports the development of property. His livelihood comes from the construction industry. However, Mr. Saitman, along with highly reputable construction engineers, designers, government officials and several neighbors, do not believe that 180 PCH's intended development, as proposed, can be accomplished without sacrificing safety and

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Saitman000367

recklessly infringing on the property rights of those whose homes neighbor 180 PCH's parcels.

As you know, there have been prior owners of 180 PCH's property who have attempted to develop the land. However, prior owners were unable to construct on the properties due to the natural constrictions that arise from the properties' locality. I think we can all agree that the property is an extremely desirable location and offers breathtaking views and settings that cannot be found elsewhere. However, its locale also dictates what is feasible and simply put, 180 PCH's intended development is not feasible, practical, or possible without sacrificing safety, or imposing on, or interfering with neighboring properties.

Mr. Weintraub has vast experience in developing properties. I am told by Mr. Saitman that he took considerable time and invoked significant resources to complete his due diligence of these parcels prior to their purchase. Thus, long ago Mr. Weintraub was well aware of the obstacles with regards to the development of these properties. For Mr. Weintraub to now be submitting these issues to the Title Insurance Company or threatening suit against Mr. Saitman will not bode well for him if this matter proceeds to litigation.

Mr. Saitman's opinion, along with many others, is that 180 PCH's proposed development cannot be accomplished without negative and unwarranted impact on City safety services and neighboring properties. If that were not the case, why wouldn't 180 PCH's proposed development be welcomed with open arms? In other words, if the construction of the two homes proposed by 180 PCH's would result in overall improvement of the area, benefit the local area and allow for additional revenue, why is there such significant opposition by so many?

180 PCH's plans, as submitted, depict proposed demolition, reconfiguration, elevation alteration, re-grading and reconstruction of the roadway referenced in the Easement recorded in 2012 concerning Mr. Saitman's property (hereinafter "Easement"). *180 PCH, LLC's proposed alterations are unequivocally prohibited by the Easement and Mr. Saitman's property rights.* In fact, prior discussions held between Mr. Weintraub and Mr. Saitman have confirmed that *the proposed development will encroach on no less than seventy-six (76) square feet of Mr. Saitman's property.* Tell me: why would Mr. Saitman (or any property owner) agree to have his property needlessly encroached upon and/or modified?

Mr. Saitman is not opposed to development of the parcels, but he, like any other property owner, is opposed to 180 PCH's intent to develop or construct beyond what is allowed. In short, he is not anti-development but he is, and reasonably so, anti-encroachment and anti-damage to his property.

180 PCH's plans confirm that the proposed development:

- is in violation of the Access Easement Agreement that pertains to Mr. Saitman's property¹;
- will require extensive demolition in and around the area of improvement (on Mr. Saitman's property);
- will negatively impact the configuration of the existing road (which is owned by Mr. Saitman);
- will require that the elevation of the existing road to be significantly altered (property that is owned by Mr. Saitman);
- will most likely require caissons to be installed on Mr. Saitman's property which is also a delicate bluff area to shore up the existing road for heavy fire truck access;
- cannot be developed without encroaching upon and detrimentally impacting Mr. Saitman's property; and
- violates Mr. Saitman's property rights.

Due to the significant damages Mr. Saitman will undoubtedly suffer should 180 PCH's proposed plan go forward, Mr. Saitman has not, and will not, agree to construction of this kind on his property, including, but not limited to, modification of the aforementioned roadway Easement, or any of its terms. Many experts agree that the proposed plan will require the installation of multiple caissons on the delicate bluff area. That work alone, independent of everything else that will need to be done, jeopardizes Mr. Saitman's home, the existing road, neighboring properties, as well as the delicate bluff itself. This is not warranted or justified.

There are two competing interests at stake: the protection of existing residences, versus the development of an investment property by an LLC. Mr. Saitman makes no apologies for refusing to waive his property rights so that an investment firm can increase its profit margin. I don't think anyone should. Some of the neighboring homeowners are retired and seek to live in their homes in peace. They should be allowed to do so without the continued burden and interference presented by 180 PCH's plans.

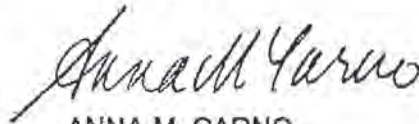
¹ The Easement explicitly limits use of the existing roadway for access only to the Subject Property and includes no provision for any construction or modification of the existing roadway.

Lore Hilburg, Esq
July 27, 2016
Page 4

Lastly, Mr. Saltman does not share your or 180 PCH's opinions that the intended development will not adversely affect Mr. Saltman's or his neighbors' views or access to the beach. Recorded documents obligate 180 PCH (or anyone intending to develop the land) to provide all entitled neighboring properties "likewise access" to the beach. 180 PCH's offer to install multiple, extensive, steep, concrete stairways to the waterfront to replace the existing serene access is an affront on many levels.

As counsel for First American Title Company, I am a bit perplexed as to why Mr. Weintraub enlisted your assistance to resolve issues that he unilaterally created and is solely responsible to address. Please help me understand why First American Title Company would devote time and resources to assist in the development of 180 PCH's property. I, along with Mr. Saltman, remain committed to further addressing the issues presented by 180 PCH's proposed plans. Should you require additional information, please do not hesitate to contact me.

Very truly yours,



ANNA M. CARNO
Attorney for Firm

AMC:df

cc: *Via Certified Return Receipt (w/ encl.)*
Christi Hogin, City Attorney
Malibu City Hall
23815 Stuart Ranch Road
Malibu, CA 90265-4861

Christi Hogin, Esq.
Jenkins & Hogin LLP
1230 Rosecrans Avenue, Suite 110
Manhattan Beach, CA 90266

Ms. Bonnie Blue
City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

CONFIDENTIAL

Saitman000370

CARNO LAW GROUP
A Professional Law Corporation

Lore Hilburg, Esq
July 27, 2016
Page 5

Fire Chief Daryl Osby
Los Angeles County Fire Department
Central Region, Division VII Headquarters
3970 Carbon Canyon Road
Malibu, CA 90265-5005

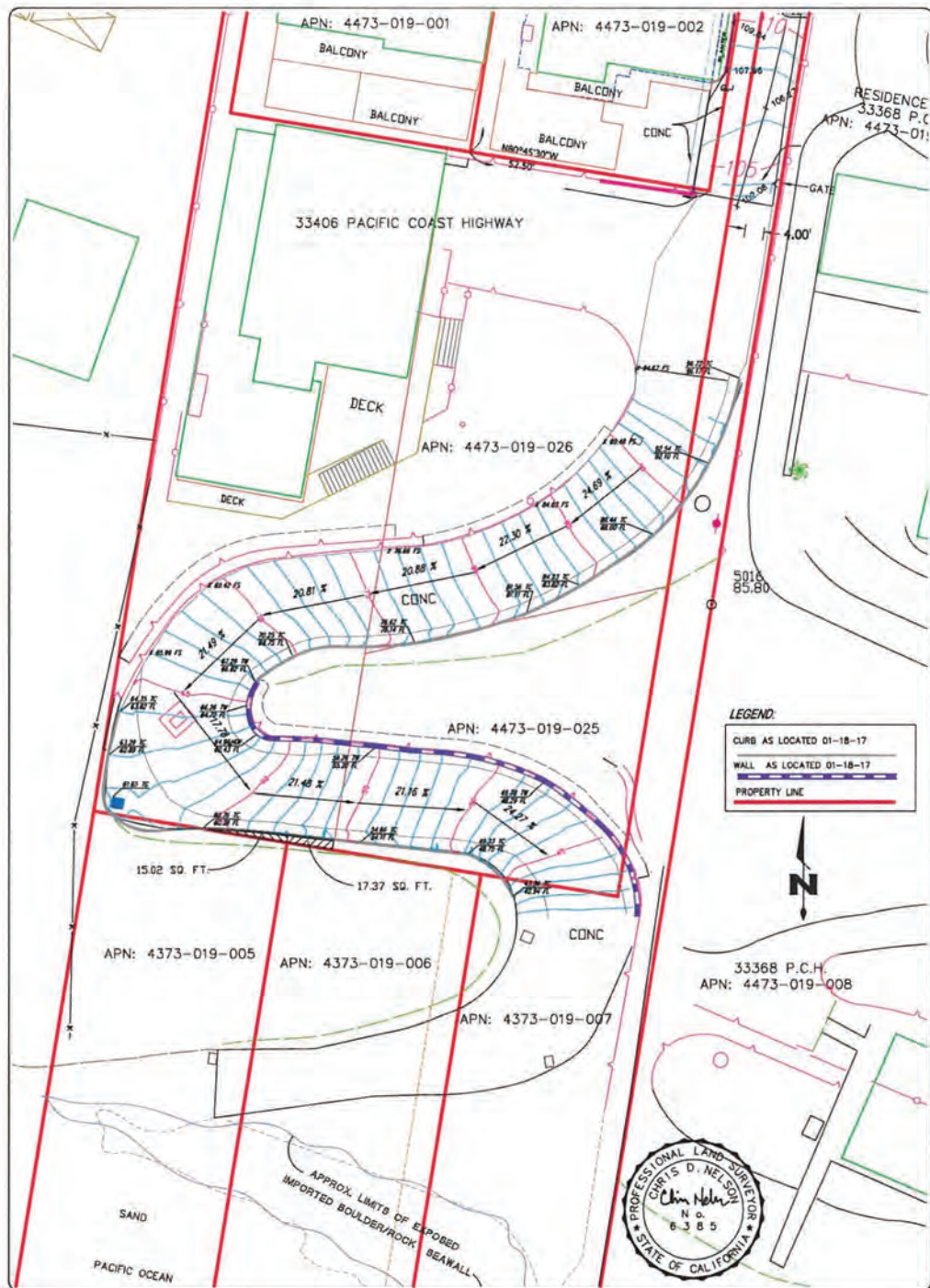
Richard Mollica, Senior Planner
City of Malibu
Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Jack Ainsworth
Senior Deputy Director
California Coastal Commission
89 S California Street, Suite 200
Ventura, CA 93001

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Saitman000371

Exhibit B



PREPARED BY:
Chris Nelson
 & Associates, Inc.
 PROFESSIONAL LAND SURVEYING
 31756 Via Caliente Suite 11, Woodside Village, CA, 91367
 Web: 818.891.1000 Fax: 818.891.0034

**PARTIAL DRIVEWAY TOPO SURVEY
 DRAFT COPY**
 33406 PACIFIC COAST HIGHWAY,
 MALIBU, CA

LLOYD SAIMTAN
 33406 PACIFIC COAST HIGHWAY,
 MALIBU, CA

XOB NO. 07-1660
 SCALE: 1" = 20'
 DATE:
 SHEET: 1 OF 1

Saitman000372

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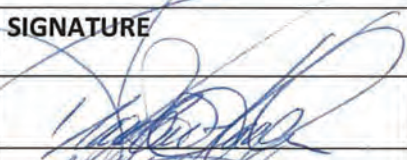

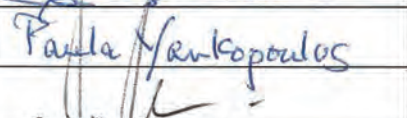
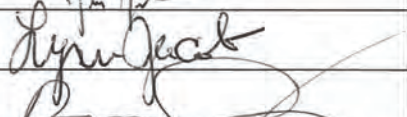
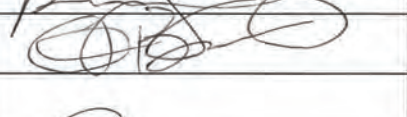
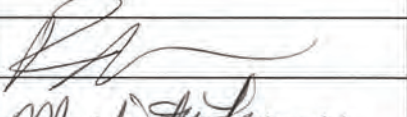
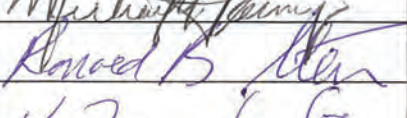
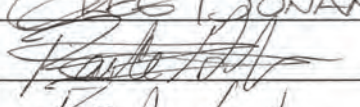
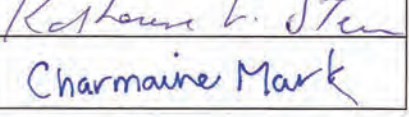


Nicholas Beach

PLANNING DEPT.

We, the neighbors of Nicholas Beach, have recently been made aware of a development project at 33400 Pacific Coast Highway. The newly installed story poles indicate a large structure very close to the shoreline; in fact, it is two houses. The applicant is requesting variances for height and reclassifying their zoning from hillside to beachfront residential. This project is inconsistent with the Coastal Act and the character of Nicholas Beach. If approved, it would set a dangerous precedent for future developments. We urge the Planning Commission to reject this proposed development and the variances requested.

Respectfully,

The Neighbors of Nicholas Beach

NAME	ADDRESS	SIGNATURE
DIANA MAGANA-HAGEN	33368 PCH	
CHARALIS HAAGEN	33408 P.C.H.	
LLOYD SATTMAN	33406 P.CH.	
Paula Yankopoulos	33418 PCH	Paula Yankopoulos
JERRY JACOB	33344 P.C.H.	
Lynn Jacob	33344 P.C.H.	
RONALD JEWELL	33010 PCH	
CRIS BONANN	33522 PCH	
		
Kande Gerbe	33246 PCH	
MICHAEL FLANNERY	33256 P.C. H.	
RONALD B. STEIN	33350 PCH	
Katherine A. Stein	" "	Katherine A. Stein
Ch nk	33572 & 33556 P.C.Hwy.	Charmaine Mark

RECEIVED

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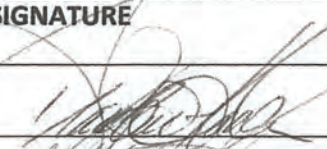
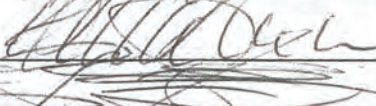
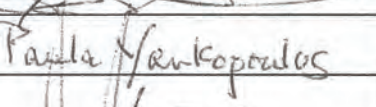
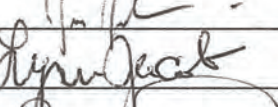


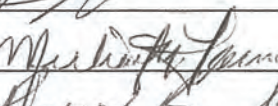

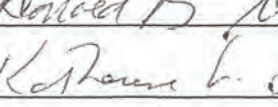


PLANNING DEPT.

Nicholas Beach

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Paula Yankopoulos	33418 PCH	Paula Yankopoulos
JERRY JACOB	33344 P.C.H.	
Lynn Jacob	33344 P.C.H.	
RONALD JENNY	33010 PCH	
CREE BONANN	33522 PCH	
		
Kandi Gerbe	33246 PCH	
MICHAEL FLANNERY	33256 P.C.H.	
RONALD B. STEIN	33350 PCH	
Katherine A. Stein	" "	Katherine A. Stein
Ch Mk	33572 & 33556 P.C.Hwy.	Charmaine Mark

Nicholas Beach

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Respectfully,

The Neighbors of Nicholas Beach

NAME	ADDRESS	SIGNATURE
James George	33410 PCH	James George
Janice George	33410 PCH	Janice George

**LETTER TO THE CITY OF MALIBU (RICHARD
MOLLIKA) FROM NICHOLAS BEACH, LLC
(HAAGEN)**

From: William R. Larr
Sent: Wednesday, September 27, 2017 3:36 PM
To: rmollica@malibucity.org; [REDACTED]
Subject: Nicholas Beach, LLV v 180 PCH, LLC; FATCO File No. 1709003961

Dear Mr. Mollica and Mr. Um:

I believe you are aware that our firm represents Nicholas Beach, LLC, regarding its rights under the Pedestrian Easement Agreement recorded on June 18, 2008 as Document No. 20081082815, official records of the Los Angeles County Recorder ("Pedestrian Easement Agreement").

The Pedestrian Easement Agreement provides, at Sections 4.A. and 4.B, that the easement granted to Nicholas Beach, LLC by that instrument cannot be relocated without the prior written consent of Nicholas Beach, and may only be relocated within the boundaries of Parcels 3, 4, 5, and/or the westerly ½ of Parcel 6, and may not afford less ease of access than the easement as currently located.

Nicholas Beach, LLC is required, pursuant to Section 4.C. of the Pedestrian Easement Agreement, to be notified in writing of any request to relocate its easement, and to be provided with a copy of any plans that are submitted for relocation of the easement. To date, Nicholas Beach, LLC has not been provided with such written notice or with a copy of any plans.

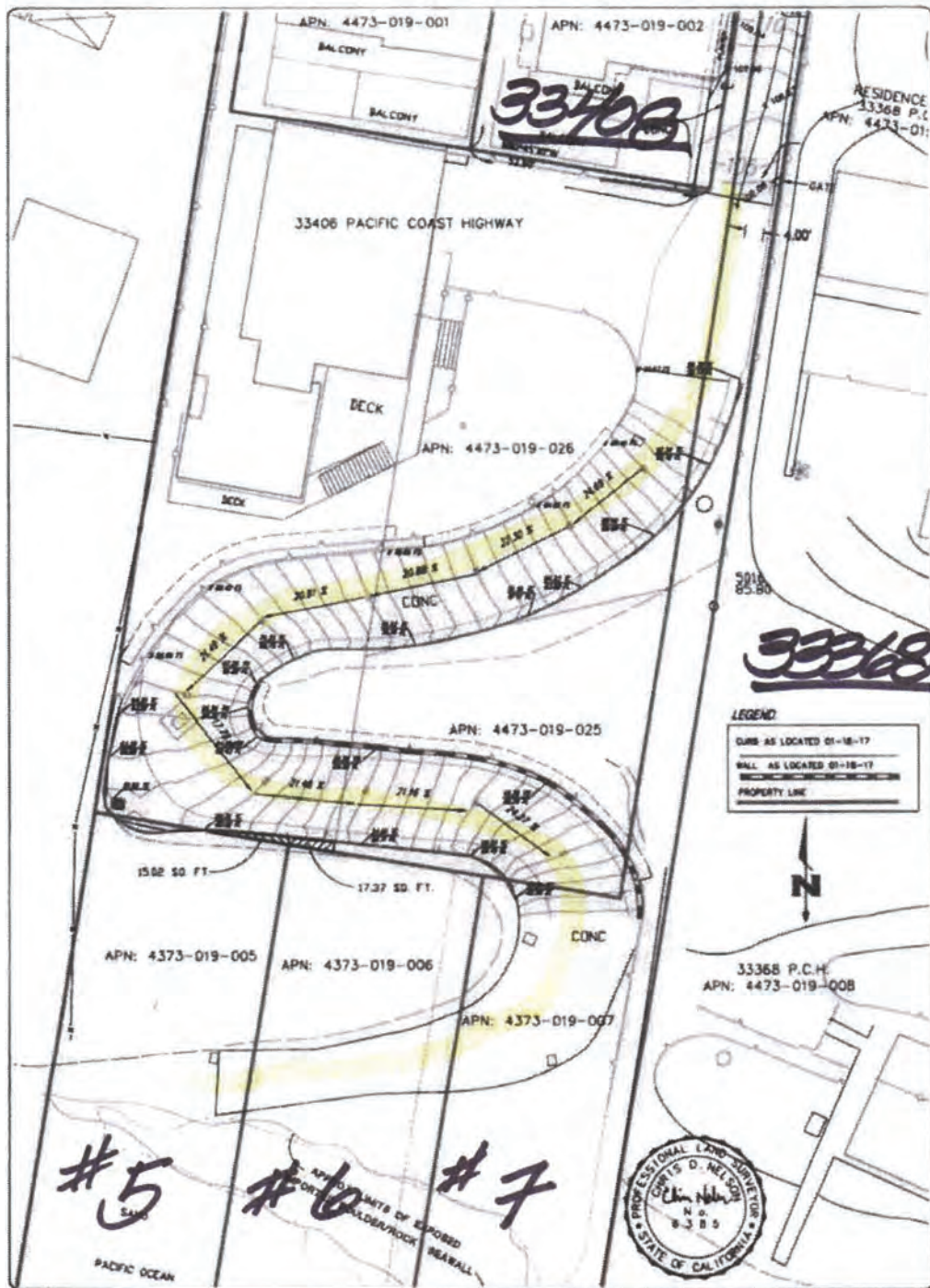
This is to advise you that Nicholas Beach, LLC reserves all rights to which it is entitled under the Pedestrian Easement Agreement, and that Nicholas Beach, LLC objects to relocation of the easement in any manner that would be contrary to the terms of the Pedestrian Easement Agreement.

If you have any questions regarding this matter, please feel free to contact me.

William R. Larr
Of Counsel
Anderson McPharlin & Conners, LLP
707 Wilshire Blvd., Suite 4000
Los Angeles CA 90017-3623
wrl@amclaw.com
(213) 688-0080 Main
(213) 236-1616 Direct
(213) 622-7594 Fax

EXHIBIT # 1

PRESENT EASEMENT FOR 33408 PACIFIC COAST HIGHWAY



PREPARED BY:
Chris Nelson
& Associates, Inc.
REGISTERED LAND SURVEYORS
2142 5th Avenue, Suite 200
Malibu, CA 90263-1001
Phone: 424-280-1000

**PARTIAL DRIVEWAY TOPO SURVEY
DRAFT COPY**

33406 PACIFIC COAST HIGHWAY,
MALIBU, CA

LLOYD SALTMAN

33406 PACIFIC COAST HIGHWAY,
MALIBU, CA

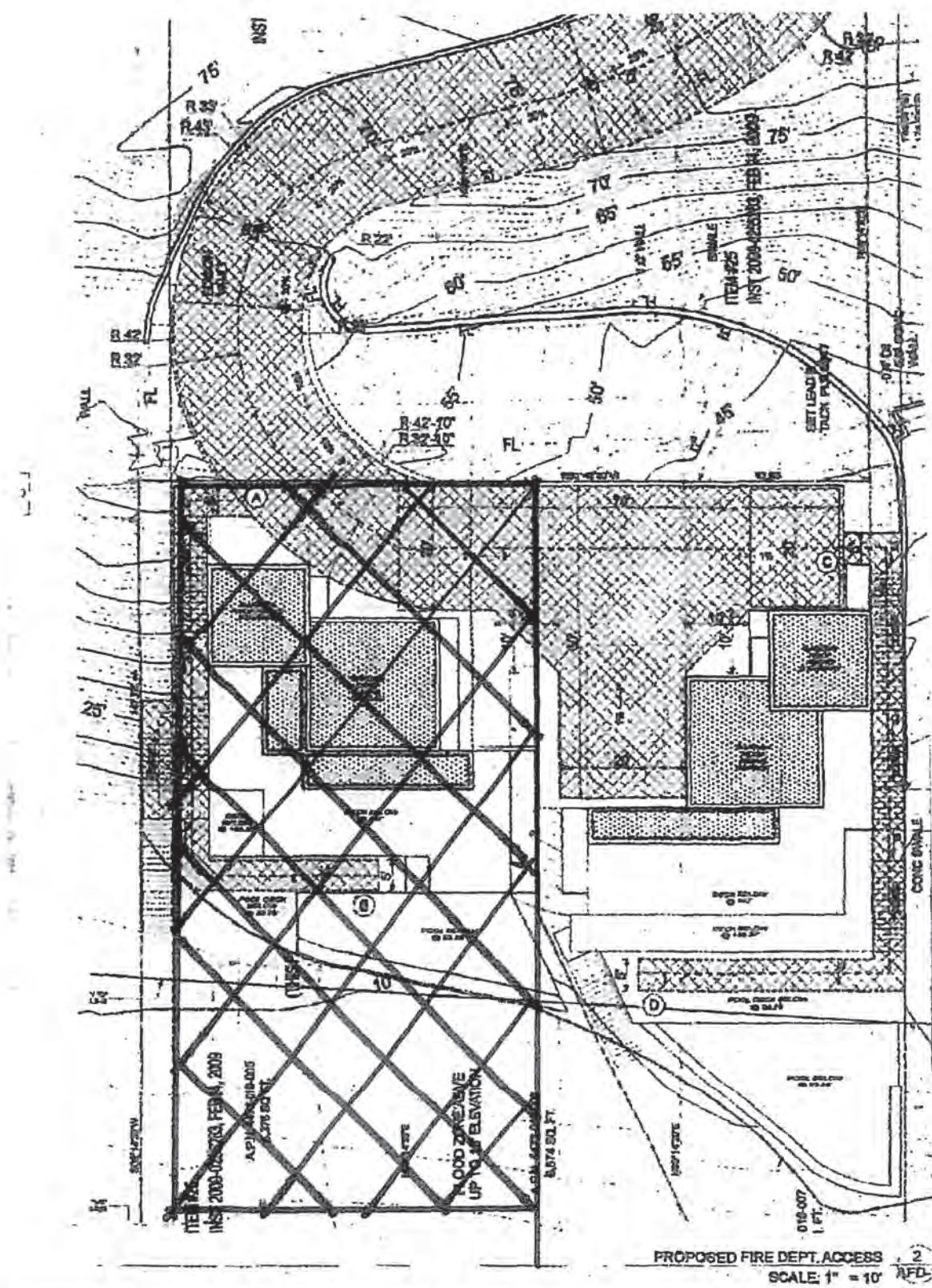
JOB NO. 07-1488
SCALE: 1" = 30'
DATE:
SHEET: 1 OF 1

(YELLOW -) PEDESTRIAN EASEMENT
FOR 33408 P.C.H.

Saltman000372

EXHIBIT # 2

**ONLY ALLOWABLE AREA FOR RELOCATION OF
THE PEDESTRIAN EASEMENT ON LOT 5 AND
WESTERLY HALF OF LOT 6 AS SHOWN BY THE
CROSS HATCH AREA ON EXHIBIT "A"**



S-26

EXHIBIT "A"

EXHIBIT # 3

**LETTERS VERIFYING THE VALIDITY OF
PEDESTRIAN EASEMENT AGREEMENT IN
FAVOR OF 33408 PACIFIC COAST HIGHWAY**

From: Melinda Tandecki
Subject: FW: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961
Date: Feb 26, 2018 at 3:02:07 PM
To: Charals Haagen

Hi Charals,

This is a letter (attached) from Ms. Hilburg admitting that it seems that you have the easement. Is this the letter that you are looking for?

Melinda

From: Eric Little [<mailto:erl@landklp.com>]
Sent: Wednesday, October 25, 2017 11:33 AM
To: Charals Haagen [REDACTED]
Subject: FW: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961

From: Vignale, Susan S. [REDACTED]
Sent: Monday, October 23, 2017 3:13 PM
To: Eric Little <erl@landklp.com>
Subject: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961

Hi Eric

Just so you know, our claim # is [1709003961](#). Thank you for referencing this number in future correspondence, I have added it to the subject line of this thread.

I am aware of the letter from Ms. Hilburg, which was previously provided to me by Mr. Shiber. However, after that letter was received by your clients they received another from Ms. Hilburg (also provided to me by Mr. Shiber), dated November 2, 2016 (copy attached), conceding that the easement was valid and pointing out the relocation clause in the agreement. Since that time, it is my understanding that 180 PCH LLC has been advised by First American the easement is valid as to your client's interest.

As stated previously, my claim arose after 180 PCH LLC locked the gate blocking the pedestrian easement area. Since that time, I believe the gate has been re-opened. If your clients believe that 180 PCH LLC is currently challenging the validity of the pedestrian easement as to their interest thereunder, we will need that statement of claim to be presented, with documentary support, as to claims challenging the validity of the insured easement, and/or its terms and conditions, as to the rights of your clients.

I have not been provided a copy of the litigation with the neighbor, so I cannot comment on

its contents or the possibility that this might somehow prejudice your client's rights under the policy. If you believe it does, please provide copies of the relevant pleadings for our review, along with your letter stating why you believe that action affects the insured property or gives rise to coverage under this policy.

Once I have these requested items, I will be able to proceed with my investigation into this latest claim being made by your clients. Thank you for your anticipated cooperation in this regard.

Susan S. Vignale
Senior Claims Counsel



*First American
Title Insurance Company*

A M E R I C A N

CLAIMS SERVICES DIVISION – WESTERN REGION

First American Title Insurance Company

5 First American Way, Santa Ana, CA 92707

www.firstam.com | NYSE: FAF

Phone: (714) 250-2126

Fax: (714) 824-5940

Toll free: 1-800-854-3643 x2126

Email: svignale@firstam.com

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If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.

From: Eric Little [<mailto:erl@landklp.com>]

Sent: Tuesday, October 17, 2017 5:41 PM

To: Vignale, Susan S. <[REDACTED]>

Subject: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2

Hi Susan,

Thank you for taking my call today. I called to introduce myself as counsel for Nicholas Beach, LLC regarding the pedestrian easement dispute with 180 PCH LLC. I understand that First American Title engaged Bill Larr for the limited purpose of resolving the dispute regarding 180 PCH LLC's fencing off the pedestrian easement.

I've only begun to review the file materials provided by my client, and do not have a complete understanding of the dispute. But I did run across the attached 10.12.16 letter. My read of that letter leads me to the conclusion that 180 PCH LLC contends that the pedestrian easement is invalid. My review of the First American ALTA policy leads me to the conclusion that such claim of invalidity would be within the policy's Covered Risks. Please let me know whether First American agrees.

I understand that Nicholas Beach is not a party to litigation, and that the policy limits First American Title's obligation to pay for litigation to providing a "defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured." (Condition 5.(a).) The policy also permits First American Title "at its own cost, to institute and prosecute any action or proceeding ... necessary or desirable to establish the Title..." (Id. At 5.(b)). Since the pedestrian easement is apparently at issue in litigation brought by 180 PCH LLC against a property neighboring the Nicholas Beach, LLC property, I am concerned that adjudications in that litigation could adversely affect Nicholas Beach, LLC's interests in the pedestrian easement.

Should First American Title agree with my belief that the 10.12.16 letter is a Covered Risk under the policy, I suggest that First American and Nicholas Beach both have an interest in protecting Nicholas Beach's interests in protecting the pedestrian easement, and doing so before litigation involving other parties prejudices that interest. I recognize that First American may be prosecuting 180 PCH LLC's claims adverse to Nicholas Beach's interests in litigation brought by 180 PCH LLC. Please let me know how First American would like to proceed.

Best,

Eric R. Little, Esq.

Little & Karzai, LLP

3333 Michelson Drive, Suite 735

Irvine, CA 92612

phone: (949) 333-1699

fax: (949) 333-1697

mobile: (949) 677-6409

email: erl@landklp.com

web: www.lrkllp.com

NOTICE: This e-mail and any attachments to it may be privileged, confidential or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by either reply e-mail or by phone at (949) 333-1699, and please do not use,

THE LAW OFFICE
OF
LORE HILBURG

1943 Buckingham Road | Los Angeles, California 90016
Telephone: 323.934.4443 | Facsimile: 323.934.4034 | lore@hilburglaw.com

VIA U.S. MAIL AND EMAIL xavier.gutierrez@msrlegal.com

November 2, 2016

Xavier L. Gutierrez, Esq.
Miller Starr Regalia
1331 N. California Boulevard, 5th Floor
Walnut Creek, California 94596

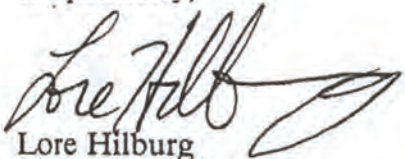
RE: 33408 Pacific Coast Highway, Malibu, California
First American Title File No: 1609009941
My File No: 4-322A

Dear Mr. Gutierrez:

I have reviewed the subordination agreement sent under cover of your letter dated October 28, 2016 and agree that it appears to subordinate the East West Bank deed of trust to the easement agreement recorded as Instrument Number 08-1082815. However, both the subordination agreement and the original easement agreement provide for the relocation of the pedestrian easement by the servient tenement owner at their discretion in connection with the development of the servient tenement property, subject only to the prior consent of Nicholas Beach. Obviously all agreements implicitly provide that the consent cannot be unreasonably withheld.

Hopefully, your client will give the proper consent to the proposed location, although I understand they have some concerns about that location and its development. Those concerns can be discussed with the developer.

Respectfully,



Lore Hilburg
Attorney at Law

cc: Jake Jessen, PCH 180
John S. Cha, Esq.
Kevin Razban, Esq., First American Title Insurance Company

Kathleen Stecko

From: Melinda Tandecki <mtandecki@new-group.com>
Sent: Wednesday, February 28, 2018 5:39 PM
To: Kathleen Stecko
Cc: 'Lloyd Saitman'; David Rosen
Subject: Planning Commission Meeting of 3/5/18
Attachments: scan0007.pdf

RECEIVED
MAR - 1 2018
PLANNING DEPT.

Mrs. Stecko,

On behalf of the owner of 33418 Pacific Coast (Paula and Nicholas Yankopoulos), we request that this email and the attached package be distributed to, and reviewed by, the Planning Commissioners.

Kind Regards,



Melinda Tandecki
Lease Administrator
office: 310.317.6754 x 305

RECEIVED
MAR - 1 2018
PLANNING DEPT.

To: The Planning Committee
City of Malibu, California

From: Paula & Nicholas Yankopoulos
33418 Pacific Coast Highway
Malibu, CA

Unfortunately we will not be able to be present at the Planning Committee meeting on March 5, 2018, to voice in person our objections to the proposed building at 33386 and 33398 Pacific Coast Highway, the property immediately adjacent to ours.

We are grateful that our neighbor, Diana Hagan, has agreed to read our letter to you, listing our concerns.

Nicholas A. Yankopoulos, M.D.
Paula Yankopoulos

TO: Planning Commission, City of Malibu

We are Nick and Paula Yankopoulos. We live at 33418 Pacific Coast Highway, which is right next door to the construction at 33386 and 33398 Pacific Coast Highway (formerly 33402 and 33404 PCH) which is being considered for permits and variances at your ^{March 5}~~February 20~~, 2018, meeting.

We were very distressed when the story poles went up virtually in our face, and we learned that the structures proposed on the site immediately adjacent to our bluff property, were two 23 plus feet tall, three story houses with garages on top. There is no doubt that these houses will interfere with our view of the Pacific Ocean. What makes our little house special is our unobstructed view of the water from our living room and terrace. Not only will these buildings lessen our appreciation and enjoyment of the beach and ocean, but we suspect that they will diminish the desirability and value of our property.

The proposed houses do not fit the neighborhood character of our little cove. They will stand as a large block at the bottom of the property and border the beach. They will contrast with houses like ours which sit high up on the bluffs or else back away from the beach.

Last year, in January 2017, after the heavy rains, a large section of the bluff on the property in question, slid down to the beach leaving a gaping hole. (See photos) Apparently the plan is to stuff one house into this hole and to take down the rest of the bluff and stuff the second house into that space. In other words the plan is to destroy all that remains of the natural bluffs on the property to fit the two houses in.

A bit of history about this property. The Coastal Commission has denied permits to build at least three times at this exact location. In 1999 the Coastal Commission designated the property a "geologic hazard restricted use area" specifying that "no development shall occur on the bluff face portions". This was in exchange for the approval of an already constructed but unpermitted sea wall. A few years later a, we believe, short-sighted judge removed this restriction. The fact that such a big slide occurred, testifies to the fragility of these bluffs.

In sum, we feel that this construction will violate the Malibu City view ordinance. It will not fit the character of our neighborhood. It depends on the elimination of the native vegetation and the destruction of one of the natural bluffs that marks our coastline.

We hope you will take our thoughts and concerns into consideration.

Nick A. Yankopoulos, m.d. Paula Yankopoulos



The way the bluff at 33386₃₁/33398 PCH used to look



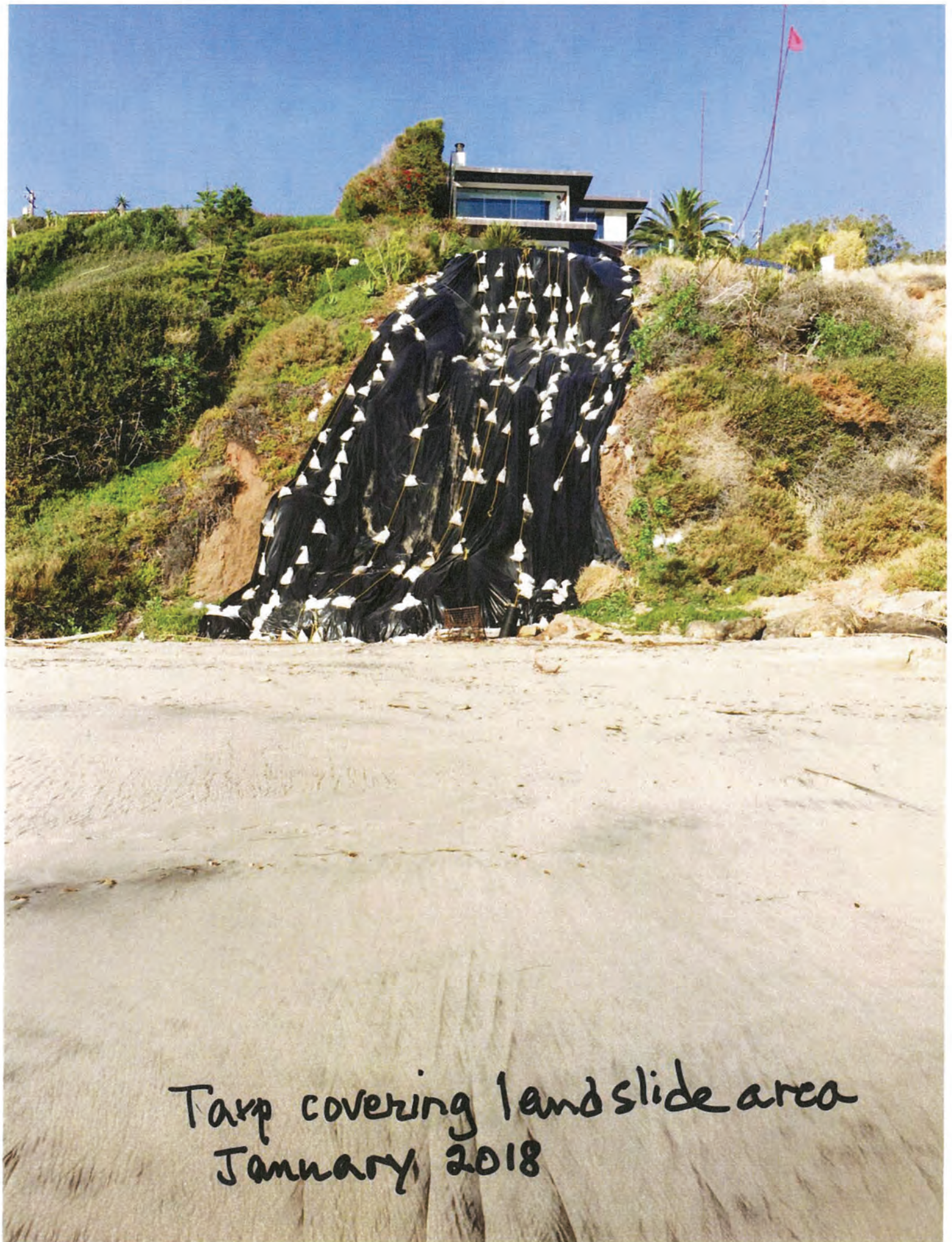
Our immediate neighborhood January. 2018



The way the bluff at 33386 / 33398 PCH used to look



Landslide 01/14/2017



Tarp covering landslide area
January, 2018

From: Jake Holt <jake@landphases.com>
Sent: Thursday, March 1, 2018 4:26 PM
To: Kathleen Stecko
Cc: 'Lloyd Saitman'; 'Charals Haagen'; Eric Rochin
Subject: RE: Planning Commission Meeting of 3/5/18; Item 5E
Attachments: LP1388 - Geo Memorandum, Slope Failure, Jan 3, 2018 (revised).pdf

RECEIVED
MAR - 1 2018
PLANNING DEPT.

RE: Planning Commission Meeting of 3/5/18; Item 5E

Mrs. Stecko,

On behalf of the owner of 33406 Pacific Coast Highway, we request that this email and the attached letter be distributed to, and reviewed by, the Planning Commissioners as part of their review of the proposed residential development project located at 33390/33398 Pacific Coast Highway (Agenda Item 5E). As described in the attached Engineering Geologic Memorandum, dated January 3, 2018, a landslide has occurred within 33390/33398 Pacific Coast Highway which not only has adversely affected the area of the proposed project, but also threatens the stability of the adjacent property to the north (33406 PCH) and adjacent property to the west (33418 PCH). This landslide occurred subsequent to prior geologic/geotechnical studies of the site and the City Geologist's review and issuance of planning-stage geologic/geotechnical approval.

Due to the presence of this landslide, which was not considered during the prior studies of the property, it appears necessary that approval of the project by the Planning Commission be withheld at this time. It is the professional opinion of this firm that an update geologic/geotechnical study is needed by the Project Geologic/Geotechnical Consultant in order to assess the current landslide situation of the site and to determine what impact the landslide has on the proposed project. The update report will also need to be submitted to the City Geologist for review and approval. A significant re-design of the proposed foundation and associated retaining walls may be necessary because of the landslide in order to provide a code-conforming building site and to insure that the adjacent properties are not adversely affected by the proposed project.

Thank you.

Jake Holt, PG CEG CHG
Principal Engineering Geologist



Land Phases, Inc.
5158 Cochran St.
Simi Valley, CA 93063
office (805) 522-5174
cell (805) 657-0142
web: www.landphases.com
email: jake@landphases.com

ENGINEERING GEOLOGIC MEMORANDUM

OBSERVATION OF LANDSLIDE

**ADJACENT AND SOUTH OF 33406 PACIFIC COAST HIGHWAY
CITY OF MALIBU, CALIFORNIA**

PREPARED FOR MR. LLOYD SAITMAN

JANUARY 3, 2018 (revised)

Project No.: LP1388

ELECTRONIC COPY

This file is an electronic/digital copy of an engineering geologic document prepared by Land Phases, Inc. (LP). The use of this electronic file shall be performed only by LP's client, their authorized agent(s), qualified professionals whose possession of this electronic copy is permitted by law, and/or by permission granted by LP.

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January 3, 2018 (revised)

Project No.: LP1388

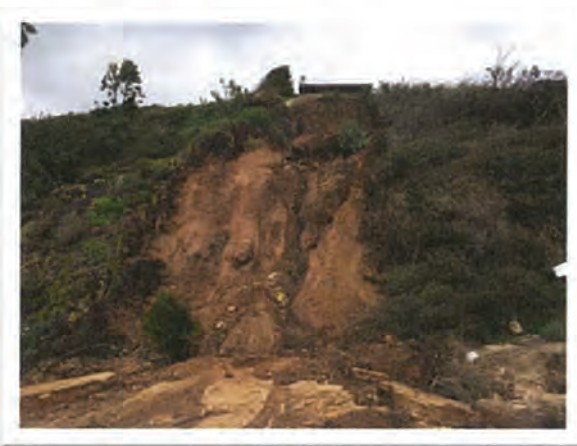
Mr. Lloyd Saitman
33406 Pacific Coast Highway
Malibu, CA 90265

**SUBJECT: ENGINEERING GEOLOGIC MEMORANDUM, OBSERVATION OF
LANDSLIDE, ADJACENT AND SOUTH OF 33406 PACIFIC COAST
HIGHWAY, CITY OF MALIBU, CALIFORNIA**

Dear Mr. Saitman,

As requested, Land Phases, Inc. (LP) has prepared this *Engineering Geologic Memorandum* regarding our observation of a landslide located adjacent and south of your residential property, 33406 Pacific Coast Highway, which is located in the City of Malibu, California.

Specifically, on January 18, 2017 and November 29, 2017 the undersigned observed a landslide located on the coastal bluff located adjacent and south of your property. Based on my site observations and review of available topographic surveys of the area, the landslide appears to be located within the confines of APN 4473-019-005 (official address unknown) but may also encroach slightly within the adjacent property to the west (33418 Pacific Coast Highway). The headscarp of landslide is near vertical and appears to be roughly coincident with the southern property line of 33406 Pacific Coast Highway. The toe of the landslide is described as a debris flow "run out" onto the adjacent beach. The following are photographs of the landslide which were taken on January 18, 2017.



At the time of the aforementioned initial observation of the landslide, a plastic storm drain pipe was exposed within the failure area. The lower portion of this pipe was broken and had been transported to the beach area by the landslide.

The landslide was recently re-observed by the undersigned on November 29, 2017. At that time, the landslide appeared to have roughly the same lateral limits as was previously observed in January and has been partially covered in plastic. The following is a photograph of the landslide area taken at that time.



Based on the aforementioned site observations, it is the professional engineering geologic opinion that the landslide continues to threaten the stability of 33406 Pacific Coast Highway. As previously noted, the headscarp of the landslide is located adjacent to the southern property line of 33406 Pacific Coast Highway. Thus, any addition headscarp migration of the landslide will have an adverse effect on the subject property, will damage the existing concrete driveway, and may also threaten the stability of the existing residence. It is considered imperative that the property owner(s) of the failed slope design, permit, and implement emergency and permanent measures to stabilize the failed slope and protect the adjacent area which is threatened. Based on our experience dealing with similar situations, in addition to properly maintaining the plastic and sand-bag cover over the landslide, the immediate installation of a soldier-pile/shoring wall should be considered at the headscarp of the landslide in order to provide lateral support of the adjacent upslope area.

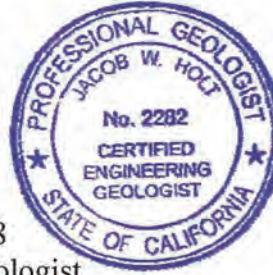
CLOSE

Please avoid misunderstandings or misinterpretation of this engineering geologic memorandum by calling LP with any questions you may have.

Respectfully Submitted,
LAND PHASES, INC.



Jake W. Holt
PG 7404, CEG 2282, CHG 816 exp. 11-30-18
Principal Engineering Geologist and Hydrogeologist



jh:L:\LP PROJECTS\LP1388 - Saitman\Reports\LP1388 - Geo Memornadum, Slope Failure, Jan 3, 2017 (revised).docx

Distribution: (3) Addressee (plus 1 pdf copy on CD for City submittal)

ATTACHMENTS

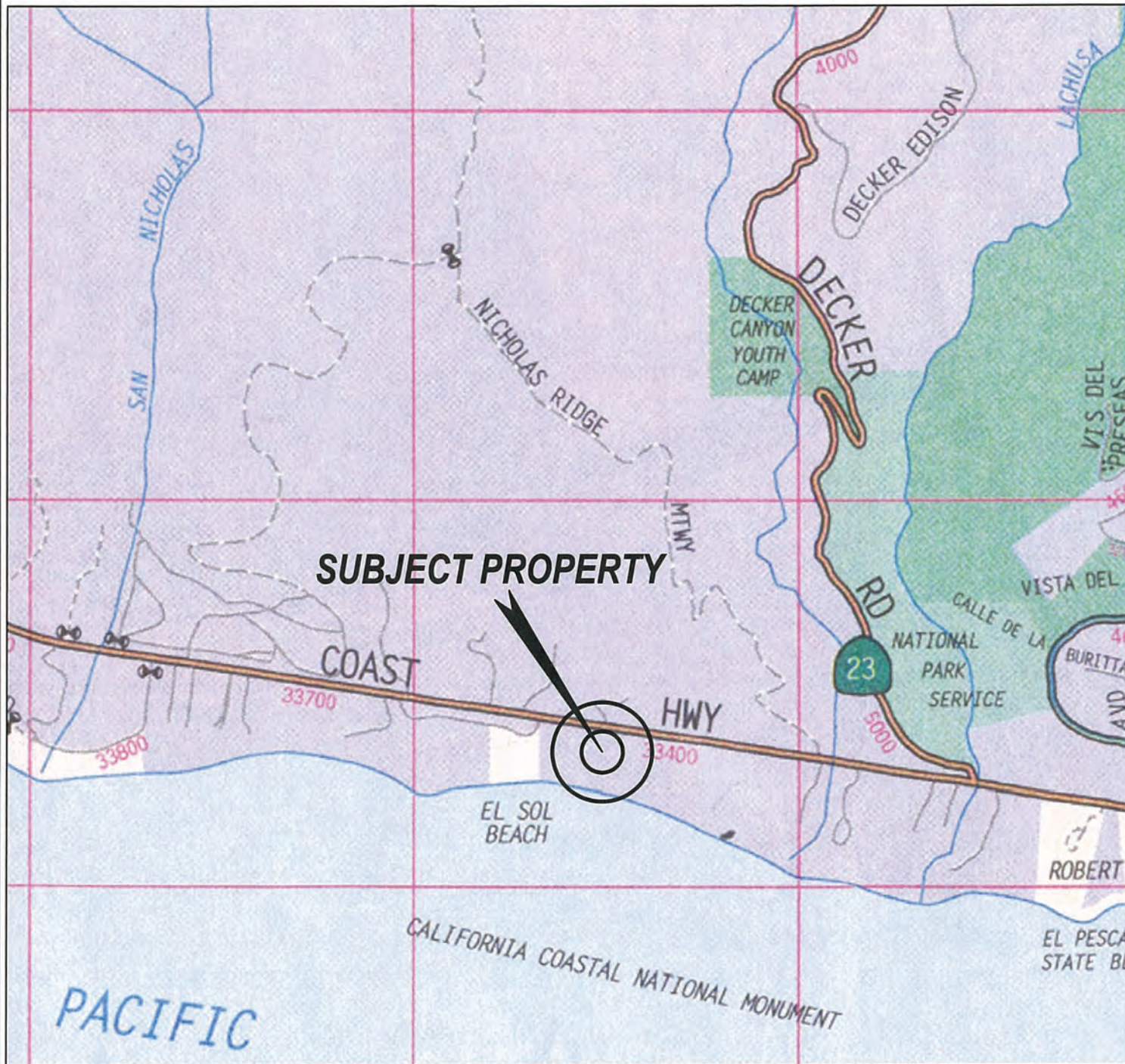
Figures:

- Figure 1* – Site Location Map
- Figure 2* – Site Location Map
- Figure 3* – Regional Geologic Map by Dibblee (1990)

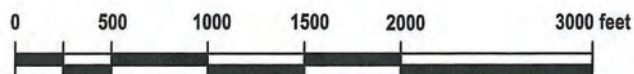
FIGURES

- Land Phases, Inc. -

SITE LOCATION MAP



REFERENCE: THOMAS GUIDE MAP, PAGE 586-C6



JOB NUMBER:
LP 1388

JOB NAME:
SAITMAN

FIGURE 1

SITE LOCATION MAP



REFERENCE: U.S.G.S. TOPOGRAPHIC MAP OF THE TRIUNFO PASS QUADRANGLE



JOB NUMBER:

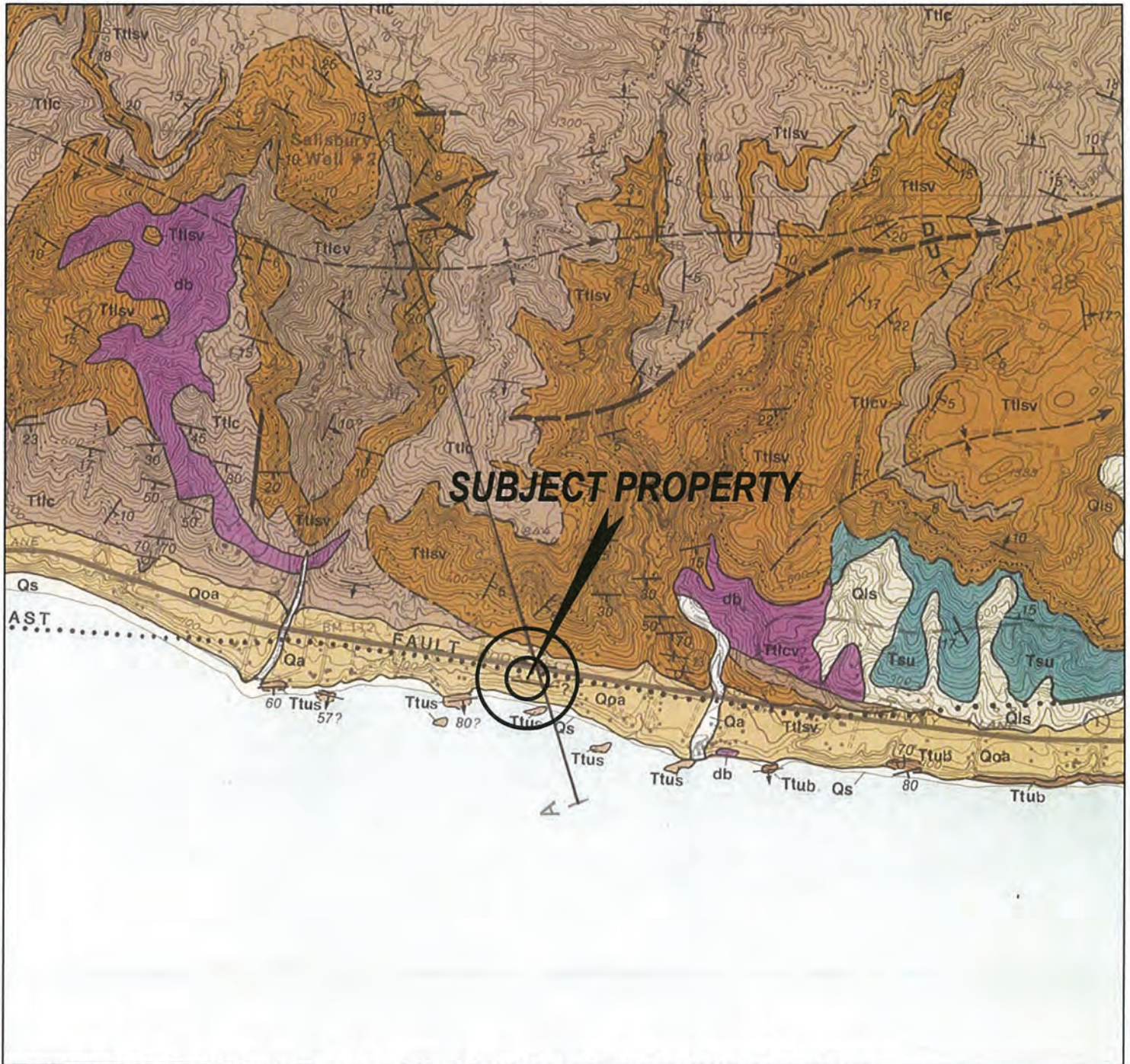
LP 1388

JOB NAME:

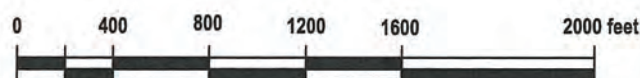
SAITMAN

FIGURE 2

REGIONAL GEOLOGIC MAP



REFERENCE: GEOLOGIC MAP OF THE POINT MUGU-TRIUNFO PASS QUADRANGLES, BY DIBBLEE, JR., 1990



JOB NUMBER:
LP 1388

JOB NAME:
SAITMAN

FIGURE 3

Kathleen Stecko

From: Melinda Tandecki <mtandecki@new-group.com>
Sent: Wednesday, February 28, 2018 5:10 PM
To: Kathleen Stecko
Cc: 'Lloyd Saitman'; David Rosen
Subject: Planning Commission Meeting of 3/5/18
Attachments: Package for Planning Commission Meeting on 03052018.pdf

RECEIVED
MAR - 1 2018
PLANNING DEPT.

Mrs. Stecko,

On behalf of the owner of 33408 and 33368 Pacific Coast Highway (Mr. Haagen), we request that this email and the attached package be distributed to, and reviewed by, the Planning Commissioners.

Kind Regards,



Melinda Tandecki
Lease Administrator
office: 310.317.6754 x.305

**LETTER TO THE CITY OF MALIBU (RICHARD
MOLLIKA) FROM NICHOLAS BEACH, LLC
(HAAGEN)**

From: William R. Larr
Sent: Wednesday, September 27, 2017 3:36 PM
To: rmollica@malibucity.org; [REDACTED]
Subject: Nicholas Beach, LLV v 180 PCH, LLC; FATCO File No. 1709003961

Dear Mr. Mollica and Mr. Um:

I believe you are aware that our firm represents Nicholas Beach, LLC, regarding its rights under the Pedestrian Easement Agreement recorded on June 18, 2008 as Document No. 20081082815, official records of the Los Angeles County Recorder ("Pedestrian Easement Agreement").

The Pedestrian Easement Agreement provides, at Sections 4.A. and 4.B, that the easement granted to Nicholas Beach, LLC by that instrument cannot be relocated without the prior written consent of Nicholas Beach, and may only be relocated within the boundaries of Parcels 3, 4, 5, and/or the westerly ½ of Parcel 6, and may not afford less ease of access than the easement as currently located.

Nicholas Beach, LLC is required, pursuant to Section 4.C. of the Pedestrian Easement Agreement, to be notified in writing of any request to relocate its easement, and to be provided with a copy of any plans that are submitted for relocation of the easement. To date, Nicholas Beach, LLC has not been provided with such written notice or with a copy of any plans.

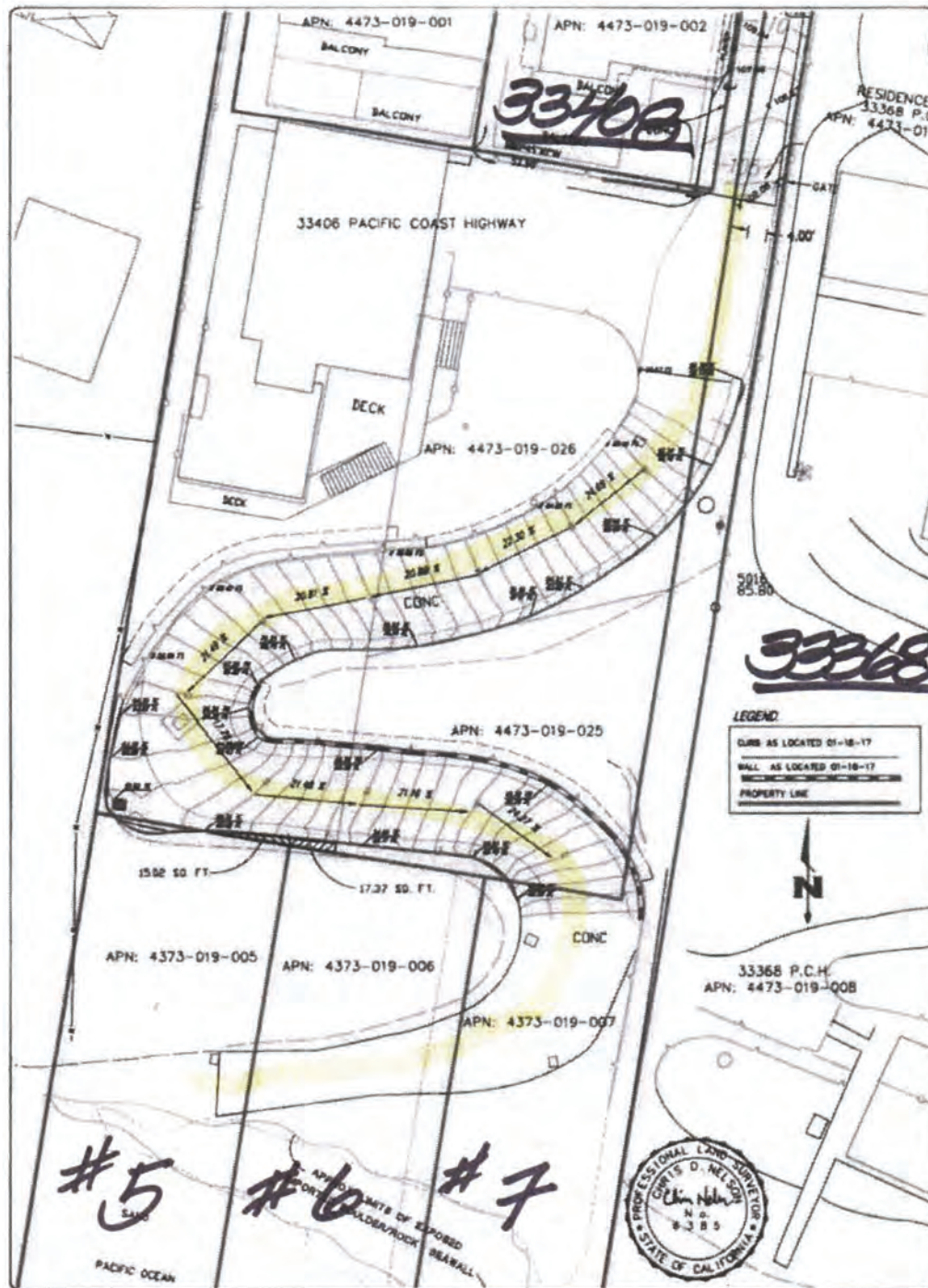
This is to advise you that Nicholas Beach, LLC reserves all rights to which it is entitled under the Pedestrian Easement Agreement, and that Nicholas Beach, LLC objects to relocation of the easement in any manner that would be contrary to the terms of the Pedestrian Easement Agreement.

If you have any questions regarding this matter, please feel free to contact me.

William R. Larr
Of Counsel
Anderson McPharlin & Conners, LLP
707 Wilshire Blvd., Suite 4000
Los Angeles CA 90017-3623
wrl@amclaw.com
(213) 688-0080 Main
(213) 236-1616 Direct
(213) 622-7594 Fax

EXHIBIT # 1

PRESENT EASEMENT FOR 33408 PACIFIC COAST HIGHWAY



PREPARED BY:

Chris Nelson

& ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYOR

2112 10th St. Suite 100, Malibu, CA 90263

TEL: (310) 316-1111 FAX: (310) 316-1112

PARTIAL DRIVEWAY TOPO SURVEY

DRAFT COPY

33406 PACIFIC COAST HIGHWAY,

MALIBU, CA

LLOYD SALTMAN

33406 PACIFIC COAST HIGHWAY,

MALIBU, CA

JOB NO. 07-1400

SCALE: 1" = 20'

DATE:

SHEET: 1 OF 1

(YELLOW -) PEDESTRIAN EASEMENT

FOR 33408 P.C.H.

EXHIBIT # 2

**ONLY ALLOWABLE AREA FOR RELOCATION OF
THE PEDESTRIAN EASEMENT ON LOT 5 AND
WESTERLY HALF OF LOT 6 AS SHOWN BY THE
CROSS HATCH AREA ON EXHIBIT "A"**

S-26

EXHIBIT A

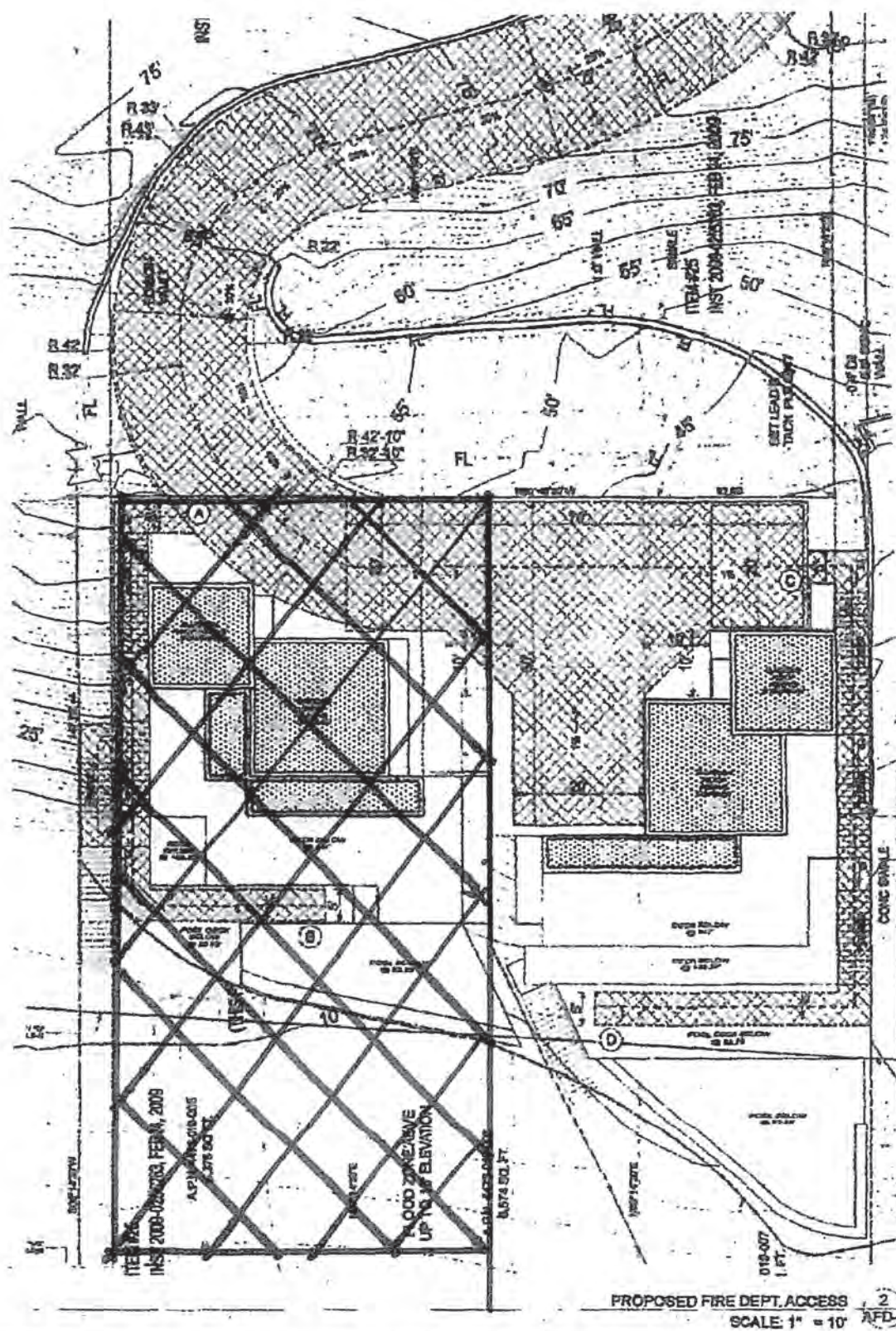


EXHIBIT # 3

**LETTERS VERIFYING THE VALIDITY OF
PEDESTRIAN EASEMENT AGREEMENT IN
FAVOR OF 33408 PACIFIC COAST HIGHWAY**

From: Melinda Tandecki
Subject: FW: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961
Date: Feb 26, 2018 at 3:02:07 PM
To: Charals Haagen

Hi Charals,

This is a letter (attached) from Ms. Hilburg admitting that it seems that you have the easement. Is this the letter that you are looking for?

Melinda

From: Eric Little [<mailto:erl@landkllp.com>]
Sent: Wednesday, October 25, 2017 11:33 AM
To: Charals Haagen <[REDACTED]>
Subject: FW: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961

From: Vignale, Susan S. [REDACTED]
Sent: Monday, October 23, 2017 3:13 PM
To: Eric Little <erl@landkllp.com>
Subject: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2/Claim #1709003961

Hi Eric

Just so you know, our claim # is [1709003961](#). Thank you for referencing this number in future correspondence, I have added it to the subject line of this thread.

I am aware of the letter from Ms. Hilburg, which was previously provided to me by Mr. Shiber. However, after that letter was received by your clients they received another from Ms. Hilburg (also provided to me by Mr. Shiber), dated November 2, 2016 (copy attached), conceding that the easement was valid and pointing out the relocation clause in the agreement. Since that time, it is my understanding that 180 PCH LLC has been advised by First American the easement is valid as to your client's interest.

As stated previously, my claim arose after 180 PCH LLC locked the gate blocking the pedestrian easement area. Since that time, I believe the gate has been re-opened. If your clients believe that 180 PCH LLC is currently challenging the validity of the pedestrian easement as to their interest thereunder, we will need that statement of claim to be presented, with documentary support, as to claims challenging the validity of the insured easement, and/or its terms and conditions, as to the rights of your clients.

I have not been provided a copy of the litigation with the neighbor, so I cannot comment on

its contents or the possibility that this might somehow prejudice your client's rights under the policy. If you believe it does, please provide copies of the relevant pleadings for our review, along with your letter stating why you believe that action affects the insured property or gives rise to coverage under this policy.

Once I have these requested items, I will be able to proceed with my investigation into this latest claim being made by your clients. Thank you for your anticipated cooperation in this regard.

Susan S. Vignale
Senior Claims Counsel



**First American
Title Insurance Company**

A FIRST AMERICAN COMPANY

CLAIMS SERVICES DIVISION – WESTERN REGION

First American Title Insurance Company

5 First American Way, Santa Ana, CA 92707

www.firstam.com | NYSE: FAF

Phone: (714) 250-2126

Fax: (714) 824-5940

Toll free: 1-800-854-3643 x2126

Email: svignale@firstam.com

This message contains confidential information intended only for the use of the intended recipient(s) and may contain information that is privileged. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited.

If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.

From: Eric Little [<mailto:erl@landklp.com>]

Sent: Tuesday, October 17, 2017 5:41 PM

To: Vignale, Susan S. <SVignale@firstam.com>

Subject: Nicholas Beach, LLC: 180 PCH LLC claim. Policy No. NCS-347298-LA2

Hi Susan,

Thank you for taking my call today. I called to introduce myself as counsel for Nicholas Beach, LLC regarding the pedestrian easement dispute with 180 PCH LLC. I understand that First American Title engaged Bill Larr for the limited purpose of resolving the dispute regarding 180 PCH LLC's fencing off the pedestrian easement.

I've only begun to review the file materials provided by my client, and do not have a complete understanding of the dispute. But I did run across the attached 10.12.16 letter. My read of that letter leads me to the conclusion that 180 PCH LLC contends that the pedestrian easement is invalid. My review of the First American ALTA policy leads me to the conclusion that such claim of invalidity would be within the policy's Covered Risks. Please let me know whether First American agrees.

I understand that Nicholas Beach is not a party to litigation, and that the policy limits First American Title's obligation to pay for litigation to providing a "defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured." (Condition 5.(a).) The policy also permits First American Title "at its own cost, to institute and prosecute any action or proceeding ... necessary or desirable to establish the Title..." (Id. At 5.(b)) Since the pedestrian easement is apparently at issue in litigation brought by 180 PCH LLC against a property neighboring the Nicholas Beach, LLC property, I am concerned that adjudications in that litigation could adversely affect Nicholas Beach, LLC's interests in the pedestrian easement.

Should First American Title agree with my belief that the 10.12.16 letter is a Covered Risk under the policy, I suggest that First American and Nicholas Beach both have an interest in protecting Nicholas Beach's interests in protecting the pedestrian easement, and doing so before litigation involving other parties prejudices that interest. I recognize that First American may be prosecuting 180 PCH LLC's claims adverse to Nicholas Beach's interests in litigation brought by 180 PCH LLC. Please let me know how First American would like to proceed.

Best,

Eric R. Little, Esq.

Little & Karzai, LLP

3333 Michelson Drive, Suite 735

Irvine, CA 92612

phone: (949) 333-1699

fax: (949) 333-1697

mobile: (949) 677-6409

email: erl@landklp.com

web: www.lrkllp.com

NOTICE: This e-mail and any attachments to it may be privileged, confidential or contain trade secret information. If this e-mail was sent to you in error, please notify me immediately by either reply e-mail or by phone at (949) 333-1699, and please do not use,

THE LAW OFFICE
OF
LORE HILBURG

1943 Buckingham Road | Los Angeles, California 90016
Telephone: 323.934.4443 | Facsimile: 323.934.4034 | lore@hilburglaw.com

VIA U.S. MAIL AND EMAIL xavier.gutierrez@msrlegal.com

November 2, 2016

Xavier L. Gutierrez, Esq.
Miller Starr Regalia
1331 N. California Boulevard, 5th Floor
Walnut Creek, California 94596

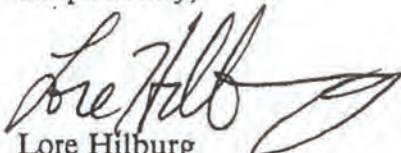
RE: 33408 Pacific Coast Highway, Malibu, California
First American Title File No: 1609009941
My File No: 4-322A

Dear Mr. Gutierrez:

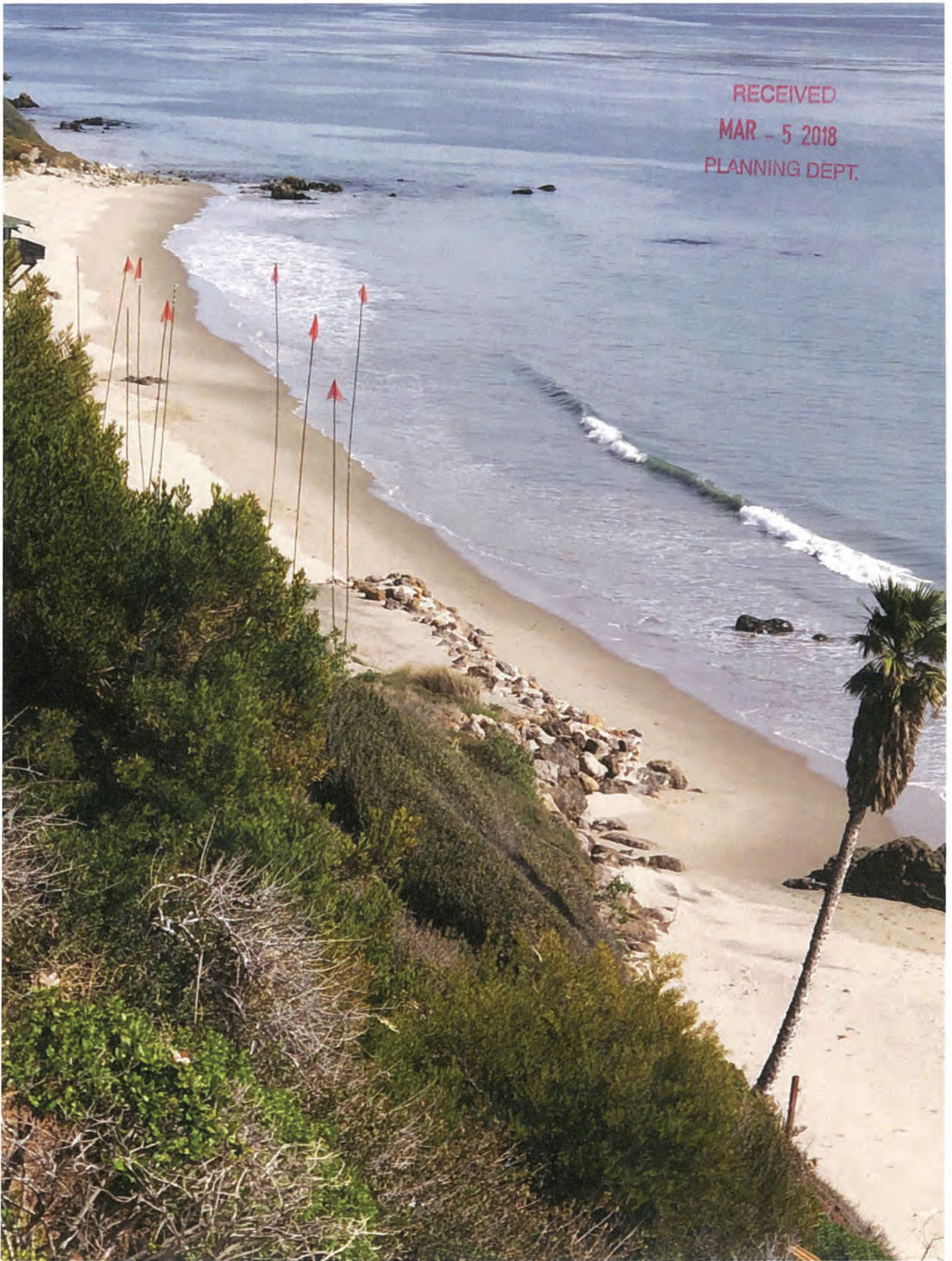
I have reviewed the subordination agreement sent under cover of your letter dated October 28, 2016 and agree that it appears to subordinate the East West Bank deed of trust to the easement agreement recorded as Instrument Number 08-1082815. However, both the subordination agreement and the original easement agreement provide for the relocation of the pedestrian easement by the servient tenement owner at their discretion in connection with the development of the servient tenement property, subject only to the prior consent of Nicholas Beach. Obviously all agreements implicitly provide that the consent cannot be unreasonably withheld.

Hopefully, your client will give the proper consent to the proposed location, although I understand they have some concerns about that location and its development. Those concerns can be discussed with the developer.

Respectfully,


Lore Hilburg
Attorney at Law

cc: Jake Jessen, PCH 180
John S. Cha, Esq.
Kevin Razban, Esq., First American Title Insurance Company



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MAR - 5 2018
PLANNING DEPT.

Submitted by: Eric Linder



City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489 · Fax (310) 456-3356
www.malibucity.org

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



Recipient Info

NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, April 2, 2018, 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. 14-073, VARIANCE NOS. 18-002, 18-003, 18-004, 18-008, 18-009, AND 18-010, AND MINOR MODIFICATION NO. 18-001 – An application to construct a new 2,376 square foot, two-story, single-family residence, with a 449 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, landscaping, hardscaping, grading, and installation of a new alternative onsite wastewater treatment system, including a variance for construction in excess of 24 feet in height, a variance to allow for construction on a steep slope, a variance to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height, a variance to allow for construction on a coastal bluff, a variance to allow for a reduced side yard setback to allow for access stairs and a connecting fire department turnaround between the subject property and the property addressed as 33398 PCH, a variance to allow for the elimination of unenclosed parking to accommodate a fire department turnaround, and a minor modification to allow for a reduction of the required front yard setback

LOCATION / APN / ZONING: 33386 Pacific Coast Highway / 4473-019-007 / Rural Residential-Two Acre
APPLICANT / OWNER: 180 PCH, LLC
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a) and (e)
CASE PLANNER: Richard Mollica, Senior Planner, rmollica@malibucity.org
(310) 456-2489, ext. 346

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 pursuant to Malibu Municipal Code Section 17.04.220 within 10 days (15 days for tentative parcel maps) following the date of action.

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

BONNIE BLUE, Planning Director

Publish Date: March 8, 2018

ATTACHMENT 6

33398 PCH
Residence

33398 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

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

NO	DATE	ISSUE
1	Nov 26, 2014	INITIAL CDP SUBMITTAL
2	May 12, 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Feb 11, 2015
3	Jul 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Jun 12, 2015
4	May 2018	Removal building above roof deck & revision floor plans below deck
5	Sept 2018	Fire Dept Corrections
6	Oct 2018	Fire Dept Corrections
7	Nov 06, 2018	Fire Dept Corrections
8	Jun 24, 2019	Minor Planning corrections
9	Aug 17, 2019	FEMA lines adjustment
10	Aug 07, 2020	Garage Roof lowering
11	Mar 24, 2021	Raised bottom structure 3.5'

BURDGE
& Associates
ARCHITECTS
MALIBU WWW.BUAIA.COM

24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5905

DESCRIPTION:

FIRE DEPARTMENT
ACCESS

DRAWING NO.

FD-1

PROJECT 33398 PCH RESIDENCE

DATE

SCALE Plot Date: 1/5/22

DRAWN BY D.W.B., A.M., D.D.

FIRE DEPARTMENT NOTE:

1)-Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during the time of construction. [Fire Code 501.04]

2)- Provide approved signs or other approved notices or markings that include the words NO PARKING - FIRE LANE. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by Fire Inspector. [Fire Code 503.3]

3)- When security gate are provided, maintain a minimum access width of 20 feet. The security gate shall be provided with an approved means of emergency operation, and shall be maintained operational at all times and replaced and repaired when defective. Electric gate operators, where provided, shall be listed in accordance with UK 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F220. Gates shall be of swinging or sliding type. Construction of gates shall be of materials that allow manual operation by one person. Fire Code 503.6.

4)- An approved key box, listed in accordance with UL 1037 shall be provided as required by Fire Code 506. The location of each key box shall be determined by fire Inspector.

5)- [County Los Angeles Fire Department, Fire Code 507.3, and Appendix B105.1 Appendix B.] The required fire flow is based on the following calculation:

Type of construction per Building Code: Type VB
VHFHSZ: YES
Size of the lot (acres): .256 acres
Fire flow based on the fire-flow calculation area: 1,500 gpm
Reduction for fire sprinklers system (max 50%): 250 gpm
Total fire flow required: 1,250 gpm

6)- All required PUBLIC fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

7)-Provide an approved automatic fire sprinkler as set forth by Building Code 903 and Fire Code 903. Plans shall be submitted to the Sprinkler Plan Check Unit for review and approval prior to installation.
Reason: (VHFHSZ)
Requirements: Type of fire Sprinkler System: 903.3.1.1, 903.3.1.2, 903.3.1.3

8)-Fire apparatus access should be designed and maintained to support the imposed load of fire apparatus weighing 25 tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having grade of 10 percent or greater shall have a paved concrete surface. Fire Code 503.2.3

9) Provide approved signs or other approved notices or markings that include the word NO PARKING fire lane. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by Fire inspector. Fire Code 503.3.

See in attachment Fire Department access drive centerline profile.

LEGEND

CROSS HATCHED FILL INDICATES FIRE DEPARTMENT VEHICULAR AND PEDESTRIAN ACCESS CLEAR TO SKY

5 feet Walkway length:

A to B = 142'-10"

C to D = 115'-8"

PROPOSED (N) CONCRETE DRIVEWAY TO BE CONNECTED TO (E) DRIVEWAY

EL. +62.5' AT TURNAROUND

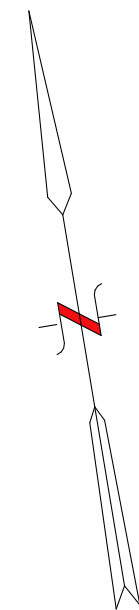
PROPOSED (N) CONCRETE DRIVEWAY SEE NOTE 8)

SITE PLAN WITH PROPOSED FIRE DEPT. ACCESS
SCALE: 1" = 20'

1

DASHED LINE SHOWS THE TWO HOUSES FOOTPRINT

NO HABITABLE SQUARE FOOT UNDER FIRE DEPT HAMMERHEAD TURNAROUND



PROPOSED FIRE DEPT. ACCESS
SCALE: 1" = 10'

2

33398 PCH
Residence

33398 PACIFIC COAST HWY.
MALIBU,
CA 90265

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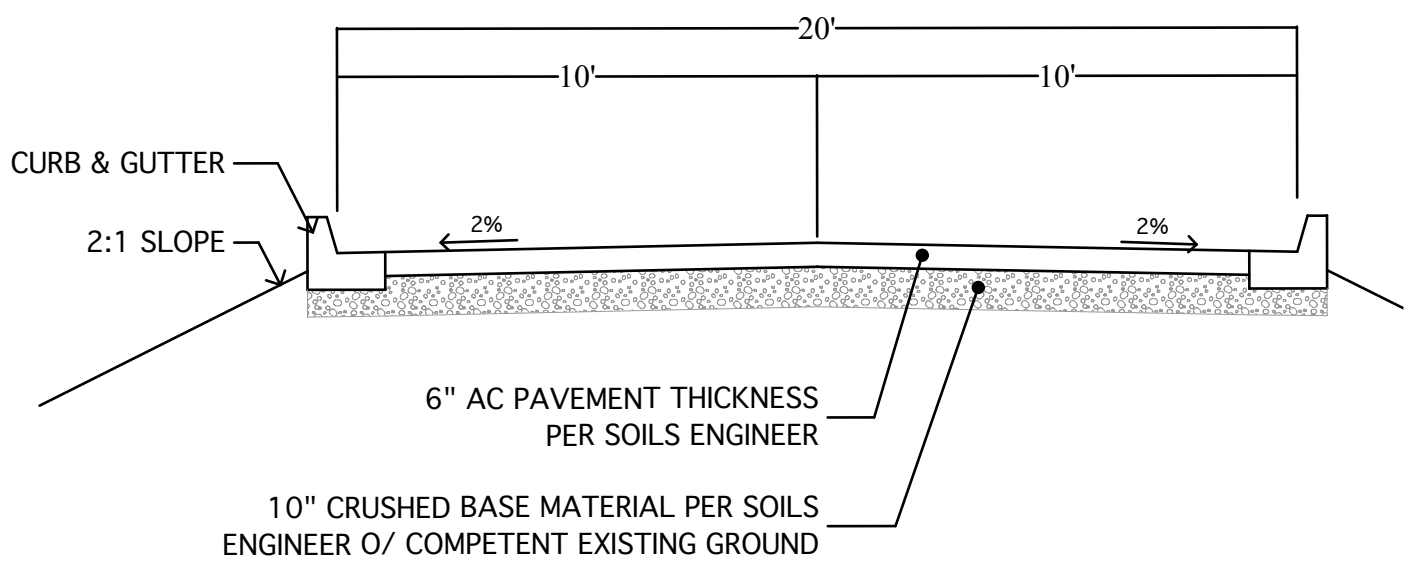
BURDGE
& Associates
ARCHITECTS
MALIBU WWW.BUAIA.COM

24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5905

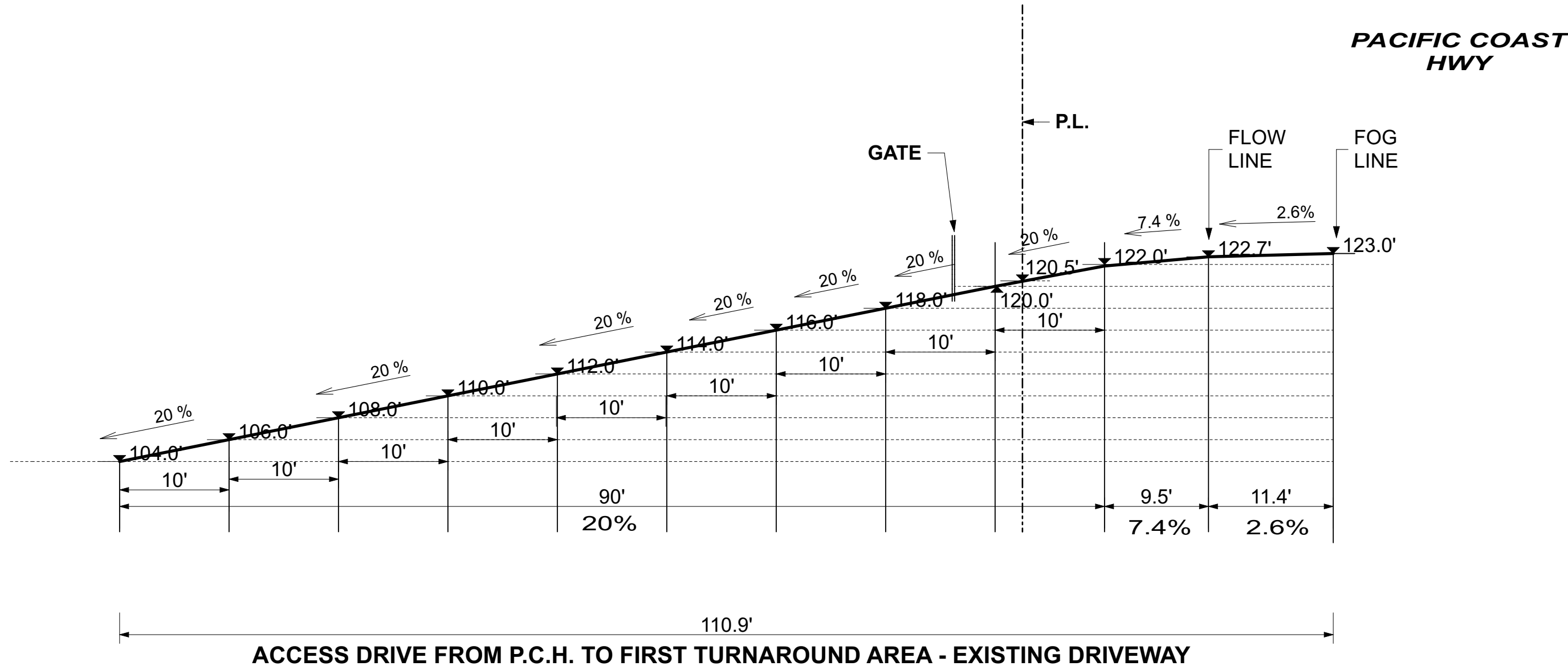
DESCRIPTION:

ROADWAY PROFILE
FROM PCH

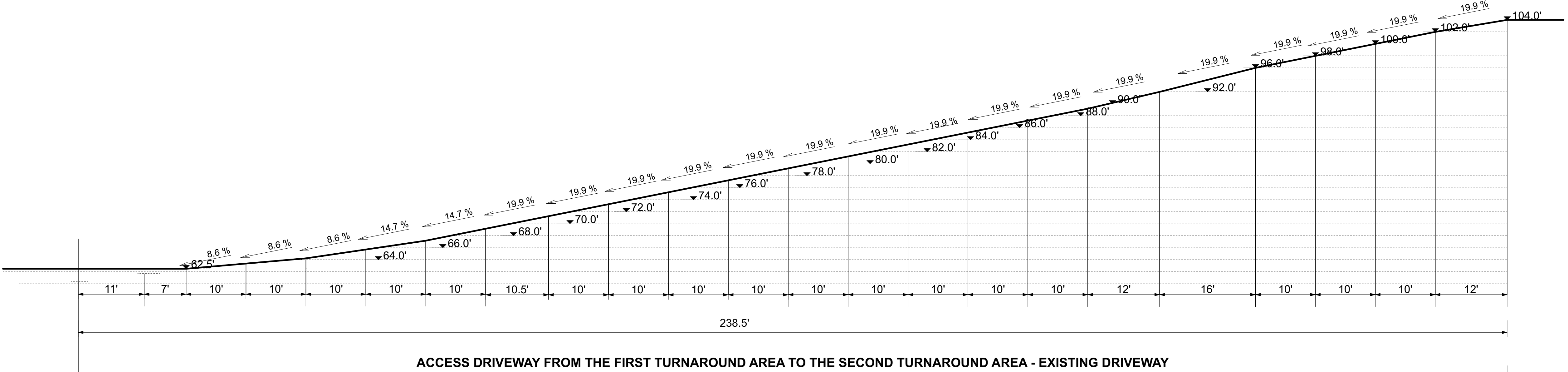
DRAWING NO.	FD-2
PROJECT	33398 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



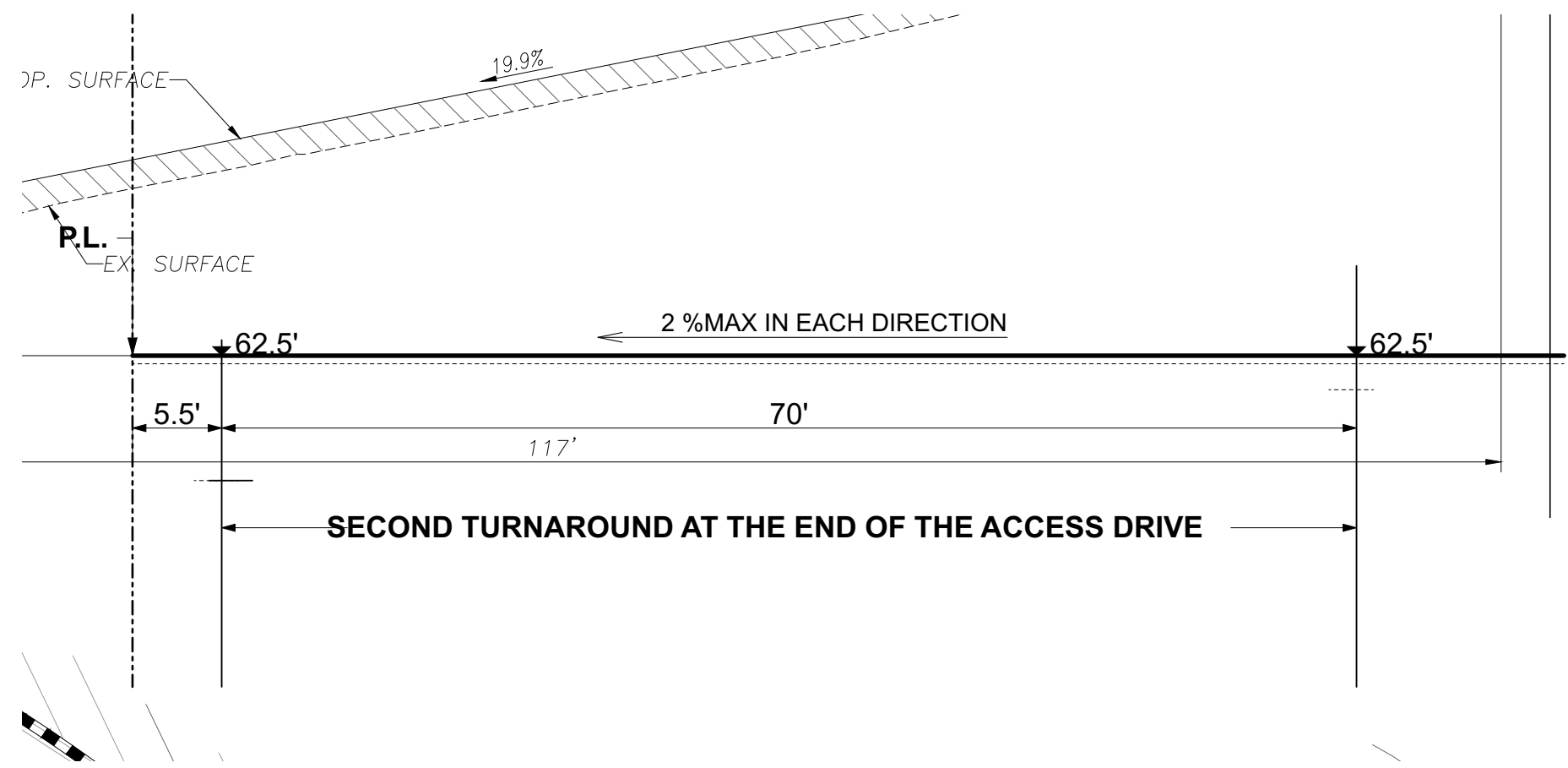
5 ROADWAY SECTION (TYP.)



2 SCALE: 1" = 10'



3 SCALE: 1" = 10'



4 SCALE: 1" = 10'

From PCH to the end of the second Fire Department vehicular access turnaround area at elevation 62.5' the distance is 419.4'. The average grade of the slope is 14.42%.

Lenght= 419.4'
Change in elevation= 123'-62.5'= 60.5'
Average slope= 60.5' / 419.4'=14.42%

33386 PACIFIC COAST HWY.
MALIBU,
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NO	DATE	ISSUE
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11	Mar 24, 2021	Raised bottom structure 3.5'

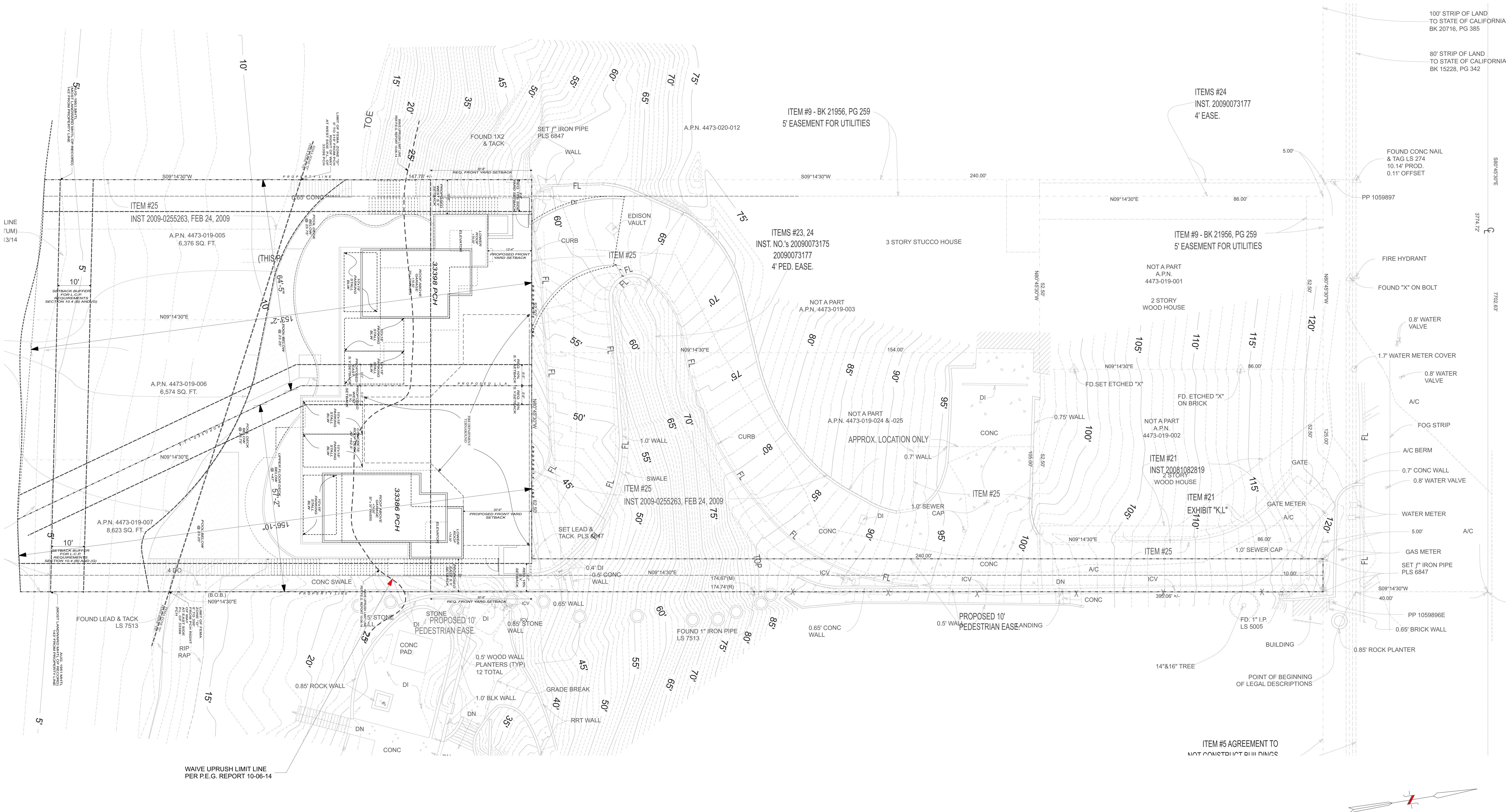
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SITE PLAN

DRAWING NO.

A-0.1

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



33386 PCH
Residence

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CA 90265

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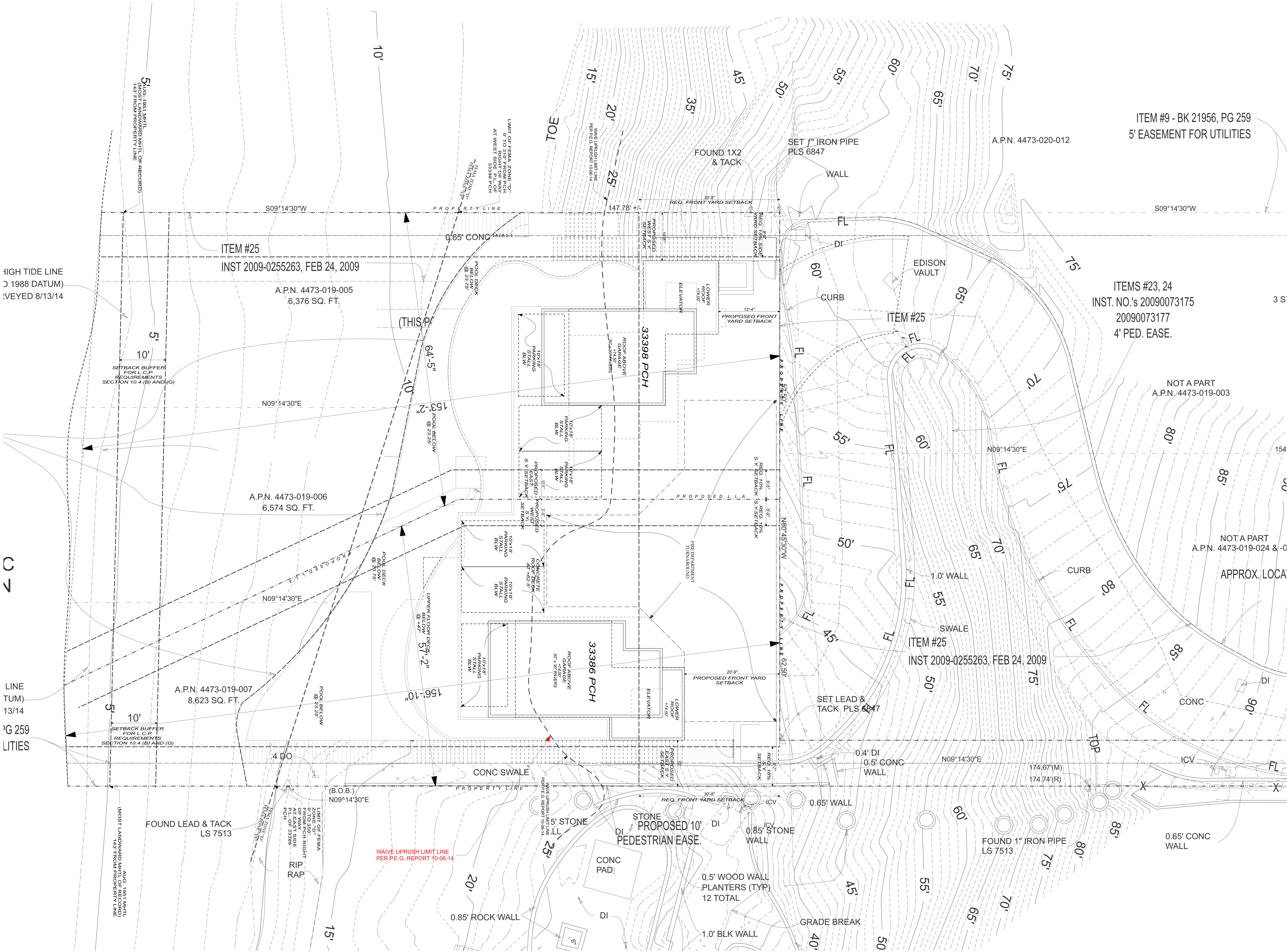
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DESCRIPTION:

PARTIAL SITE PLAN

DRAWING NO.	A-0.2
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



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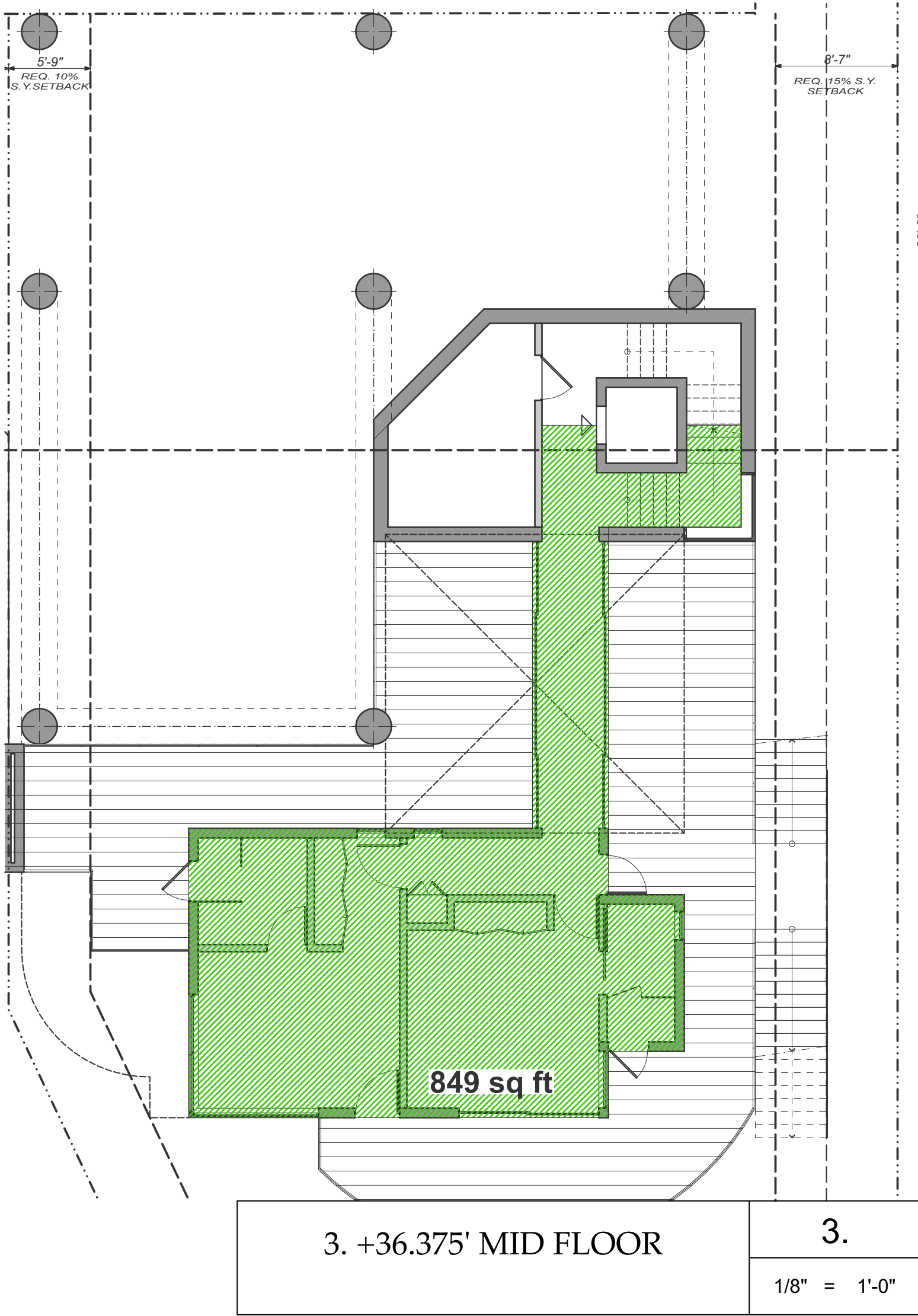
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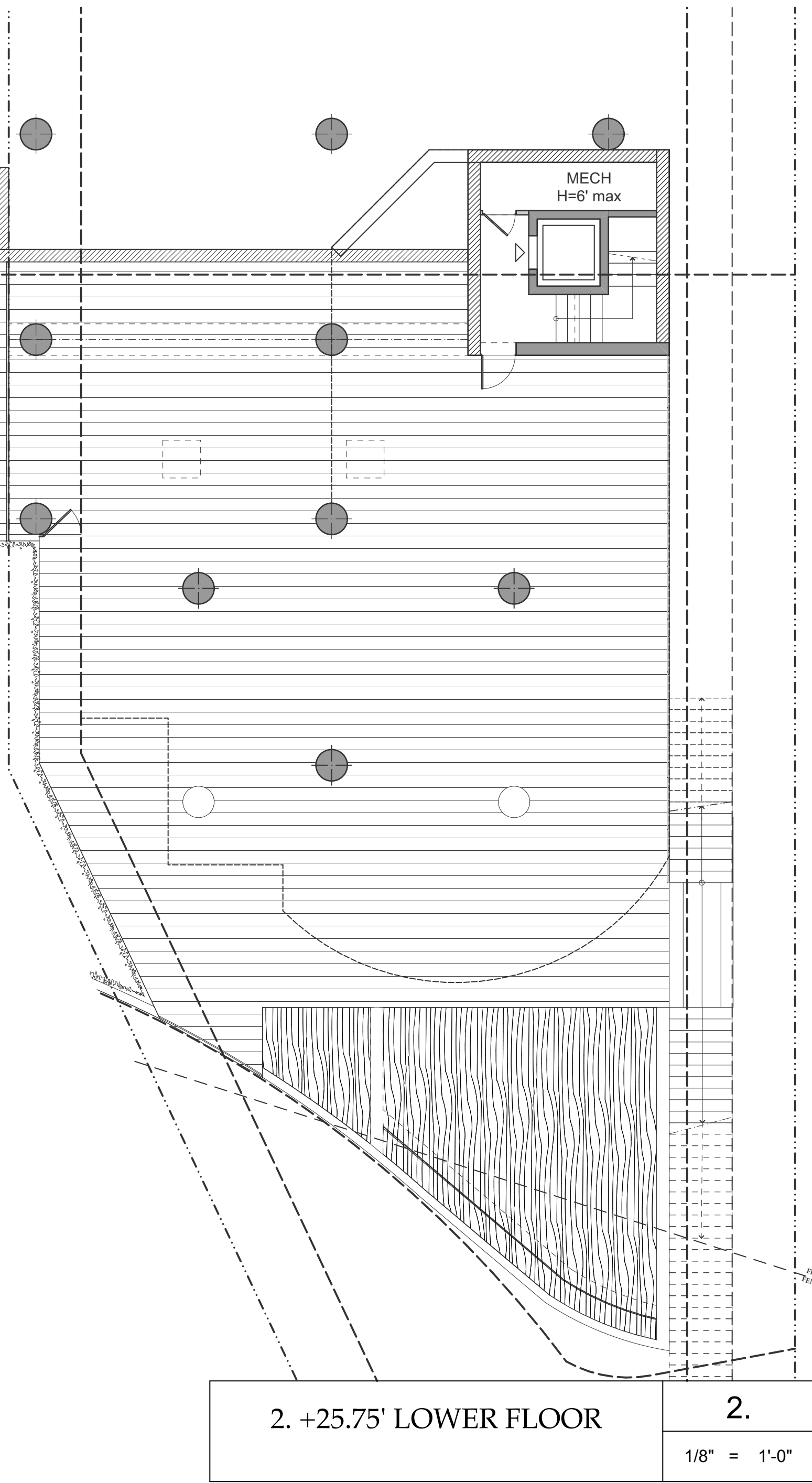
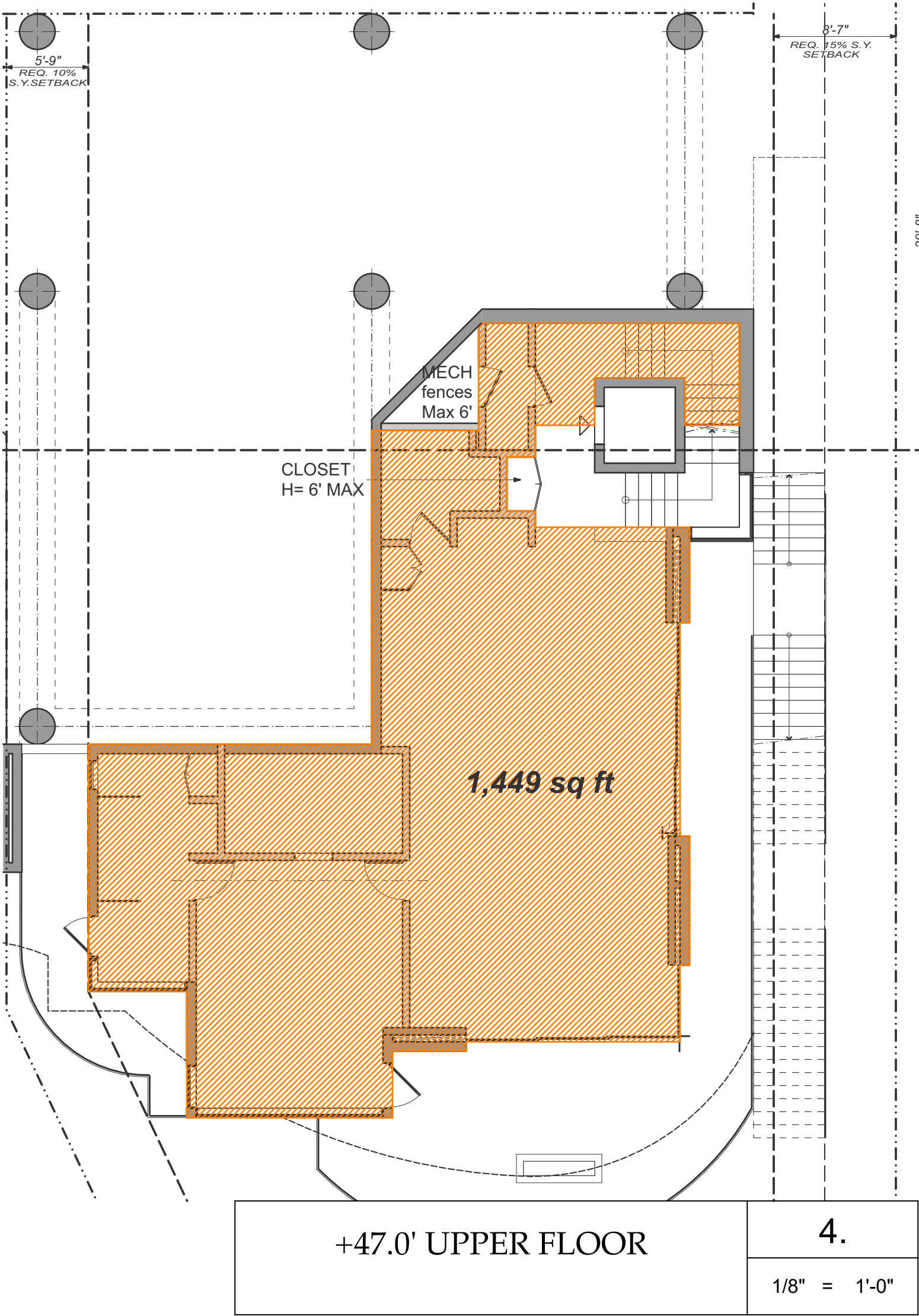
DESCRIPTION:

AREA TABULATION

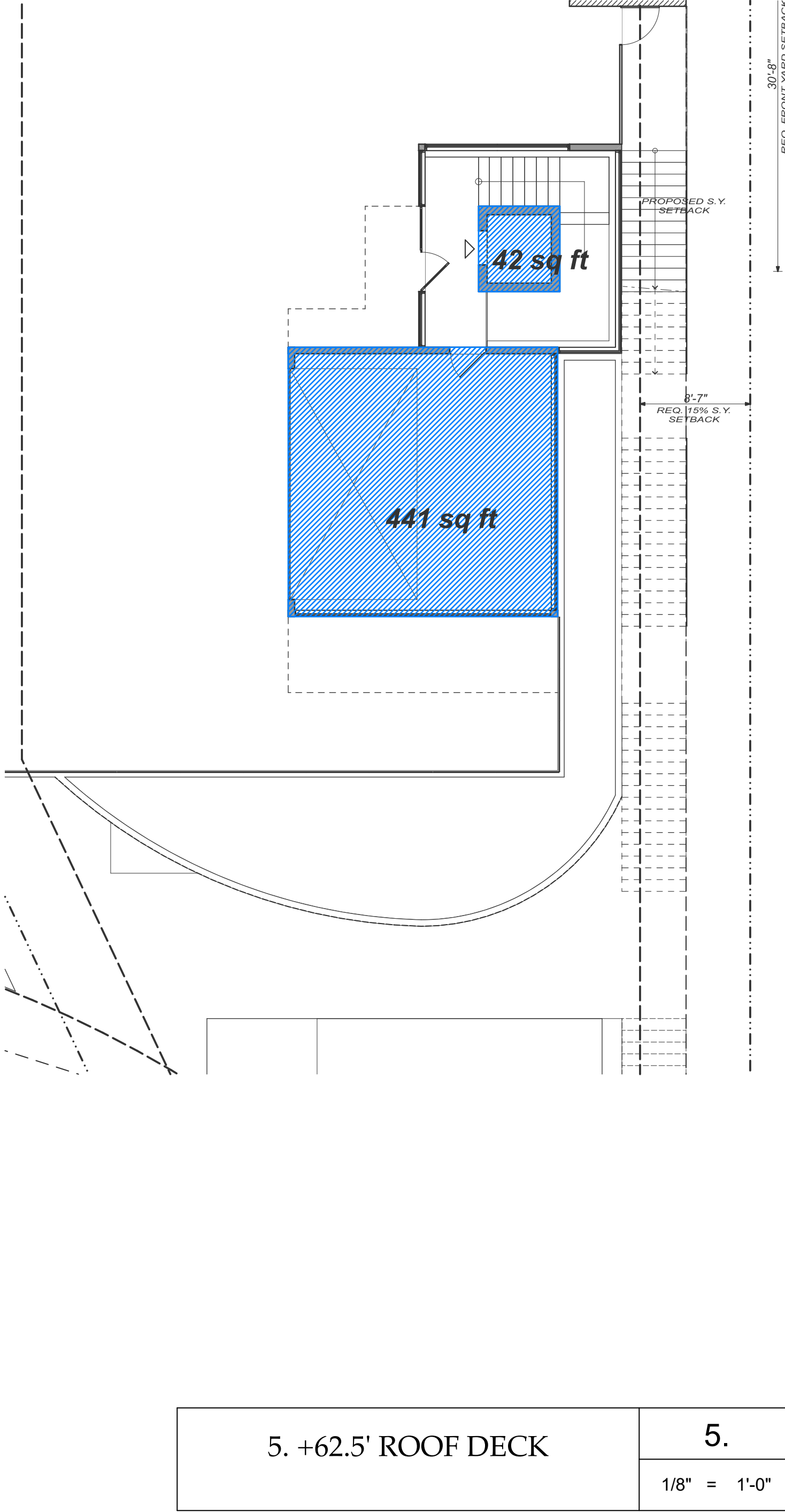
DRAWING NO.	A-0.3
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



APN 4473-019-007
33386 PCH



APN 4473-019-007
33386 PCH



AREA CALCULATION	
APN 4473-019-007 33386 PCH	
Lower Floor	0 s.f. +
Mid Floor	849 s.f. +
Upper Floor	1,449 s.f. =
TOTAL LIVABLE	2,298 s.f.
Garage & Elevator at Roof deck	483 s.f.=
GRAN TOTAL	2,781 s.f.

NOTE:
The area of the stairway and elevator shaft is 201 sqft. This area is been split as follow: 42 sqft at Roof top deck and 79.5 sqft each floor below.

33386 PCH
Residence

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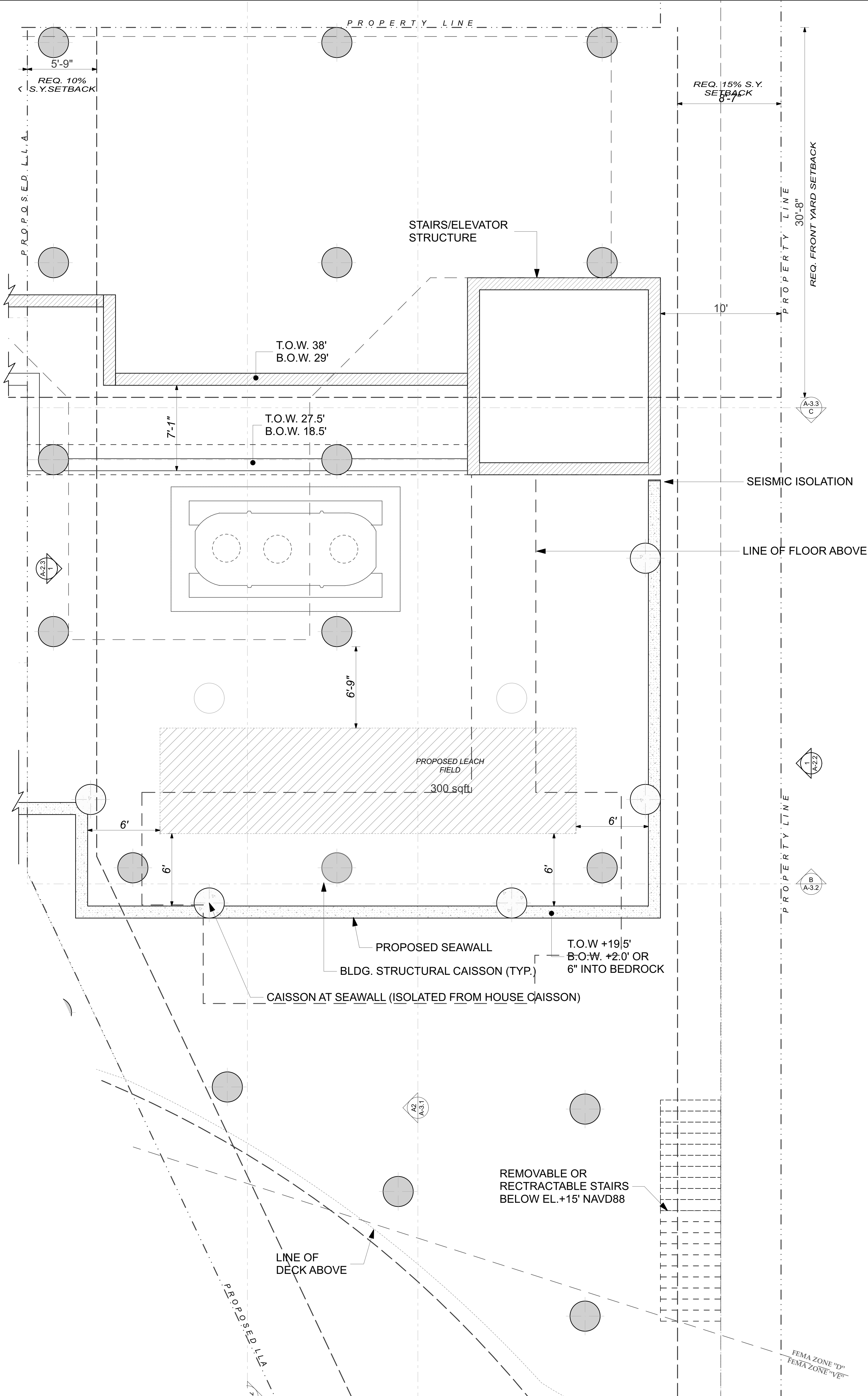
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DESCRIPTION:

FOUNDATION PLAN

DRAWING NO.	A-1.1
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



NOTE 1: PROJECT STRUCTURAL ENGINEER TO INCORPORATE WAVE UPRUSH STUDY AND COSTAL ENGINEERING DESIGN PARAMETERS AND WAVE FORCES INTO THE STRUCTURAL DESIGN OF THE RESIDENCE, FOUNDATION, RETAINING WALLS AND POOL. SEE REPORT BY PACIFIC ENGINEERING GROUP (P.E.G.) DATED OCT 06, 2014.

NOTE 2: ENTIRE HOUSE, RETAINING WALLS, POOL/SPA, DECKS AND LOWER EXTERIOR STAIRS TO BE SUPPORTED ON CONCRETE PILE FOUNDATION. BEACH ACCESS STAIRS BELOW EL. +15' TO BE REMOVABLE AND RETRACTABLE.

NOTE 3: ALL ELEVATIONS ARE BASED ON NAVD 88'

NOTE 4: Location of FEMA zones lines per : dpm.lacounty.gov/wmd/floodzone/

33386 PCH
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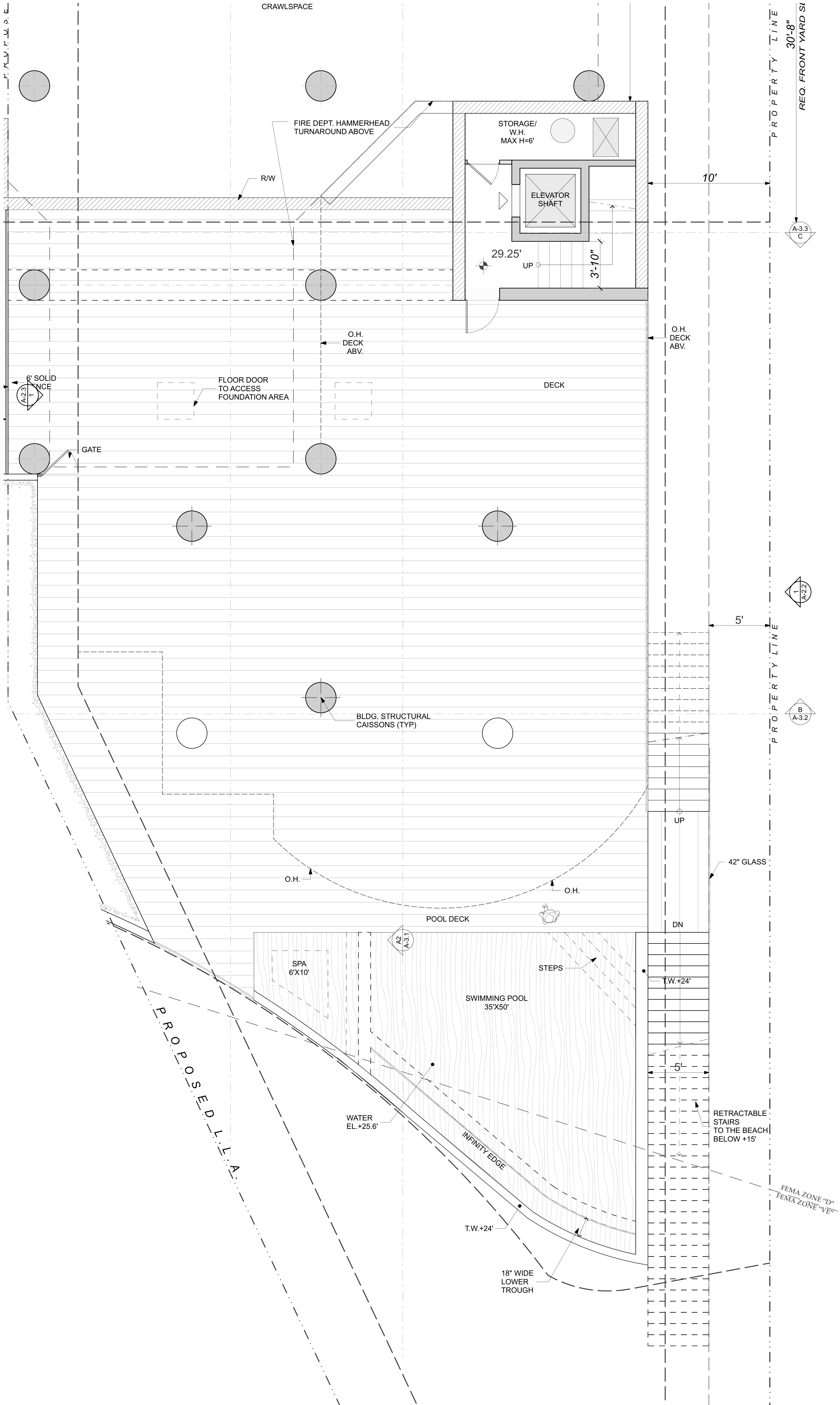
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DESCRIPTION:

LOWER FLOOR PLAN

DRAWING NO.	A-1.2
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



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Residence

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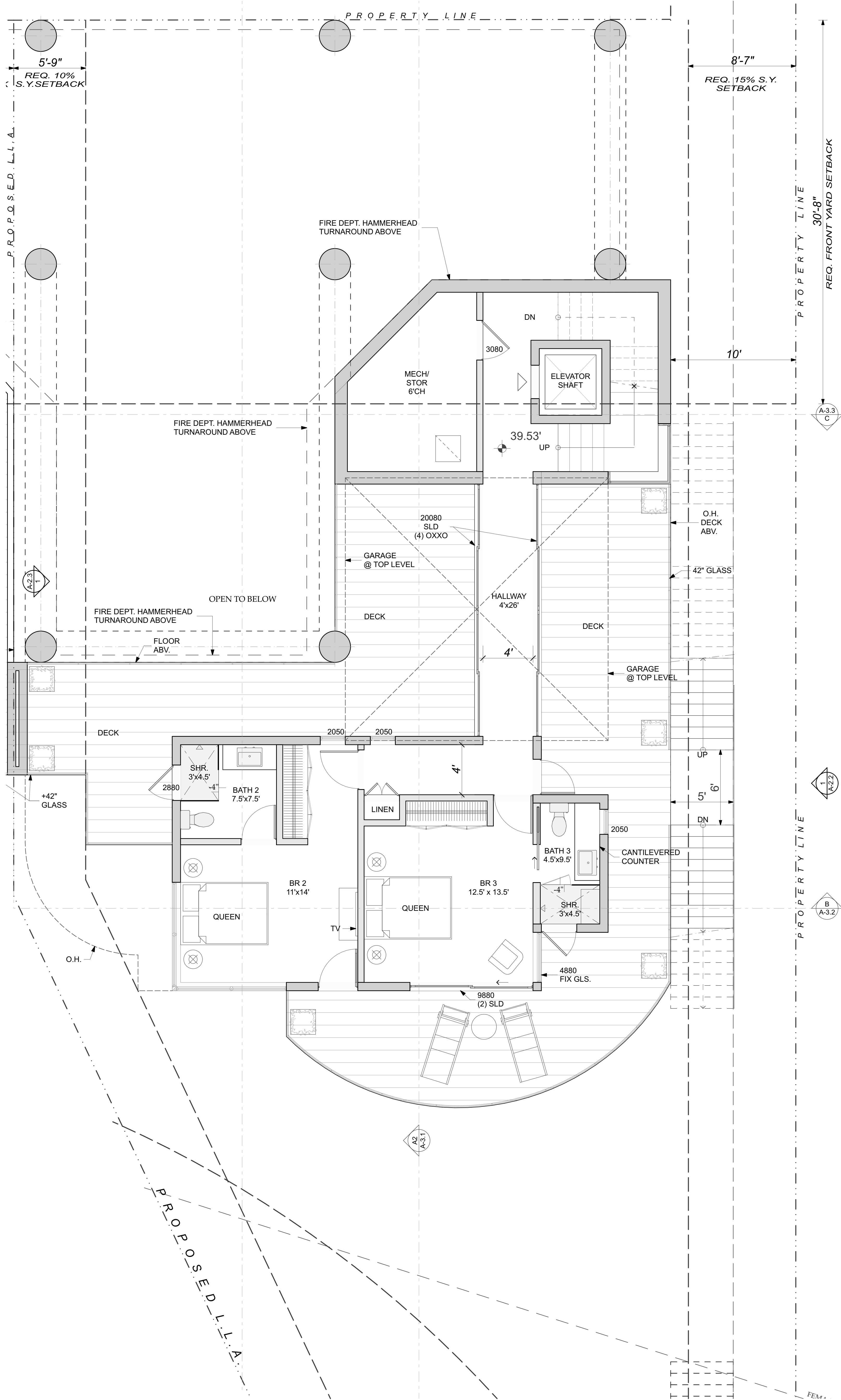
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DESCRIPTION:

MID FLOOR PLAN

DRAWING NO.	A-1.3
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



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DESCRIPTION:

UPPER FLOOR PLAN

DRAWING NO.

NO. **A-1.4**

PROJECT	33386 PCH RESIDENCE
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DATE _____

SCALE	Plot Date: 1/5/22
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DRAWN BY D.W.B., A.M., D.D.

33386 PCH Residence

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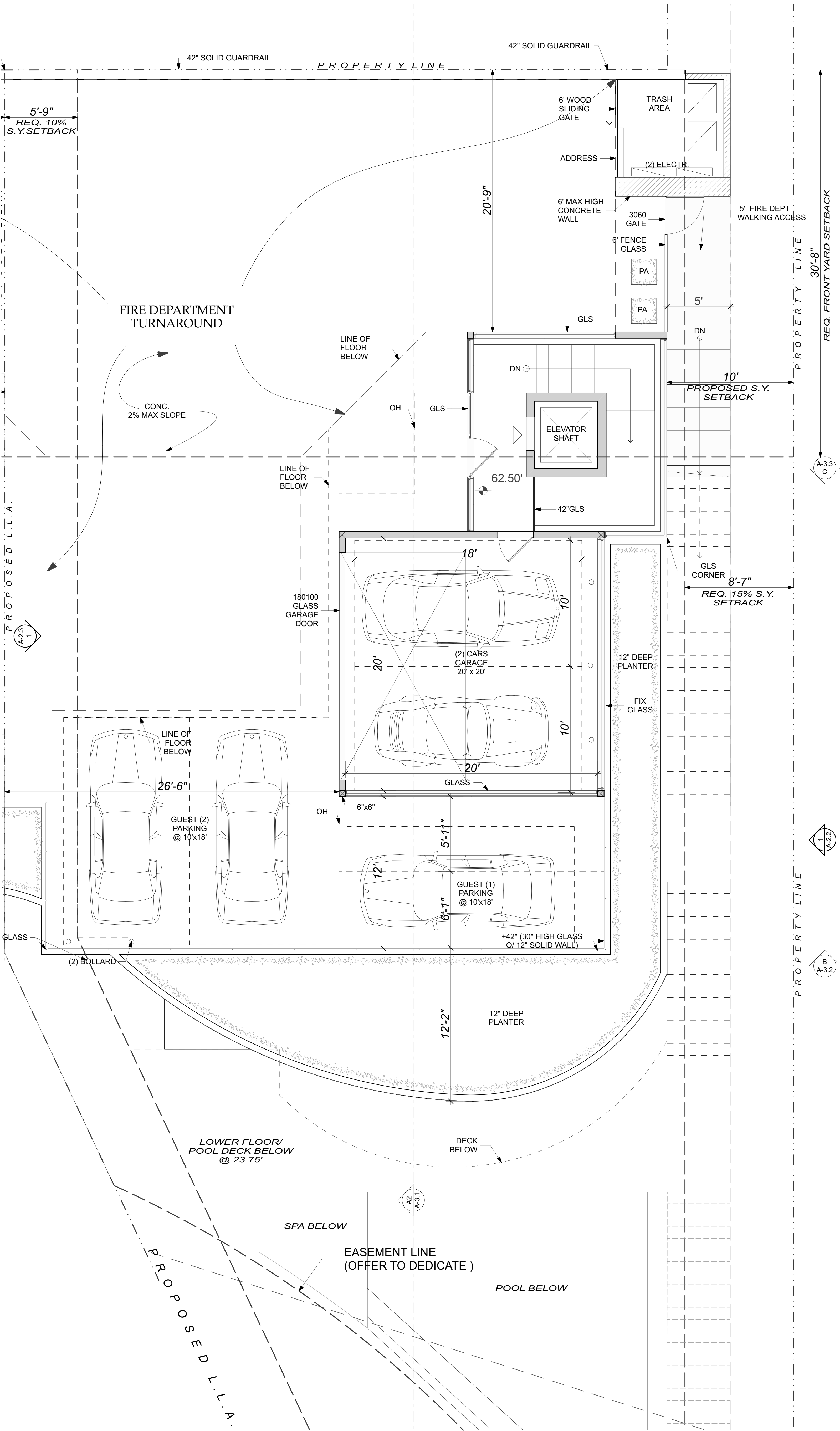
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DESCRIPTION:

ROOF DECK PLAN

DRAWING NO.	A-1.5
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



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DESCRIPTION:

ROOF PLAN

DRAWING NO.

NO. **A-1.6**

PROJECT	33386 PCH RESIDENCE
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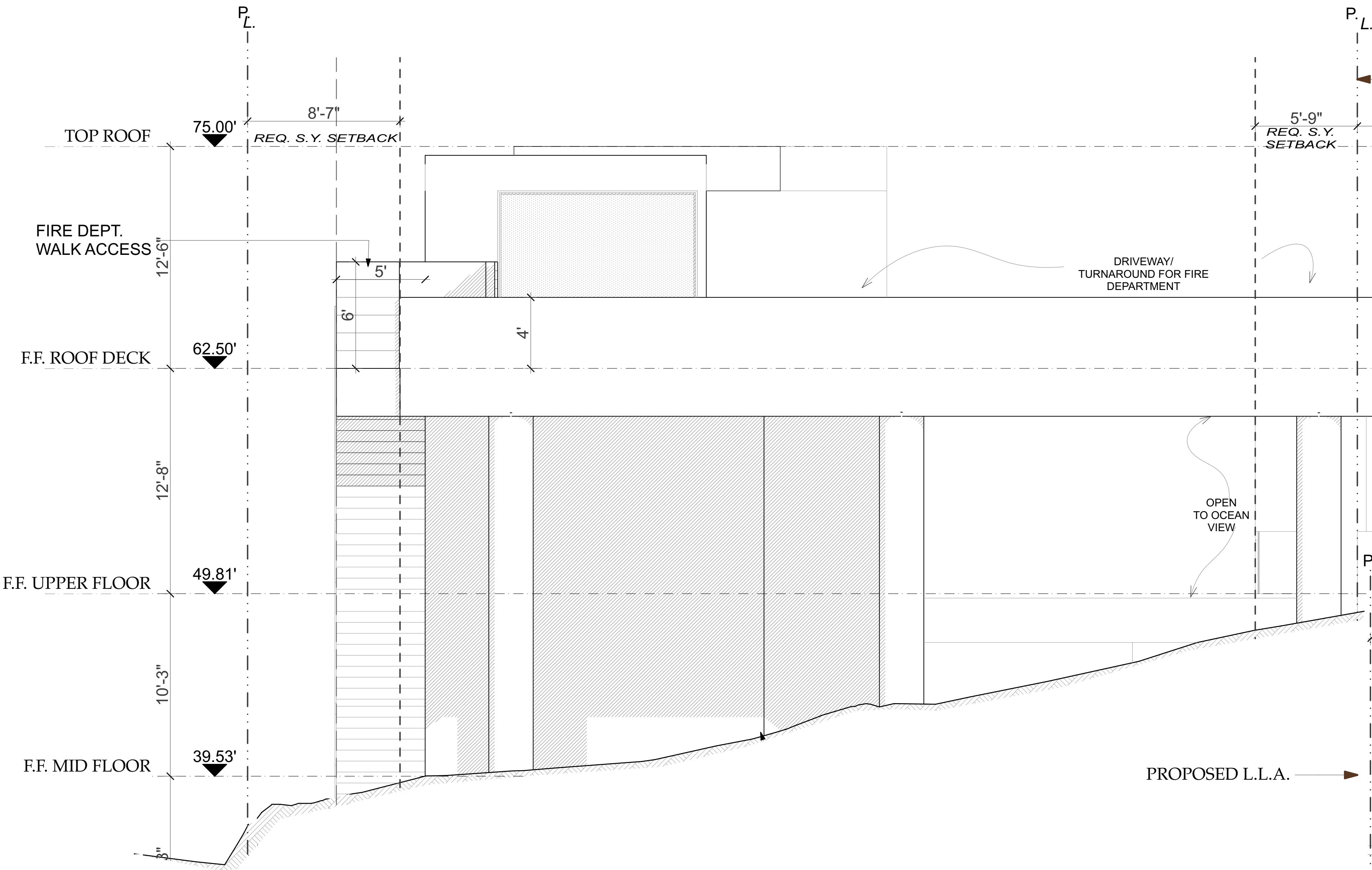
DATE _____

SCALE	Plot Date: 1/5/22
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DRAWN BY D.W.B., A.M., D.D.

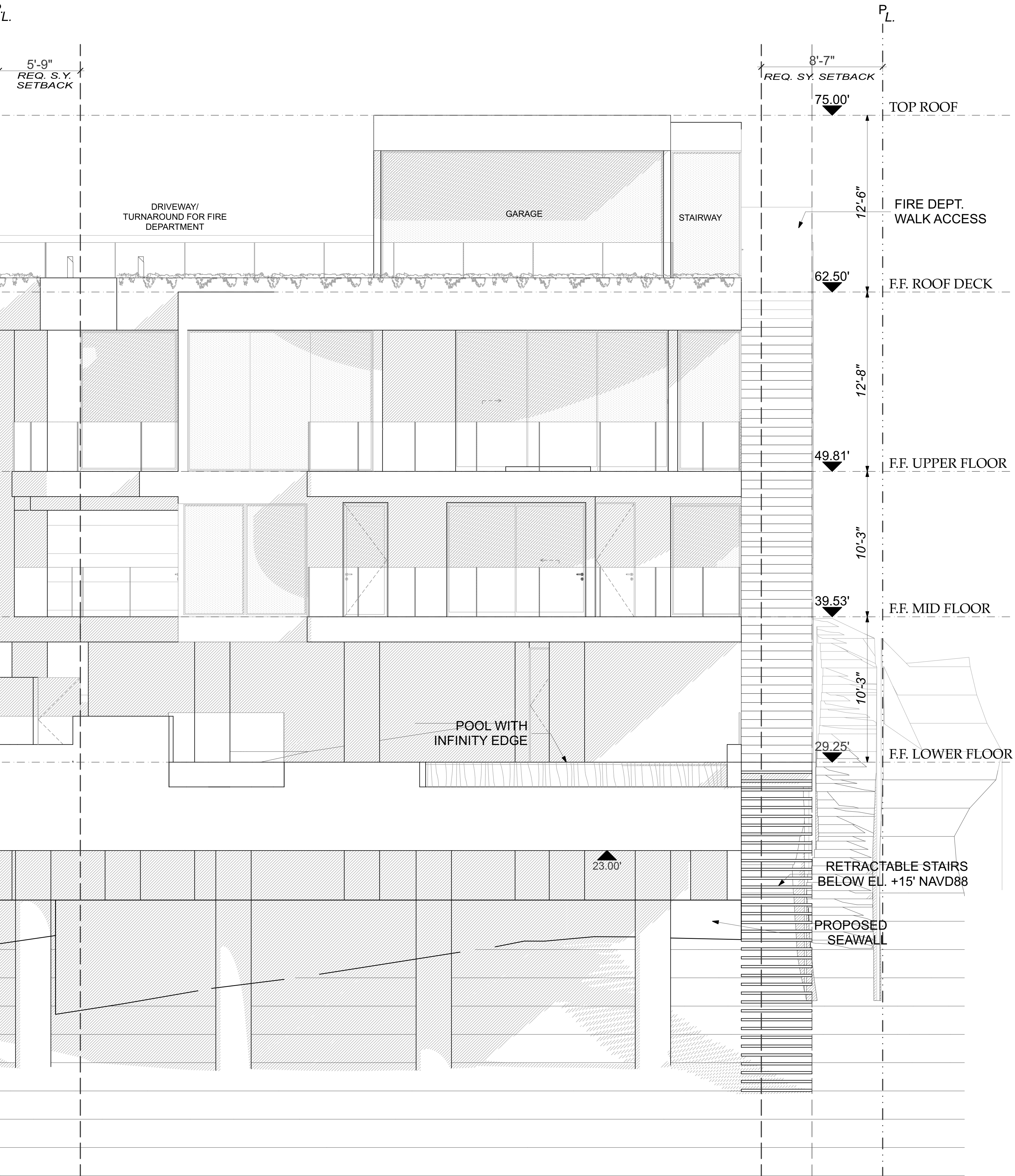
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Residence

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NORTH ELEVATION

2
1/4" = 1'-0"



SOUTH ELEVATION

1
1/4" = 1'-0"

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DESCRIPTION:

ELEVATIONS NORTH & SOUTH

DRAWING NO.
A-2.1

PROJECT 33386 PCH RESIDENCE
DATE
SCALE Plot Date: 1/5/22
DRAWN BY D.W.B., A.M., D.D.

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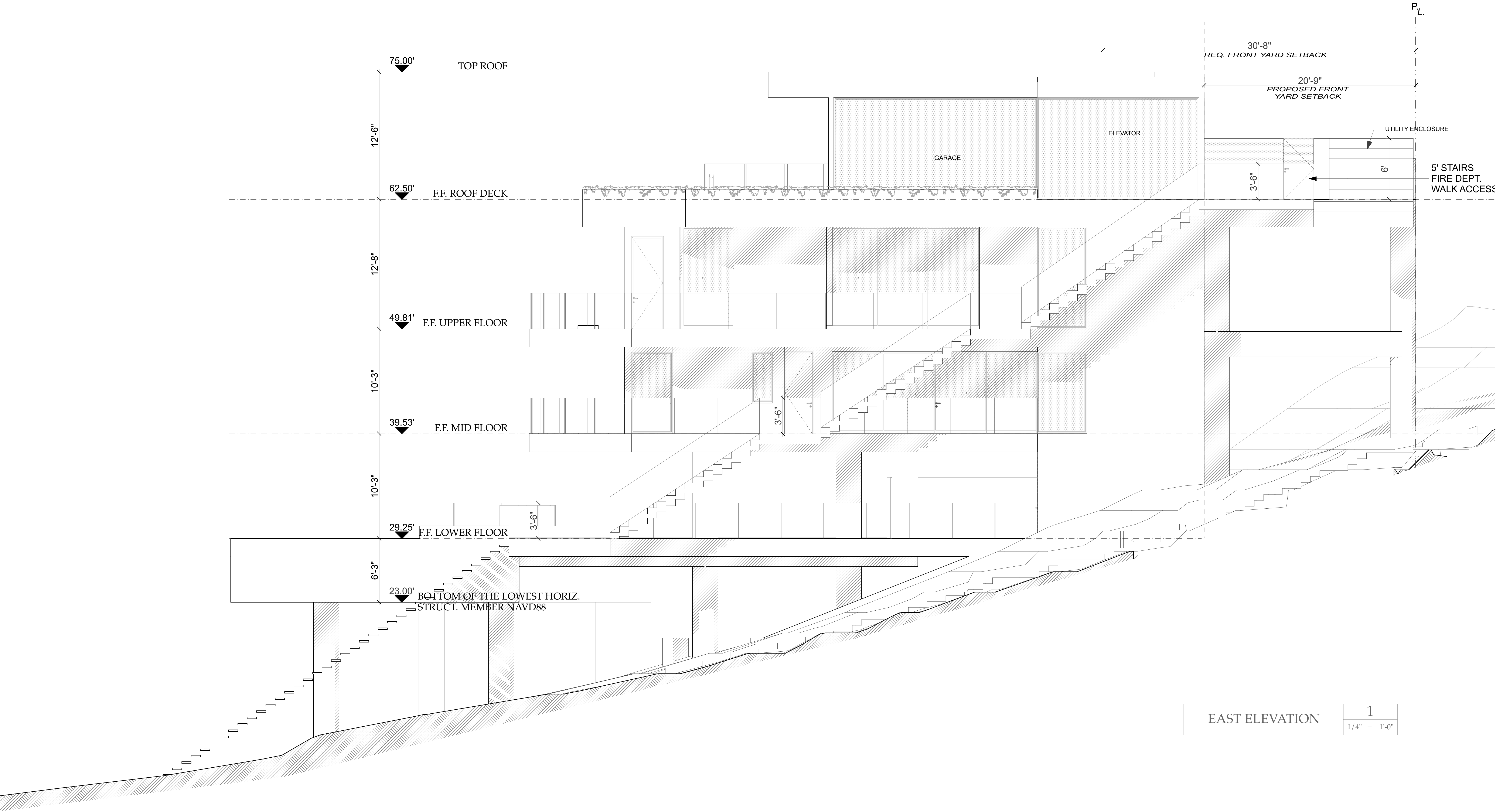
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DESCRIPTION:

ELEVATION EAST

DRAWING NO.	A-2.2
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



EAST ELEVATION

1
1/4" = 1'-0"

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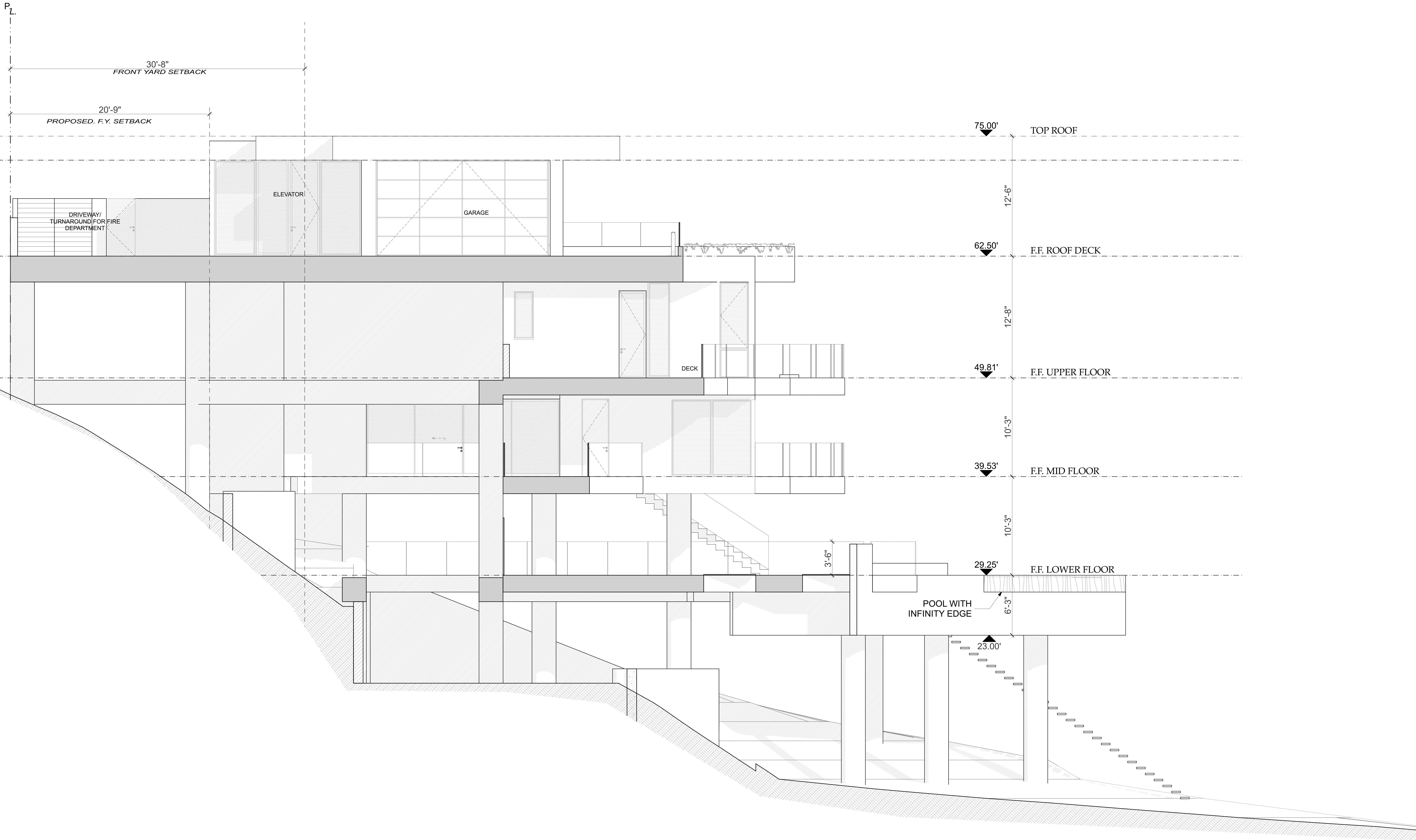
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DESCRIPTION:

ELEVATION WEST

DRAWING NO.	
A-2.3	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



EAST ELEVATION

1

1/4" = 1'-0"

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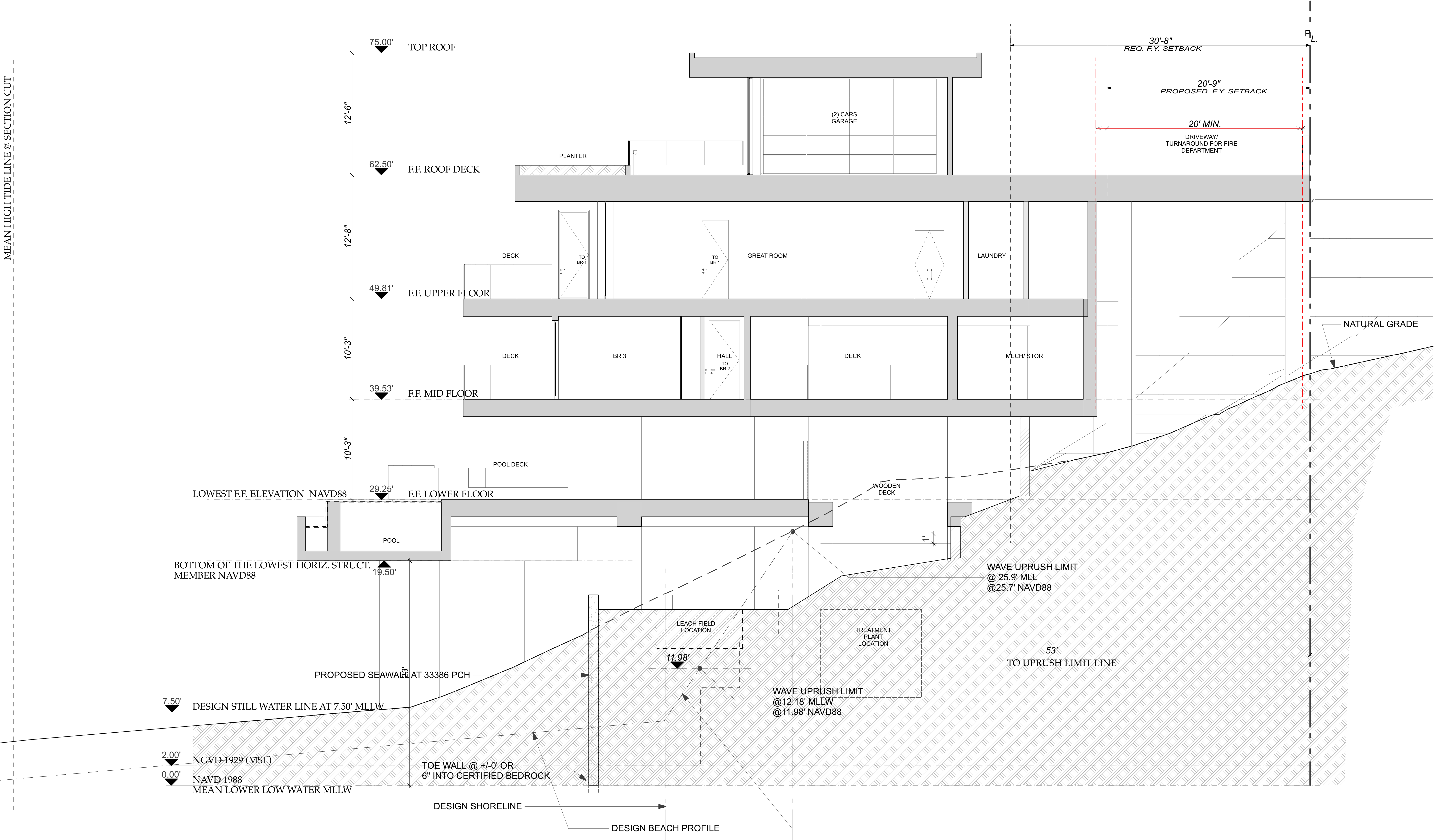
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DESCRIPTION:

PROPOSED SECTION A-A

DRAWING NO.	
A-3.1	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



A2 SECTION	A2
	1/4" = 1'-0"

33386 PCH Residence

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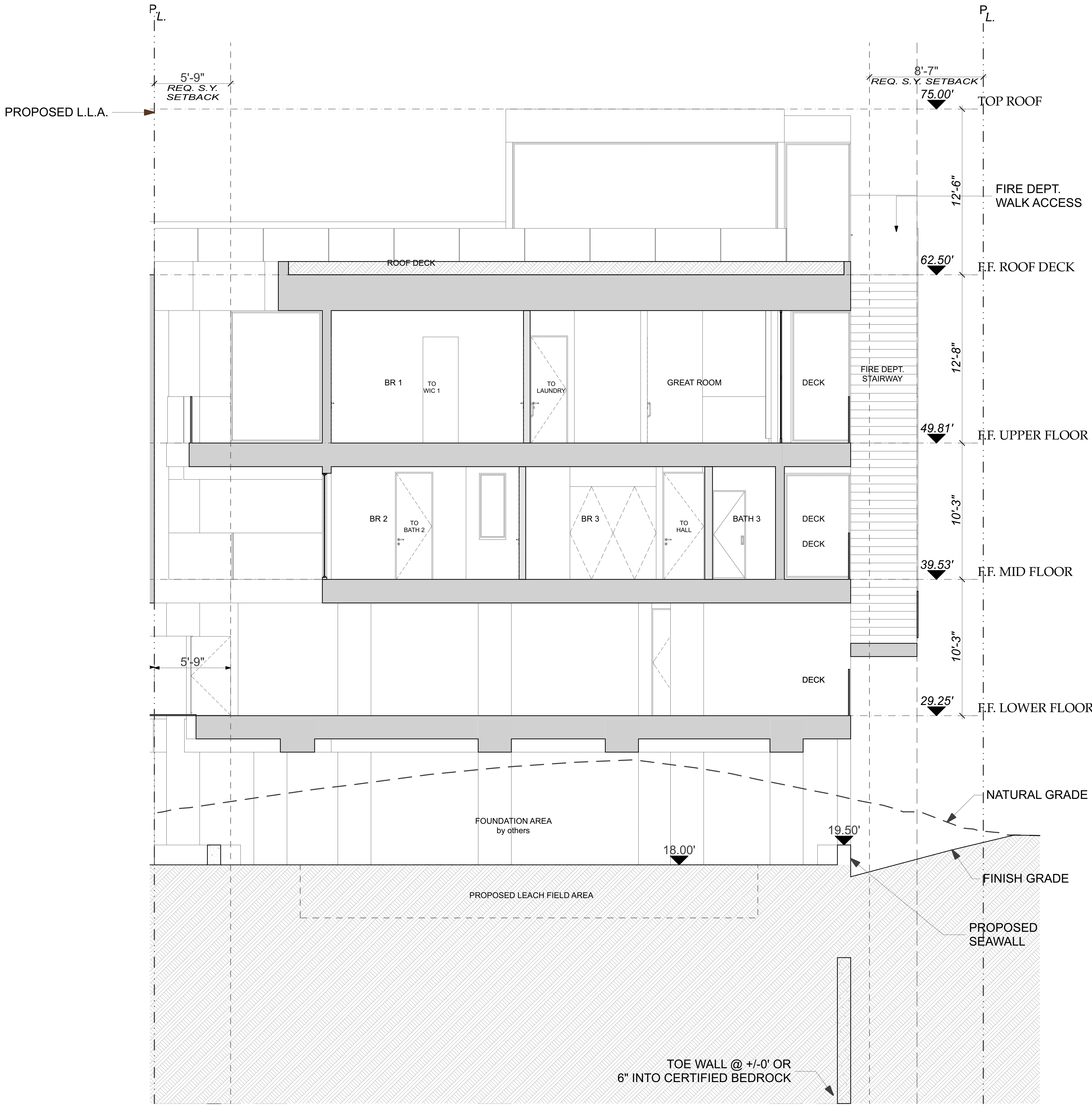
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DESCRIPTION:

PROPOSED SECTION B-B

DRAWING NO.	
A-3.2	
PROJECT	
33386 PCH RESIDENCE	
DATE	
Plot Date: 1/5/22	
SCALE	
D.W.B., A.M., D.D.	



B SECTION	B
	1/4" = 1'-0"

33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ARCHITECT AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

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

BURDGE
& Associates
ARCHITECTS

MALIBU

WWW.
BUAIA.COM

DESCRIPTION:

DRAWING NO. **A-3.3**

PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



33386 PACIFIC COAST HWY.
MALIBU,
CA 90265

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NO.	DATE	ISSUE
1	Nov 26, 2014	INITIAL CDP SUBMITTAL
2	May 8, 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Feb 11, 2015
3	Jul 2015	RE-SUBMIT AFTER PLANNING CORRECTIONS Jun 12, 2015
4	May 2018	Removal building above roof deck & revision floor plans below deck
5	Sept 2018	Fire Dept Corrections
6	Oct 2018	Fire Dept Corrections
7	Nov 06, 2018	Fire Dept Corrections
8	Jun 24, 2019	Minor Planning corrections
9	Aug 17, 2019	FEMA lines adjustment
10	Aug 07, 2020	Garage Roof lowering
11	Mar 24, 2021	Raised bottom structure 3.5'

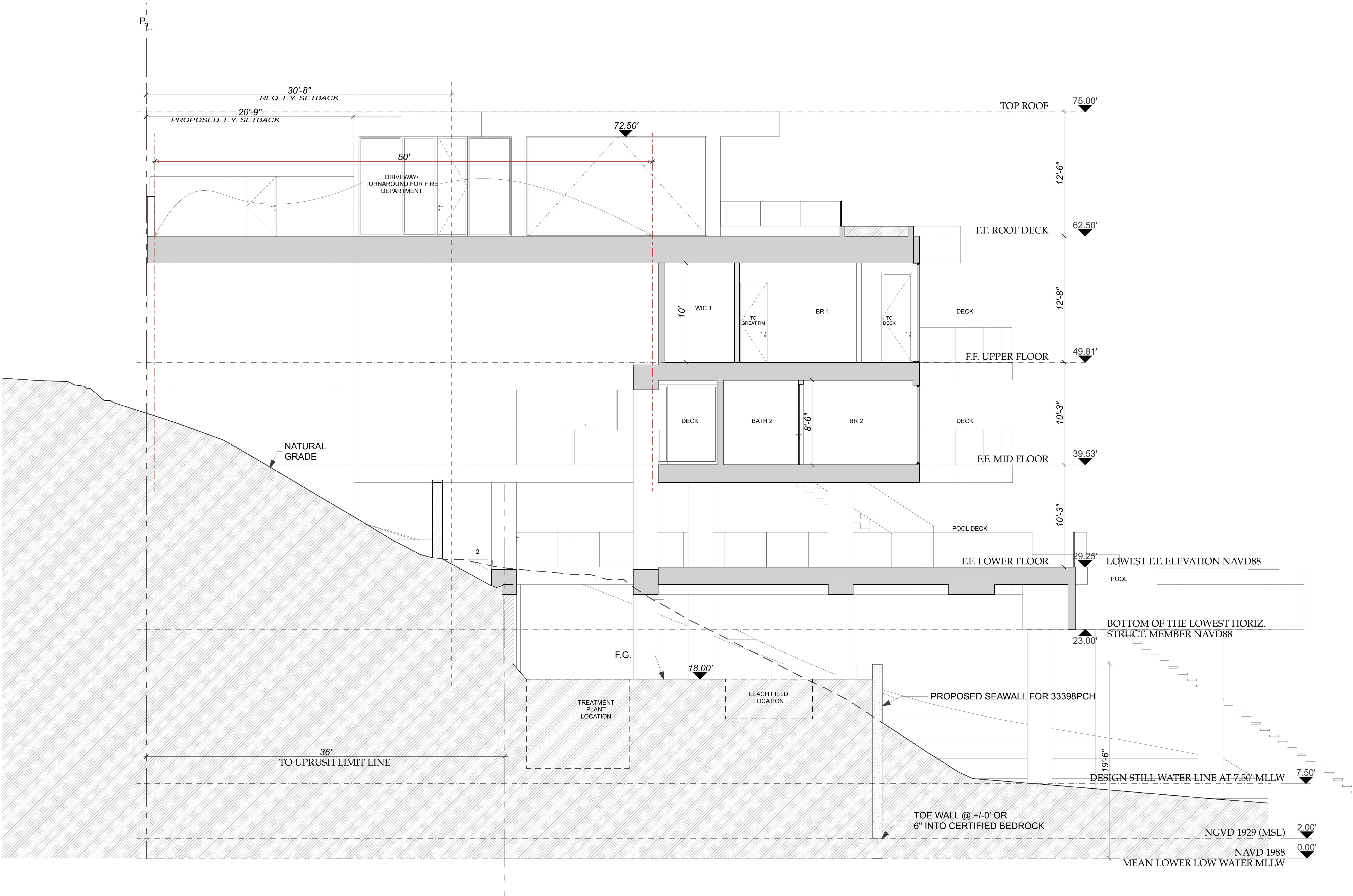
BURDGE
& Associates
ARCHITECTS
MALIBU
WWW.BUAIA.COM

24911 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL 310-456-5905

DESCRIPTION:

PROPOSED SECTION D-D

DRAWING NO.	
A-3.4	
PROJECT	33386 PCH RESIDENCE
DATE	
SCALE	Plot Date: 1/5/22
DRAWN BY	D.W.B., A.M., D.D.



D2 SECTION

D2

1/4" = 1'-0"

May 2, 2022

Malibu City Council
23825 Stuart Ranch Road
Malibu, CA 90265

Re: October 4, 2021 Meeting – Items 4.B and 4.C

Dear Councilmembers:

I am counsel for Lloyd Saitman, the owner of 33406 Pacific Coast Highway (the property directly above the proposed development). I write this letter to urge the City Council to affirm the Planning Commission's decision denying the applications and expansive variance requests submitted by 180 PCH, LLC ("180 PCH").

1. There is Nothing Unfair or Improper About Planning Commission's Decision.

The applications and expansive variance requests at issue were ***not*** filed by an existing resident hoping to expand an existing home. Far from it. These applications were filed by a developer who bought "dead" vacant land for cheap in the hopes of convincing the Planning Commission to allow it to build homes that are indisputably not allowed under existing rules and would require at least ***seven*** variances and exceptions. 180 PCH's ***sole*** motivation for filing these applications is pure profit. Furthermore, if 180 PCH is allowed to build on the property, once the property is built and sold, and once the funds have been pocketed, 180 PCH will cease to exist. At that point, Mr. Saitman—and the rest of the residents of Malibu—will be left to deal with the fallout from the development.

Importantly, when 180 PCH bought the properties in 2014, ***it knew full well that it may never be able to develop the properties*** because of geological problems, variance problems and easement problems. That is precisely why 180 PCH was able to buy the properties for a tiny fraction of the market value of ready-to-develop beachfront property. 180 PCH took a flier on the deal hoping to make millions of dollars if it could somehow get through all the hurdles, but knowing that it could fail at any one of the hurdles.

In fact, in an email nine months after purchasing the properties, 180 PCH acknowledged these facts, admitting that when the property was sold ***"they did not know if anyone could ever do anything with it because of the geological and problems with easements."*** 180 PCH went on to admit that "we bought a distressed deal that had lot of problems and the price reflected this." (Ex. A hereto.)

180 PCH went into this process eyes wide open, knowing that its proposed development plan may never be approved. There is ***nothing*** unfair about the Planning Commission enforcing

Malibu City Council
May 2, 2022
Page 2

its own rules and not granting an unreasonable number of variances, all of which exist for the precise purpose of protecting the safety and interests of the community. In fact, protecting the interests of the neighboring properties and community far outweighs the need to help out a developer who took a known and substantial risk when it bought the properties in the first place.

This is particularly true given that the applications submitted by 180 PCH, on their face, overreach. 180 PCH is not seeking to build modest homes—it is seeking to building the largest structures it can get away with. Why? So it can make more money. 180 PCH’s motivation is nothing other than greed and the desire to earn the most profit it possibly can. 180 PCH cares nothing about the environment or the neighbors; it is motivated solely by the desire for money.

2. The Road is Steeper than 180 PCH has Represented.

As explained in the previous Agenda Reports prepared by the Planning Commission, an extremely important aspect of 180 PCH’s proposed development is that the access road needs to be flat enough to allow firetruck ingress and egress and there needs to be sufficient room for fire department equipment to turn around.

But 180 PCH’s submission to the Planning Commission with respect to the grade of the road was knowingly inaccurate. Specifically, 180 PCH’s applications suggest the road is at a 20% grade, and the LAFD documents (Exhibit B) reflects a road that is no steeper than a 20% grade. In fact, as a survey obtained by Mr. Saitman makes clear, portions of the road are closer to a 25% grade (Exhibit C)—beyond what is allowed under LAFD regulations. Worse, an internal document demonstrates that 180 PCH *knows* the grade is more than 20%, but failed to so advise the Planning Commission or the LAFD: “Norm cheated on his calculations for driveway slopes to make it work on paper. Ryan and I did a little checking and there are areas where it exceeds 20% farther up the driveway.” (Exhibit D.)

These facts concerning the grade of the road were disclosed to 180 PCH (and the Planning Commission) during one of the first Planning Commission meetings on these applications back in 2018. Yet, to date, 180 PCH has done nothing to correct the errors in the documents provided to LAFD or to otherwise advise LAFD of the true grade of the road. Unless and until 180 PCH obtains LAFD approval based on the true grade of the access road, there is no basis for the City Council or the Planning Commission to entertain the applications.

3. The Proposed Structures Significantly Block Mr. Saitman’s Views.

The original homes proposed by 180 PCH would not only have entirely block Mr. Saitman’s white water views, they would also have seriously impacted his blue water views. As explained in the Planning Commission’s earlier Agenda Report, though 180 PCH has redesigned

Malibu City Council
May 2, 2022
Page 3

the residences, they have refused to install story poles so that the view obstruction can be analyzed by the City and the neighbors. The only conclusion that can be reached is that the current proposed residences are just as intrusive on the views of Mr. Saitman and the other neighbors.

When the City Council weighs the competing interests, the only conclusion that can be reached is that the Planning Commission's decision is entirely correct—there is no legitimate basis to approve the development. On the one hand, you have neighbors living in homes for whom their views, and the stability of the bluff, are obviously of critical importance. On the other hand, you have a developer who is simply looking to do nothing more than make money and leave.

* * *

In sum, 180 PCH asked the Planning Commission to bend over backwards and approve overreaching applications that otherwise violate numerous regulations. If 180 PCH had come forward with a reasonable proposal that protected the interests of the neighbors and the interests of the environment—a proposal that did not require seven expansive variances—maybe the result would have been different. But there is no need to speculate about what that result would have been because 180 PCH refused to design a reasonable project. Granting the applications will literally benefit no one other than a greedy developer. In stark contrast, the neighbors will be immediately and materially harmed by the loss of their views, and may suffer serious long-term environmental harms that could even include the bluff underneath their homes failing. Furthermore, granting these applications will create a dangerous precedent that encourages developers to buy dead land in the City of Malibu and try to make a quick profit seeking to build homes that do not belong.

The City Planners spent years thoroughly analyzing 180 PCH's applications and recommended that the applications be denied. The Planning Commission made the right decision denying the applications, and Mr. Saitman respectfully requests that the City Council affirm that decision.

Very truly yours,

MURPHY ROSEN LLP

A handwritten signature in black ink, appearing to read "David E. Rosen", is written over a thin horizontal line.

David E. Rosen

EXHIBIT 39

Althea L. Miller

CSR No. 3353

Date: 9/27/10

Witness: W. L. Miller

From: Hush Sohaili
To: Richard Weintraub
Cc: Don Sonsma
Subject: Re: confirming Published sale price
Date: Wednesday, November 19, 2014 1:49:21 PM

Don if this is ours then what you have to know Richard had this as a REO from East West Bank in escrow for a few years in the bad market and had spent \$300 k while in escrow doing all the testing and basically clearing title etc so it would become sellable.

When East West sold it they did not know if anyone could ever do anything with it because of the geological and the problem with easements. Richard got all this cleaned up. So we bought as a distressed deal that had a lot of problems and the price reflected this.

Sent from my iPhone

On Nov 19, 2014, at 1:34 PM, Richard Weintraub <rweintraub@weintraubre.com> wrote:

This is ours

We were in escrow with the bank for well over 2 years.

There are other comps for lesser lots for over 8 million and they were torn down

Richard E. Weintraub
President/CEO
Weintraub Real Estate Group
P.O Box 6528
Malibu, CA 90265
RWeintraub@weintraubre.com
Office: (310) 456-2600
Fax: (310) 456-2644

On Nov 19, 2014, at 1:06 PM, Hush Sohaili <hushsohaili@gmail.com> wrote:

Don major difference between this which is not in the sand and ours which is on the sand.

Richard is the one to talk to about the values there.

Richard can you respond ?

Sent from my iPhone

On Nov 19, 2014, at 12:46 PM, Don Sonsma <dsonsma@ppbi.com> wrote:

180PCH0432

33398 PCH Residence

33398 PACIFIC COAST HWY.
MALIBU,
CA 90265

APPROVED

ACCESS REQUIREMENTS ONLY

By: [Signature] [Signature]

Date: 11/14/10

THE GUARANTEES AND SPECIFICATIONS ARE
THE PROPERTY AND EQUIPMENT OF THE
ARCHITECT AND SHALL NOT BE USED FOR
ANY OTHER WORK WITHOUT THE WRITTEN
AGREEMENT OF THE ARCHITECT

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

NO DATE ISSUE

NO.	DATE	ISSUE
1	11/14/10	INITIAL CUP SUBMITTAL
2	11/14/10	RECEIVED AFTER PLANNING CONSTRUCTION FOR 11/10/10
3	11/14/10	RECEIVED AFTER PLANNING CONSTRUCTION FOR 11/10/10

BURDGE
& Associates
ARCHITECTS

MALIBU
SUN VALLEY

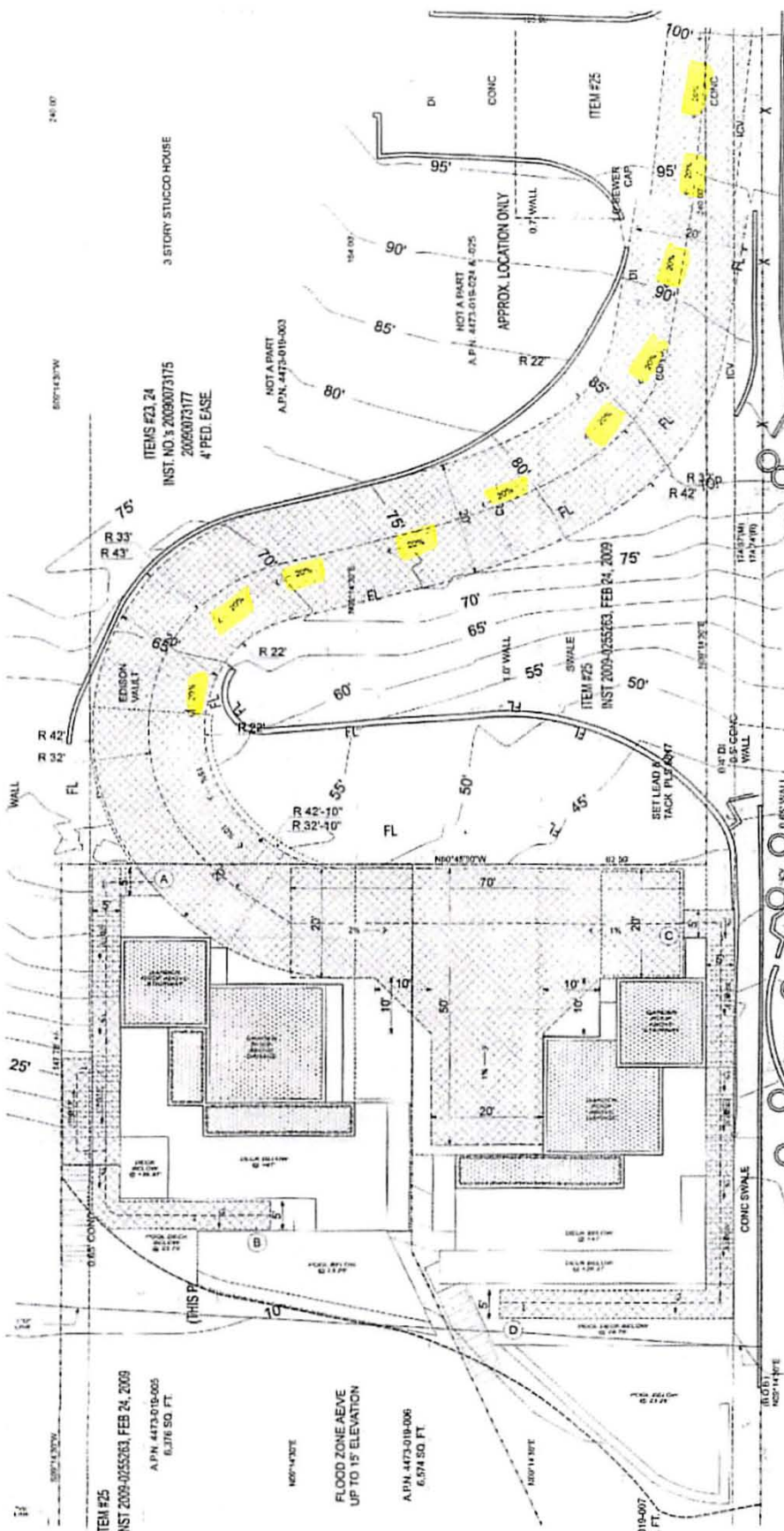
WWW.BURDGE.COM
33398 PACIFIC COAST HWY.
MALIBU, CA 90265
TEL: 310.454.1000
FAX: 310.454.1001

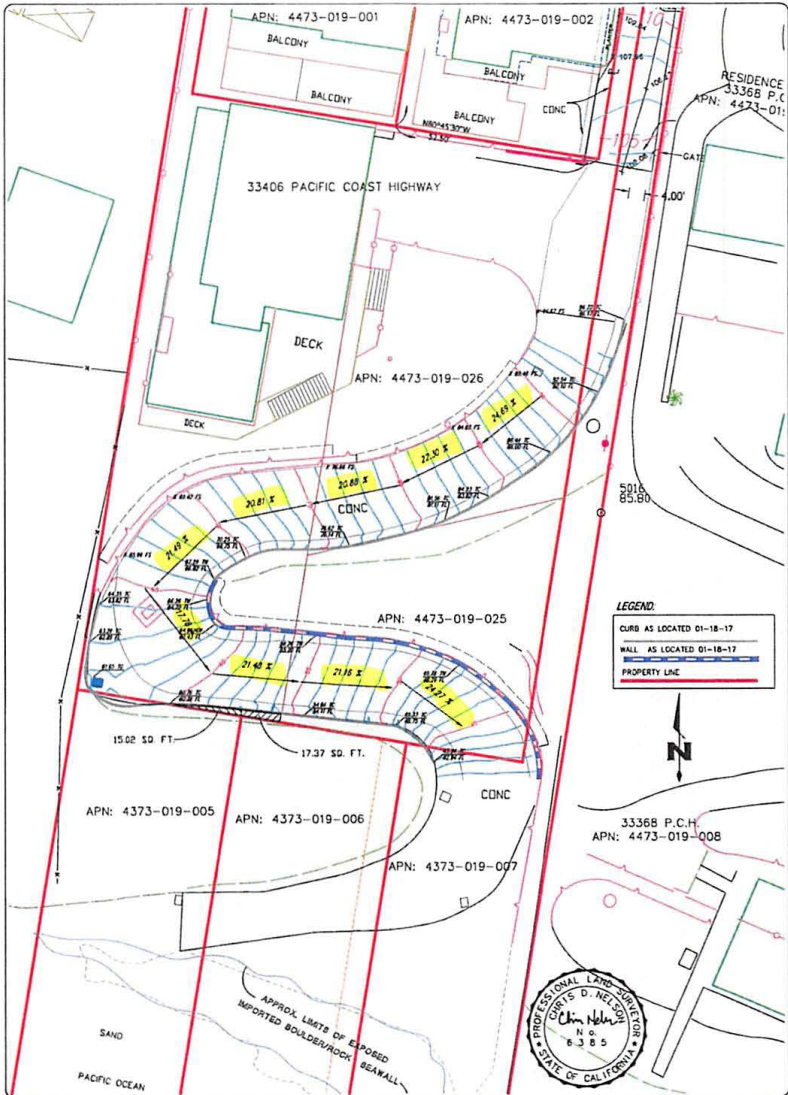
DESCRIPTION:

FIRE DEPARTMENT
ACCESS

DRAWING NO.
AFD-1

PROJECT: 33398 PCH RESIDENCE
DATE: 11/14/10
SCALE: 1" = 10'
DRAWN BY: [Signature]





PREPARED BY:
Chris Nelson
& Associates, Inc.
SURVEYING & ENGINEERING
212736 Via Caliente Suite 11, Woodburn 97069, CA 97069
tel: 503.937.7040 fax: 503.937.2674

**PARTIAL DRIVEWAY TOPO SURVEY
DRAFT COPY**

33406 PACIFIC COAST HIGHWAY,
MALIBU, CA

LLOYD SAITMAN

33406 PACIFIC COAST HIGHWAY,
MALIBU, CA

X08 NO. 07-1840
SCALE: 1" = 20'
DATE:
SHEET: 1 OF 1

EXHIBIT C

From: George Keppler
Sent: Tuesday, July 08, 2014 4:27 PM
To: Richard Weintraub; Hush Sohaili
Cc: Jake Jesson
Subject: 33400 PCH

Met up with Ryan from Burdge's office who gave me the results of their meeting with Lloyd Saitman's architect, Eric Rochin. He told me that Eric stated that both Lloyd and probably Charles Haagen would fight very hard to try to block us from revising the driveway off our property to make the slope work for FD access, knowing that this would make their remaining driveway inaccessible.

Doug showed him our option to keep their driveway operable by using it as access to the garage for the easterly home. However that scheme would require building up their driveway anywhere from 7' at the split to 12' where the driveway hits the garage entrance. During that discussion, they came up with the idea of using the existing driveway as is to our property and as is to the east property line. By using the lowered driveway, it lowers the homes by approximately 6' which does not affect the design except the garage to the easterly house is relocated to the top access deck.

Only problem is, the lowered driveway would now exceed LACFD's allowable maximum slope of 20%. Ryan and I met with LACFD this morning to determine their position. Interestingly, Miles Bonner (LACFD) told us that Eric was there yesterday discussing the same topic. Miles told us that we could resubmit showing what the new slope would be (guess is somewhere around 23%) and provide letters from the neighbors stating that they will not allow us to rework the driveway off our property. He would then send the request up to his superiors for a decision. (BTW, Eric told Ryan & Doug that he believes Norm cheated on his calculations for driveway slopes to make it work on paper. Ryan & I did a little checking and there are areas where it exceeds 20% farther up the driveway to the north, civil is checking now).

None of the above are optimum solutions. Cutting them off from their driveway will probably get us into a court battle which could cause the most delay. The option to comply with LACFD slope and provide access for the neighbors to their driveway and the garage tucked under the deck is the most expensive and will cause additional retaining walls and a lot of fill. The last option is the best relating to cost and may provide a chance at neighbors support of the development. It does cause more view blockage at the easterly house because now the garage is on top although 6' lower, and we need LACFD approval.

If we decide we want to try getting LACFD approval, we could have drawings ready to submit to LACFD by next Tuesday.

Please advise.

(Sorry about the long email).

GK

George D. Keppler
Senior Vice-President of Development
Weintraub Real Estate Group
P.O. Box 6528, Malibu, CA 90264
gkeppler@weintraubre.com

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

The Malibu City Council will hold public hearings on **MONDAY, May 9, 2022, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, on the projects identified below.

APPEAL NO. 21-017 - An appeal, filed by the owner/applicant, of the Planning Commission's adoption of Planning Commission Resolution No. 21-06 denying Coastal Development Permit No. 14-073 denying to construct a new 2,342 square foot, two-story, single-family residence, with a 483 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system, and denying Variance No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height

Location: 33386 Pacific Coast Highway / APN 4473-019-007
33398 Pacific Coast Highway / APN 4473-019-005
Zoning: Rural Residential-Two Acre (RR-2)
Owner / Applicant: 180 PCH, LLC
Appealable to: California Coastal Commission
Environmental Review: Categorical Exemption CEQA Guidelines Sections 15303(d) and 15303(e)
Application Filed: November 26, 2014
Case Planner: Jessica Thompson, Senior Planner
(310) 456-2489, extension 280
jthompson@malibucity.org

APPEAL NO. 21-018 – An appeal, filed by the owner/applicant, of the Planning Commission's adoption of Planning Commission Resolution No. 21-07 denying Coastal Development Permit No. 14-072 to construct a new 2,342 square foot, two-story, single-family residence, with a 483 square foot attached two-car garage, rooftop deck, swimming pool, spa and associated equipment, barbeque, outdoor fireplace, retaining walls, hardscaping, grading, and installation of a new onsite wastewater treatment system, and denying Variance No. 17-050 for construction in excess of 18 feet in height, up to 43.25 feet for the single-family residence, and denying Variance No. 18-001 to allow the portions of the building in excess of 18 feet in height to exceed two-thirds the area below 18 feet in height

Location: 33398 Pacific Coast Highway / APN 4473-019-005
33386 Pacific Coast Highway / APN 4473-019-007
33390 Pacific Coast Highway / APN 4473-019-006
Zoning: Rural Residential-Two Acre (RR-2)
Owner / Applicant: 180 PCH, LLC
Appealable to: California Coastal Commission
Environmental Review: Categorical Exemption CEQA Guidelines Sections 15303(d) and 15303(a)
Application Filed: November 25, 2014
Case Planner: Jessica Thompson, Senior Planner
(310) 456-2489, extension 280
jthompson@malibucity.org

ATTACHMENT H

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

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the 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 at City Hall during regular business hours. Oral and written comments may be presented to the City Council on, or before, the date of the meeting.

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 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.

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.

Richard Mollica, Planning Director

Publish Date: April 14, 2022