June 20, 2016 Regular Meeting

1. Agenda

   Documents: PC160620_AGENDA (LINKS).PDF

2. Item 3B1 - Extension Of Coastal Development Permit No. 04-058 / 28916 Wight Road

   Documents: PC160620_ITEM3B1.PDF

3. Item 3B2 - Extension Of Coastal Development Permit No. 10-019 / 6156 Zumirez Drive

   Documents: PC160620_ITEM3B2.PDF

4. Item 3B3 - Administrative Coastal Development Permit No. 16-014 / 23525 Civic Center Way

   Documents: PC160620_ITEM3B3.PDF

5. Item 4A - Administrative Plan Review No. 15-089 / 31948 Pacific Coast Highway

   Documents: PC160620_ITEM4A.PDF

6. Item 5A - Coastal Development Permit No. 16-010 / 31302 Broad Beach Road

   Documents: PC160620_ITEM5A.PDF

7. Item 5B - Coastal Development Permit No. 14-081 / 3989 Villa Costera

   Documents: PC160620_ITEM5B.PDF

8. Item 5C - Coastal Development Permit No. 14-054 / 21106 Pacific Coast Highway

   Documents: PC160620_ITEM5C.PDF

9. Item 5D - Wireless Telecommunications Facility No. 16-001 / 29970.5 Harvester Road

   Documents: PC160620_ITEM5D.PDF

Malibu Planning Commission
Regular Meeting Agenda

Monday, June 20, 2016
6:30 p.m.
City Hall – Council Chambers
23825 Stuart Ranch Road

Call to Order – Chair

Roll Call – Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – June 9, 2016

1. Ceremonials / Presentations

None.

2. Written and Oral Communication from the Public

A. Communications from the Public concerning matters which are not on the agenda but for which the Planning Commission has subject jurisdiction. The Planning Commission may not act on these matters except to refer the matters to staff or schedule the matters for a future agenda.

B. Planning Commission and staff comments and inquiries

3. Consent Calendar

A. Previously Discussed Items

None.

B. New Items

1. Extension of Coastal Development Permit No. 04-058 and Site Plan Review No. 06-015 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 28916 Wight Road
APN: 4467-034-003
Owner: Amir Tahmasebi
Case Planner: Contract Planner Janowicz, 456-2489 ext. 345

Recommended Action: Adopt Planning Commission Resolution No. 16-48 granting a one-year extension of Coastal Development Permit No. 04-058 and Site Plan Review No. 06-015, an application for the construction of a new single-family residence and associated development in the Single-Family Low zoning district located at 28916 Wight Road (Tahmasebi).

2. Extension of Coastal Development Permit No. 10-019 and Site Plan Review No. 10-014 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 6156 Zumirez Drive
APN: 4467-013-019
Owner: D and G Homes Inc., a California corporation
Case Planner: Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 16-46 granting a one-year extension of Coastal Development Permit No. 10-019 and Site Plan Review No. 10-014, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 6156 Zumirez Drive (D and G Homes Inc., a California corporation).

3. Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006 – An application for the 45th Annual Malibu Arts Festival on July 30, 2016 and July 31, 2016

Location: 23525 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-904
Owner: The County of Los Angeles
Case Planner: Planning Technician Peltier, 456-2489 ext. 244

Recommended Action: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006.

4. Continued Public Hearings

A. Administrative Plan Review No. 15-089, Site Plan Review Nos. 16-004, 16-005, 16-007 – An application for improvements to an existing single-family residence and guest house with associated development

Location: 31948 Pacific Coast Highway
APN: 4473-012-020
Owners: Jill and Wayne Cohen
Case Planner: Planning Technician Peltier, 456-2489 ext. 244

Recommended Action: Adopt Planning Commission Resolution No. 16-53 determining the project is categorically exempt from the California Environmental Quality Act, and approving Administrative Plan Review No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium zoning district located at 31948 Pacific Coast Highway (Cohen).

5. New Public Hearings

A. Coastal Development Permit No. 16-010 and Demolition Permit No. 16-014 – An application to demolish an existing single-family residence and construct a new single-family beachfront residence and associated development

Location: 31302 Broad Beach Road, within the appealable coastal zone
APN: 4470-016-005
Owners: Stephen and Jean Moran Kaplan
Case Planner: Associate Planner Hawner, 456-2489 ext. 276

Recommended Action: Adopt Planning Commission Resolution No. 16-27 determining the project is categorically exempt from the California Environmental Quality Act, approving Demolition Permit No. 16-014 to demolish the existing single-family residence and associated development, and approving Coastal Development Permit No. 16-010 to construct a new 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a garage, theater, second unit and gym, a covered bridge connecting the single-family residence to the accessory structure, 1,378 square feet of covered areas, new spa, fire pit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor located in the Single-Family Medium residential zoning district at 31302 Broad Beach Road (Kaplan).

B. Coastal Development Permit No. 14-081 – An application to construct a new detached studio/home office and associated development

Location:	3989 Villa Costera, within the appealable coastal zone
APN:	4451-011-011
Owner:	Michael Klein
Case Planner:	Associate Planner Contreras, 456-2489 ext. 265

Recommended Action: Adopt Planning Commission Resolution No. 16-50 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-081 to construct a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential One Acre zoning district located at 3989 Villa Costera (Klein).

C. Coastal Development Permit No. 14-054 and Variance No. 15-001 – An application to remove existing retaining walls and construct a new, two-story, single-family residence and associated development

Location:	21106 Pacific Coast Highway, within the appealable coastal zone
APN:	4450-010-023
Owners:	Doerken 2003 Charitable Remainder Unitrust
Case Planner:	Planning Manager Deleau, 456-2489 ext. 273

Recommended Action: Continue this item to the July 18, 2016 Regular Planning Commission meeting.

D. Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way

Location:	29970.5 Harvester Road
Nearest APN:	4469-013-021
Owner:	City of Malibu Public Right-of-Way
Applicant:	Carver Chiu of Crown Castle NG West, Inc.
Case Planner:	Senior Planner Fernandez, 456-2489 ext. 482

Recommended Action: Adopt Planning Commission Resolution No. 16-59 determining the project is categorically exempt from the California Environmental Quality Act, and approving Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

6. Old Business

None.

7. New Business

None.

8. Planning Commission Items

None.

Adjournment

Future Planning Commission Meetings

Tuesday, July 5, 2016		CANCELLED	
Monday, July 18, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, August 1, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers
Monday, August 15, 2016	6:30 p.m.	Regular Planning Commission Meeting	City Hall Council Chambers

Guide to Planning Commission Proceedings

The Oral Communication portion of the agenda is for members of the public to present items which are not listed on the agenda, but are under the subject matter jurisdiction of the Planning Commission. No action may be taken under, except to direct staff, unless the Commission, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Commission and staff will follow up at an appropriate time on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Chair (forms are available outside the Council Chambers). Speakers are taken in the order slips are submitted.

Items in Consent Calendar Section A have already been considered by the Commission at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

Items in Consent Calendar Section B have not been discussed previously by the Commission. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Commissioners may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Commission following the action on the Consent Calendar. The Commission first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

For Public Hearings involving zoning matters, the appellant and applicant will be given 15 minutes each to present their position to the Planning Commission, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

Old Business items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

Items in New Business are items which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

Planning Commission Items are items which individual members of the Planning Commission may bring up for action, to propose future agenda items, or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the Commission.

Planning Commission meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City's website at www.malibucity.org.

Copies of the staff reports or other written documentation relating to each item of business described above are on file in the Planning Department, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours which are 7:30 a.m. to 5:30 p.m., Monday through Thursday and 7:30 a.m. to 4:30 p.m., Friday. Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the Planning Department at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5(b)(2). Copies of staff reports and written materials may be purchased for $0.10 per page. Pursuant to state law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall telephone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Craig George at (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Commission meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org before 12:00 p.m. on the day of the meeting.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 9th day of June, 2016.

Kathleen Stecko

Kathleen Stecko, Senior Office Assistant

Commission Agenda Report

Planning Commission Meeting 06-20-16
Item 3.B.1.

To: Chair Stack and Members of the Planning Commission

Prepared by: Jasch Janowicz, Contract Planner

Approved by: Bonnie Blue, Planning Director BB

Date prepared: June 8, 2016 Meeting Date: June 20, 2016

Subject: Extension of Coastal Development Permit No. 04-058 and Site Plan Review No. 06-015 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 28916 Wight Road
APN: 4467-034-003
Owner: Amir Tahmasebi

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-48 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 04-058 and Site Plan Review (SPR) No. 06-015, an application for the construction of a new single-family residence and associated development in the Single-Family Low zoning district located at 28916 Wight Road (Tahmasebi).

DISCUSSION: On May 20, 2008, the Planning Commission, adopted Resolution No. 08-28, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 5 in Planning Commission Resolution No. 08-28 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-48.

The subject coastal development permit was originally approved on May 20, 2008. The property owner filed an application for a two year extension of CDP 04-058 and SPR 06-015 on May 12, 2010, which was approved on October 5, 2010. On May 8, 2012, the property owner filed an application for a one-year extension along with Coastal

Development Permit Amendment (CDPA) No. 12-013, a request to amend CDP 04-058 and SPR 06-015. Since May 8, 2012, the property owner has been processing the CDPA request and the one-year extension. Since the extension request was submitted in advance of expiration of the CDP, the expiration of the CDP has been tolled. Due to the applicant's personal circumstances resulting in unforeseen delays in processing the CDPA, staff supports the review and approval of the one year extension request to ensure that the original CDP remains in place while the CDPA continues to be processed. This extension would extend the approval to the original CDP until June 20, 2017.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 08-28 shall remain valid for an additional year. The expiration date of this approval would then be June 20, 2017. All conditions of approval in Planning Commission Resolution No. 08-28 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-48
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 04-058 AND SITE PLAN REVIEW NO. 06-015, AN APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE SINGLE-FAMILY LOW ZONING DISTRICT LOCATED AT 28916 WIGHT ROAD (TAHMASEBI)

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

SECTION 1. Recitals.

A. On May 20, 2008, the Planning Commission adopted Planning Commission Resolution No. 08-28, approving Coastal Development Permit (CDP) No. 04-058 and Site Plan Review (SPR) No. 06-015, an application for the construction of a new two-story, 19.5 foot high, 6,130 square foot, single-family residence, swimming pool, spa, alternative onsite wastewater treatment system, landscaping, retaining walls, fences, hardscape and a Site Plan Review for construction above 18 feet, not to exceed 28 feet in height for a pitched roof.

B. On October 15, 2010, the Planning Commission adopted Resolution No. 10-96 granting a two-year time extension of CDP No. 04-058 and SPR No. 06-015.

C. On May 8, 2012, the applicant submitted a second time extension request along with a request for an amendment to CDP No. 04-058 and SPR No. 06-015 (CDPA No. 12-013). Submittal of the extension request in advance of the expiration date tolled expiration of the CDP.

D. Due to unforeseen delays in the processing of CDPA No. 12-013, an additional extension of CDP No. 04-058 and SPR No. 06-015 is warranted to allow time to finalize CDPA No. 12-013 for public hearing.

E. On May 26, 2016, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On June 20, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15303(a) - New Construction. As such, Categorical Exemption No. 04-197 was filed for CDP No. 04-058.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 08-28 are hereby extended for an additional one-year term. The approval is now set to expire on June 20, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution No. 08-28 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No. 08-28 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 20th day of June, 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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 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/planningforms, in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-48 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 20th day of June, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

HMDG INC.
1663 selby ave #1
los angeles ca 90024
www.hmdginc.com

h.majd design group
design|build|consult
O 310.593.4828
C 310.386.7678

TIME EXTENSION REQUEST

RECEIVED
MAY 08 2012
PLANNING DEPT.

Date : MONDAY MAY 7TH, 2012
FROM : **Hassan Majd C/O Amir A Tahmasebi**
TO : **CITY OF MALIBU**

ATTENTION : PLANNING DEARTMENT

Time Extension Request Letter

We are requesting one year extension of the Costal Development Permit, Due to substantial change to the height and scale of the Single Family building, that was approved by Costal development department, City of Malibu on 5/20/2008 This one Year "Time Extension" would allow us to update all the Architectural details and Structural Engineering drawings and calculations. Obtain clearances from all relevant governmental agencies, and satisfy the requirement set forth by the department of Building & safety City of Malibu for Building permit.

Changes to the scope of the project are as follows;

Substantial foot print of the approved building to remain the same;
And omit the second floor entirely. Extent the building towards West by Approximately 12', keep the building height less than 18'.
Keep the proposed changes within the set back zone and provide 5' pathway around the building.
We believe these changes to the building will not adversely impact the visual resources in the area.
We believe that this building will enhance the visual resources in the area

Respectfully,

Hassan Majd

C/O Amir A Tahmasebi

CC Amir Tahmasebi, Jay Falamaki.

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for 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 at City Hall, or by calling (310) 456-2489, extension 245.

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.

If you have questions regarding this notice, please contact **Jasch Janowicz, Contract Planner, at (310) 456-2489, extension 345.**

Date: May 26, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 3

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

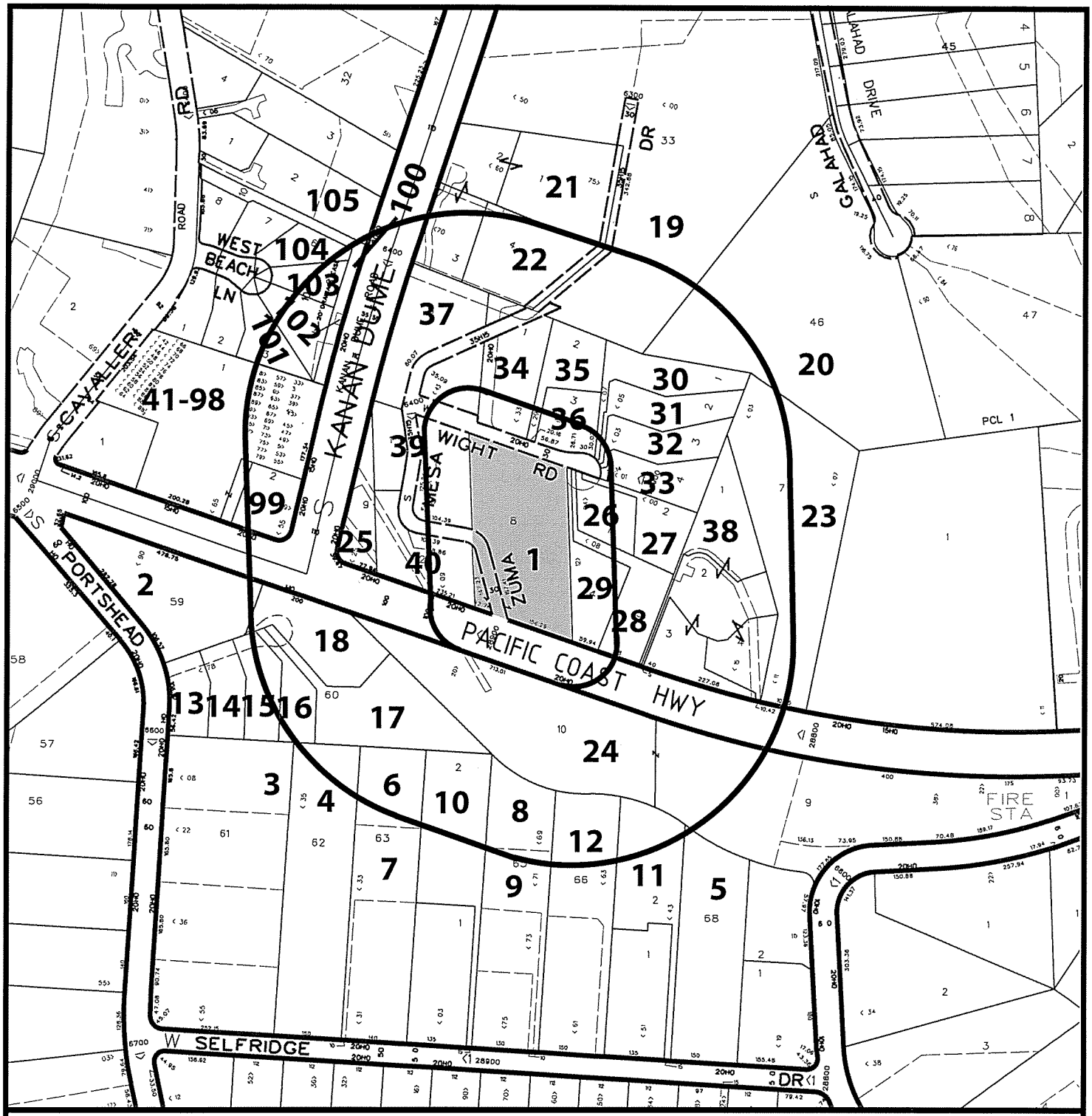
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 04-058 AND SITE PLAN REVIEW NO. 06-015 – A second request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

LOCATION:	28916 Wight Road
APN:	4467-034-003
ZONING:	Single-Family Low (SFL)
APPLICANT:	Hassan Majd
OWNER:	Amir Tahmasebi
EXTENSION FILED:	May 8, 2012
CASE PLANNER:	Jasch Janowicz Contract Planner (310) 456-2489, ext. 345 jjanowicz@malibucity.org

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



100 & 500 FT. RADIUS MAP

ADDRESS: 28916 WIGHT RD.

QMS Quality Mapping Service
14549 Archwood St. Suite 301
Van Nuys, California 91405
Phone (818) 997-7949 - Fax (818) 997-0351
qmapping@qesqms.com

CASE NO:
DATE: 08-06-15
SCALE: 1" = 300'

NORTH

QMS 15-251

Commission Agenda Report

Planning Commission Meeting
06-20-16
Item 3.B.2.

To: Chair Stack and Members of the Planning Commission

Prepared by: Carlos Contreras, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: June 7, 2016 Meeting Date: June 20, 2016

Subject: Extension of Coastal Development Permit No. 10-019 and Site Plan Review No. 10-014 – A request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

Location: 6156 Zumirez Drive
APN: 4467-013-019
Owner: D&G Homes Inc., a California corporation

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-46 (Attachment 1) granting a one-year extension of Coastal Development Permit (CDP) No. 10-019 and Site Plan Review No. 10-014, an application for the construction of a new single-family residence and associated development in the Rural Residential-Five Acre zoning district located at 6156 Zumirez Drive (D&G Homes Inc., a California corporation).

DISCUSSION: On May 3, 2011, the Planning Commission, adopted Resolution No. 11-46, approving the subject application. Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, Condition of Approval No. 7 in Planning Commission Resolution No. 11-46 states that the coastal development permit and associated requests shall expire if the project has not commenced within two years after final City action. Extension to the permit may be granted by the approving authority for due cause. The item before the Commission is an extension request by the applicant. A complete project chronology of the project, including scope of work and approvals, can be found in Planning Commission Resolution No. 16-46.

The subject coastal development permit was originally approved on May 3, 2011, has been extended two times previously, and was set to expire on May 3, 2016. On March 18, 2016, the property was sold to a new owner. Thereafter, on April 14, 2016, the applicant submitted a third extension request to ensure a valid CDP remains in place

while the designer reviews the approved documents and makes adjustments to the plans, which would extend the approval to May 3, 2017.

CONCLUSION: The project conditions, and the zoning ordinance under which the approval was issued, have not significantly changed. Upon the Planning Commission's approval of the time extension request, the approval set forth in Planning Commission Resolution No. 11-46 shall remain valid for an additional one-year term. The expiration date of this approval would then be May 3, 2017. All conditions of approval in Planning Commission Resolution No. 11-46 will remain in effect.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-46
2. Time Extension Request
3. Public Hearing Notice

Copies of all previously issued resolutions relating to the project can be obtained from the Planning Department upon request.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU GRANTING A ONE-YEAR EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 10-019 AND SITE PLAN REVIEW NO. 10-014, AN APPLICATION FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT IN THE RURAL RESIDENTIAL-FIVE ACRE ZONING DISTRICT LOCATED AT 6156 ZUMIREZ DRIVE (D&G HOMES INC., A CALIFORNIA CORPORATION)

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

SECTION 1. Recitals.

A. On May 3, 2011, the Planning Commission adopted Planning Commission Resolution No. 11-46, approving Coastal Development Permit (CDP) No. 10-019 and Site Plan Review No. 10-014, an application for the construction of a 6,360 square foot single-family residence including two two-car garages, a 2,697 square foot basement, 816 square foot second unit with attached two-car trellised carport, 400 square foot pool house with viewing deck, a 750 square foot trellised porte cochere, a gazebo, swimming pool, spa and associated pool equipment, enclosure and decking, landscaping, various hardscape including an entry gate, fencing, retaining walls, garden walls, outdoor barbeque area with trellis, outdoor basketball court, ground mounted equipment and enclosure, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet.

B. On October 7, 2013, the Planning Commission adopted Resolution No. 13-91 granting a two-year time extension of CDP No. 10-019.

C. On July 6, 2015, the Planning Commission adopted Resolution No. 15-43 granting a one-year time extension of CDP No. 10-019.

D. On March 18, 2016, the property was sold to a new owner.

E. On April 14, 2016, the applicant submitted a third time extension request.

F. On May 26, 2016, a Notice of 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.

G. On June 20, 2016, the Planning Commission held a duly noticed public hearing on the request, reviewed and considered the agenda report, reviewed and considered written correspondence, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission previously determined the project to be categorically exempt pursuant to CEQA Guidelines Section 15303(a) - New Construction. As such, Categorical Exemption No. 11-043 was filed for CDP No. 10-019.

SECTION 3. Findings of Fact.

Pursuant to Local Coastal Program Local Implementation Plan Section 13.21, the Planning Commission, having considered the staff report, all written correspondence and oral testimony presented at the public hearing, hereby finds that the applicant has demonstrated due cause for the necessity of a time extension of the approval of the coastal development permit and associated requests.

SECTION 4. Planning Commission Action.

A. The approvals set forth in Planning Commission Resolution No. 11-46 are hereby extended for an additional one-year term. The approval is now set to expire on May 3, 2017.

B. No other changes to the conditions contained in Planning Commission Resolution No. 11-46 are made and all other findings, terms and/or conditions contained in Planning Commission Resolution No.11-46 shall remain in full force and effect.

SECTION 5. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 20th day of June, 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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 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/planningforms, in person at City Hall, or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-46 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 20th day of June, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

design*21, LLC
www.goDesign21.com
skype: rkurath

Date; 04-14-2016

RECEIVED
APR 14 2016
PLANNING DEPT.

Project:

Single Family residence

6156 Zumirez Drive

Malibu, CA 90265

To whom it may concern,

I would like to ask the city of Malibu to grant an extension of the Planning approval for the Project at 6156 Zumirez Drive, Malibu CA 90265

The reason for requiring an extension is that my client just purchased the property and we as the design21 will need more time to review the approved Documents and make adjustments to the plans.

I kindly ask the Planning Director for approval of the extension.

Sincerely,

Notice Continued...

The extension request will be presented on the consent calendar based on staff's recommendation but any person wishing to be heard may request at the beginning of the meeting to have the application addressed separately. Please see the recording secretary before start of the meeting to have an item removed from consent calendar. The Commission's decision will be memorialized in a written resolution.

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for 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 at City Hall, or by calling (310) 456-2489, extension 245.

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.

If you have questions regarding this notice, please contact **Carlos Contreras, Associate Planner, at (310) 456-2489, extension 265.**

Date: May 26, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 3

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

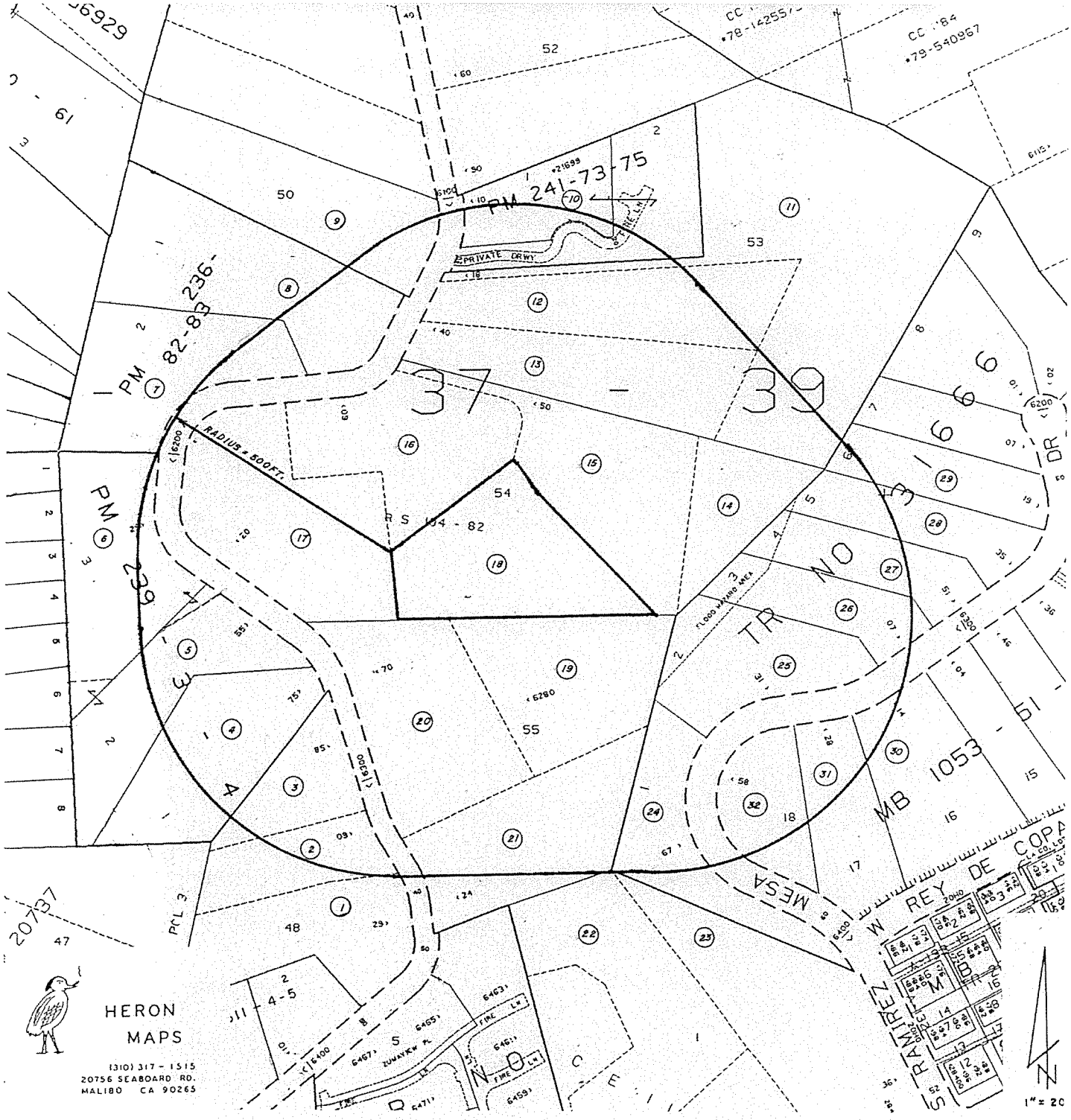
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

EXTENSION OF COASTAL DEVELOPMENT PERMIT NO. 10-019 AND SITE PLAN REVIEW NO. 10-014 – A third request to extend the Planning Commission's approval of an application for the construction of a new single-family residence and associated development

LOCATION:	6156 Zumirez Drive
APN:	4467-013-019
ZONING:	Rural Residential–Five Acre (RR-5)
APPLICANT:	Roger Kurath
OWNER:	D and G Homes, Inc.
EXTENSION FILED:	April 14, 2016
CASE PLANNER:	Carlos Contreras Associate Planner (310) 456-2489, ext. 265 ccontreras@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(a) – New Construction. The Planning Commission further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).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W REY DE COPA
RAMIREZ
HERON
MAPS
(310) 317 - 1515
20756 SEABOARD RD.
MALIBU CA 90265

Planning Commission Meeting 06-20-16

Item 3.B.3.

Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Jamie Peltier, Planning Technician

Approved by: Bonnie Blue, Planning Director

Date prepared: June 8, 2016 Meeting date: June 20, 2016

Subject: Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006 – An application for the 45th Annual Malibu Arts Festival on July 30, 2016 and July 31, 2016

Location: 23525 Civic Center Way, not within the appealable coastal zone
APN: 4458-022-904
Owner: The County of Los Angeles

RECOMMENDED ACTION: Receive and file the Planning Director's report on Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that have been issued by the City of Malibu. If the majority of the appointed membership of the Planning Commission so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the proposed project is not within the CCC's continuing jurisdiction as defined in Chapter 2 of the LIP; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family

dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 4) water wells; or 5) onsite wastewater treatment systems (OWTS).

Permit Issuance and Local Appeal Period

On June 14, 2016, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on June 14, 2016 and end on June 24, 2016. In addition, since this project is not located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu, the project is not appealable to the California Coastal Commission.

The project is more specifically described in the Planning Director's decision attached hereto.

PUBLIC NOTICE: A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

ATTACHMENT: Administrative Coastal Development Permit No. 16-014

City of Malibu

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

PLANNING DEPARTMENT

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT

Administrative Coastal Development Permit No. 16-014
Temporary Use Permit No. 16-006
23525 Civic Center Way
APN 4458-022-904

NOTICE IS HEREBY GIVEN that the City of Malibu has **APPROVED** an application from Beth Pearcy Neal of the Malibu Chamber of Commerce, for an administrative coastal development permit (ACDP) and temporary use permit (TUP) to hold the 45th Annual Malibu Arts Festival on July 30, 2016 and July 31, 2016. The event site is zoned Institutional (I) and is not located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

DISCUSSION

Project Description

The event proposed is 45th Annual Malibu Arts Festival, sponsored by the Malibu Chamber of Commerce. The event is proposed to take place as follows:

Table 2 – Event Chronology

Date	Activity	Time
Friday, July 29, 2016	Setup	8:00 p.m. to 8:00 p.m.
Saturday, July 30, 2016	Pancake Breakfast	8:00 a.m. to 11:00 a.m.
	Event	10:00 a.m. to 6:00 p.m.
Saturday, July 30, 2016	Pancake Breakfast	8:00 a.m. to 11:00 a.m.
	Event	10:00 a.m. to 6:00 p.m.
Monday, August 1, 2016	Event Cleanup	8:00 a.m. to 12:00 p.m.

The project proposes the temporary use of the site located at 23525 Civic Center Way for the 45th Malibu Arts Festival, an annual two day event sponsored by the Malibu Chamber of Commerce. The event will take place on a parcel, which is owned by the County of Los Angeles and operated by the Los Angeles County Real Estate Division, as seen in Attachment 1. The County Services parcel contains the Los Angeles County Library, the vacant Los Angeles County Courthouse and a building previously occupied by the Los Angeles County Sheriff's Department and Malibu Towing (Figure 1). There is also a paved area at the rear of the property used by the Los Angeles County Public Works Department. The event will take place from 8:00 a.m. to 6:00 p.m. There will be a pancake breakfast on Saturday and Sunday from 8:00 a.m. to 11:00 a.m. Subsequent to the pancake breakfast, there will be food trucks and a dining area on the northwest side of the parking lot adjacent to the Civic Center Way. On the back lawn there will a wine garden and a sixteen foot by ten foot stage to accommodate various bands playing live music. Vendor canopies will be set up in the parking lot and lawn areas along Civic Center Way to accommodate approximately 200 local artists and business owners. Children's activities in association with the Arts Festival will also be provided by the Malibu Branch of the Los Angeles County Public Library, located on the southeast corner

of the event site. Two security tents will be set up, one on Civic Center Way and another on the southwest corner of the parking lot. The event will draw approximately 8,000 guests over the course of two days.

Figure 1

Parking and Circulation

The adjacent vacant lot, 23575 Civic Center Way, commonly known as the Malibu Bay Company site (MBC) will be used for event parking. With valet service, the parking lot holds approximately 250 vehicles. The applicant has a contract with Z Valet to facilitate parking, and there will be a $5 fee to park in the vacant lot. In addition, there will be limited free parking along Civic Center Way.

Event volunteers will work with the event security staff, Gates Security, to implement the conditions of approval that pertain to parking, including: 1) that the applicant will provide a limited amount of free ADA compliant parking spaces in front of the event site on Civic Center Way; 2) no parking is permitted on Stuart Ranch Road; 3) patrons of the Malibu Library shall be allowed to park for free while utilizing library services; and 4) some parking will remain available for Legacy Park visitors. A volunteer will be stationed in front of Legacy Park to make sure three parking spaces in front of the middle of the Legacy Park Entrance are not used for event parking. A volunteer will also be stationed at the corner of Stuart Ranch Road and Civic Center Way to ensure that no vehicles park on Stuart Ranch Road, the Malibu Racquet Club, 23815 Stuart Ranch Road, or City Hall. The project has been conditioned to require a sign at the entrance of the library parking lot no less than three feet by four feet that states, "FREE LIBRARY PARKING." In addition, there will be a book drop off area operated by a volunteer who will provide a book drop off service for library patrons during the event.

The MBC parking site has been conditioned to require the applicant to use water to mitigate any possible dust caused by vehicles on the vacant parcel.

Project Background

- Application Submittal Date: March 25, 2016
- Notice of Application (mailer): May 26, 2016
- Notice of Decision (mailer): June 9, 2016
- Date of Issuance: June 14, 2016
- Planning Commission Reporting Date: June 20, 2016
- Appeal Period Ends: June 24, 2016

California Environmental Quality Act

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposal as described above. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment, and therefore shall be exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15304 Class 4 (e) – Minor Alterations to Land. 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).

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

The Planning Director may process ACDPs if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the proposed project is not within the CCC continuing jurisdiction as defined in LIP Chapter 2; 3) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 4) water wells; and 5) OWTS.

This project consists of a temporary use that will be four-days in duration, that is not located within the Appeal Zone as depicted on the Post-LCP Certification and Appeal Jurisdiction Maps and is not in the California Coastal Commission's continuing jurisdiction. Therefore, staff determined the project to be administrative.

LCP Analysis

The LCP consists of a Land Use Plan (LUP) and a LIP. The LUP contains programs and policies to implement the California Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring an ACDP must adhere.

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Onsite Wastewater Treatment System and are discussed under the Conformance Analysis section.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 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. Of these nine, for the reasons discussed below, only two (General CDP and Scenic Visual and Hillside Protection) apply and warrant further discussion.

LIP Conformance Analysis

The proposed project complies with all applicable LCP policies standards. The project proposes the approval of a temporary event that will be held on the last weekend of July. The event will be comprised of food trucks and a dining area on the northwest side of the parking lot adjacent to them, a wine garden and a sixteen foot by ten foot stage to accommodate various bands playing live music on the back lawn, 200 artists and local business vendors set up in the parking lot and on the lawn areas, and other children's activities throughout the event site. The project has been determined to be consistent with all applicable LCP codes, standards, goals and policies. The project, as proposed and/or conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies. The following analysis describes how this determination was made. Correspondence from the referring agencies is attached hereto as Attachment 2.

Zoning (LIP Chapter 3)

LIP Chapter 3 requires conformance to zoning standards. This approval allows for the 45th Annual Arts Festival Event. The event is a temporary use. No permanent structures or development is proposed on either the event site or the parking site. The event will utilize the sites for a total of four days including two days for setup and cleanup.

Environmentally Sensitive Habitat Area (LIP Chapter 4)

The event and parking site are not designated as ESHA, nor are they adjacent to ESHA, pursuant to the LCP ESHA Overlay Map. Therefore, this LIP chapter does not apply.

Native Tree Protection (LIP Chapter 5)

No trees are proposed to be removed as part of the event. Therefore, the native tree protection findings are not applicable.

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

The applicant is not proposing any permanent structures or development. However, the event is visible from Pacific Coast Highway which is an LCP designated scenic road. The required findings for LIP Chapter 6, Scenic Resources are made later in this report.

Transfer of Development Credits (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits only applies to land divisions and multi-family development in specified zones. The proposed event is a two-day Arts Festival that does not include any subdivision. Therefore, this LIP chapter does not apply.

Grading (LIP Chapter 8)

There is no grading proposed for this event. Therefore, this LIP chapter does not apply.

Hazards (LIP Chapter 9)

There are no permanent structures or other development proposed for this event. Therefore, this LIP chapter does not apply.

Shoreline and Bluff Development (LIP Chapter 10)

The proposed event is not located along the shoreline, a coastal bluff or blufftop fronting the shoreline. Therefore, this LIP chapter does not apply.

Archaeological / Cultural Resources (LIP Chapter 11)

There is no earth moving or disturbing activities proposed for this event; therefore, does not apply.

Public Access (LIP Chapter 12)

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, trail access, and recreational access. Since the event is not located near the shore, there are no impacts or requirements to provide lateral, bluff-top, or vertical access. In addition, there are no public trails or recreational areas located within the event site that are delineated on the Park Land and Trail Dedication Incentive Program Map. However, the Malibu Pacific Trail (formally the Local Coastal Slope Trail) and the Legacy Park Trail are mapped on the Park Land and Trail Dedication Incentive Program Map. The Malibu Pacific Trail is planned along the general alignment of Civic Center Way; the Legacy Park Trail is a loop trail within Legacy Park that connects to the Malibu Pacific Trail. The proposed public event has been conditioned not to block access along Civic Center Way. Based on these factors, the project conforms to LIP Chapter 12 and the findings do not apply.

Land Division (LIP Chapter 15)

The event does not include any division of land; therefore, this LIP chapter does not apply.

Administrative Coastal Development Permit Findings

Based on substantial evidence contained within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.

A. General CDP Findings (LIP Section 13.9)

Finding A1. The project as described in the application and accompanying materials, and as modified by any conditions of approval, conforms to the certified City of Malibu Local Coastal Program.

The proposed event meets all the requirements as set forth in the LCP based on staff review, agency approvals, and the specific findings below. As discussed herein, the event conforms to LCP zoning, scenic resources, public access, and other standards and policies.

Finding A2. The project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The event is not located between the first public road and the sea and there are no recreational opportunities in the immediate vicinity of the subject parcel as depicted on the LCP Park Lands Map. Parking for event attendees will be located at 23575 Civic Center Way. The Malibu Pacific Trail is planned along the general alignment of Civic Center Way; the Legacy Park Trail is a loop trail within Legacy Park that connects to the Malibu Pacific Trail. The proposed public event has been conditioned not to block access along Civic Center Way and to maintain parking spaces for Legacy Park. Therefore, the event is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to CEQA, this event is listed among the classes of events that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed event would not result in significant adverse effects on the environment, within the meaning of CEQA and there are no further feasible alternatives that would further reduce any significant impacts on the environment. The event will not result in potentially significant impacts on the physical environment.

Finding A4. The project is not located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay).

Both parcels included in this application do not included ESHA and are not within an ESHA buffer as designated on the LCP ESHA Marine Resources Map. Accordingly, no review by the Environmental Review Board is required.

B. Scenic, Visual and Hillside Resource Protection Findings (LIP Section 6.4)

Since the event will be visible from Pacific Coast Highway (PCH), an LCP-designated scenic road, the required findings are made as follows:

Finding B1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

This event is for a temporary, four day use which will not include any permanent structures or development; the temporary structures will not have a significant adverse scenic or visual impact. The County parcel and the vacant MBC parcel will be returned to their original condition following cleanup of all event activities.

Finding B2. The project, as proposed, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

This finding is not applicable because this event is a temporary four day use which will not include any permanent structures or development; the temporary structures are not expected have a significant adverse scenic or visual impact. Temporary tents with a maximum height of 10 feet will be installed for the event and removed at the conclusion of the event.

Finding B3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

Due to the temporary nature of the event and the proposed location within the Civic Center Area, it is not anticipated that the event will result in potentially significant impacts on the environment. The event does not propose any permanent structures or landform alteration; furthermore, the County parcel and MBC parcel will be returned to their original condition at the conclusion of the event.

Finding B4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

This event is for a four-day use to accommodate a two-day event which will not include any permanent structures or development; the temporary structures are not expected to have a significant adverse scenic or visual impact.

Finding B5. 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.

This finding is not applicable because this event is for a four-day use which will not include any permanent structures or development; the temporary structures will not have a significant adverse scenic or visual impact.

Malibu Municipal Code (MMC) Conformance

Pursuant to MMC Section 17.68.010, a TUP is intended to allow for the short-term placement of activities, many of which would be prohibited as permanent placements, in temporary facilities, public or private buildings or open spaces, or outside of buildings. The Planning Director hereby makes the following findings of fact in support of TUP No. 16-006.

C. Temporary Use Permit Findings (MMC Section 17.68.060)

Finding C1. The operation of the requested use at the location proposed and within the time period specified is compatible with the surrounding neighborhood uses.

The MBC parcel and County parcel are located along a commercial-serving, non-residential public street in the Civic Center Area. The subject parcels have been used in the past for the Malibu Arts Festival events, The Malibu Lion's Club Flea Market event, general event parking, and film shoots. Nevertheless, this event will be conditioned so that the applicant shall abide with the City's Noise Ordinance pursuant to MMC Chapter 8.24. Therefore, the proposed event is compatible with the uses surrounding the site.

Finding C2. The proposed site is adequate in size and shape to accommodate the temporary use.

The event will take place on the County parcel. The property contains the Los Angeles County Library, a building previously occupied by the Los Angeles County Courthouse, a building previously occupied by the Los Angeles County Sheriff's Department and Malibu Towing. There is also a paved area at the rear of the property used by the Los Angeles County Public Works Department. The Los Angeles County Courthouse closed on May 31, 2013 and therefore, will not be open the day of the event. The Los Angeles County Library is providing children activities in association with the event. Event parking will be provided on the vacant MBC parcel. Temporary signage and event staff will be utilized to direct event attendees. The applicant will provide a limited amount of ADA compliant parking spaces along Civic Center Drive. The ADA compliant parking area will be monitored by event staff. Given the scale of the event and the size of the parcels, City staff, and the Los Angeles County Sheriff – Malibu / Lost Hills Station have determined that the site is adequate for the event, as proposed and as conditioned.

Finding C3. The proposed site is adequately served by the streets or highways, having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate.

The event and event parking site are accessible from Civic Center Way, which is a public street with direct access to Pacific Coast Highway, Webb Way and Malibu Canyon Road. Conditions of approval numbers 8 through 17 are included to ensure public safety and prevent congestion on the surrounding road network.

Finding C4. Adequate temporary parking will be available to accommodate vehicular traffic to be generated by such use.

The applicant's parking plan has been reviewed by the City of Malibu Public Works Department. Event attendees and vendors will park at the vacant MBC parcel and walk to the event via the recently completed sidewalk along Civic Center Way. Condition of Approval No. 8, of this approval requires that the applicant use water to mitigate any possible dust caused by vehicles on the vacant MBC parcel.

Finding C5. The proposed use will not jeopardize the public peace, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

This event has been reviewed and approved by the Los Angeles County Sheriff's Department, Los Angeles County Fire Department, and City Public Works Department. Appropriate conditions will be imposed to mitigate any health or safety issues.

Finding C6. The event shall not exceed a total of 14 calendar days and the proposed site has not been used for permitted temporary uses for more than 60 days within any one calendar year.

The event lasts a total of four days, including setup and cleanup. City records indicate that the site has not been used for permitted temporary uses for more than 60 days this year.

Finding C7. No complaints have been filed against the current property owner with the Los Angeles County district attorney's office during the twenty-four months preceding the date of this application submittal.

Staff does not have record of complaints filed against the current property owner with the Los Angeles District Attorney's Office. Furthermore, City staff has not received any complaints from the use or operation of the site.

APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-014 AND TEMPORARY USE PERMIT NO. 16-006

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves Administrative Coastal Development Permit No. 16-014 and Temporary Use Permit No. 16-006 subject to the following conditions of approval listed below.

Standard Conditions

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

2. The permit allows for a two-day Arts Festival to take place as follows:

   This application is for a four-day temporary use including two days for setup and cleanup and two days for the Arts Festival. There will be a pancake breakfast on Saturday and Sunday from 8:00 am to 11:00 am. Subsequent to the pancake breakfast there will be food trucks and a dining area on the northwest side of the parking lot, on the back lawn there will be a wine garden and a sixteen foot by ten foot stage to accommodate various bands playing live music between the hours of 11:00 a.m. and 5:00 p.m. Vendor canopies will be set up in the parking lot and lawn areas along Civic Center Way to accommodate 200 local artists and business owners. The vacant MBC parcel, 23575 Civic Center Way, on the northeast corner of Civic Center Way and Stuart Ranch Road will be used for event parking. The event is proposed to take place as follows:

Table 2 – Event Chronology		
Date	**Activity**	**Time**
Friday, July 29, 2016	Setup	8:00 p.m. to 8:00 p.m.
Saturday, July 30, 2016	Pancake Breakfast	8:00 a.m. to 11:00 a.m.
	Event	10:00 a.m. to 6:00 p.m.
Saturday, July 30, 2016	Pancake Breakfast	8:00 a.m. to 11:00 a.m.
	Event	10:00 a.m. to 6:00 p.m.
Monday, August 1, 2016	Event Cleanup	8:00 a.m. to 12:00 p.m.

3. Pursuant to LIP Section 13.18.2, this permit and the rights conferred in this approval shall not be effective until the signed, notarized Acceptance of Conditions Affidavit is returned to the Planning Department no later than ten (10) working days of the decision and shall be signed by an officer or director of the Chamber of Commerce.

4. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Department Director upon written request of such interpretation.

5. Minor changes to the approved plans or conditions of approval may be approved by the Planning Department Director, provided such changes achieve substantially the same results and the event is still in compliance with the LCP. An application with all required materials and fees shall be required.

6. Pursuant to LIP Section 13.20, event setup and operation pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

Event Specific Conditions

Required Submittals Prior to Event

7. This permit shall not be effective until the following additional documentation is provided to the City of Malibu Planning Department staff:

    a. Affidavit of Acceptance of Conditions, signed by the Applicant;
    b. Copy of the permit issued by the California Department of Alcoholic Beverage Control;
    c. Copy of the approval from the Los Angeles County Mountain and Rural Sanitation Department.
    d. Copy of the approval from the Los Angeles County Sheriff's Department

Parking and Circulation

8. Attendees will be directed park at 23575 Civic Center Way (Malibu Bay Company) site. The applicant shall mitigate dust by wetting the lot in advance of the event.

9. Sufficient event staff will be provided at the event location to direct vehicles to the designated parking location. Sufficient event staff shall be provided to ensure that traffic does not backup onto Cross Creek Road, Civic Center Way, Webb Way, Pacific Coast Highway or any other adjacent public street and ensure the sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.

10. The applicant shall allow persons with disabled placards to park at the event location.

11. Event attendees shall not park on any private roads or private property with the exception of 23575 Civic Center Way. Sufficient event staff shall be provided to ensure that no parking occurs on Stuart Ranch Road.

12. The applicant shall have directional message boards at the corner of Pacific Coast Highway and Cross Creek Road; and at the corner of Civic Center Way and Malibu Road, directing traffic to the Malibu Bay Company site where parking will be provided.

13. Caltrans encroachment permits shall be obtained prior to placing signs in the Caltrans right of way.

14. Encroachment permits from the City of Malibu Public Works Department shall be obtained prior to placing signs in the City of Malibu public right of way.

15. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without the required prior approval and permits from the City of Malibu Public Works Department. Any issued Public Works permits shall be maintained onsite and presented on request of any City employee or agent.

16. The applicant shall not drive any vehicle over the sidewalk pavers on Civic Center Way. Any sidewalk pavers damaged from this event shall be replaced by the applicant at their own expense.

17. Patrons of the Malibu Library shall be allowed to park for free while utilizing library services. At the entrance of the parking lot a sign no less than three feet by four feet shall be posted "FREE LIBRARY PARKING."

Fire

18. Fire Department access shall be maintained at all times.

19. No open candles/flames are permitted.

Operation of the Event

20. Amplified music shall be allowed only between 11:00 a.m. and 5:00 p.m. on each event day. All noise shall be subject to Chapter 8.24 of the MMC. Violation of the Noise Ordinance shall be cause for revocation of the permit and may result in denial of any Temporary Use Permits requested for the subject property in the future. If any agent of the City requests that the noise level be reduced, applicant shall ensure immediate compliance.

21. Speakers shall be oriented towards Pacific Coast Highway.

22. Noise from this event shall not emanate or interfere with the peace and comfort of the residences or their guests, or the operators or customers in places of business in the vicinity.

23. Event staff shall ensure that no unnecessary noise is generated during the event, including during the above listed set up and clean up hours.

24. The applicant has provided the City with a contact person, Beth Pearcey Neal, for the duration of the event. Beth Pearcey Neal shall be on-site during the event and available to take calls, 818-416-2384, and respond to concerns 24 hours a day during the four-day use.

Food and Beverage Service

25. All potentially hazardous food items shall be maintained at proper temperatures. Hot food shall be maintained at 135 degrees Fahrenheit or above; cold food shall be maintained at 41 degrees Fahrenheit or below. Food handlers shall frequently wash their hands with hot water and soap.

26. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam", is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect their event including food preparation/distribution. Applicant shall comply with MMC Chapter 9.24. The applicant shall be responsible for informing vendors of this ban.

27. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in MMC Chapter 9.28. The applicant shall be responsible for informing vendors of this ban.

28. Alcohol may be served on Saturday July 30, 2016 and Sunday, July 31, 2016 in the designated Beer and Wine Garden tent area, as depicted on attached project plan only with appropriate security guards. The applicant must be in possession of a valid permit from the California Department of Alcoholic Beverage Control in order to serve wine and beer. Event staff and security guards shall assure that alcohol is not sold to nor consumed by any underage person.

Restrooms

29. Temporary restroom facilities and hand washing facilities shall be provided shall be provided to accommodate 150 event guests and vendors. Temporary restrooms shall be properly maintained in sanitary conditions and shall be removed by Monday, August 1, 2016 at 5:00 p.m.

30. Temporary bathroom facilities shall have a secondary containment, and be sited and maintained to prevent any spills to the environment.

Resource Management

31. Smoking is prohibited in all outdoor dining areas located on private or public property, including the public right-of-way. Smoking is also prohibited within twenty (20) feet of an outdoor dining area, except while actively passing by on the way to another destination. Applicant shall comply with MMC Chapter 9.34. Applicant will provide cigarette receptacles and post designated smoking sections to assure that smokers do not dispose of cigarettes on the ground, in the public roadway, on the beach, or in brush areas. Applicant shall comply with Chapter 12.08.035 of the Malibu Municipal Code.

32. No chalk artistry will be allowed on the Civic Center Way sidewalk. Pavement chalk used within the event site shall be non-toxic.

33. Applicant shall properly manage and dispose of recyclables, trash, and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container throughout the event.

34. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be clearly delineated and labeled to ensure that all recyclable materials are properly processed.

35. All recyclables and trash shall be kept in leak-proof containers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be proved and the contents disposed of in a sanitary and appropriate manner.

36. Applicant and all event contractors shall only contract with haulers permitted by the City to provide solid waste and recycling services within the City limits.

37. Pursuant to the State of California regulations, all large venues and events (over 1000 people) shall report to the City of Malibu the tonnage of total waste material generated and the tonnage of material recycled. At the discretion of the City, it may be required that additional venues or events shall meet these conditions. The goal of the State of California is to reduce the quantity of materials disposed of at landfills by diverting 50 percent or more through recycling. The applicant and all event contractors are required to meet or exceed this 50% diversion goal. Therefore, all large venues and events or other special events specified by the City are required to divert a minimum of 50% of the material they generate.

38. The applicant shall submit a final report in an approved format to the Environmental Sustainability Department no later than ten (10) days after the event, detailing the tons of material that were recycled or diverted from the landfill and the tons of material that were disposed of. The report shall include copies of detailed hauling receipts and related documentation. It is recommended that the applicant require their authorized solid waste hauler provide these tonnages to them at the close out of the event so that the applicant may properly report this information to the City. The applicant shall present any recycling and debris facility receipts on request of a City employee or agent.

39. All material, including solids and liquids, are prohibited from entering the storm drain system. Applicant shall employee methods to prevent the discharge of materials to the storm drain system which may include screens or other equivalent methods to limit the deposit of litter of other materials.

40. The event grounds including parking areas shall be left clean and free of litter and debris. The premises shall be returned to their pre-event condition. All event generated recyclables, trash, and associated litter must be picked up and removed at the conclusion of the event.

41. All signs placed in conjunction with this event shall be removed by not later than Monday 12:00 p.m. on August 1, 2016.

42. All vendors and guests shall be offsite by 7:00 p.m. daily. The only exception to this condition will be for set-up and clean-up of the event.

43. The event site (the County parcel) and the Malibu Bay Company parking site shall be restored to their pre-event conditions by no later than 12:00 p.m. on Monday August 1, 2016.

Fixed Conditions

44. If any required conditions are violated or if any law, statute, or ordinance is violated, this permit may be suspended and the privileges granted shall lapse.

45. A copy of this permit shall be kept onsite and shall be produced on request of any agent of the City of Malibu, Fire Department, or Sheriff's Department.

Appeals and Reporting

Local Appeal – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **June 24, 2016 at 4:30 p.m**. An appeal shall be filed with the City Clerk and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Within seven days of termination of the local appeal period, a Notice of Final Action will be transmitted to the offices of the South Central Coast District of the California Coastal Commission. Appeal forms may be found online at www.malibucity.org or in person at City Hall, or by calling (310) 456-2489, extension 245.

Reporting – This permit shall be reported to the Planning Commission pursuant to LIP Section 13.13.6. This permit is tentatively scheduled to be reported to the Planning Commission on **June 20, 2016.** Copies of the report will be available at the meeting and to all those wishing to receive such notification by contacting the project planner.

Please contact Jamie Peltier, Planning Technician, at (310) 456-2489, extension 244, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: June 14, 2016

Prepared by:

Jamie Peltier
Planning Technician

Approved by:

Bonnie Blue
Planning Director

Attachments:

1. Site Plan
2. Department Review Sheets
3. Aerial photo of event site
4. Notice of Application and Decision Mailer

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned permittees or authorized agent(s) acknowledges receipt of the City of Malibu Planning Director's decision of approval and agrees to abide by all terms and conditions of **Administrative Coastal Development Permit No. 16-014** and **Temporary Use Permit No. 16-006**, dated **June 14, 2016** for an event to be held at **23525 Civic Center Way** on **July 30, 2016 and July 31, 2016**. The permit and rights conferred in this approval shall not be effective until the applicant signs and returns this notarized affidavit to the City of Malibu Planning Department within 10 days of the decision.

_____
Date

_____
Signature of Applicant

_____
Print Name and Title

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
County of _____

On _____ before me _____,
(insert name and title of the officer)

personally appeared _____

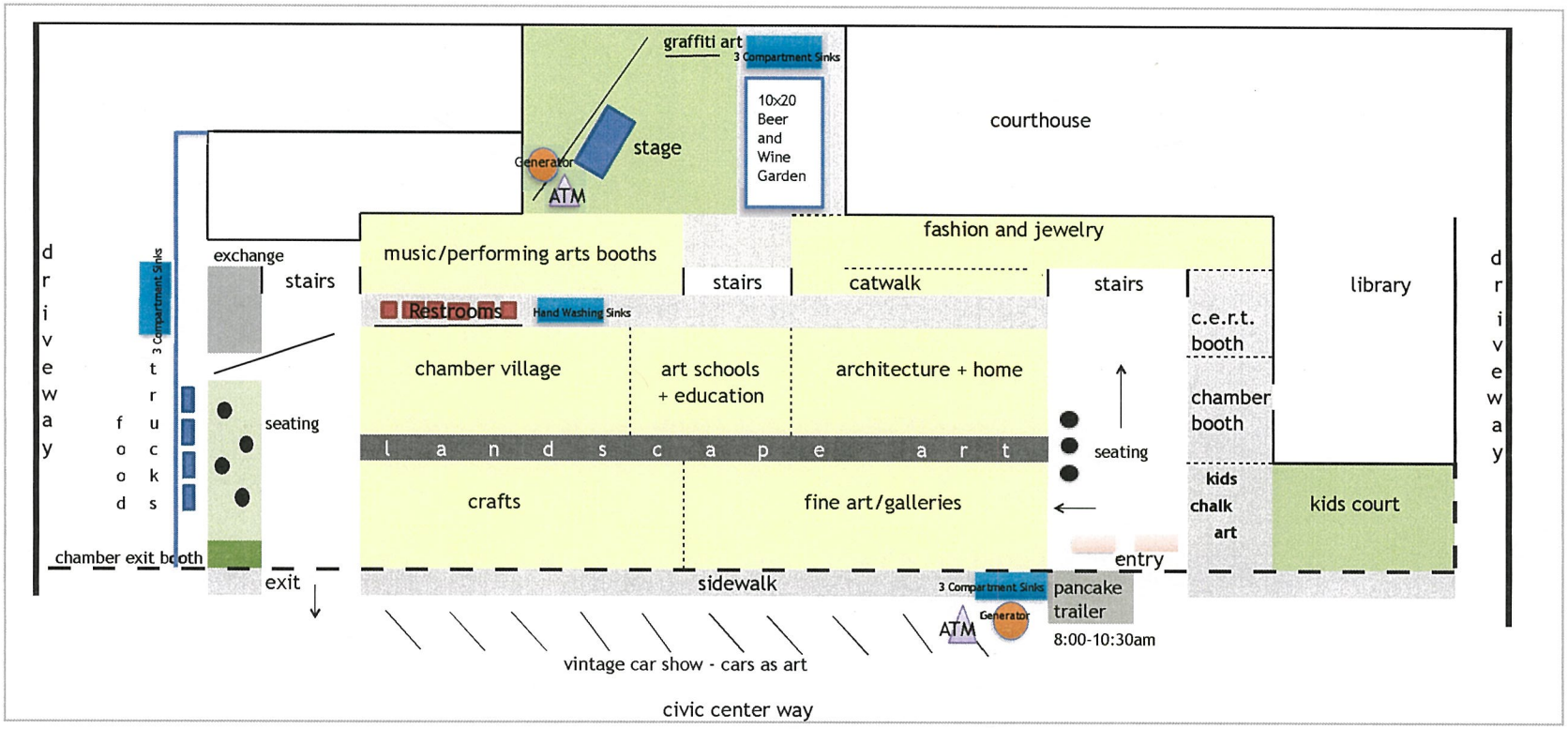
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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.

_____
(Notary Public's signature in and for said County and State) **(seal)**

SITE PLAN



ATTACHMENT 1

City of Malibu

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

TEMPORARY USE PERMIT
AGENCY APPROVAL

TUP 16-006

City of Malibu Public Works Department

Event Location:	23525 CIVIC CENTER WAY
Event Start Date/Time:	7/30/2016
Event End Date/Time:	7/31/2016
Event Description:	Malibu Arts Festival
Applicant/Contact:	Beth Pearcey Neal
Applicant Phone #:	(818)416-2384
Applicant Fax #:	

☑ Approved ☐ Denied Conditions Imposed: ☐ No ☐ Yes (see below)

Notes/Comments/Conditions:

SEE ATTACHED CONDITIONS OF APPROVAL

JORGE RODRIGUEZ
Name

3/29/16
Date

Signature

ASSIST. CIVIL ENGINEER
Title

Rev 04-04

ATTACHMENT 2

City of Malibu

MEMORANDUM

To: Planning Department

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

Date: March 29, 2016

Re: TUP 16-006 – 23525 Civic Center Way, Art Festival

The Public Works Department has reviewed the plans submitted for this event. Public Works can recommend approval subject to the following conditions:

1. Applicant is required to properly manage and dispose of recyclables, trash, and associated litter generated during the event by providing an adequate number of recycling and trash containers. There shall be a minimum of one container for collection of recyclables located next to each trash container throughout the event.

2. Containers for collection of recyclables (including metal, glass, plastic, and paper) shall be clearly delineated and labeled to assure that all recyclable materials are properly processed.

3. All recyclables and trash shall be kept in leak-proof containers. Recyclables and trash shall be kept overnight in animal-proof containers with tightly closed lids. An adequate number of such containers shall be provided and the contents disposed of in a sanitary and appropriate manner.

4. Applicant and all event contractors shall only contract with haulers permitted by the City to provide solid waste and recycling services within the City limits.

5. Pursuant to the State of California regulations, all large venues (over 1000 people) shall report to the City of Malibu the tonnage of total waste material generated and the tonnage of material recycled. The goal of the State of California is to reduce quantity of materials disposed at landfills by 50% or more. The Applicant and all event contractors are required to meet or exceed this goal. The Applicant shall report to the City of Malibu, in an approved format within ten (10) days of the conclusion of the event, the total tons of material recycled and disposed from the event. The report shall include copies of detailed hauling receipts and related documentation. Applicant shall present any recycling and debris facility receipts on request of any City employee or agent.

6. All material, including solids and liquids, are prohibited from entering the storm drain system. Applicant shall employ methods to prevent the discharge of materials to the storm drain system which may include screens or other equivalent methods to limit the deposit of litter or other materials.

7. The event grounds including parking areas shall be left clean and free of litter and debris. The premises shall be returned to their pre-event condition. All event generated recyclables, trash, and associated litter must be picked up and removed at the conclusion of the event.

8. The use or distribution of expanded polystyrene foam packaging, also known as "Styrofoam", is prohibited. Applicant and all event contractors shall not use expanded polystyrene foam packaging for any aspect of their event including food preparation/distribution. Applicant shall comply with Chapter 9.24 of the Malibu Municipal Code (Ordinance No. 286). The applicant shall be responsible for informing vendors of this ban.

9. The use or distribution of plastic shopping bags (compostable and non-compostable) is prohibited. Applicant and all event contractors shall not use plastic bags for any aspect of their event including food distribution, nor for any distribution of items or goods to the participants and/or attendees except as stated in Chapter 9.28 of the Malibu Municipal Code (Ordinance No. 286). Applicant shall comply with Chapter 9.28 of the Malibu Municipal Code and shall be responsible for informing vendors of this ban.

10. Temporary bathroom facilities shall have secondary containment, and be sited and maintained to prevent any spills to the environment.

11. Applicant will provide cigarette receptacles and post designated smoking sections to assure that smokers do not dispose of cigarettes on the ground, in the public roadway, on the beach, or in brush areas. Applicant shall comply with Chapter 12.08.035 of the Malibu Municipal Code.

12. There shall be no lane closures, obstruction of public streets, parking restrictions or other encroachments into the public right of way without required prior approval and permits from the City of Malibu Public Works Department. Any issued Public Works permits shall be maintained on site and presented on request of any City employee or agent.

13. No signs shall be placed in the Caltrans right of way unless all required encroachment permits are first obtained from Caltrans. No signs shall be placed in the public right of way without required City of Malibu encroachment permits.

14. All signs placed in conjunction with this event shall be removed by not later than 12:00 p.m. on August 1st, 2016.

15. Sufficient event staff will be provided at the event location to direct vehicles to parking locations. Sufficient event staff shall be provided to assure that traffic does not back up onto Cross Creek Road, Civic Center Way, Webb Way, PCH or any other adjacent public street and to assure the sound level is maintained at a level that does not disturb the peace of residents or tenants in the surrounding area.

16. Guests will be directed to park at the Malibu Bay Company parking lot and will be shuttled to the event by Z Valet Shuttle Service. Sufficient event staff shall be provided to assure that event attendees do not park on Stuart Ranch Road. A limited amount of parking will be available on-site. Applicant will allow persons with disabled person placards to park at the event location.

17. The applicant shall have directional message boards at PCH and Cross Creek Road and at Malibu Road and PCH directing event traffic to the site where parking will be provided.

18. Applicant shall not drive any vehicle over the sidewalk pavers on Civic Center Way. Any sidewalk pavers damaged from this event shall be replaced by the applicant at their own expense.

19. No chalk artistry will be allowed on the Civic Center Way sidewalk.

City of Malibu

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

RECEIVED
JUN 07 2016
PLANNING DEPT.

TEMPORARY USE PERMIT
AGENCY APPROVAL

TUP 16-006

Los Angeles County Fire Prevention DIvision

Event Location:	**23525 CIVIC CENTER WAY**
Event Start Date/Time:	**7/30/2016**
Event End Date/Time:	**7/31/2016**
Event Description:	**Malibu Arts Festival**
Applicant/Contact:	**Beth Pearcey Neal**
Applicant Phone #:	**(818)416-2384**
Applicant Fax #:	

Submit this Approval form, with attached site map and event description, to:

Fire Prevention Office – Inspector Dave Weiss
26600 Agoura Road, Suite 110 Calabasas CA 91302
818-880-0341 fax 818-880-0345
Hours: Monday – Thursday 7:00 a.m. – 11:00 a.m.

Separate applications and fees may be required. A TUP will not be issued until this form, signed by an authorized member of this agency, has been returned to the City of Malibu. Any conditions imposed by this agency will be included in the TUP.

☑ Approved ☐ Denied Conditions Imposed: ☐ No ☐ Yes (see below)

Notes/Comments/Conditions:

Dave Wise — 6-7-16
Name — Date

Signature — INSPECTOR
Title

Rev 131021

Aerial Photo of Event Site-23525 Civic Center Way

ATTACHMENT 3

Notice Continued...

PUBLIC COMMENT PERIOD — Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Department at any time prior to the issuance of a decision. Anyone with concerns or questions about the application is urged to contact the case planner prior to the decision date. Contact Jamie Peltier at jpeltier@malibucity.org, by phone at (310) 456-2489 extension 244, or by mail as indicated on the front of this notice.

NOTICE OF DECISION — On or after **June 14, 2016**, the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

LOCAL APPEAL — Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 (Local Appeals), a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. Should a decision be issued on **June 14, 2016, the appeal period would expire on Friday, June 24, 2016 at 4:30 p.m.** 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/planningforms, in person at City Hall, or by calling (310) 456-2489, ext. 245.

REPORTING – The Planning Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on **June 20, 2016.** Copies of the agenda report, including the approved or denied permit, will be available at the meeting and also provided to all those persons wishing to receive such notification. An approved permit shall not become effective until completion of the Planning Commission reporting.

If there are any questions regarding this notice, please contact Jamie Peltier, Planning Technician, at (310) 456-2489, extension 244.

May 26, 2016

Bonnie Blue
Planning Director

ATTACHMENT 4

Notice of Application

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

NOTICE OF APPLICATION

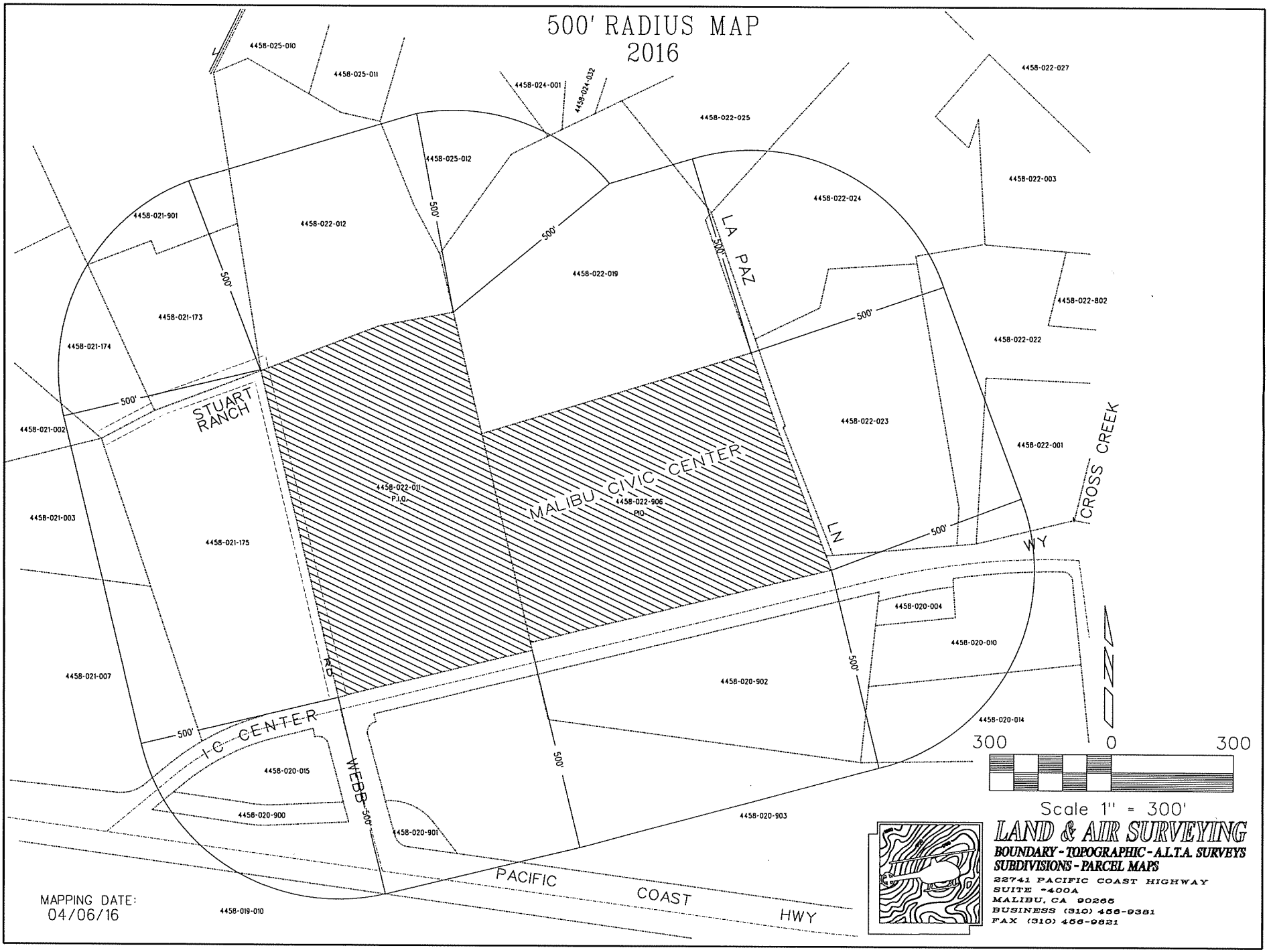
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-014 AND TEMPORARY USE PERMIT NO. 16-006 — An application for a temporary use permit and administrative coastal development permit for the Annual Malibu Chamber of Commerce Art Festival proposed to take place on July 30, 2016 and July 31, 2016 located at 23525 Civic Center Way, commonly known as the County Services Building. The event will include art vendors, wine garden, food vendors, local business information booths, dog park, and live amplified music. Parking for the event will be located at 23575 Civic Center Way.

LOCATION:	23525 Civic Center Way (The County Services Building), not within the appealable coastal district
APN:	4458-022-904
ZONING:	Institutional (I)
APPLICANT:	Beth Pearcey Neal, on behalf of the Malibu Chamber of Commerce
PROPERTY OWNER:	County of Los Angeles
APPLICATION FILED:	March 25, 2016
CASE PLANNER:	Jamie Peltier (310) 456-2489 x 244 jpeltier@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA Guidelines Section 15304 Class 4(e) - Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals. 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).

500' RADIUS MAP
2016



Notice Continued...

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA Guidelines Section 15304 Class 4(e) - Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals. 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).

REPORTING — Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **June 20, 2016** Planning Commission Meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to the California Code of Regulations Section 13153.

Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

LOCAL APPEAL - Pursuant to Local Coastal Program 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 by written statement setting forth the grounds for appeal. The appeal period expires on **June 24, 2016 at 4:30 p.m.** The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, ext. 245.

If there are any questions regarding this notice, please contact Jamie Peltier, Planning Technician, at (310) 456-2489, extension 244.

Date: June 9, 2016

By: Bonnie Blue
Planning Director

Notice of Decision

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

PLANNING DEPARTMENT

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489 · Fax (310) 456-7650

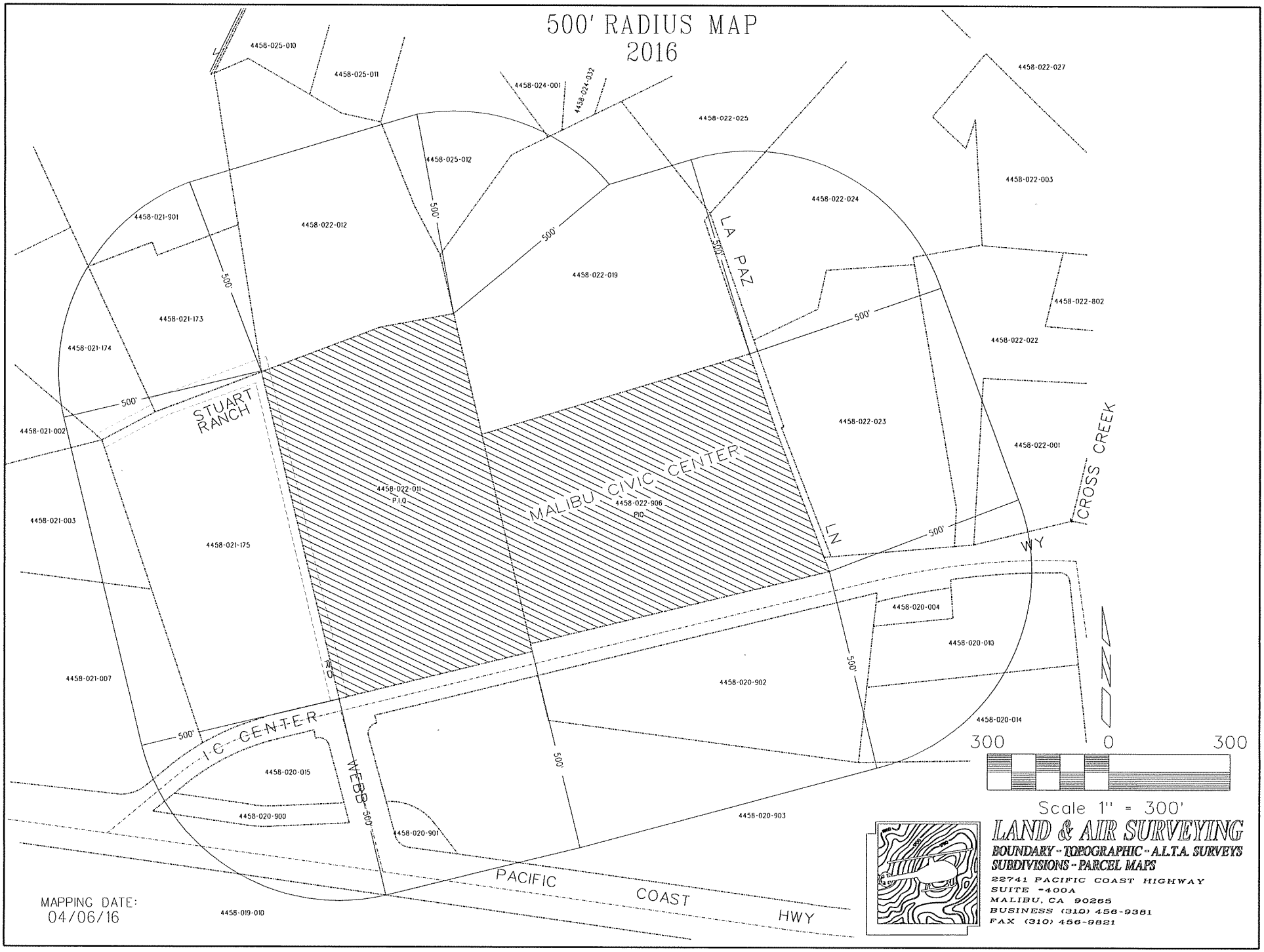
NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for an Administrative Coastal Development Permit (ACDP) as described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 16-014 AND TEMPORARY USE PERMIT NO. 16-006 – An application for a temporary use permit and administrative coastal development permit for the Annual Malibu Chamber of Commerce Art Festival proposed to take place on July 30, 2016 and July 31, 2016 located at 23525 Civic Center Way, commonly known as the County Services Building. The event will include art vendors, wine garden, food vendors, local business information booths, dog park, and live amplified music. Parking for the event will be located at 23575 Civic Center Way.

LOCATION:	23525 Civic Center Way (The County Services Building), not within the appealable coastal zone
APN:	4458-022-904
ZONING:	Institutional (I)
APPLICANT:	Beth Pearcey Neal, on behalf of the Malibu Chamber of Commerce (818) 888-9443
OWNER:	County of Los Angeles
APPLICATION FILED:	March 25, 2016
ISSUE DATE:	June 14, 2016
CASE PLANNER:	Jamie Peltier Planning Technician jpeltier@malibucity.org (310) 456-2489, ext. 244

500' RADIUS MAP
2016



MAPPING DATE:
04/06/16

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

Planning Commission Meeting
06-20-16
Item 4.A.

Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Richard Mollica, Senior Planner RM
Jamie Peltier, Planning Technician JP

Approved by: Bonnie Blue, Planning Director BB

Date prepared: June 8, 2016 Meeting Date: June 20, 2016

Subject: Administrative Plan Review No. 15-089, Site Plan Review Nos. 16-004, 16-005, 16-007 – An application for improvements to an existing single-family residence and guest house with associated development

Location: 31948 Pacific Coast Highway
APN: 4473-012-020
Owners: Jill and Wayne Cohen

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-53 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Administrative Plan Review (APR) No. 15-089 to permit modifications to an existing single-family residence and guest house, exterior site work; Site Plan Review (SPR) No. 16-004 for a 50 percent reduction of the required front yard setback; SPR No. 16-005 for a 20 percent reduction of the required side yard setback; SPR No. 16-007 for the construction over 18 feet in height in the Single-Family Medium (SFM) zoning district located at 31948 Pacific Coast Highway (Cohen).

DISCUSSION: This agenda report provides an overview of the project including: summary of the surrounding land use, description of the proposed project and a summary of staff's analysis of the project's consistency with the applicable provisions of the Malibu Municipal Code (MMC) and CEQA.

The project was originally scheduled to be heard at the June 6, 2016 regular Planning Commission meeting. However, the project was continued to the next regularly scheduled Planning Commission meeting to address plan revisions and to further clarify SPR findings. The revised plans include a modification to the exterior walls to be demolished calculation and the removal of the roof overhang on the west side of the second story of

the single-family residence. The exterior walls of the garage have been included in demolition percentage, which now totals 45 percent. In SPR No. 16-007, the findings clarify that the new roof eave above the proposed deck extension and under the existing roof overhang are included in the development over 18 feet in height.

According to MMC Section 17.62.030(C) and 17.62.040(A)(1), the review and approval of an APR with site plan reviews falls under the purview of the Planning Director; however, since the subject application has been opposed by the neighbor at 31946 PCH, with the applicant's agreement, it has been referred to the Planning Commission for a public hearing pursuant to MMC Section 17.62.040(D).[1] The Correspondence section at the end of this report responds to the concerns raised by the neighbor. The analysis and findings discussed herein demonstrate that the project is consistent with the MMC.

Surrounding Land Uses and Project Setting

The subject property is located on the south side of Pacific Coast Highway and accessed by a gated shared driveway used by 15 other properties. Figure 1 depicts the subject property. The properties in the immediate area are zoned SFM and are developed with two-story single-family residences. While the project site is located within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map, it is not appealable to the California Coastal Commission (CCC) because the project is exempt from the requirement to obtain a coastal development permit. This exemption is discussed later in this report. Additionally, on the LCP Environmentally Sensitive Habitat Area (ESHA) Overlay Map, no portion of the project will encroach into ESHA or ESHA buffer.

Figure 1 – Aerial Photograph of the Site

[1] The planning manager/director may approve or conditionally approve the application if the application meets all of the following criteria. Site plan reviews may be referred to the planning commission at the discretion of the planning manager/director.

Project Overview

The existing two-story single-family residence with attached two-car garage was built in 1961 and a 750 square foot two-story guest house was later approved in 1987, as part of Waiver No. 87-616 issued by the CCC. The guest house was approved without a kitchen facility, but currently has a kitchen that was installed without the benefit of permits. The proposed project will remove the kitchen to comply with the conditions in the approval from the CCC. The applicant originally submitted Over-the-Counter (OC) No. 15-160, approved on September 1, 2015, for an interior remodel of the single-family residence and guest house. However, the property owner decided to expand the scope of work, and as a result, APR No. 15-089 was submitted to the City and OC No. 15-160 is currently still pending in building plan check, but the current proposed project will supersede that approval.

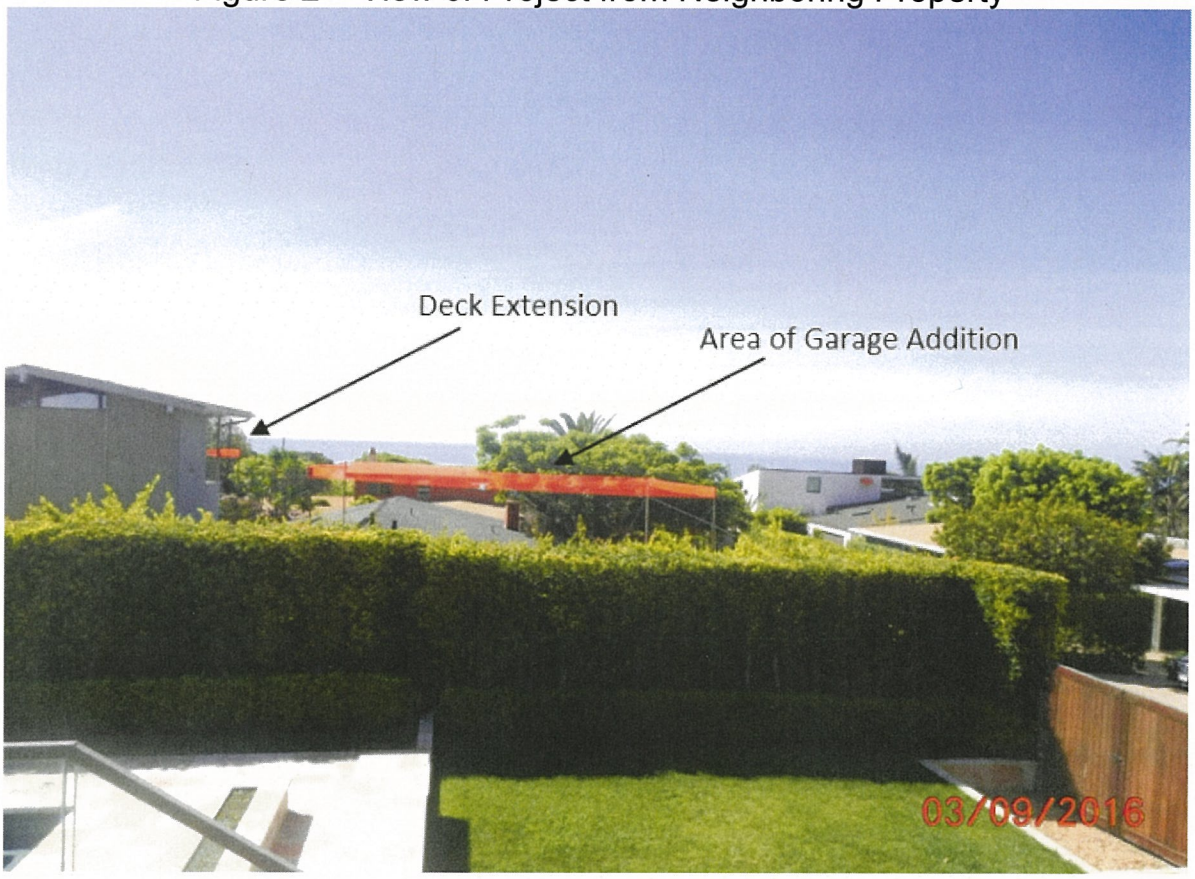
The proposed project consists of increases in roof height, an interior and exterior remodel, and site improvements. The roof height for the habitable portion of the residence will be increased because of the change from a pitched roof to a flat roof. The purpose of the increase in height for the garage portion is to allow for additional storage space. The development is currently non-conforming with respect to the front and north side yard setbacks. To increase the roof height of the garage, two site plan reviews are required to reduce the front yard setback by 50 percent and side yard by 20 percent to bring the existing structure into conformance with the standards set forth in MMC Chapter 17.40. The existing height of the garage is 11 feet, six inches, while the proposed height is 18 feet, which is below the overall maximum height of the structure of 27.3 feet.

The project does not propose any additional floor area. The existing development exceeds the maximum total development square footage (TDSF). However, the project proposes to reduce the TDSF by demolishing 16 square feet on the first floor of the single-family residence. The existing TDSF is consistent with plans approved by the CCC, however, a discrepancy exists in the building permit that was issued for the guest house. The CCC issued a CDP for a 750 square foot guest house and the building permit that was issued by the County of Los Angeles allowed for a 700 square foot guest house. After reviewing the floor plans for the guest house it appears that the building permit captured the habitable square footage of the guest house and not exterior mechanical closet and void under the stair case, these two areas are approximately 50 square feet in size. The proposed project also includes the reduction of the impermeable surfaces from 5,664 square feet to 4,020 square feet, which will then allow the parcel to conform to the maximum allowed impermeable lot coverage.

The adjacent neighbor located at 31946 Pacific Coast Highway reported concerns to staff that the proposed project will not meet development standards and could potentially obstruct bluewater views. The neighbor's attorney sent letters of concern dated: November 2, 2015, November 30, 205, December 18, 2015, March 22, 2016, and May 2, 2016 (Attachment 4). Revised plans from the applicant were submitted on June 8, 2016 that meet development standards of MMC Chapter 17.40 (Attachment 3).

MMC Section 17.40.040 protects visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines that are viewed from the main viewing area of any affected principal residence. The protected primary view corridor excludes the first 18 feet of the proposed building height. Staff visited the neighboring property at 31946 Pacific Coast Highway on March 2, 2016 and conducted a primary view determination to assess existing views and the story poles of the proposed project. The property owner finalized the view determination with his signature on May 12, 2016. The view analysis showed the proposed height increase of the garage portion of the residence will be visible from the chosen main viewing area. However, since this roof height will not exceed 18 feet in height, it is not within the protected primary view corridor and it does not require a site plan review. Figure 2 depicts the primary view from 31946 Pacific Coast Highway, showing the project story poles of the deck guardrails and increase in garage height to 18 feet. The primary view determination document is included as Attachment 6.

Figure 2 – View of Project from Neighboring Property



The deck will be extended around the second floor along the south and east sides of the residence. The proposed deck extension will take place along the southern face of the residence towards the east. The existing roof overhang which serves as a cover to the existing deck will removed only on the west side of the residence, but will be reconstructed

along the south and east sides. There is a proposed overhang at 24 feet in height that will be below the existing overhang that will project six feet from the residence on the south and east sides. Story poles were not installed for the proposed roof eave on the south side of the residence because it is blocked from neighboring properties by existing development. However, story poles for the proposed roof eave on the east side were installed. The required guardrail that will be installed on both the new and existing portions of the deck does exceed 18 feet in height, but it will be visually permeable, and based on the story poles, it will not obstruct visually impressive scenes from the chosen viewing area. Therefore, SPR No. 16-007 is included with the application and the findings are made for the guardrail and roof eave.

MMC Section 17.60.020 and LIP Section 13.5(A) generally define a non-conforming structure as a lawfully authorized structure that does not conform to the policies and development standards currently governing the structure. According to LIP Section 13.5(D), additions and/or improvements to nonconforming structures may be authorized, provided that the addition and/or improvement comply with the current policies and standards and less than 50 percent of the exterior walls will be demolished unless a CDP is approved for a replacement structure. The project proposes the demolition of 45 percent of the existing exterior walls of the main residence, which is less than the 50 percent allowed by the LCP. All new development and alterations comply with current development standards with the inclusion of the site plan reviews. Therefore, the project is in compliance with MMC Section 17.60.020 and LIP Section 13.5(A).

Project Description

The project plans are included as Attachment 3. The approval will permit the following scope of work:

a. Increase in roof height of existing attached two-car garage to 18 feet in height in side and front yard setback;
b. Increase in roof height of the first floor of the existing single-family residence to 14 feet in height;
c. Interior remodel of residence with demolition of 45 percent of exterior walls and 16 square feet;
d. New six foot deep second floor deck with guardrail and roof eave above 18 feet in height;
e. Interior remodel of detached guest house including the removal of the kitchen facility and demolition of nine percent of exterior walls;
f. New exterior solid site wall measuring at six feet in height;
g. Demolition of exterior pathways and installation of permeable pavers;
h. New trellis attached to south side of the single-family residence;
i. New outdoor gas fireplace; and
j. New outdoor water feature adjacent to proposed trellis.

The following discretionary requests are included:

k. SPR No. 16-004 for the reduction of the north side yard setback by 20 percent from 16.5 feet to 13.1 feet;[2]
l. SPR No. 16-005 for the reduction of the front yard setback by 50 percent from 21.1 feet to 10.5 feet; and
m. SPR No. 16-007 for construction of the second floor deck guardrail and roof eave over 18 feet in height.

A. Administrative Plan Review Conformance Review (MMC Section 17.40.040)

Pursuant to MMC Chapter 17.62, the proposed development has been reviewed for conformance with the property development and design standards of MMC Chapter 17.40 and has been determined to comply, with the inclusion of the site plan reviews. The following analysis describes how the determination was made (Table 2) and correspondence from the referring specialists and/or agencies is attached (Attachment 2). The required SPR findings are made in the following section.

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

Table 1 – Property Data	
Lot Depth	110 feet (approx.)
Lot Width	117 feet (approx.)
Gross Lot Area	12,870 square feet
Net Lot Area*	11,655 square feet

*Net lot area equals gross lot area minus the area of public and private street easements and 1:1 slopes

Table 2 – MMC Zoning Conformance			
Development Requirement	**Allowed/Required**	**Proposed**	**Comments**
Front Yard	*21.1 Ft.*	*10.5 Ft.*	*Site Plan Review*
Rear Yard	15.8 Ft.	15.8 Ft.	Complies
Side Yard	*16.5 Ft.*	*13.1 Ft.*	*Site Plan Review*
Side Yard (Minimum 10%)	11 Ft.	11 Ft.	Complies
PARKING Enclosed Unenclosed	2 2	2 2	Complies Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE	3,063 Sq. Ft.	3,851 Sq. Ft.	Existing Non-Conforming
HEIGHT *2nd Story Deck Guardrail* *2nd Story Deck Roof Eave*	 *18 Ft.* *18 Ft.*	 *19 Ft.* *24 Ft.*	*Site Plan Review*
IMPERMEABLE COVERAGE	4,079 Sq. Ft.	4,020 Sq. Ft.	Complies

[2] An SPR for a setback reduction is the equivalent of a "minor modification" under the LCP.

The existing development exceeds the maximum allowed TDSF. Currently, the parcel has a TDSF of 3,867 square feet and proposes to demolish 16 square feet for a total of 3,851 square feet. The proposed modification to the single-family residence and guest house will not add any TDSF, therefore, the structures may be continuously maintained. The project does not propose any landscaping or grading. The proposed project was reviewed by the Planning Department and City Environmental Health Reviewer. The project, as proposed and conditioned, and with the inclusion of the three site plan reviews, is consistent with all applicable development standards, and City goals and policies.

MMC Chapter 17.54 requires certain procedures be followed to determine potential impacts on archaeological resources. The project site has been evaluated for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined due to the limited landform alterations proposed and previous grading, the project has a very low probability of disturbing archeological resources. Conditions of approval have been included in the attached resolution which require that in the event that any potentially important cultural resources are found in the course of 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.

B. Site Plan Review for a 20 percent reduction in the side yard setback [MMC Section 17.62.040(D)]

Since the existing attached garage is non-conforming as to the side yard setback, SPR No. 16-004 is requested to allow for a 20 percent reduction of the required north side yard setback to allow for the increase in roof height. The required side yard setback is 15.5 feet. The proposed 20 percent reduction, which is the maximum setback reduction allowed pursuant to Section 17.62.040(A)(8), would match the existing garage setback of 13.1 feet.

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for the aforementioned discretionary request. The required findings in support of SPR No. 16-004 are made below:

Finding B1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.

The properties in the immediate vicinity share an access driveway extends south from Pacific Coast Highway, with front yards along each side of the driveway. Similar to the subject property, neighboring properties have reduced side yard setbacks along the driveway. The proposed project is compatible with other development in the adjacent area in that the neighborhood is residentially developed with other a mix of one- and two-story structures of similar height, size, and design. The attached garage roof that would be raised to 18 feet is located in the north side yard, adjacent to 31946 Pacific Coast Highway. However, there is an existing hedge that is approximately 15 feet in height that separates

the concerned neighbor from the proposed development. In addition, the proposed increase in garage roof height will not project higher than the existing residence, will maintain the existing setback, and stays outside of the neighbor's protected primary view corridor. The structure will not increase in floor area or its footprint, and will continue to have a similar appearance from the street and nearby residences prior to and after construction. Due to the characteristics of the surrounding development which share similar reduced side yard setbacks, the reduction in side yard setback is compatible with other development in the area.

Finding B2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

The subject parcel is fully developed, and is not located in or adjacent to an ESHA, ESHA buffer zone, or any streams as designated in the City of Malibu LCP. For that reason, the project is not anticipated to a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

Finding B3. Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.

There is no remedial grading associated with this project and, therefore, this finding does not apply.

Finding B4. The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed reduction in side yard setback will allow an increase of the garage roof height, but the roof height will not exceed 18 feet and the project does not increase the height of the existing residence or change its footprint. Therefore, the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines in the main viewing area of any affected principal residence. As shown in Figure 2, the neighboring residence at 31946 PCH will retain a bluewater view of the horizon.

Finding B5. The project does not affect solar access, as defined by staff.

The proposed reduction of the side yard setback is to allow the existing development to increase in roof height of the garage to 18 feet and will maintain the existing setback at 13.1 feet. Given the location of the existing development, it was determined that the project will not affect solar access of adjacent neighbors. This is because of the relation of the proposed development and the hedge which separates the subject property from the concerned neighbor. As the sun moves from east to west, the shadow that is cast by the proposed increase in height would be cast onto the existing hedge. Furthermore, the property belonging to the concerned neighbor is at a higher elevation and looks over the subject property.

Finding B6. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.

The use and development related to this project conform to the SFM zoning district, do not adversely affect neighborhood character or environmental resources and therefore, are consistent with goals, policies and objectives of the General Plan, LCP, MMC and City standards.

Finding B7. The proposed project complies with all applicable requirements of state and local law.

City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

Finding B8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.

There is no shoreline protective device associated with this project. This finding does not apply.

C. *Site Plan Review for a 50 percent reduction of the required front yard setback [MMC Section 17.62.040(D)]*

The existing attached garage is non-conforming as to the front yard setback. SPR No. 16-005 is requested to allow for a 50 percent reduction of the required front yard setback to allow for the increase in height of the garage and for the construction of an exterior site wall six feet in height at the entry of the house. The required front yard setback is 21.1 feet. Pursuant to MMC Section 17.62.040(A)(8), the front yard setback may be reduced by 50 percent, which would allow a front yard setback of 10.5 feet for the six foot site wall.

The existing garage front yard setback is currently 17 feet and would be maintained. The required findings in support of SPR No. 16-005 are made below:

Finding C1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.

The front yard setback is along the access driveway that abuts the property's west boundary. As shown in Figure 1, neighboring development share reduced setbacks and as a result neighboring properties have garages and primary living areas built close to the access road and do not have front yard setbacks that are 20 percent of the lot depth. The proposed increase in garage roof height that is accommodated by the front yard setback reduction will not project higher than the existing residence, and the existing garage setback will be maintained. The structure will not increase in floor area or its footprint, and will continue to have a similar appearance from the street and nearby residences prior to and after construction. The new six foot site wall extends perpendicularly from the residence toward the access drive. It will be located at the base of a mature, non-native tree, and will be partially obstructed by a 42 inch site wall near the front property line. As such, it will not be visually intrusive. In addition, there is a residence along the driveway that currently has a wall and hedge in the front yard setback which is in excess of 42 inches. The reduction in front yard setback is compatible with other development in the adjacent area.

Finding C2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

As discussed previously, the subject parcel is developed, not located near ESHA or streams, and not anticipated to adversely affect natural resources.

Finding C3. Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.

There is no remedial grading associated with this project and, therefore, this finding does not apply.

Finding C4. The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The requested reduction in the front yard setback will allow for the increase in height of the garage, but as discussed previously and shown in Figure 2, this increase will not exceed 18 feet or extend into the protected primary view corridor of 31946 Pacific Coast Highway, or any other surrounding residences.

Finding C5. The project does not affect solar access, as defined by staff.

The proposed reduction of the front yard setback is to allow the existing development to increase in roof height of the garage to 18 feet and since the existing development is already in the setback, this will not further reduce the setback. Given the location of the existing development, it was determined that the project will not affect solar access of adjacent neighbors. This is because of the relation of the proposed development and the hedge which separates the subject property from the concerned neighbor. As the sun moves from east to west, the shadow that is cast by the proposed increase in height would be cast onto the existing hedge. Furthermore, the property belonging to the concerned neighbor is at a higher elevation and looks over the subject property.

Finding C6. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.

The use and development related to this project conform to the SFM zoning district, do not adversely affect neighborhood character or environmental resources and therefore, are consistent with goals, policies and objectives of the General Plan, LCP, MMC and City standards.

Finding C7. The proposed project complies with all applicable requirements of state and local law.

City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

Finding C8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.

There is no shoreline protective device associated with this project; therefore, this finding does not apply.

D. Site Plan Review for construction in excess of 18 feet, not to exceed 24 feet for a flat roof [MMC Section 17.62.040(D)]

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for construction in excess of 18 feet. The proposed second floor deck will include a guardrail at a maximum height of 19 feet and a roof eave a maximum of 24 feet. Pursuant to MMC Section 17.62.040(A)(8), the required findings for SPR No. 16-007 are made as follows.

Finding D1. The project is compatible with other development in the adjacent area in relation to size, bulk and height.

The proposed construction is a six foot deck on the south and east second floor of the residence facing towards the ocean. While the deck is below 18 feet in height, the required 42 inch guardrail extends above 18 feet in height, as well as the roof eave. The maximum height to the top of the guardrail is 19 feet. The guardrail will have a visually permeable design and will not be visually prominent. The existing roof overhang that covers the existing and proposed deck extension will be modified to remove the west side of the overhang, but will not result in increased height. There is an overhang proposed under the existing overhang that will project six feet from the residence on the south and east side and measures 24 feet in height. The adjacent properties also have second story decks facing the ocean of similar height. The proposed project is compatible with other development in the adjacent area, in that the neighborhood is residentially developed with other residences of similar height, size, and design.

Finding D2. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

As discussed previously, the project will not have adverse impacts on natural resources.

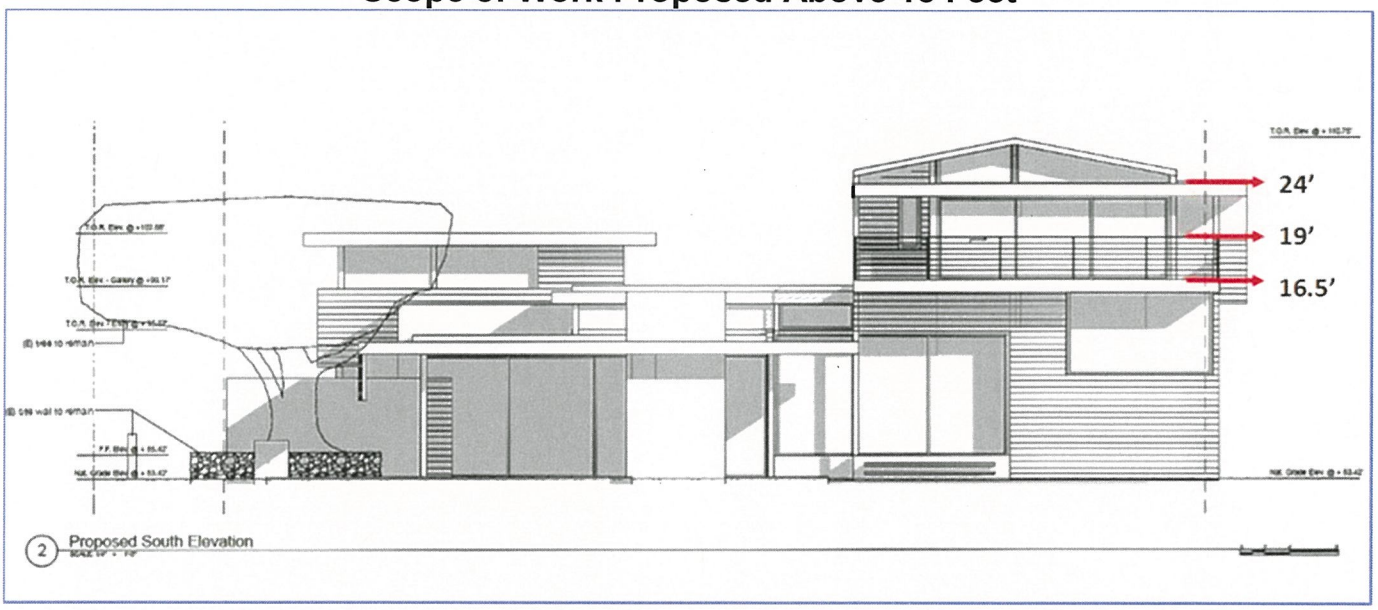
Finding D3. Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.

There is no remedial grading associated with this project and, therefore, this finding does not apply.

Finding D4. The project does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Figure 2 is a photograph of the primary view of from 31946 Pacific Coast Highway. In the left portion of Figure 2, story poles depicting the deck can be seen, along with extensive mature vegetation in the background. As shown in Figure 2, given the existing mature vegetation, the visually permeable guardrail at the height of 19 feet will not block the primary view of the adjacent neighbor. The proposed roof eave at 24 feet in height, below the existing roof overhang, will not obstruct the primary view because it is shielded from the existing building. Based on staff's site inspection, photographs, review of architectural plans and the nature of the surrounding area, the project, as proposed and conditioned is not expected to impact visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, Valleys, or ravines from the main view area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

Scope of Work Proposed Above 18 Feet



Finding D5. The project does not affect solar access, as defined by staff.

The proposed roof eave and guardrail will be below the highest portion of the structure and is attached to the existing single-family residence projecting six feet from the second story over the subject property's rear yard. Given the location of the existing structures and existing setbacks, the project will not affect solar access of adjacent neighbors.

Finding D6. The project is consistent with the City's General Plan, Local Coastal Program, Municipal Code and City standards.

The use and development related to this project conforms to the SFM zoning district and does not adversely affect neighborhood character or environmental resources, and therefore, are consistent with the land use goals, policies and objectives of the General Plan, Local Coastal Program, MMC and City standards.

Finding D7. The proposed project complies with all applicable requirements of state and local law.

City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

Fining D8. A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.

As there is no shoreline protective device associated with this project, this finding does not apply.

Coastal Development Permit Exemption

Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4, a coastal development permit exemption is appropriate for certain projects which do not involve a risk of adverse environmental impact. The proposed project, fits the exemptions provided in LIP Section 13.4.1 (Improvements to an Existing Single-Family Residence) and Section 13.4.3 (Other Improvements). The proposed development is not listed among the classes of development in LIP Section 13.4.1(B) and 13.4.3(B) for which an exemption does not apply. Specifically, the proposed project does not result in any additional square footage and will not result in an increase in roof height of the existing single-family residence and guest house.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15301(e) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has received correspondence from the neighbor immediately to the north located at 31946 Pacific Coast Highway regarding this project citing view impacts and compliance with development standards. Staff documented a primary view determination from the viewing area chosen by the property owner on the deck adjacent to the living area (Attachment 6). As shown in Figure 2 and Attachment 6, the portion of the project over 18 feet in height (the deck guardrail) does not obstruct bluewater ocean views. The property owner also maintains a bluewater view of the horizon over the raised roof of the garage. As discussed throughout this report, the project, as conditioned, meets all City requirements and since it is exempt from the requirement to obtain a CDP, the requirements of the LCP do not apply. Correspondence is attached as Attachment 4 of this report.

PUBLIC NOTICE: On May 12, 2016, staff published a Public Hearing Notice in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 7).

SUMMARY: The required findings can be made that the project with the recommended modifications, in its entirety, complies with the MMC. Furthermore, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of APR No. 15-089 and SPR Nos. 16-004, 16-005, and 16-007, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No 16-53.

ATTACHMENTS:

1. Resolution No. 16-53
2. Department Referrals
3. Project Plans
4. Correspondence
5. Story Pole Photos
6. Primary View Determination
7. Public Hearing Notice

All referenced reports not included in the attachments can be viewed in their entirety in the project file located at Malibu City Hall.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING ADMINISTRATIVE PLAN REVIEW NO. 15-089 TO PERMIT MODIFICATIONS TO AN EXISTING SINGLE-FAMILY RESIDENCE AND GUEST HOUSE, EXTERIOR SITE WORK; SITE PLAN REVIEW NO. 16-004 FOR A 50 PERCENT REDUCTION OF THE REQUIRED FRONT YARD SETBACK; SITE PLAN REVIEW NO. 16-005 FOR A 20 PERCENT REDUCTION OF THE REQUIRED SIDE YARD SETBACK; SITE PLAN REVIEW NO. 16-007 FOR THE CONSTRUCTION OVER 18 FEET IN HEIGHT IN THE SINGLE-FAMILY MEDIUM ZONING DISTRICT LOCATED AT 31948 PACIFIC COAST HIGHWAY (COHEN)

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

SECTION 1. Recitals.

A. On August 13, 2015, an application for Over-the-Counter (OC) No. 15-160 was submitted to the Planning Department and approved on September 1, 2015, for an interior remodel by applicant Wayne Chevalier. The property owner expanded the scope of work and OC No. 15-160 is pending in building plan check.

B. On October 21, 2015, an application for Administrative Plan Review (APR) No. 15-089 was submitted to the Planning Department by applicant Wayne Chevalier, on behalf of property owners, Wayne and Jill Cohen. The application was routed to the City Environmental Health Administrator for review.

C. On November 16, 2015, the applicant submitted revised plans which included a site plan review (SPR) to reduce the required front and side yard setbacks and the construction over 18 feet in height.

D. On November 20, 2015, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

E. On January 25, 2016, the applicant submitted revised plans to eliminate the enclosures of the existing covered patio and deck.

F. On February 17, 2016, the applicant submitted revised plans with an updated demolition calculation of exterior walls and modified site plan.

G. On March 2, 2016, Planning Department staff conducted a site visit to document the installation of story poles.

H. On March 9, 2016, Planning Department staff conducted a primary view determination for the property directly north of the subject property located at 31946 Pacific Coast Highway. The property owner finalized the view determination with his signature on May 12, 2016.

I. On May 12, 2016, 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 June 6, 2016, the Planning Commission continued the item to the next Regular Planning Commission meeting.

K. On June 20, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15301(c) - Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Administrative Plan Review Findings.

Based on substantial evidence contained within the record and pursuant to Malibu Municipal Code (MMC) Section 17.40.040, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, APR No. 15-089 for an exterior and interior remodel of the existing single-family residence and guest house, extension of the second story covered deck, increase of garage height to 18 feet, trellis, fountain, decrease in impermeable surfaces from 5,664 square feet to 4,020 square feet, and exterior site wall in the required front yard measuring six feet in height, including SPR No. 16-004 for a 20 percent reduction of the required side yard setback, SPR No. 16-005 for a 50 percent reduction of the required front yard setback to allow for the increase in height of the garage, and SPR No. 16-007 for construction of the roof eave and guardrail over 18 feet in height and in the single-family medium (SFM) zoning district located at 31948 Pacific Coast Highway.

The proposed project has been determined to be consistent with all applicable City goals and policies. The project site has also been evaluated for potential impacts to archaeological resources per adopted City Cultural Resources Maps. It has been determined to have a very low potential of containing archeological or paleontological resources.

SECTION 4. Site Plan Review Findings for SPR 16-004

Since the existing attached garage is non-conforming as to the side yard setback, SPR No. 16-004 is requested to allow for a 20 percent reduction of the required north side yard setback to allow for the increase in roof height. The required side yard setback is 15.5 feet. The proposed 20 percent reduction,

which is the maximum setback reduction allowed pursuant to Section 17.62.040(A)(8), would match the existing garage setback of 13.1 feet.

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for the aforementioned discretionary request. The required findings in support of SPR No. 16-004 are made below:

1. The properties in the immediate vicinity share an access driveway extends south from Pacific Coast Highway, with front yards along each side of the driveway. Similar to the subject property, neighboring properties have share reduced side yard setbacks along the driveway. The proposed project is compatible with other development in the adjacent area in that the neighborhood is residentially developed with other a mix of one- and two-story structures of similar height, size, and design. The attached garage roof that would be raised to 18 feet is located in the north side yard, adjacent to 31946 Pacific Coast Highway. However, there is an existing hedge that is approximately 15 feet in height that separates the concerned neighbor from the proposed development. In addition, the proposed increase in garage roof height will not project higher than the existing residence, will maintain the existing setback, and stays outside of the neighbor's protected primary view corridor. The structure will not increase in floor area or its footprint, and will continue to have a similar appearance from the street and nearby residences prior to and after construction. Due to the characteristics of the surrounding development which share similar reduced side yard setbacks, the reduction in side yard setback is compatible with other development in the area.

2. The subject parcel is fully developed, and is not located in or adjacent to an Environmentally Sensitive Habitat Area (ESHA), ESHA buffer zone, or any streams as designated in the City of Malibu Local Coastal Program (LCP). For that reason, the project is not anticipated to a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

3. The proposed reduction in side yard setback will allow an increase of the garage roof height, but the roof height will not exceed 18 feet and the project does not increase the height of the existing residence or change its footprint. Therefore, the proposed project will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines in the main viewing area of any affected principal residence. As shown in Figure 2 of the associated Agenda Report, the neighboring residence at 31946 PCH will retain a bluewater view of the horizon.

4. The proposed reduction of the side yard setback is to allow the existing development to increase in roof height of the garage to 18 feet and will maintain the existing setback at 13.1 feet. Given the location of the existing development, it was determined that the project will not affect solar access of adjacent neighbors. This is because of the relation of the proposed development and the hedge which separates the subject property from the concerned neighbor. As the sun moves from east to west, the shadow that is cast by the proposed increase in height would be cast onto the existing hedge. Furthermore, the property belonging to the concerned neighbor is at a higher elevation and looks over the subject property.

5. The use and development related to this project conform to the SFM zoning district, do not adversely affect neighborhood character or environmental resources and therefore, are consistent with goals, policies and objectives of the General Plan, LCP, MMC and City standards.

6. City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

SECTION 5. Site Plan Review Findings for SPR 16-005

The existing attached garage is non-conforming as to the front yard setback. SPR No. 16-005 is requested to allow for a 50 percent reduction of the required front yard setback to allow for the increase in height of the garage and for the construction of an exterior site wall six feet in height at the entry of the house. The required front yard setback is 21.1 feet. Pursuant to MMC Section 17.62.040(A)(8), the front yard setback may be reduced by 50 percent, which would allow a front yard setback of 10.5 feet for the six foot site wall. The existing garage front yard setback is currently 17 feet and would be maintained. The required findings in support of SPR No. 16-005 are made below:

1. The front yard setback is along the access driveway that abuts the property's west boundary. As shown in Figure 1 of the associated Agenda Report, neighboring development share reduced setbacks and as a result neighboring properties have garages and primary living areas built close to the access road and do not have front yard setbacks that are 20 percent of the lot depth. The proposed increase in garage roof height that is accommodated by the front yard setback reduction will not project higher than the existing residence, and the existing garage setback will be maintained. The structure will not increase in floor area or its footprint, and will continue to have a similar appearance from the street and nearby residences prior to and after construction. The new six foot site wall extends perpendicularly from the residence toward the access drive. It will be located at the base of a mature, non-native tree, and will be partially obstructed by a 42 inch site wall near the front property line. As such, it will not be visually intrusive. In addition, there is a residence along the driveway that currently has a wall and hedge in the front yard setback which is in excess of 42 inches. The reduction in front yard setback is compatible with other development in the adjacent area.

2. The subject parcel is developed, not located near ESHA or streams, and not anticipated to adversely affect natural resources.

3. The requested reduction in the front yard setback will allow for the increase in height of the garage, but as discussed previously and shown in Figure 2 of the associated Agenda Report, this increase will not exceed 18 feet or extend into the protected primary view corridor of 31946 Pacific Coast Highway, or any other surrounding residences.

4. The proposed reduction of the front yard setback is to allow the existing development to increase in roof height of the garage to 18 feet and since the existing development is already in the setback, this will not further reduce the setback. Given the location of the existing development, it was determined that the project will not affect solar access of adjacent neighbors. This is because of the relation of the proposed development and the hedge which separates the subject property from the concerned neighbor. As the sun moves from east to west, the shadow that is cast by the proposed

increase in height would be cast onto the existing hedge. Furthermore, the property belonging to the concerned neighbor is at a higher elevation and looks over the subject property.

5. The use and development related to this project conform to the SFM zoning district, do not adversely affect neighborhood character or environmental resources and therefore, are consistent with goals, policies and objectives of the General Plan, LCP, MMC and City standards.

6. City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

SECTION 6. Site Plan Review Findings for SPR 16-007

Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for construction in excess of 18 feet. The proposed second floor deck will include a guardrail at a maximum height of 19 feet and a roof eave a maximum of 24 feet. Pursuant to MMC Section 17.62.040(A)(8), the required findings for SPR No. 16-007 are made as follows.

1. The proposed construction is a six foot deck on the south and east second floor of the residence facing towards the ocean. While the deck is below 18 feet in height, the required 42 inch guardrail extends above 18 feet in height, as well as the roof eave. The maximum height to the top of the guardrail is 19 feet. The guardrail will have a visually permeable design and will not be visually prominent. The existing roof overhang that covers the existing and proposed deck extension will be modified to remove the west side of the overhang, but will not result in increased height. There is an overhang proposed under the existing overhang that will project six feet from the residence on the south and east side and measures 24 feet in height. The adjacent properties also have second story decks facing the ocean of similar height. The proposed project is compatible with other development in the adjacent area, in that the neighborhood is residentially developed with other residences of similar height, size, and design.

2. As discussed previously, the project will not have adverse impacts on natural resources.

3. Figure 2 of the associated Agenda Report is a photograph of the primary view of from 31946 Pacific Coast Highway. In the left portion of Figure 2, story poles depicting the deck can be seen, along with extensive mature vegetation in the background. As shown in Figure 2, given the existing mature vegetation, the visually permeable guardrail at the height of 19 feet will not block the primary view of the adjacent neighbor. The proposed roof eave at 24 feet in height, below the existing roof overhang, will not obstruct the primary view because it is shielded from the existing building. Based on staff's site inspection, photographs, review of architectural plans and the nature of the surrounding area, the project, as proposed and conditioned is not expected to impact visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, Valleys, or ravines from the main view area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

5. The proposed roof eave and guardrail will be below the highest portion of the structure and is attached to the existing single-family residence projecting six feet from the second story over the subject property's rear yard. Given the location of the existing structures and existing setbacks, the project will not affect solar access of adjacent neighbors.

6. The use and development related to this project conforms to the SFM zoning district and does not adversely affect neighborhood character or environmental resources, and therefore, are consistent with the land use goals, policies and objectives of the General Plan, Local Coastal Program, MMC and City standards.

7. City of Malibu Environmental Sustainability Department permits will be required prior to construction of the project. The proposed project will comply with all applicable requirements of state and local law.

SECTION 7. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves APR No. 15-089 and SPR Nos. 16-004, 16-005, and 16-007, subject to the following conditions.

SECTION 8. Conditions of Approval.

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

2. Approval of this application is to allow for the following:

    a. Increase in roof height of existing attached two-car garage to 18 feet in height in side and front yard setback;
    b. Increase in roof height of the first floor of the existing single-family residence to 14 feet in height;
    c. Interior remodel of residence with demolition of 45 percent of exterior walls and 16 square feet;
    d. New six foot deep second floor deck with guardrail and roof eave above 18 feet in height;
    e. Interior remodel of detached guest house including the removal of the kitchen facility and demolition of nine percent of exterior walls;
    f. New exterior solid site wall measuring at six feet in height;
    g. Demolition of exterior pathways and installation of permeable pavers;
    h. New trellis attached to south side of the single-family residence;
    i. New outdoor gas fireplace;

j. New outdoor water feature adjacent to proposed trellis;
k. SPR No. 16-004 for the reduction of the north side yard setback by 20 percent from 16.5 feet to 13.1 feet;
l. SPR No. 16-005 for the reduction of the front yard setback by 50 percent from 21.1 feet to 10.5 feet; and
m. SPR No. 16-007 for construction of the second floor deck guardrail and roof eave over 18 feet in height.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **June 8, 2016**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the June 6, 2016 Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This APR shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department and City Environmental Health Administrator, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. The Planning Director may grant up to four one-year extensions of the expiration of an administrative plan review approval, if the Planning Director finds that the conditions, including

but not limited to changes in the zoning ordinance, under which the administrative plan review approval was issued have not significantly changed.

12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.

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

Environmental Health

15. All final project plans shall be submitted for the Environmental Health Review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval. The existing 1,250 gallon septic tank is to remain in service. Final floor plans not to exceed four bedrooms and 47 drainage fixture units.

Demolition / Solid Waste

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

17. Prior to issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction generated by the project.

18. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.

Construction / Framing

19. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays and federal, state and local holidays.

20. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

Site Specific Conditions

21. A new or modified onsite wastewater treatment system or other onsite improvements are NOT authorized under this approval.

22. **Fifty percent or more of exterior walls must remain in place during construction.** Pursuant to Local Coastal Program Local Implementation Plan Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. A major remodel agreement acknowledging this shall be required prior to issuance of building permits for the project. Should an issue related to the removal of more than 50 percent of exterior walls come up during construction, contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls.

23. When framing is completed, a site survey shall be prepared by a licensed surveyor, civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. The Planning Department shall sign off stating that said document has been received and verified.

24. The residence and guest house shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective, glossy, polished and/or roll-form metal siding is prohibited, the new roof shall be treated with an oxidized appearance.

25. No grading is proposed; therefore, none is approved.

26. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

27. No exterior lighting is proposed as part of this project; therefore, no new exterior lighting is permitted as part of this project.

Prior to Final Inspection

28. The applicant shall request a final Planning inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. Final Building Safety Division approval shall not be issued until the Planning Department has determined that the project complies with this administrative plan review permit.

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

30. No final inspection by the Environmental Sustainability Department shall be issued, nor any authorization to connect utilities, until final Planning inspection has determined that the construction complies with the approved plans.

Fixed Conditions

31. This administrative plan review runs with the land and binds all future owners of the property.

32. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

SECTION 9. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 20th day of June 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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 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 may be found online at www.malibucity.org, in person at City Hall or by calling (310) 456-2489, extension 245.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-53 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of June 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

City of Malibu

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

RECEIVED
JAN 25 2016
PLANNING DEPT.

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator **DATE:** 10/21/2015

FROM: City of Malibu Planning Department

PROJECT NUMBER:	APR 15-089, CDPE 15-094, CE 15-150
JOB ADDRESS:	31948 PACIFIC COAST HWY
APPLICANT / CONTACT:	Wayne Chevalier
APPLICANT ADDRESS:	23823 Malibu Rd Malibu, CA 90265
APPLICANT PHONE #:	(310)774-0240
APPLICANT FAX #:	
APPLICANT EMAIL:	waynewtc@icloud.com
PROJECT DESCRIPTION:	Enclose existing overhang area, demo square feet, and an interior remodel

---

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: [signature] Date: January 28, 2016

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

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 307.

Rev 141008 THIS CONFORMANCE REVIEW SUPERSEDES EH CONFORMANCE REVIEW LETTER DATED 11-3-2015.

ATTACHMENT 2

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)	Wayne Chevalier wayne@studiobracket.com		
Project Address:	**31948 Pacific Coast Highway** Malibu, CA 90265		
Planning Case No.:	APR 15-089		
Project Description:	Enclose existing overhang area, demo square feet, interior remodel		
Date of Review:	January 28, 2016		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Architectural plans by Studio Bracket submitted to Planning 10-21-2015; Revised plans received 1-25-2016
Fixture Worksheet:	Fixture unit worksheet by Ely Jr. dated 1-26-2016
Operating Permit:	Operating permit expires 3-31-2020
Miscellaneous:	OWTS Plot Plan by Ely Jr. dated 1-26-2016 County of LA plumbing permits dated 2-28-1989, 11-7-1974, 9-28-1961
Prev. EH Approval:	EH approval for installation of two (2) "future expansion" seepage pits dated 1-28-2015
Previous Reviews:	11-3-2015 (EH planning review completed under previous scope of work)

REVIEW FINDINGS

Planning Stage:	☒	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.
	☐	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:	☐	APPROVED
	☒	NOT APPROVED Please respond to the listed plan check review comments and conditions of Planning conformance review.
OWTS Plot Plan:	☐	NOT REQUIRED
	☒	REQUIRED (attached hereto) ☐ REQUIRED (not attached)

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

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the project. In order to obtain Environmental Health final approval of the project

construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review

1) **Building Plans:** All final project plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval. The existing 1,250 gallon septic tank is to remain in service. Final floor plans not to exceed 4 bedrooms / 47 drainage fixture units.

-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

31948 PACIFIC COAST HWY (APR 15-059)
MALIBU, CA 90265

S.F.D.:	5 Bedrooms/49 Fixture Units to 4 Bedrooms/47 Fixture Units (R)
SEPTIC TANK:	1,250 Gallon (E)
PRESENT:	2 - 5' X 24' BI w/4' Cap (Resting)
	1 - 5' X 29' BI w/4' Cap (Resting)
	2 - 5' X 35' BI w/5' Cap (Active)
PERC RATE:	Unknown

NOTES:

1. This conformance review is for a 5 bedroom (49 fixture units) to 4 bedroom (47 fixture units) interior remodel to a single family dwelling, a new site wall, and a new pond. No renovation to the existing onsite wastewater treatment system is required.

2. This review only relates 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 wastewater treatment.

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

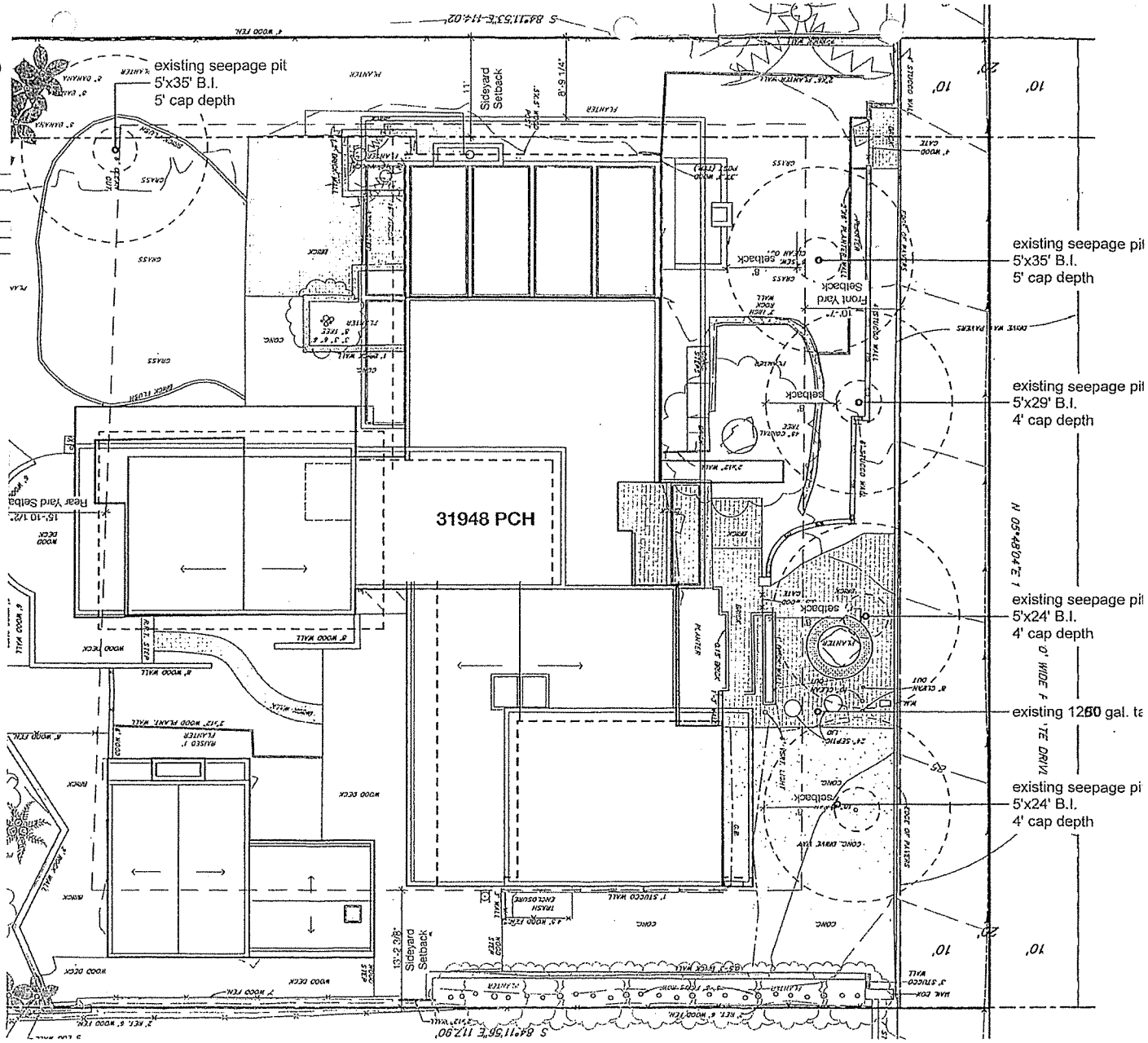
CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

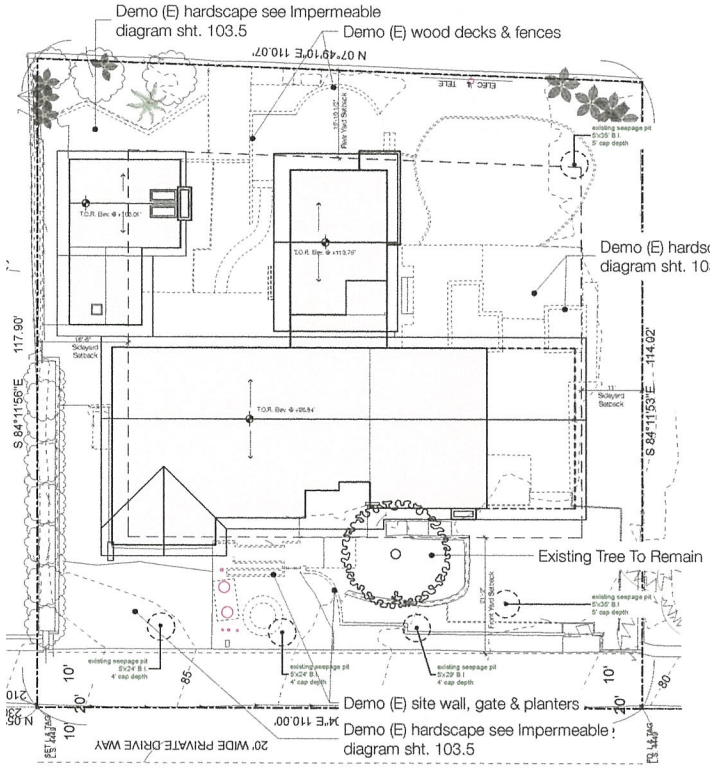
JAN 28 2016

SIGNATURE: Matt Sanok

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



RECEIVED
JUN 08 2016
PLANNING DEPT.



1 AS-BUILT / DEMO STE PLAN
SCALE: 3/32" = 1'-0"

2 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"

Index of Drawings

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109 Roof Proposed Plan
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202 South Elevations (As-Built & Proposed)
203 East Elevations (As-Built & Proposed)
204 North Elevations (As-Built & Proposed)
205 Guest Elevation (As-Built & Proposed)
301 Sections
302 Sections
303 Sections

Project Data

DESCRIPTION:
- Remodel
- -exterior cosmetic / material updates
- -new roofs
- -new exterior gas fire place
- -demo 16 sf
- -demo 1,693 sf hardscape
- -50% reduction in frontyard setback
- -20% reduction in side yard setback (north)
- -construction above 18'
- -new water feature
- -new second story deck
- -new 6' site wall

Project Address: 31948 Pacific Coast Highway Malibu, CA 90265
APN: 4473 012 020
Occupancy: R3
Applicable Codes: 2014 CalARC / 2014 CalAEC, 2014 CalARC / 2014 CalAMC, 2014 CalARC / 2006 CEEC
Type of Construction: Type V
Fire Zone: IV

Area Calculations

GROSS AREA 12,769.59 SQ. FT. = 0.293 ACERS
NET AREA 11,658.59 SQ. FT. = 0.268 ACERS

TDSF: See Diagrams sht. 103

EXISTING ENCLOSED AREA / TDSF:	3,687 sf
EXISTING ENCLOSED AREA:	3,687 sf
EXISTING ENCLOSED AREA TO BE DEMOLISHED:	-836 sf
Total Proposed TDSF:	**2,851 sf ***

*EXISTING AREA UNDER >6' + OVERHANG: 734 sf **-NOT COUNTED**

Impermeable Lot Coverage: See Diagrams sht. 103.5

Max Allowable Impermeable Lot Coverage
Lot Area: 11,658 sf = 27% acre (1/4 acre +) = 25% lot coverage allowable
.25(11658) = 4,079 sf

Existing Impermeable Lot Coverage:	5,664 sf
Proposed Impermeable Lot Coverage:	4,020 sf (-1,644)

4,020 < 4,079 = **OK**

Project Team

Owner:
Jill and Wayne Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

Designer / Contact
Wayne T. Chevalier
23823 Malibu Road #50-420
Malibu, CA 90265
310.663.5613

Civil Engineer:

Structural Engineer:

Contractor:
TBD

Vicinity Map

studio bracket
23823 Malibu Road
50-420
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(T) 310.774.0240
(F) 310.774.0879

revision: planning review phase 01.07.16 date

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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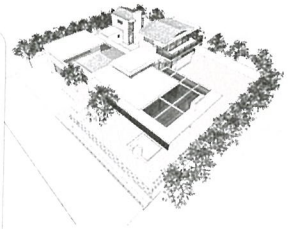
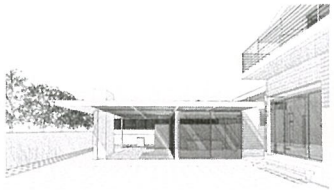
SITE PLAN

DATE
SCALE 1/8=1'-0"
PREPARED BY Erin

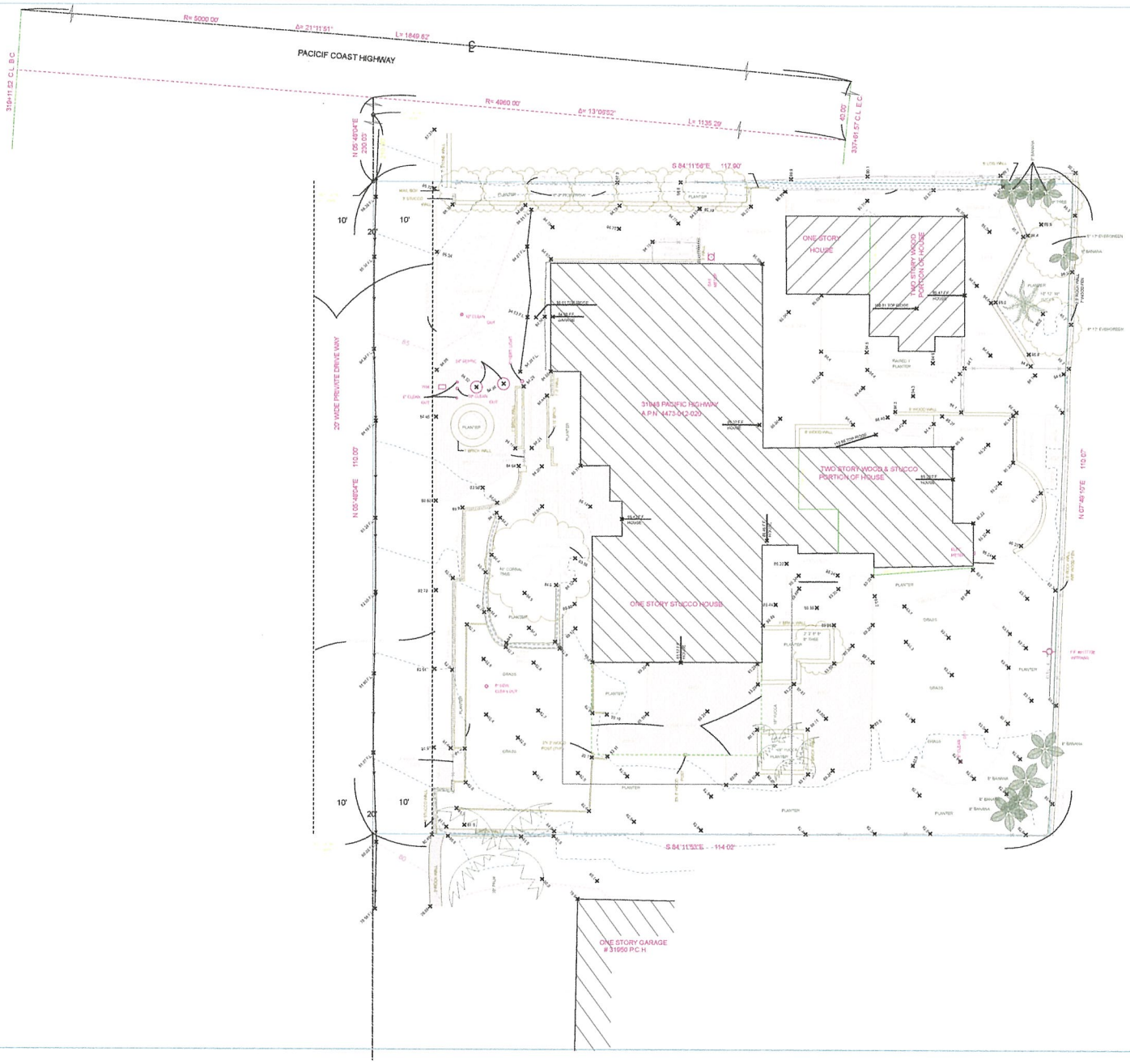
101

VIEWS





ATTACHMENT 3



TOPO MAP

IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA
A PARCEL OF LAND BEING A PORTION OF RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1 PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

AUGUST 2015 SCALE 1"= 8'

SITA ADDRESS 31948 PACIFIC COAST HIGHWAY
MALIBU CA 90265

ASSESSOR'S PARCEL NO 4473-012-020

BENCH MARK

BENCHMARK NUM: Y 5499

C.S MON 150MM DN 11M N/O C/L PACIFIC COAST HWY &
85M W/O BROAD BEACH RD (S) 10M W/O DRWY TO
HSE # 31905 MKD (DUME POINT D-8 1959) MKR 600MM N/O MON

ELEV = 99.597 N.A.V.D. 1988 DATUM
MALIBU 2003

AREA

GROSS AREA 12,759.89 SQ. FT = 0.293 ACERS
NET AREA 11,655.89 SQ. FT = 0.268 ACERS

LEGEND

A.C	ASPHALT CONCRETE
B.C	BEGINNING OF CURVE
B.F	BOTTOM OF FOOTING
C.E.F.B	CITY ENGINEER'S FIELD BOOK
C.L	CHAIN LINK FENCE
C/L	CENTER LINE
C.S.P	CORRUGATED METAL PIPE
C.N	CONCRETE NAIL
C.O	CLEAN OUT
E.C	END OF CURVE
E.P	EDGE OF PAVEMENT
F.L	FLOW LINE
G.M	GAS METER
I.P	IRON PIPE
L & T/S.W.	LEAD AND TAG SIDEWALK
L.P.S	LEAD PLUG STAKE (PLUG)
N & T/C	NAIL & TAG
O.D	OUTSIDE DIAMETER
O/S	OFFSET
P/L	PROPERTY LINE
P.C.S.T	POINT OF CURVE TANGENT
P.E	POWER POLE
PROJ	PROLONGATION OF LINE
R.E.E	REGISTERED CIVIL ENGINEER
R.P	RADIUS POINT
R/R	RAILROAD (TIES)
R/W	RIGHT OF WAY
S.D.M.H	STORM DRAIN MANHOLE
S.M.H	SEWER MANHOLE
S. & W.	SPIKE AND WASHER
T.B.M	TEMPORARY BENCH MARK
T.C	TOP OF CURB
T.F	TOP OF FOOT
T/W	TOP OF WALL
W/I	WROUGHT IRON (FENCE)
W/M	WATER METER
W/V	WATER VALVE

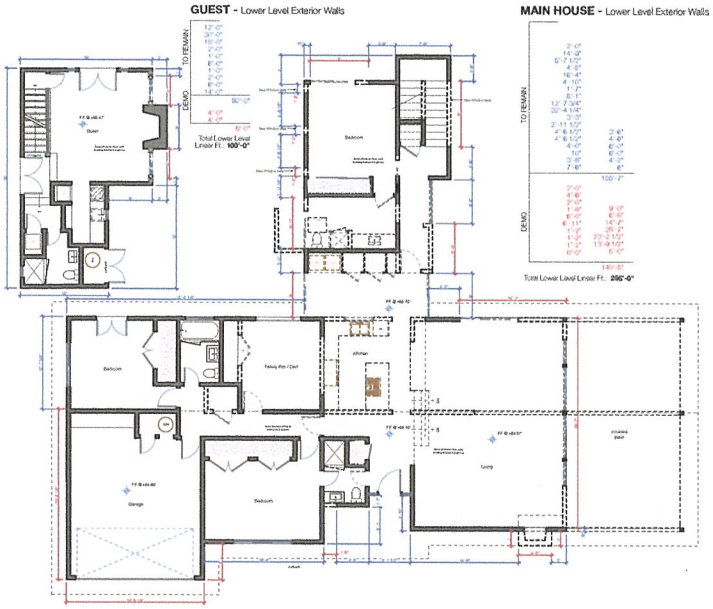
GRAPHIC SCALE - FEET

LARRY PEARSON LAND SURVEYOR L.S. 4449
4229 KINGFISHER ROAD, CALABASAS, CALIF 91302
PHONE (818) 591-8709

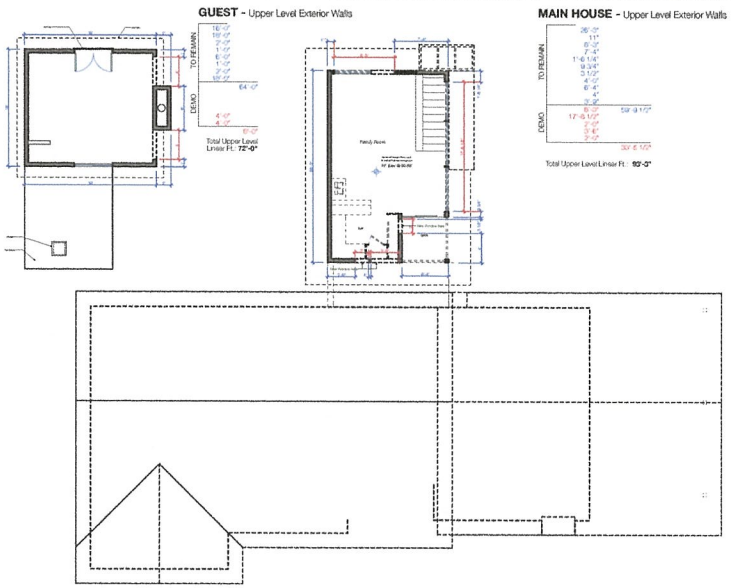
102

APPROVED BY
DATE

L.S. 4449
W.O. 15-4399



4 EXTERIOR WALLS TO REMAIN DIAGRAM - Lower Level
SCALE: 1/8" = 1'-0"



3 EXTERIOR WALLS TO REMAIN DIAGRAM - Upper Level
SCALE: 1/8" = 1'-0"

Exterior Wall Calcs.

Main House

Lower Level Linear Ft.: 260'-0"
Upper Level Linear Ft.: 92'-3"

Total Ext. Walls: **352'-3"**

Lower Level Demo: **140'-5"**
Upper Level Demo: **37'-5 1/2"**

Total Ext. Walls to Demo: **177'-10 1/2"**

177'-10 1/2" / 352'-3" = 50.4%

44.6% of Exterior Walls to be demolished
55.4% of Exterior Walls to **remain**

Guest

Lower Level Linear Ft.: 100'-0"
Upper Level Linear Ft.: 72'-0"

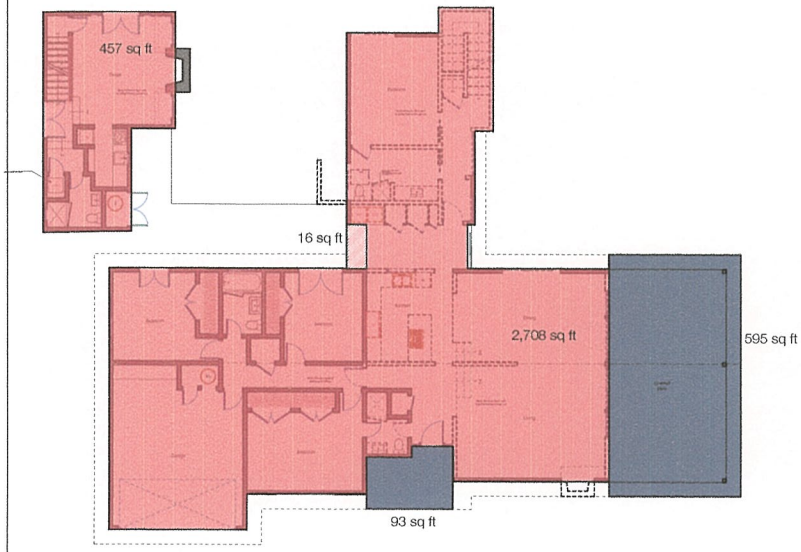
Total Ext. Walls: **172'-0"**

Lower Level Demo: **8'-0"**
Upper Level Demo: **8'-0"**

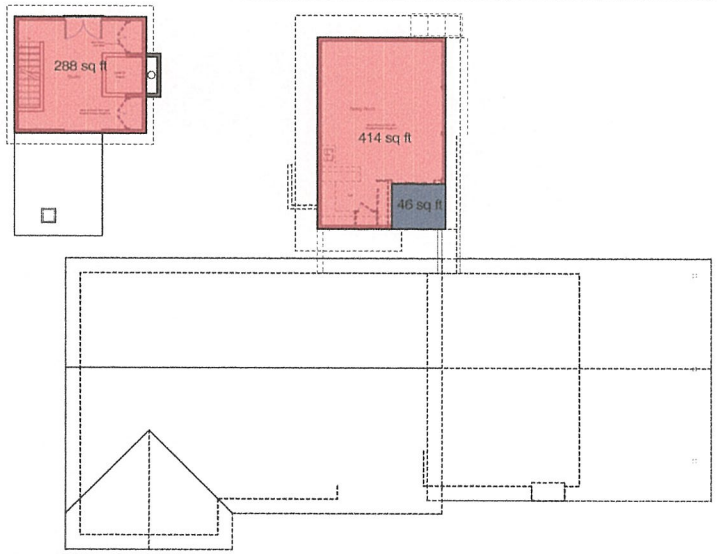
Total Ext. Walls to Demo: **16'-0"**

16'-0" / 172'-0": 09 = 9%

9% of Exterior Walls to be demolished
91% of Exterior Walls to **remain**



2 LOWER LEVEL AREA DIAGRAM
SCALE: 1/8" = 1'-0"



1 UPPER LEVEL AREA DIAGRAM
SCALE: 1/8" = 1'-0"

Area Legend & Calcs.

EXISTING ENCLOSED AREA: 3,867 sf

EXISTING AREA UNDER >6'-0" OVERHANG: 734 sf-**NOT COUNTED**

EXISTING ENCLOSED AREA TO BE DEMOLISHED: 18 sf

Existing TDSF: 3,867 sf
Proposed TDSF: **3,851** sf (-16)

REVISION	phase	date
1	planning sub.	01.12.15

studio **bracket**
27823 Malibu Road
Malibu, CA 90265
(t) 310.774.0290
(f) 310.774.0879

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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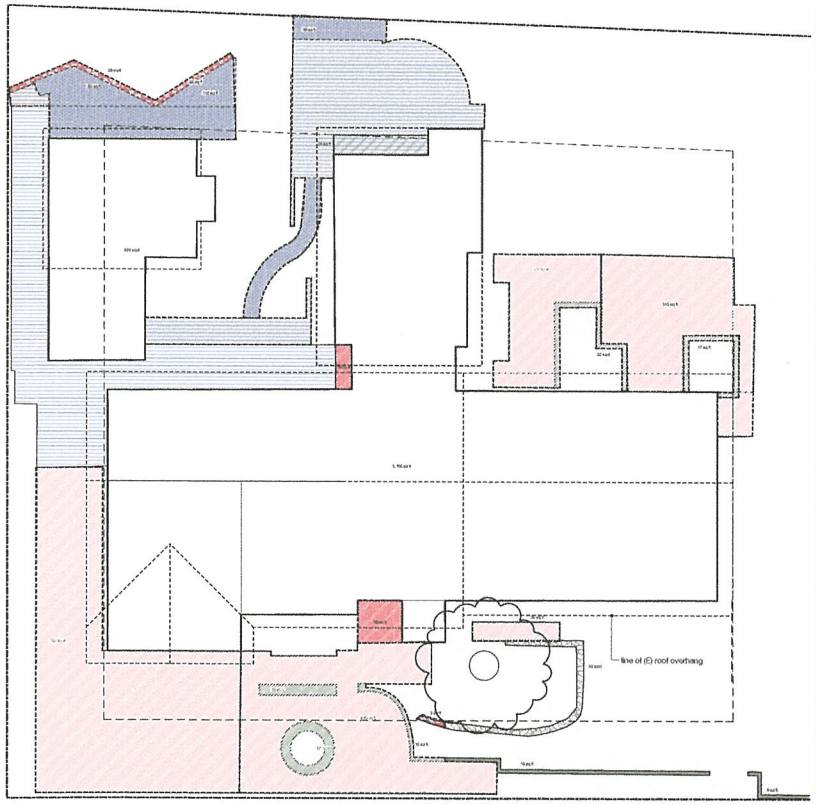
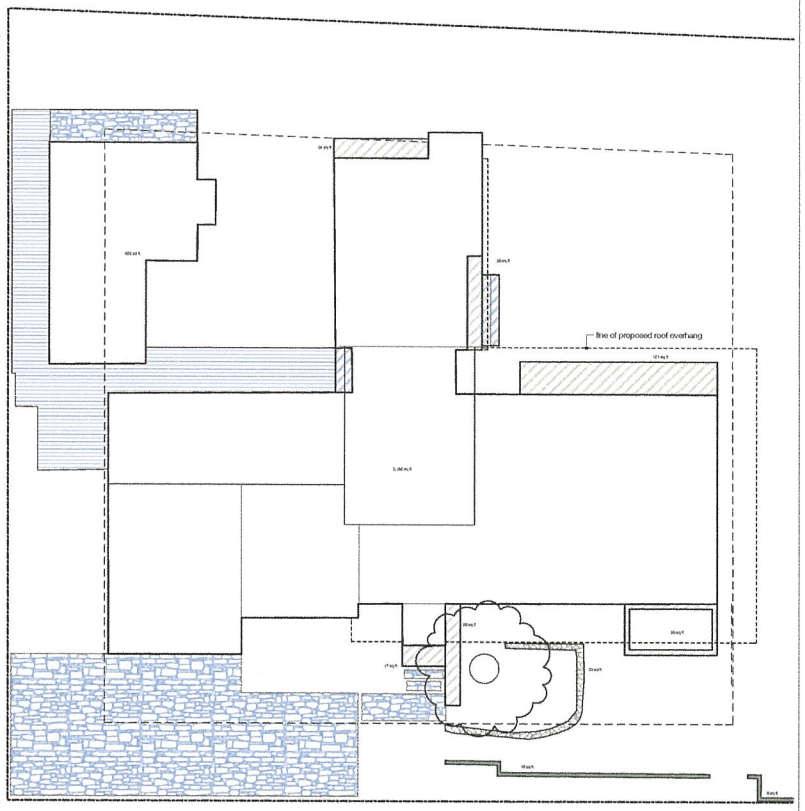
WALL CALCS & AREA DIAGRAMS

DATE
SCALE as noted
PREPARED BY bm

103



1 Existing Lot Coverage Diagram / Site Demo
SCALE: 1/8" = 1'-0"



2 Proposed Lot Coverage Diagram
SCALE: 1/8" = 1'-0"

Impermeable Lot Coverage

Impermeable Lot Coverage

Total	To Demo	To Remain
Existing Residence Footprint: 3,751		3,751
Existing Concrete Pool Pavers over Concrete: 1,725	1,725	
Existing Stone Walls: 52		
Existing Site/Retaining Walls: 114	99	15
TOTAL EXISTING: **8,693**	1,865	3,766
New Impermeable Lot Coverage: 392		392
TOTAL Proposed:		**4,629**

Max Allowable Impermeable Lot Coverage
Lot Area: 16,950 sf x 25% (sloped lot area x x 25% lot coverage allowable 25.16950 = **4,238 sf**
4,629 > 4,238 = OK

Permeable Lot Coverage

	To Demo	To Remain
Existing Permeable Pavers		
Existing Permeable Wood Deck		
Proposed Permeable Wood Deck		
Proposed Permeable Paving		

revision	place	date
1	planning revisions	01.07.15

studio bracket
23925 Malibu Road
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(f) 310.774.0879

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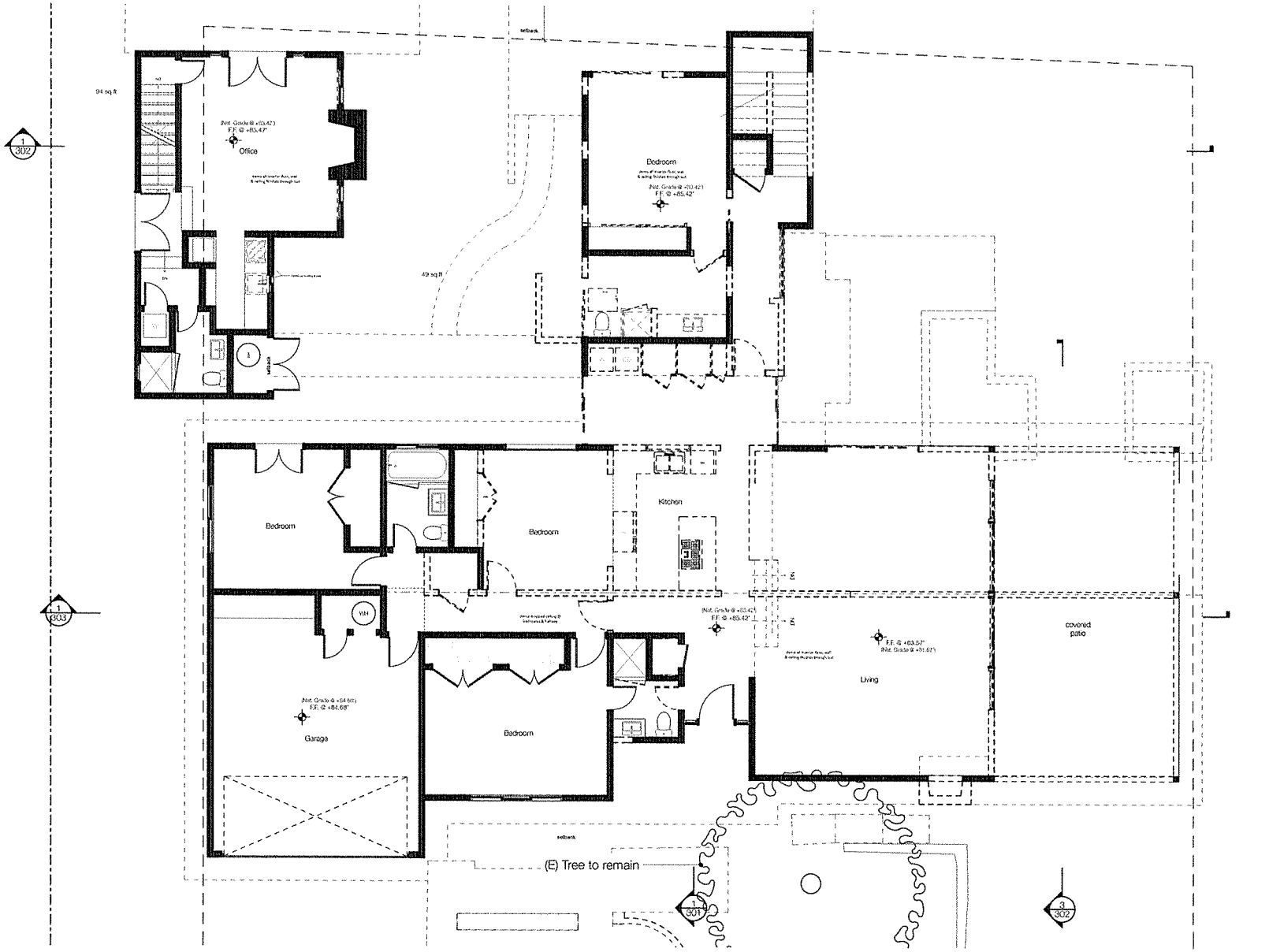
Lot Coverage Diagram

DATE
SCALE as noted
PREPARED BY: EPR

103.5



1 Lower As-Built / Demo Plan
SCALE: 1/4" = 1'-0"

Wall Legend

- Existing Walls To Remain
- Existing Walls / hardscape To Demolish
- Proposed Walls

Notes

studio bracket
4162 Marina City Drive
Marina CA 90292
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Malibu, CA 90265

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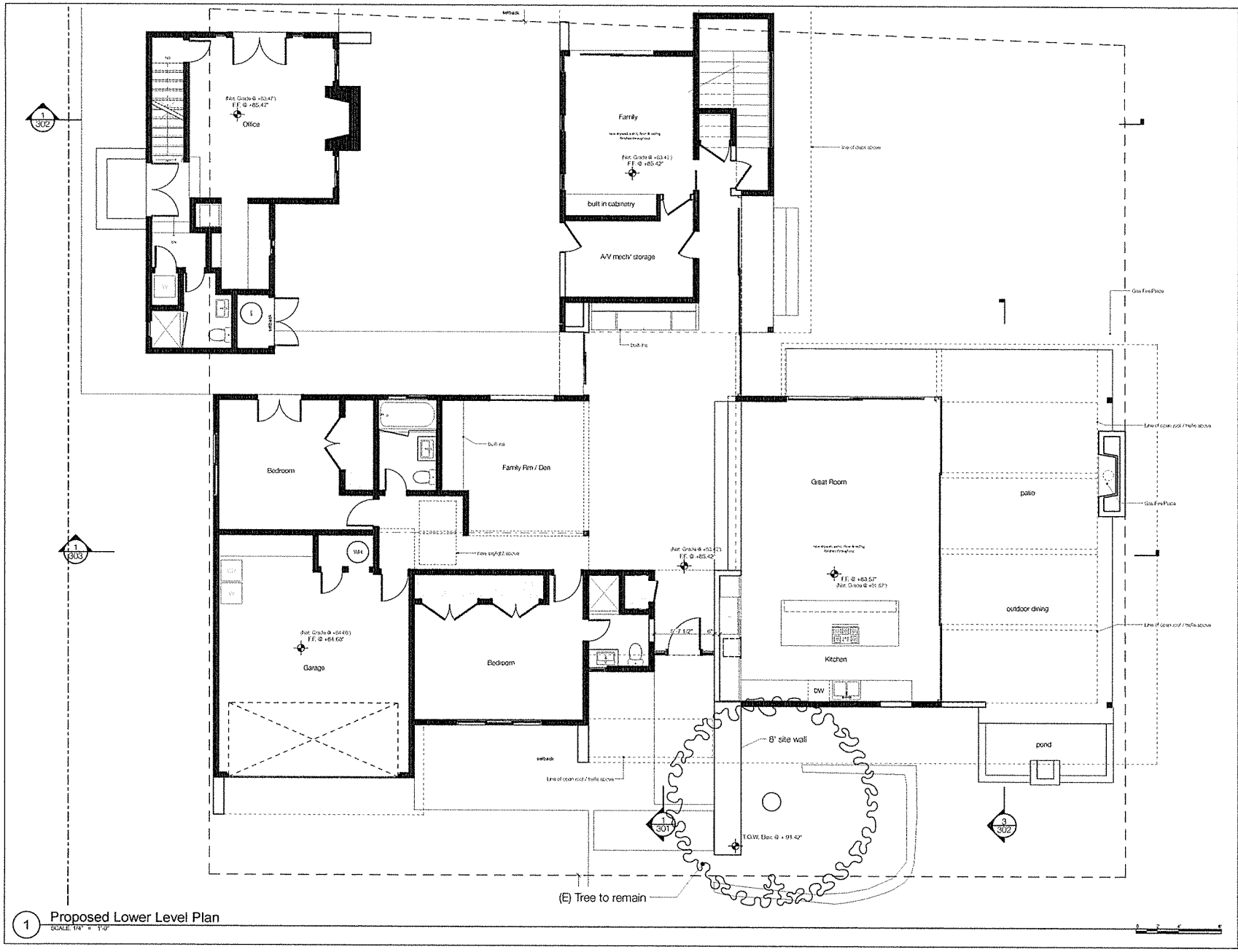
Lower As-Built Demo Plan 1

DATE
SCALE
PREPARED BY

104



1 Proposed Lower Level Plan
SCALE: 1/4" = 1'-0"

Wall Legend

- Existing Walls To Remain
- Existing Walls To Demolish
- Proposed Walls

Notes

studio bracket
2318 Broadway
Santa Monica
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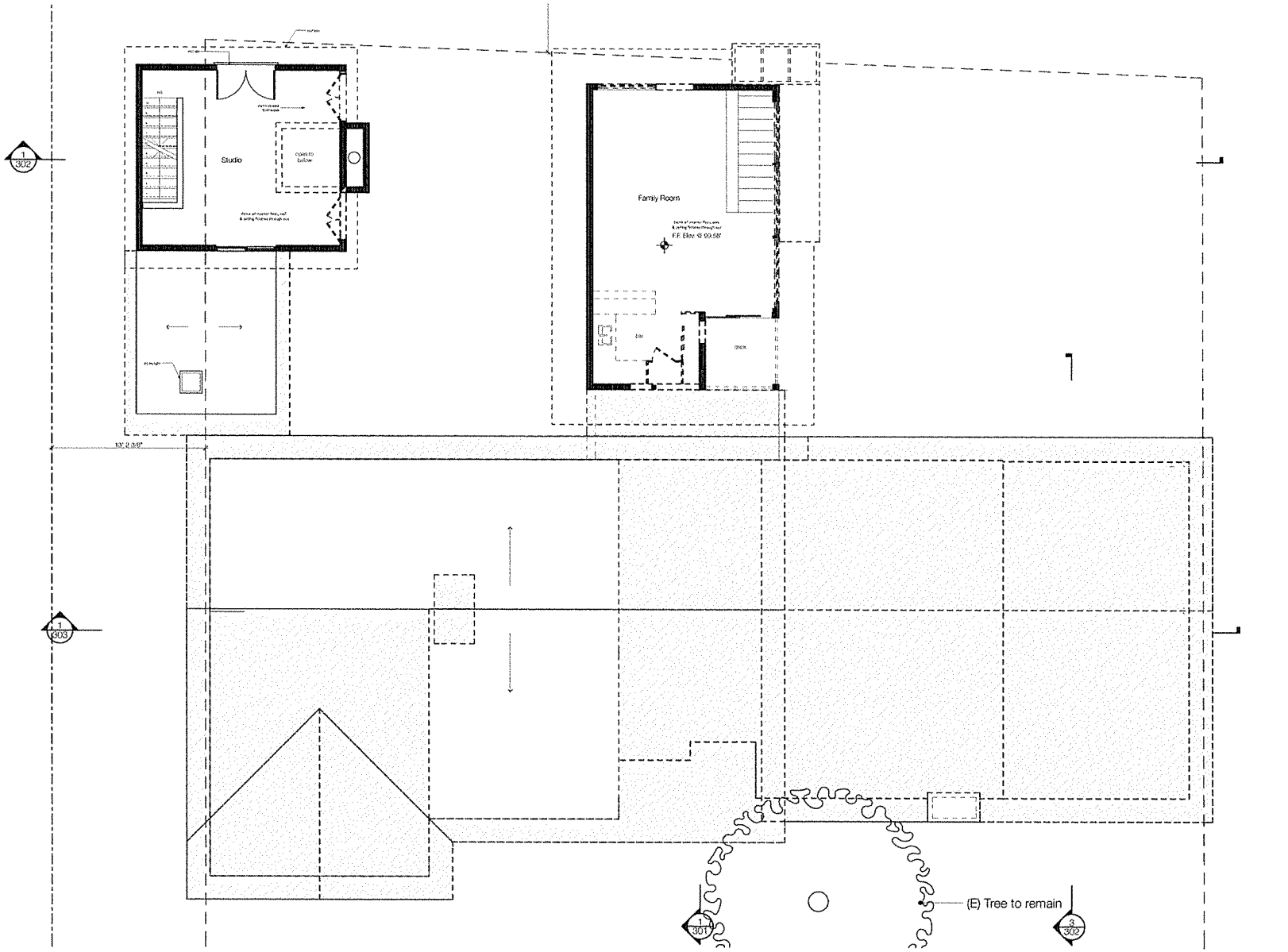
Lower Proposed Plan 1

DATE
SCALE as noted
DRAWN
PREPARED BY



1 Upper As-Built / Demo Plan
SCALE: 1/4" = 1'-0"

Legend

- Existing Walls To Remain
- Existing Walls / hardscape To Demolish
- Proposed Walls
- DEMO roof life area

Notes

studio bracket
23929 Malibu Road
P. O. Box 1476
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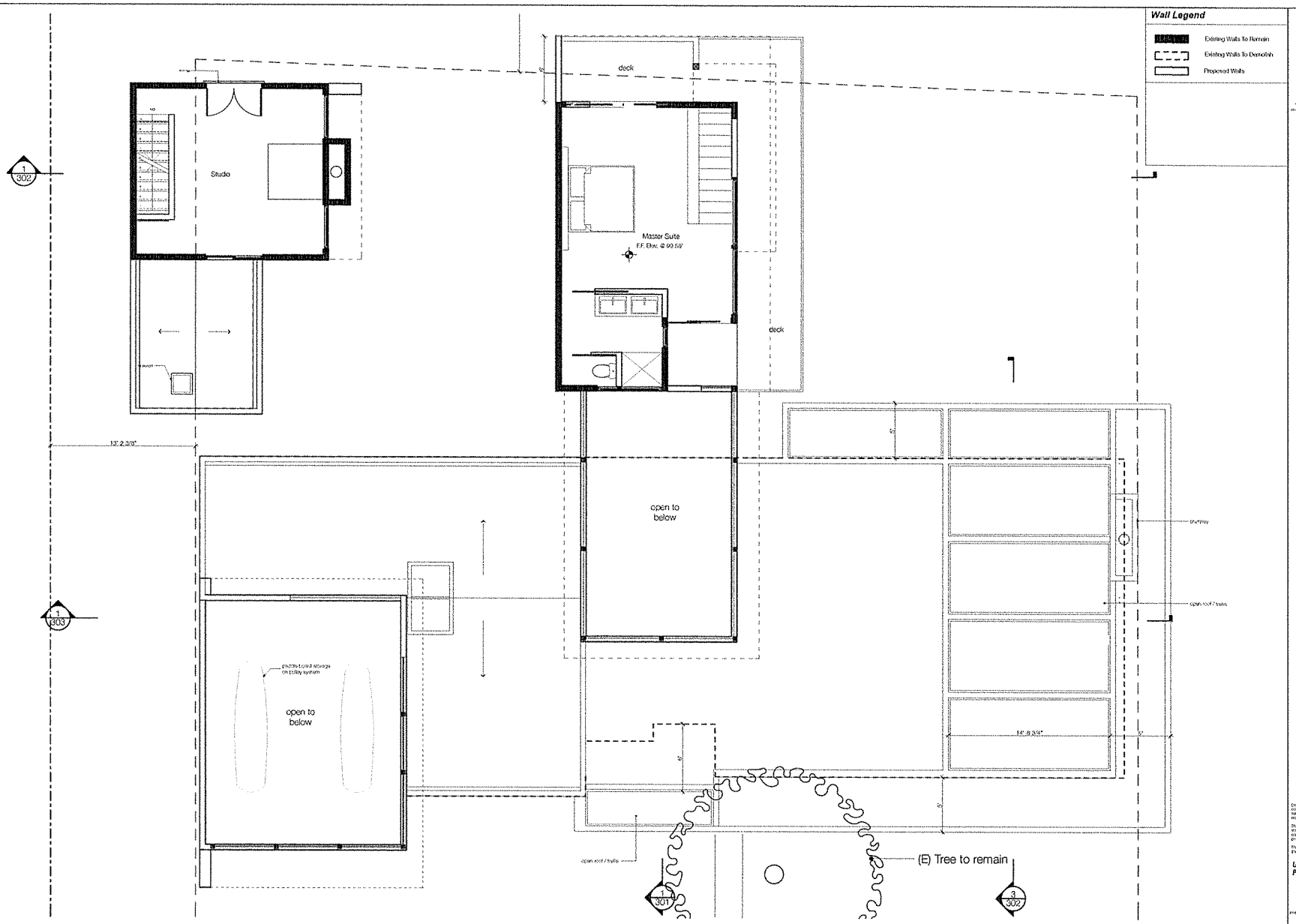
Upper As-Built Demo Plan 2

DATE
SCALE 1/8, 1/4, 1/2
Drawn by
Reviewed by

106



1 Proposed Upper Level Plan
SCALE: 1/4" = 1'-0"

studio bracket
23523 Malibu Road
P.O. Box 4 230
Malibu, CA 90265
T: 310.274.0240
F: 310.274.0879

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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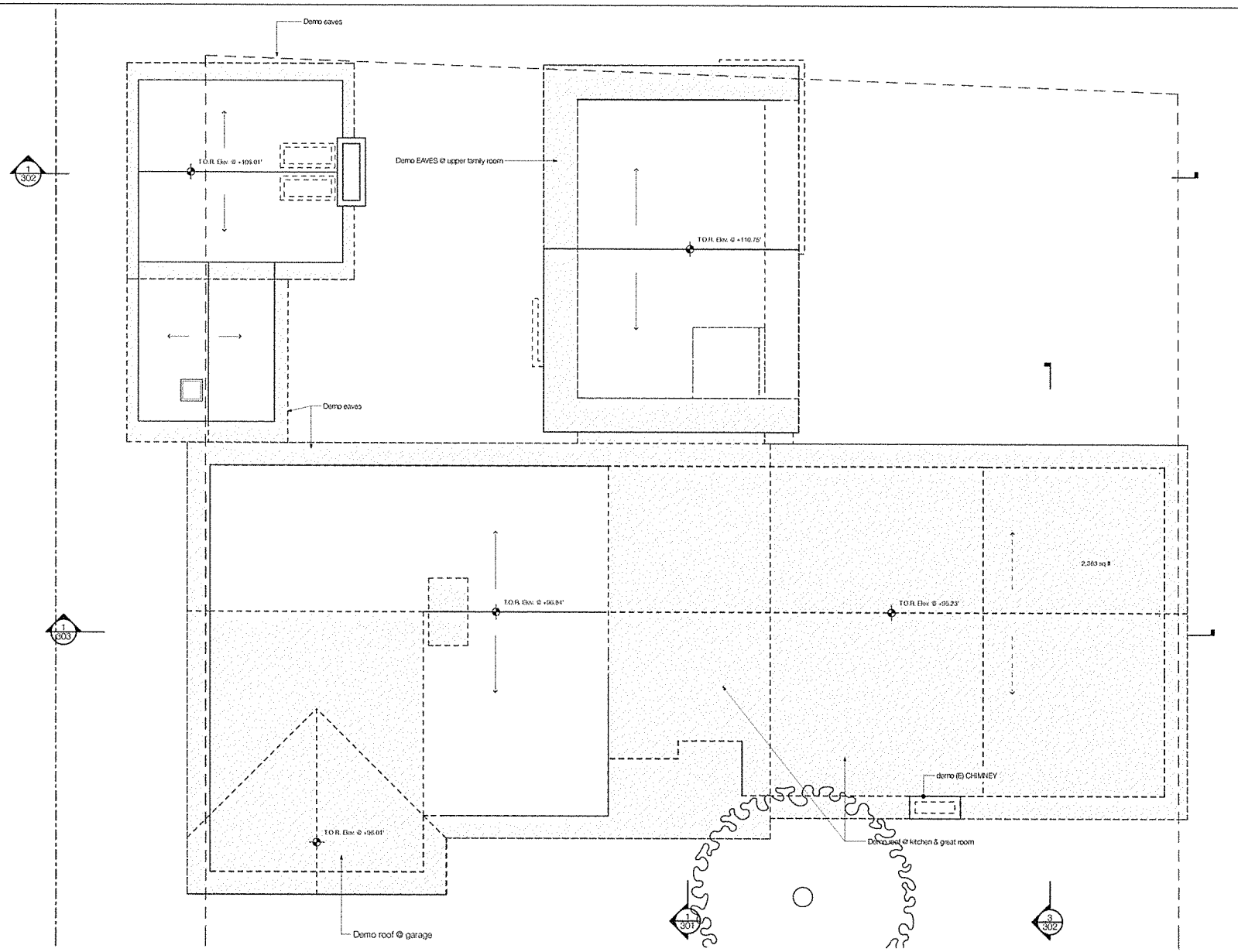
Upper Proposed Plan 2

DATE
SCALE as noted
PREPARED BY ERA



1 As-Built / Demo Roof Plan
SCALE 1/4" = 1'-0"

Legend

DEMO roof this area

Notes

studio bracket
1 [illegible]
Malibu, CA 90265
(t) 310.774.0249
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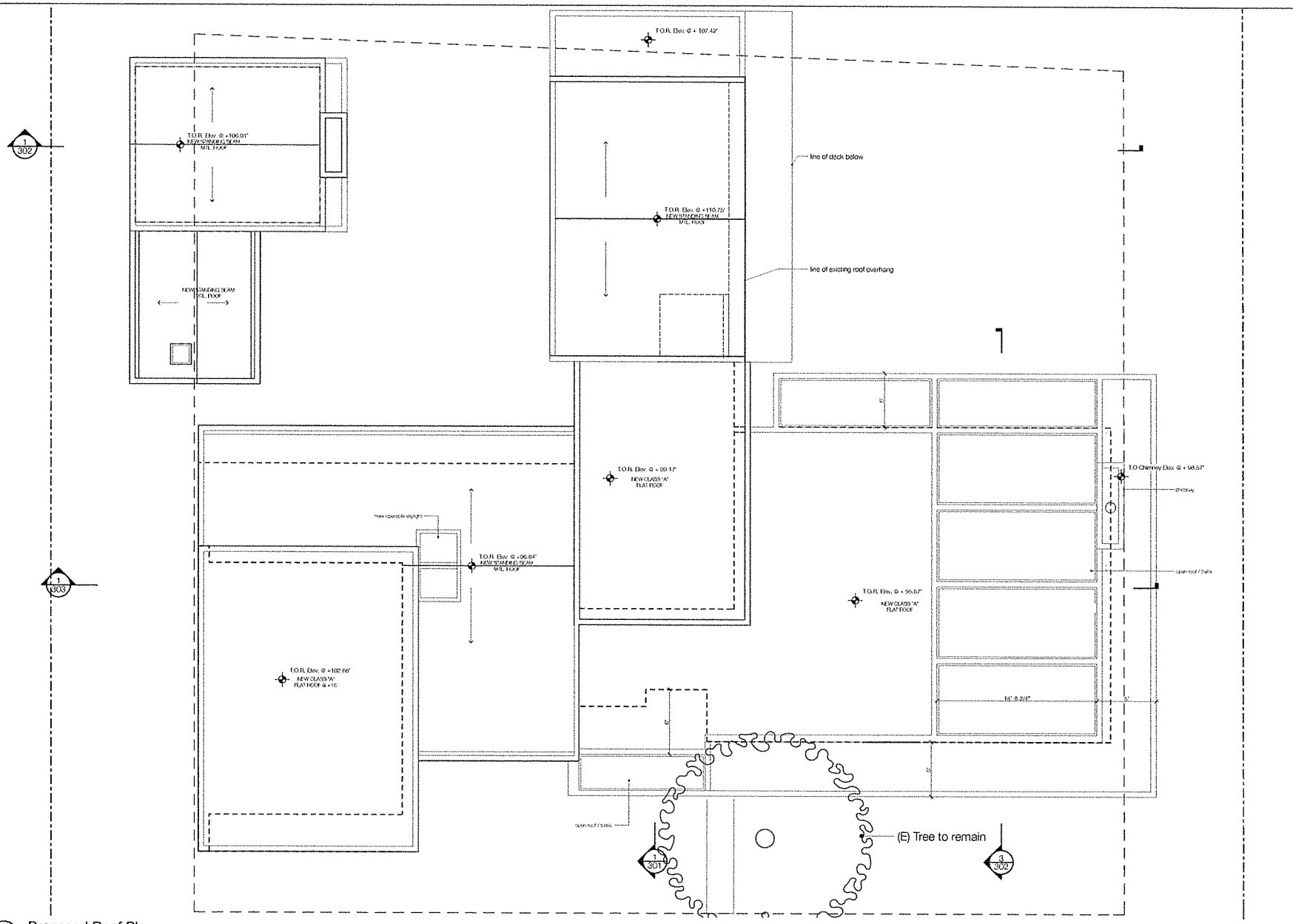
Roof As-Built Demo Plan

DATE
SCALE
DRAWN BY



1 Proposed Roof Plan
SCALE: 1/4" = 1'-0"

studio bracket
3429 Main Street
Santa Monica, CA 90405
T 310.774.0040
F 310.774.0079

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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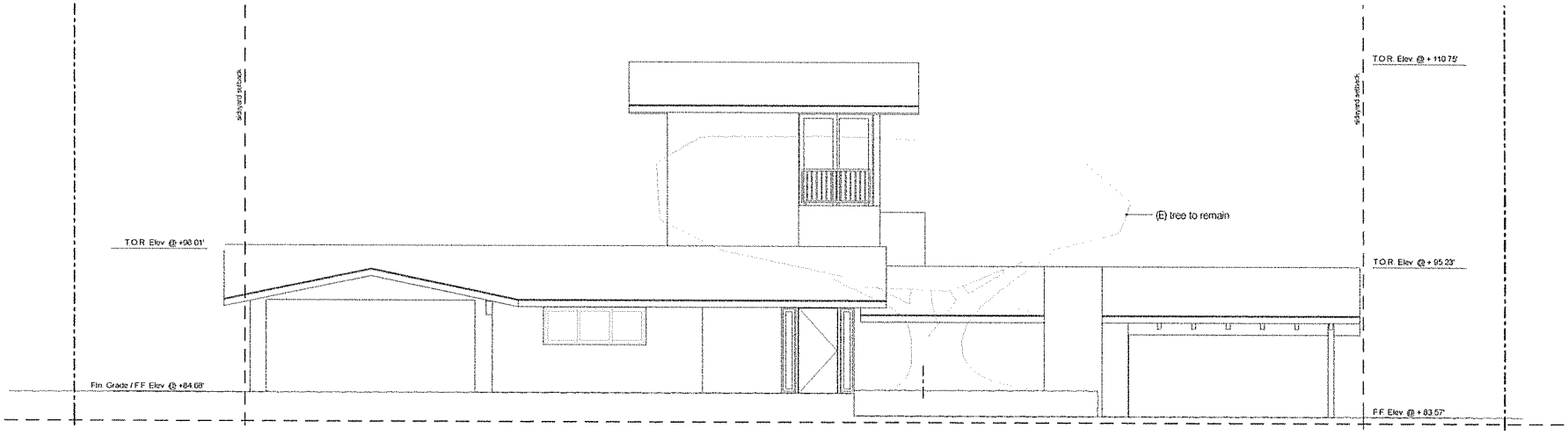
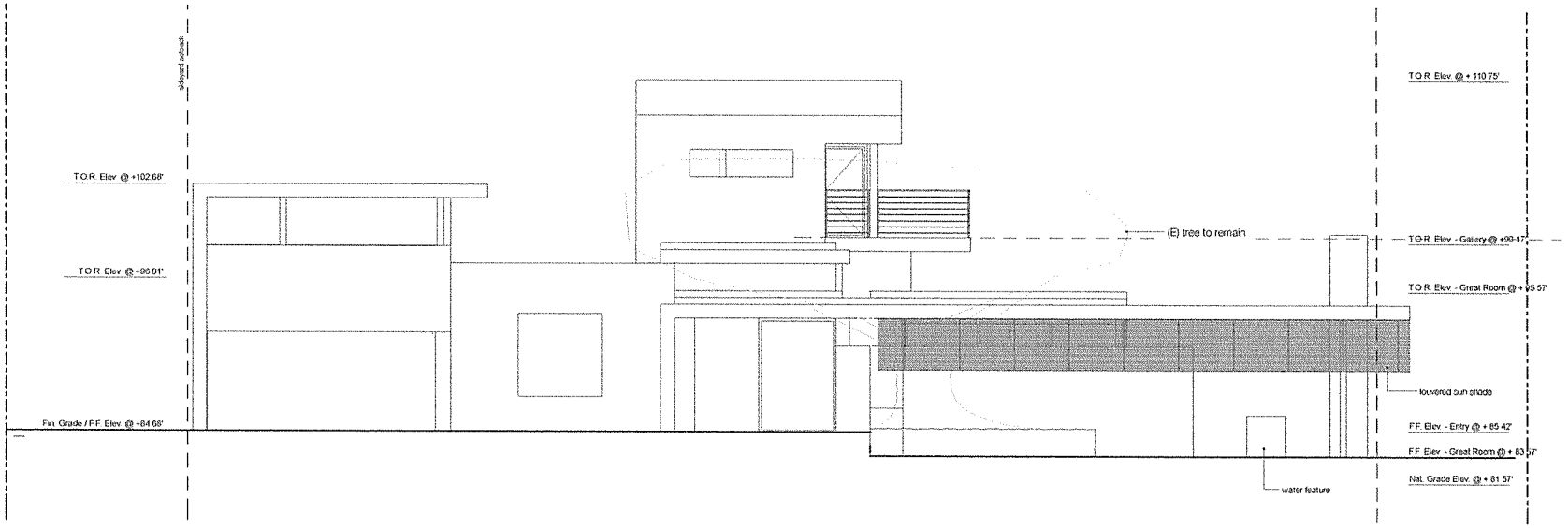
Roof Proposed Plan

DATE 05.07.2013
SCALE 1/4"
DRAWN BY: EJG



1 As-Built West Elevation
SCALE: 1/4" = 1'-0"



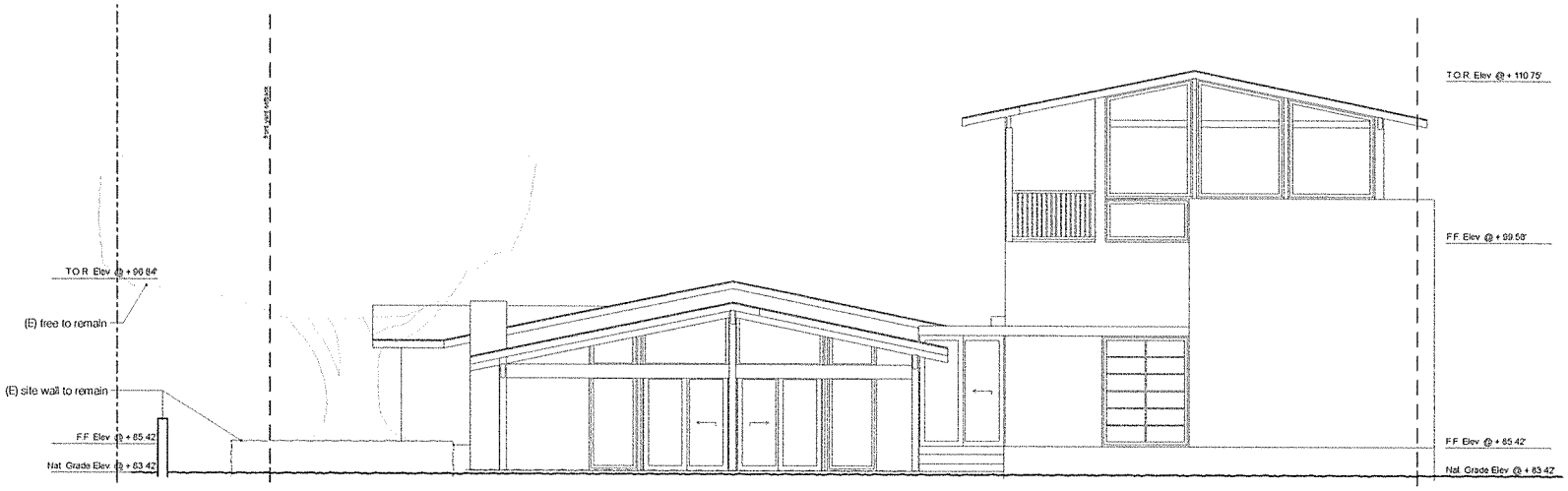
2 Proposed West Elevation
SCALE: 1/4" = 1'-0"

studio bracket

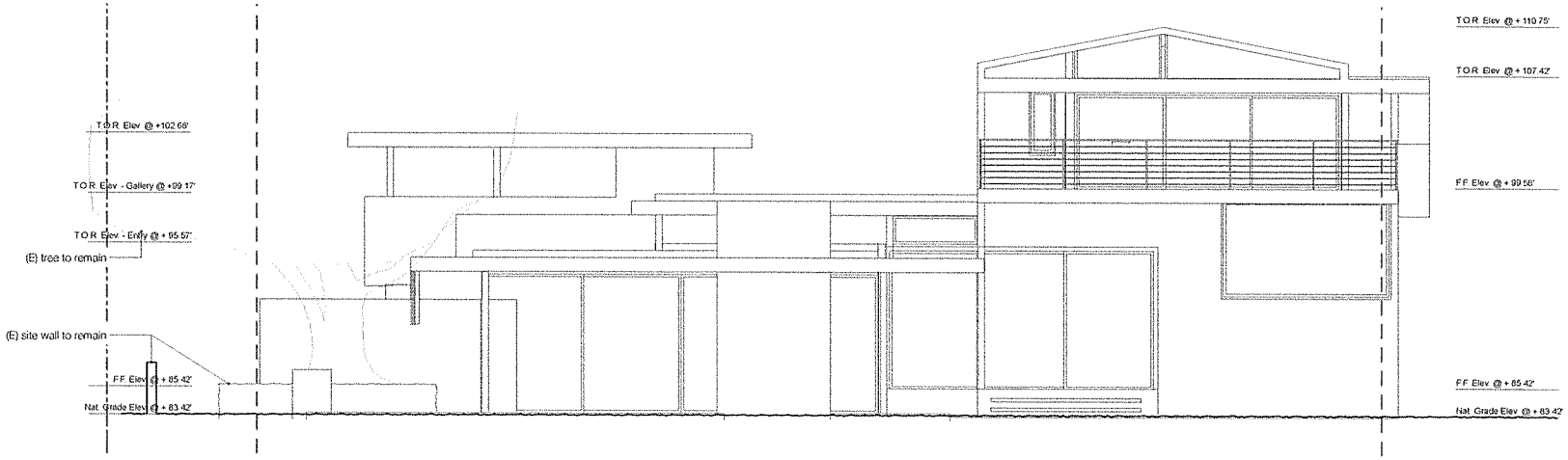
Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

West Elevations

201



1 As-Built South Elevation
SCALE: 1/4" = 1'-0"



2 Proposed South Elevation
SCALE: 1/4" = 1'-0"

studio bracket

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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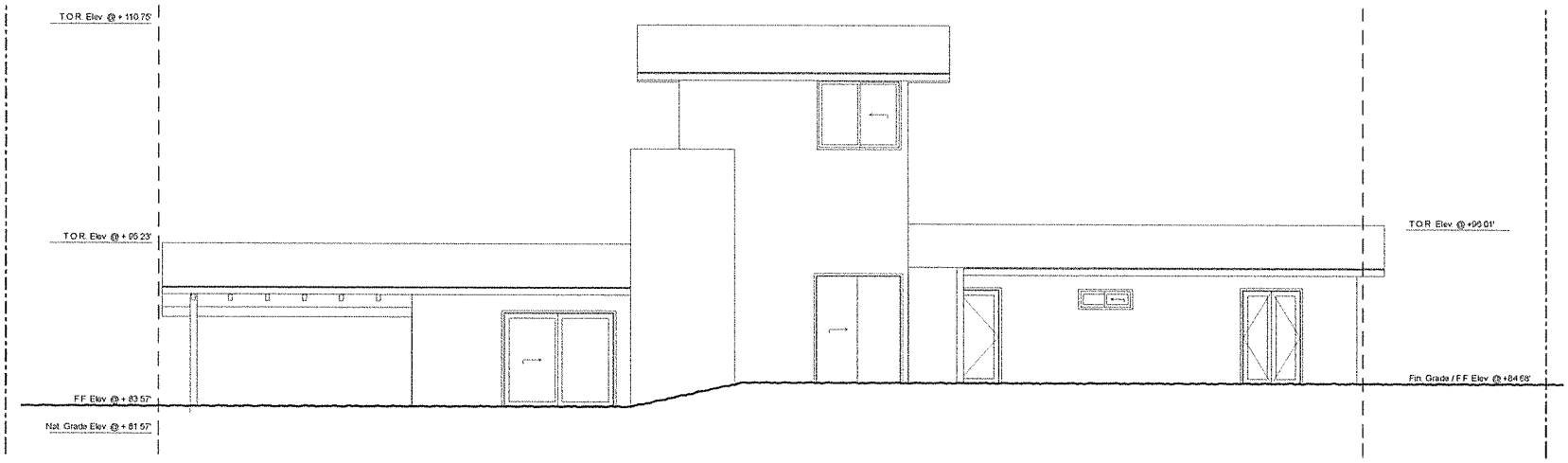
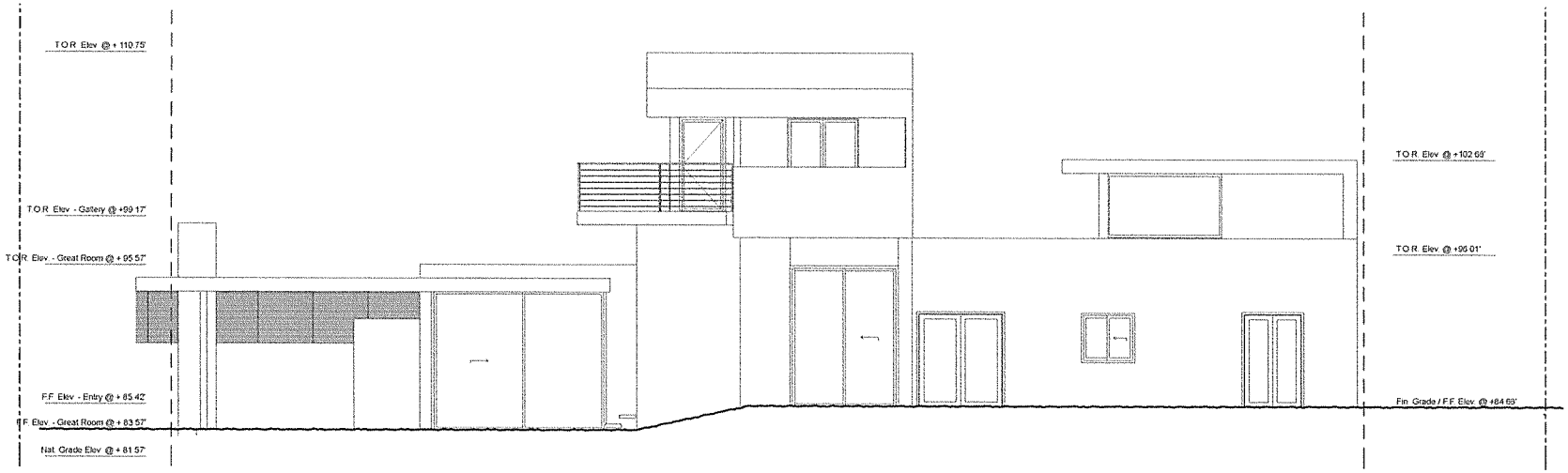
South Elevations

DATE
SCALE
DRAWN BY

202



1 As-Built East Elevation
SCALE: 1/4" = 1'-0"



2 Proposed East Elevation
SCALE: 1/4" = 1'-0"

studio bracket
23929 Malibu Road
P.O. Box 4113
Malibu, CA 90265
(T) 310.317.0243
(F) 310.317.0679

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Malibu, CA 90265

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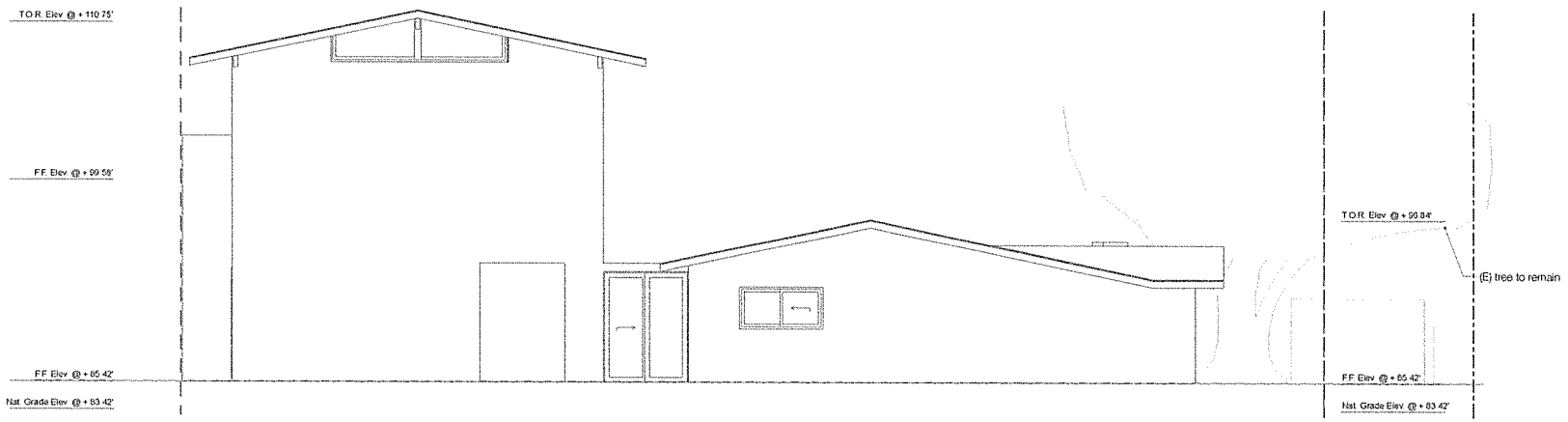
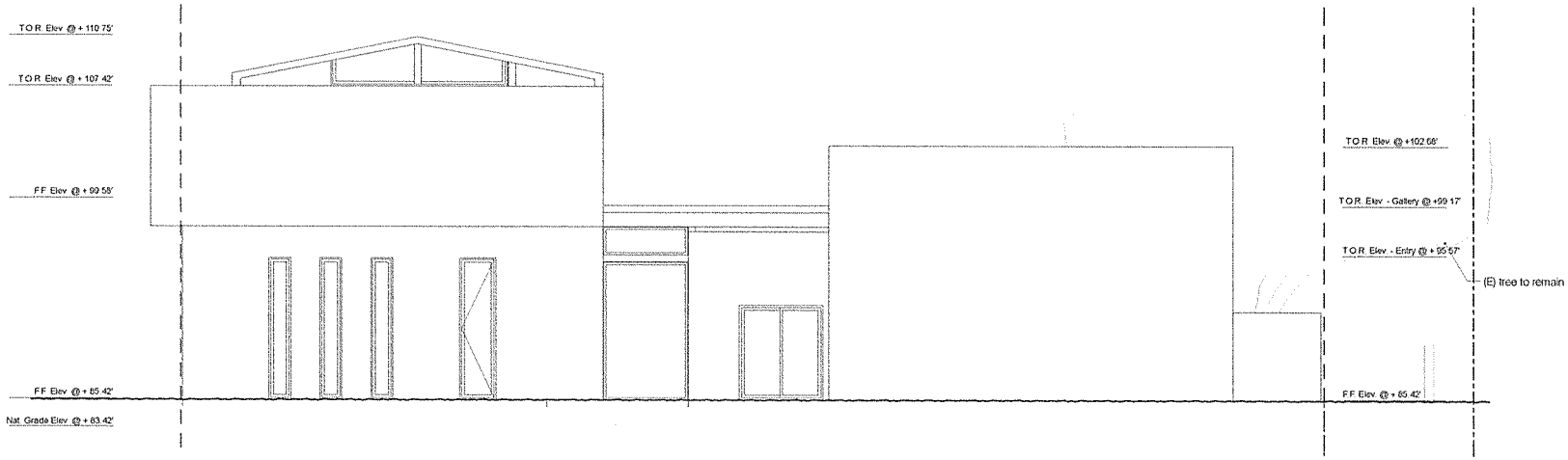
East Elevations

DATE
SCALE
PREPARED BY

203



1 As-Built North Elevation
SCALE: 1/4" = 1'-0"



2 Proposed North Elevation
SCALE: 1/4" = 1'-0"

studio bracket

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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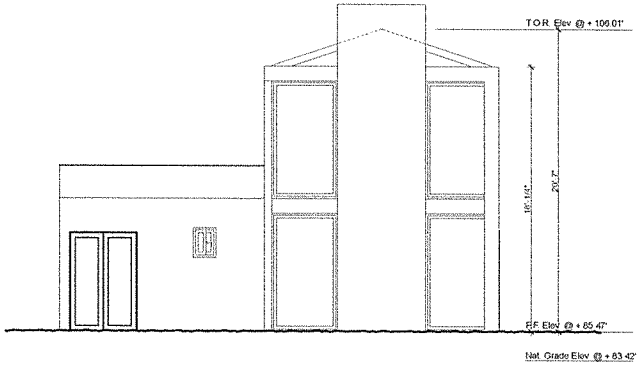
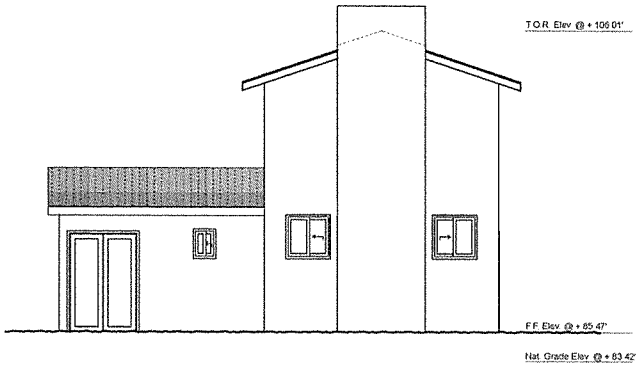
North Elevations

DATE
SCALE
DRAWN BY

204



2 GUEST - Proposed South Elevation
SCALE: 1/4" = 1'-0"



1 GUEST - As-Built South Elevation
SCALE: 1/4" = 1'-0"

studio bracket
LOS ANGELES, CA 90265
(t) 310.774.0080
(f) 310.774.0079

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

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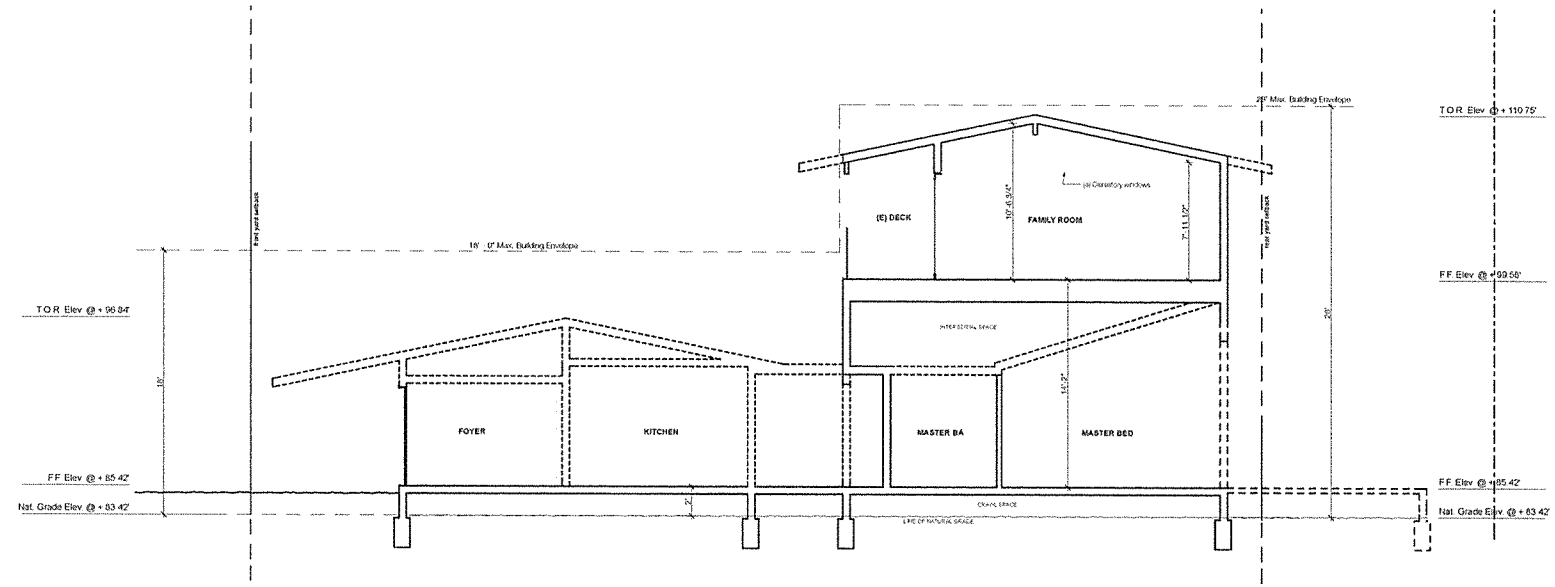
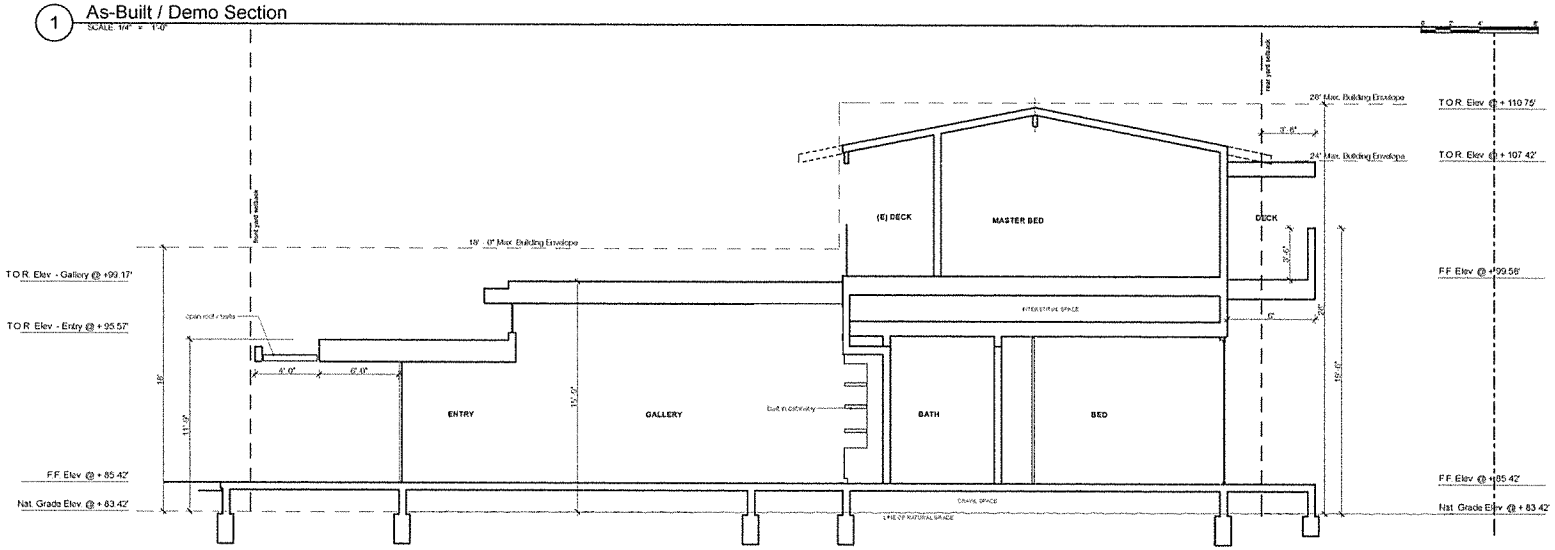
Guest Elevation

DATE
SCALE
DRAWN BY

205



1 As-Built / Demo Section
SCALE: 1/4" = 1'-0"



2 Proposed Section
SCALE: 1/4" = 1'-0"

Legend

- Demo
- Existing to remain
- Proposed

Notes

studio bracket
23 Malibu Colony
Malibu, CA 90265
(t) 310.274.2040
(f) 310.274.0879

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

Exhibit, drawings, specs & documents contained herein are instruments of service of the designer for some use w/ respect to this project.

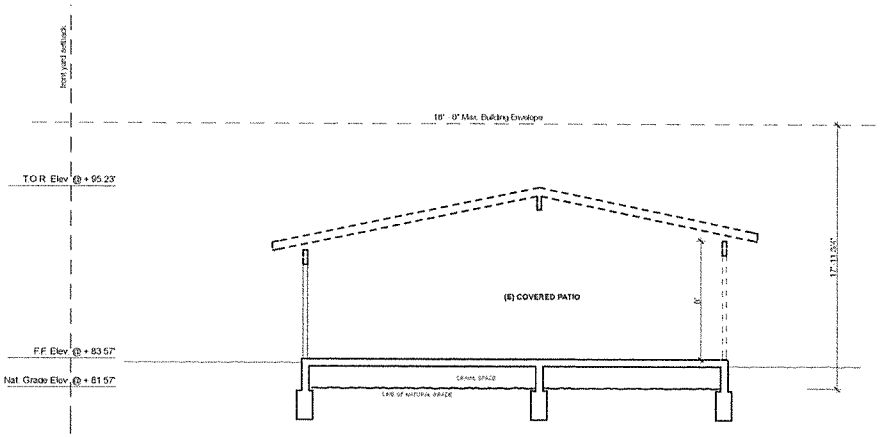
The Designer retains all rights in, to, and in connection with, copyright and any and all other intellectual property rights.

These documents not to be used with out the written consent of the Designer.

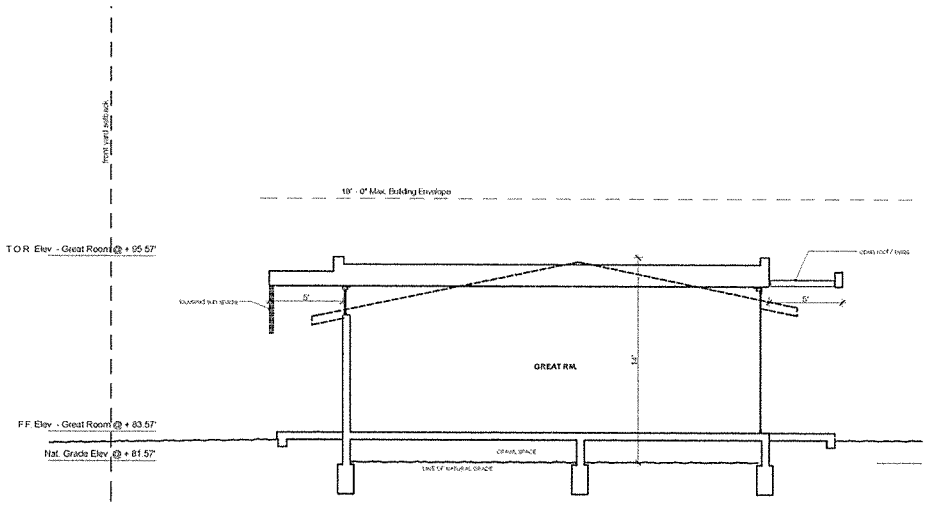
SECTIONS

DATE
SCALE
DRAWN BY

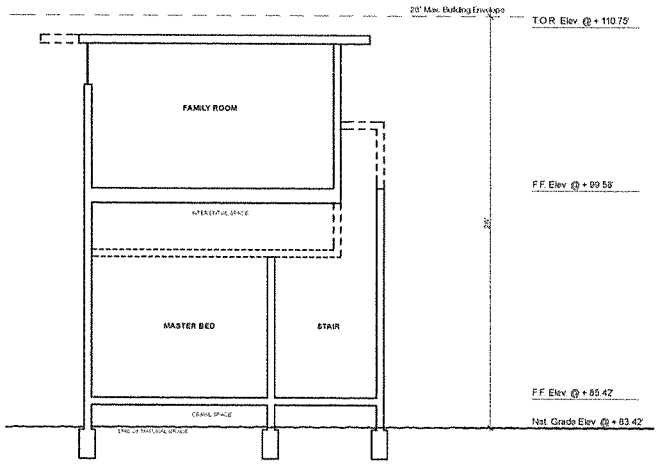
301



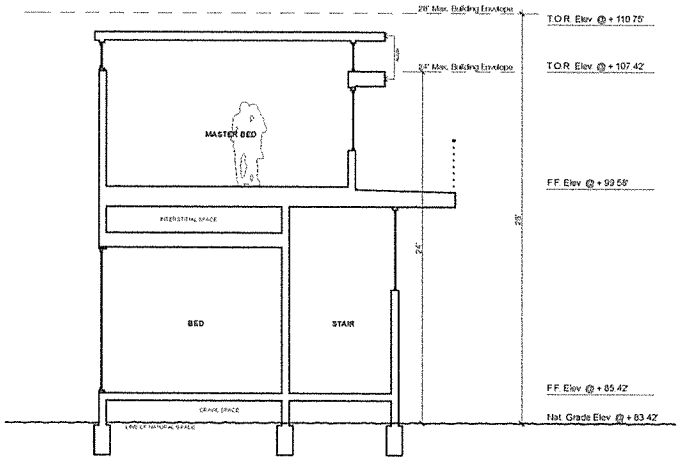
3 As-Built / Demo Section
SCALE: 1/4" = 1'-0"



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



1 As-Built / Demo Section
SCALE: 1/4" = 1'-0"



2 Proposed Section
SCALE: 1/4" = 1'-0"

Legend

- Demo
- Existing to remain
- Proposed

Notes

studio bracket

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

These drawings, specifications & documents contained herein are instruments of service of the designer for work done w/ respect to this project.

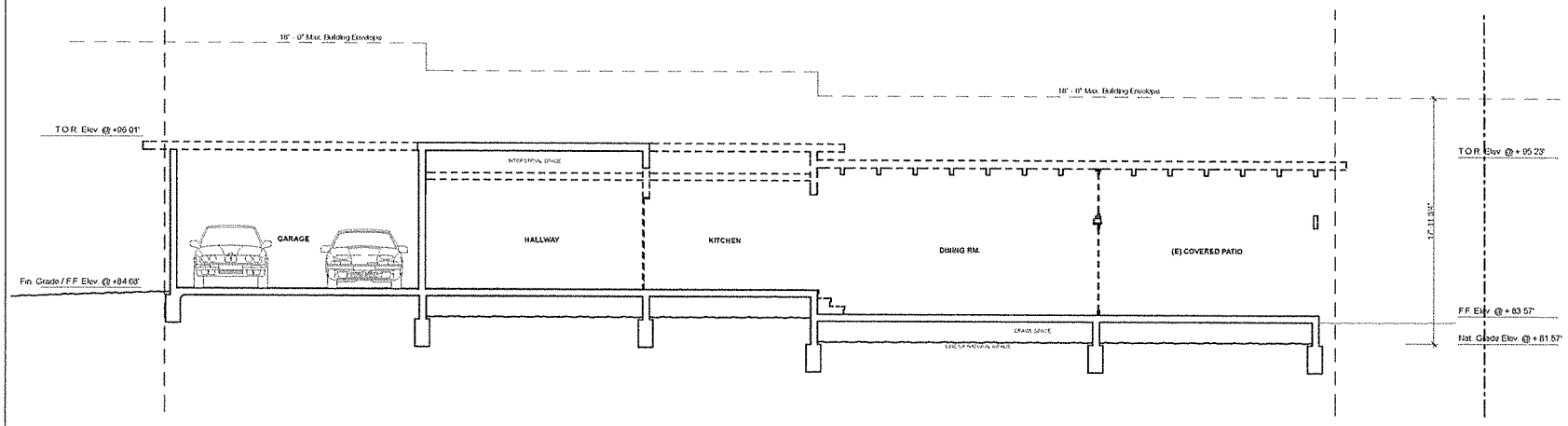
The Designer retains all common law, statutory and all other rights, including copyright, and any and all other intellectual property rights.

These documents not to be used without the written consent of the Designer.

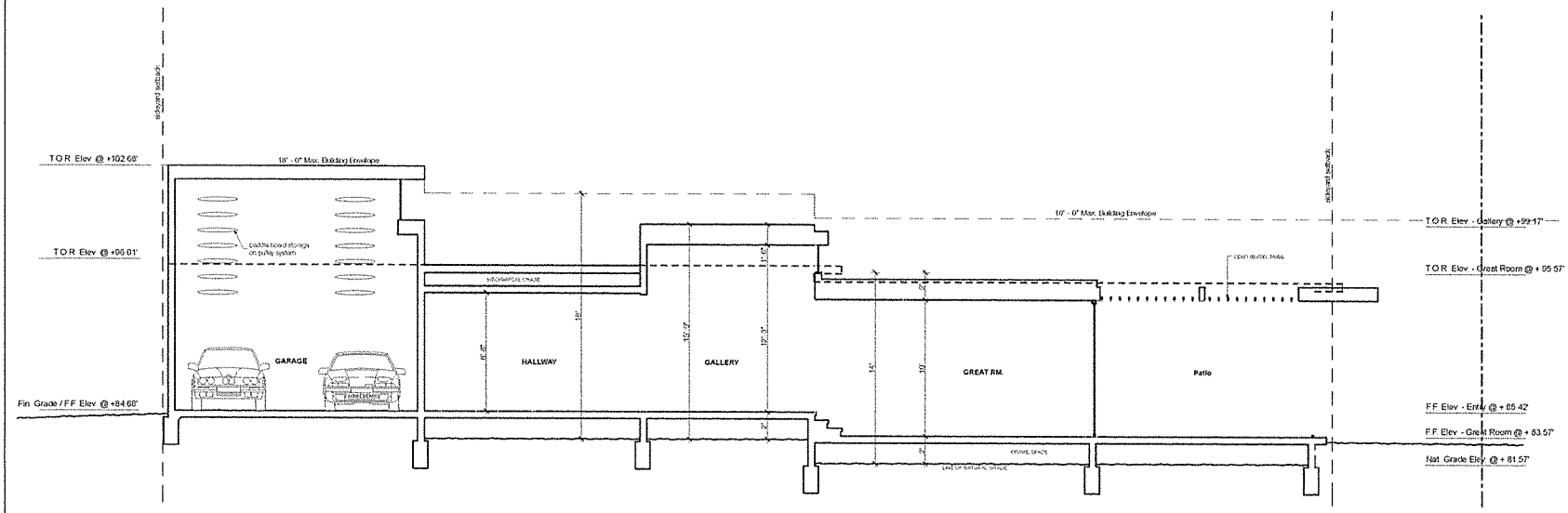
SECTIONS

DATE
SCALE
PREPARED BY

302



1 As-Built / Demo Section
SCALE 1/4" = 1'-0"



2 Proposed Section
SCALE 1/4" = 1'-0"

Legend

- Demo
- Existing to remain
- Proposed

Notes

studio bracket
3750 Malibu Rd.
Malibu, CA 90265
(T) 310.774.0080
(F) 310.774.0079

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

Exhibits, drawings, specs, & documents contained herein are instruments of service of the designer for use solely w/ respect to this project.

The Designer retains all common law, statutory and other rights, including copyright and other intellectual property rights.

These documents not to be used without the written consent of the Designer.

SECTIONS

DATE
SCALE
DRAWN BY
PROJECT NO.

303

Ernest J. Guadiana
D: 310.746.4425
F: 310.746.4462
EGuadiana@elkinskalt.com

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

November 25, 2015

VIA E-MAIL AND U.S. MAIL

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: BBlue@malibucity.org

Richard Mollica
Senior Planner
City of Malibu
23825 Stuart Ranch Road
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E-Mail: RMollica@malibucity.org

Jamie Peltier
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Malibu, CA 90265
E-Mail: JPeltier@malibucity.org

Carl Manisco
Environmental Programs
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: CManisco@malibucity.org

Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Bonnie, Richard, Jamie, and Carl:

This letter follows the October 29, 2015 letter ("October Letter") from my colleague Ken Ehrlich on this matter. Our office represents the owners of the real property at 31946 Pacific Coast Highway, Malibu, CA ("31946 Property"). The October Letter expresses concerns over the planned redevelopment of the Cohen Property referenced above, and specifies multiple reasons for the City to require a Coastal Development Permit ("CDP") for this planned redevelopment.

On November 16, 2016, we understand the applicant submitted an amended application for an administrative plan review for the development of the Cohen Property (the "Amended Plan"). After our review,[1] the Amended Plan remains deficient, and the planned redevelopment

[1] For whatever reason, the City continues to refuse to provide our office with a copy of the submitted plans. The City claims that the architect has some form of intellectual property protection over the plans. We disagree, and request the legal basis for the City's position. The plans are public documents submitted to a public agency. Our office submitted a proper PRA (footnote continued)

requires a full CDP. The Amended Plan does not address the concerns contained in our October Letter and presents additional issues. Our clients seek to ensure that the City of Malibu: a) knows with certainty the existing configuration and elevations of the Cohen Property; and b) ensures that appropriate permits, including a CDP, are obtained for the planned redevelopment.

A. Ministerial Permit Sought Despite No Roof Height Elevations Submitted

Our October Letter outlines that the original application for an administrative plan review neither revealed the heights of the structures located on the Cohen Property nor the heights of the proposed structures. The Amended Plan similarly lacks these height measurements. By not including the proper elevations of the as-built and proposed structures, the applicant seeks to conceal the significant differences between current, existing site conditions and proposed as-redeveloped conditions. If the City knew that the current height is under 18 feet and the proposed height is over 18 feet, the applicant could not redevelop the site through an administrative permit; at the very least, the applicant's plans require Site Plan Review or a full CDP.

For example, the maximum height for "[e]very residence and every other building or structure associated with a residential development, including satellite dish antenna...is 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna." (Emphasis added.)[2] Neither the City nor our clients can determine the roof height of the proposed structure because the applicant failed to provide elevations. We remain quite concerned that the owner of the Cohen Property may seek to use this ambiguity over elevations (or omission of elevations) to improperly raise the height of the structure immediately seaward of the 31946 Property. The City must know this information before determining the type of permit needed for the work and before issuing any permits.

B. Ministerial Permit Sought Despite Increase in Allowable Square Footage

The Amended Plan provides that the total square footage of the renovated structures is 4,350 square feet. This square footage exceeds the amount allowed on the Cohen Property. The Cohen Property is less than one-half acre in size, which means that the total development square footage may not exceed 17.7% of the lot area plus 1000 square feet.[3] The net area of the Cohen

---

request more than 10 days ago, and the City has not responded. The City has violated the PRA, for which we reserve our rights. Regardless, the City separately produced the plans to our office.

[2] LIP Section 3.6-E.1.

[3] LIP Section 3.6-K.

Property is 11,660 square feet. Accordingly, the total development square footage may not exceed 3,064 square feet.

From our search, no permit, variance, or other entitlement allows the Cohen Property to exceed 3,064 square feet. As a result, the LIP requires a CDP for the total development square footage depicted in the Amended Plan.[4]

C. Ministerial Permit Sought Despite Unapproved Addition of Kitchen to Guest House

We attach as Exhibit "A" plans approved in 1987 for the current guest house at the Cohen Property (the "Approved Guest House Plan"). The Approved Guest House Plan provided "No Kitchen Allowed". This approval is in line with the definition of a guest house in the Local Implementation Plan, which defines a guest house to be an "attached or detached living quarters on the same premises ... ***containing no kitchen.***"[5] The addition of a kitchen would convert this structure to a "Second Unit,"[6] the creation of which would require a coastal development permit.[7]

E. Potentially Inaccurate Baseline Condition

The current improvements at the Cohen Property do not match existing permitting for the site. For example, the as-built structure contained in the Amended Plan shows the guest house detached from the main residence and including a kitchen. Under the Approved Guest House Plan, the guest house is attached to the main residence by a common wall and does not contain a kitchen. Other inaccuracies may also exist as to the main residence. These inaccuracies must be clarified and uncovered so a proper baseline can be understood and evaluated in connection with the proposed redevelopment.

F. Unconfirmed Fixture Count

As noted above, the as-built structure in the Amended Plan is inaccurate. These inaccuracies may lead to an overstressed septic system, which could present a community-wide

---

[4] See, LIP Section 13.4.4 [providing that an increase in 10% of the total interior square footage of a property located "between the sea and the first public road paralleling the sea" requires a coastal development permit.

[5] LIP Section 2.1. (Emphasis added.)

[6] LIP Section 2.1.

[7] See, LIP Section 13.4.1 [providing that the exemption to improvements to existing single-family residences does not apply to "accessory self-contained residential units."]

health and safety risk. The City's inability to locate the completed confirmed fixture count for the Cohen Property magnifies this concern. A determination of the allowed fixtures on the Cohen Property is vital for proper calculation of septic requirements. In short, the City must have this information to evaluate the Amended Plan, and must demand that the applicant produce the same in a comprehensive, logical manner.

G. Amended Plan Indecipherable

The Amended Plan contains a number of abbreviated terms and drawings that remain undefined within the Amended Plan. Such undefined terms and drawings create ambiguities in reviewing the redevelopment of the Cohen Property. For example, the Amended Plan shows the western portion of the proposed residence to extend past a dotted line. If this dotted line represents the setback requirement, then the LCP/LIP requires Site Plan Review prior to approval.[8]

These indecipherable plans also inhibit public involvement in the City's development process. The City should require resolution of these ambiguities prior to making any determination on the Amended Plan.

H. Potential Piecemeal Development

As explained in our October Letter, the owner of the Cohen Property previously shared with our clients rough drawings for an expansive redevelopment of the Cohen Property. Undoubtedly, the applicant's "master plan" for the Cohen Property includes an expansive redevelopment of the entire site. Still, the plans submitted to date reflect a much smaller project scope. Undoubtedly, the applicant seeks to "piecemeal" to fruition the massive, expansive project through many small scale increments. Our clients have repeatedly requested detailed plans and elevations for **all** of the desired construction at the Cohen Property, but still have not received such materials to date. In any event, the redevelopment described to our clients expands well beyond that detailed in the Amended Plan. Our clients seek to ensure proper and coordinated permitting for all planned improvements, including public involvement in the process and the avoidance of piecemeal development.

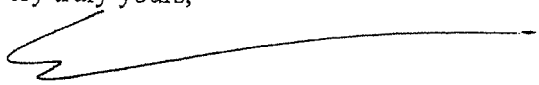
We request that the City: a) know with certainty the existing configuration and elevations of the Cohen Property; and b) ensure that appropriate permits, including a CDP, are obtained for the planned redevelopment.

---

[8] Municipal Code, Section 17.62.040.8.

Please contact our office with questions or comments.

Very truly yours,



Ernest J. Guadiana
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Christi Hogin, Esq.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

FILE COPY

Date: August 13, 1987

TO: Carl Volante AIA
P.O. Box 2446
Malibu, CA 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-87-616 APPLICANT: Mr. and Mrs. McCarty

LOCATION: 31948 Pacific Coast Highway
MALIBU

PROPOSED DEVELOPMENT: The addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

RATIONALE: The proposed development is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within a an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their August 25-28, 1987, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
South Coast District Director

by:

cc: Commissioners/File

BP/nw
3484A

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: WAIVER OF COASTAL PERMIT REQUIREMENTS FOR: the addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

LOCATION: 31948 Pacific Coast Highway
MALIBU

APPLICANT: MR. & MRS. MCCARTY

APPLICATION NUMBER: 5-87-616

DATE NOTICE POSTED:

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
PO BOX 1450
245 WEST BROADWAY, STE 380
LONG BEACH, CA 90802
(213) 590-5071

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 87-616 APPLICANT: Mr & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

PROPOSED DEVELOPMENT: The addition of a 750 ft guesthouse, 24' high, to an existing single family residence

RATIONALE: The proposed dev. is consistent with the size and bulk standards of the Certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their _____, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

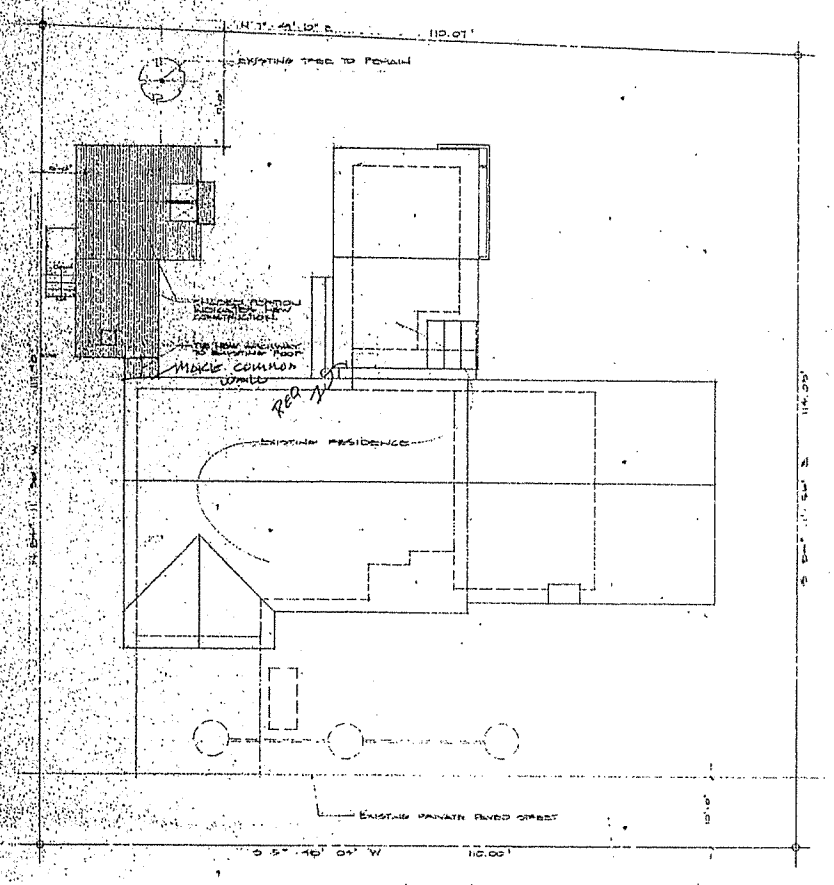
Tom Crandall

TOM CRANDALL
South Coast District Director

by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85



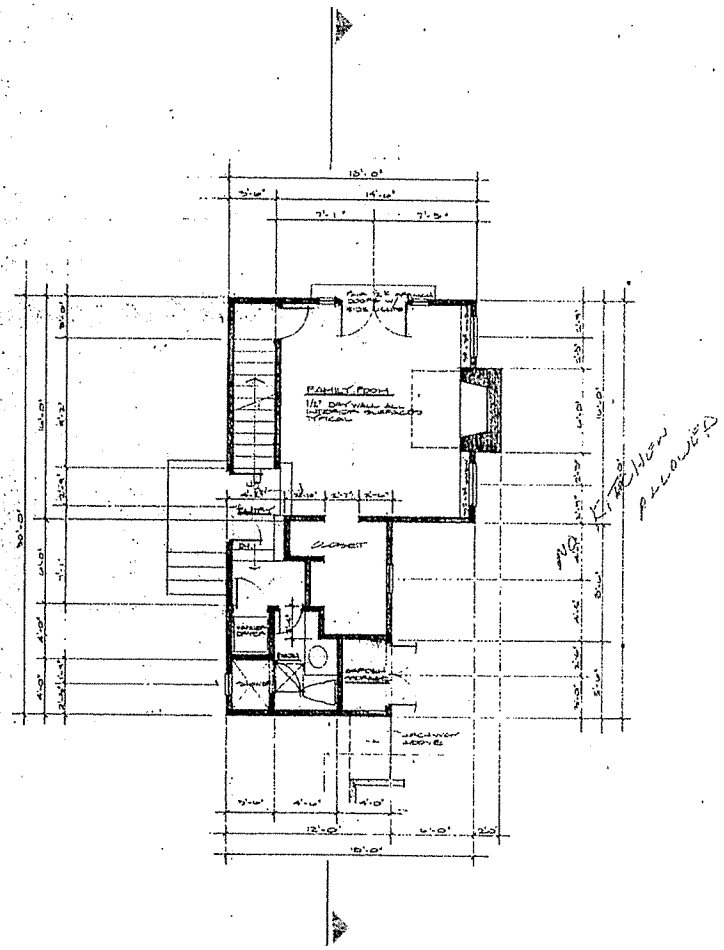
SITE PLAN
1/8" = 1'-0"

McCARTY RESIDENCE
21995 PACIFIC COAST HIGHWAY
HAVILOJ, CALIFORNIA 90265

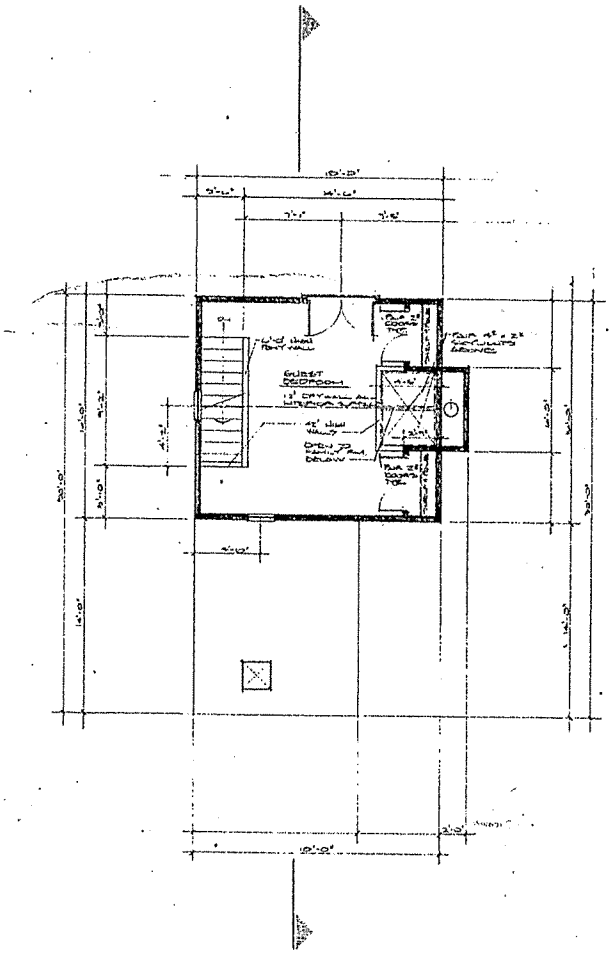
A/C 87-083
Dismissed 7-15-87

RECEIVED
JUL 6 1987
CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT

South Coast District Office
APPROVED Permit No. 5-87-616
By: Bill Ponder
EFFECTIVE Date: 8/29/87



FIRST FLOOR PLAN
1/4" = 1'-0"



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

HILLARY RESIDENCE
[illegible]
[illegible] CALIFORNIA

VOLANTE
ARCHITECTURE

Carl Schuyler AIA
[illegible]
[illegible] CA [illegible]
[illegible]

RECEIVED
MAY 2 3 2016
PLANNING DEPT.

May 18, 2016

To: Commissioners and Staff

From: Morris and Marilyn Sands
31950 Pacific Coast Highway
Malibu, CA 90265

We received notice of the June 6, 2016 hearing.
A family obligation makes it impossible for us to attend the hearing.

We live in the adjacent property seaward of the Cohens (31948 PCH)
We have lived here since 1979. Our experience over these many years has been one where neighbors respect each other and cooperate with each other to resolve any differences.

In our memory this is the first instance where a sense of acrimony seems to be prevailing.

Although we understand that the Cohens have a right to work on their property so long as they comply with existing laws, it is our hope that the time honored attitude of peace and neighborly cooperation continue.

The original owners of 31948 (the Mc Carty's) always cooperated with neighbors on all sides of their property to accommodate their fair and legitimate needs, e.g. tree trimming, giving notice of planned work, etc.

We hope the applicants (the Cohens) will consider a reasonable compromise, so that we can live together cooperatively, on our lovely street.

We also feel that the Goldfiner's have a right to retain their ocean views.

Thank you for your kind consideration.

Sincerely,

Morris Sands Marilyn Sands

Morris and Marilyn Sands

Jamie Peltier

From: Dorielle A. Hammonds [redacted]
Sent: Monday, May 02, 2016 2:08 PM
To: Bonnie Blue; Jamie Peltier
Cc: Ernest J. Guadiana; Kenneth A. Ehrlich; Christi Hogin - Office; jainsworth@coastal.ca.gov; Steve.Hudson@coastal.ca.gov
Subject: Proposed Redevelopment of 31948 PCH, Malibu ("Cohen Property")
Attachments: 2016-05-02 Ltr to City of Malibu re Increased Garage Height.pdf; 15-261 - 31948 Pacific Coast Hwy, Malibu.pdf

Dear Bonnie and Jamie,

On behalf of Mr. Guadiana, please see attached correspondence.

Thank you

Dorielle A. Hammonds
Assistant to Ernest J. Guadiana
Elkins Kalt Weintraub Reuben Gartside LLP
2049 Century Park East, Suite 2700 | Los Angeles, California 90067
Direct Dial: (310) 746-4455 | Main: (310) 746-4400 | Fax: (310) 746-4499 | Email: dhammonds@elkinskalt.com | Web: www.elkinskalt.com

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Ernest J. Guadiana
D: 310.746.4425
F: 310.746.4462
EGuadiana@elkinskalt.com
Ref: 11806-0001

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

May 2, 2016

VIA E-MAIL AND U.S. MAIL

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: BBLue@malibucity.org

Jamie Peltier
Planning Technician
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: JPeltier@malibucity.org

Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Bonnie and Jamie:

We represent the owners of the real property located at 31946 Pacific Coast Highway, Malibu, California. On March 22, 2016, we submitted a letter (the "March 22 Letter") to the City of Malibu (the "City") expressing our concerns with the proposed redevelopment of the Cohen Property referenced above. Among other points, the March 22 Letter explains that LIP § 6.5.E.1.A prohibits the garage height being increased to 18 feet, as proposed in the current application for a proposed renovation of the Cohen Property (the "New Plans").

As specified in the March 22 Letter, Chapter 6 of the LIP functions "to enhance and protect the scenic and visual qualities of coastal and mountain areas within the City of Malibu." LIP Chapter 6 outlines restrictions on new development to protect such scenic and visual qualities. One of these restrictions, specified in LIP § 6.5.E.1.A, provides that "[s]tructures [on parcels located on the ocean side of Pacific Coast Highway] shall extend no higher than the road grade adjacent to the project site, where feasible."

The Cohen Property is located on the ocean side of Pacific Coast Highway. The New Plans propose to create a garage with an 18 foot flat roof. According to LIP § 2.1, the proposed garage constitutes "new development" because the Applicant proposes to increase the garage's height by more than 10%.

The Cohen Property's proposed garage height impermissibly rises above the road grade of Pacific Coast Highway adjacent to the Cohen Property. Accordingly, since submitting the March 22 Letter, our clients retained Rosell Surveying and Mapping, Inc. ("Rosell") to conduct a survey to determine whether the proposed garage height rises above the road grade of Pacific Coast Highway adjacent to the Cohen Property.

We enclose a copy of the recently-completed survey for the City's review. As depicted in the survey, the proposed garage height violates LIP § 6.5.E.1.A. The elevation of the road grade of Pacific Coast Highway is 102.99 feet above sea level. The existing garage on the Cohen Property is 97.85 feet above sea level. Accordingly, to comply with LIP § 6.5.E.1.A, the garage height cannot be increased more than 5.14 feet. The New Plans propose to increase the height of the garage by approximately 6.67 feet. Clearly, the renovations proposed by the New Plans violate LIP § 6.5.E.1.A.

Until the application for the proposed renovation of the structures on the Cohen Property complies with LIP § 6.5.E.1.A, as well as the other items expressed in our May 22 Letter, the New Plans remain deficient and City cannot approve them. Our clients reserve all of their rights and waive none.

Please contact our office with questions or comments.

Very truly yours,

ERNEST J. GUADIANA of
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Kenneth Ehrlich, Esq.
Christi Hogin, Esq.
Jack Ainsworth
Steve Hudson

Jamie Peltier

From: Jamie Peltier
Sent: Thursday, April 07, 2016 2:13 PM
To: Marissa Coughlan
Cc: Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: Re: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Hi Marissa,

I'm inquiring on the status of the Primary View Determination from the site visit about a month ago. Please let me know if the pictures I sent are what the property owner agrees to and submit the Uniform Application. I'd like to continue with the process and if they could establish a view, that would be great.
Please let me know if you have any further questions about the primary view determination or the project.

Thank you,
Jamie

From: Jamie Peltier
Sent: Tuesday, March 15, 2016 10:40 AM
To: Marissa Coughlan
Cc: Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: Re: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Good Morning,

The reduced setbacks are shown on the proposed site plan. Please feel free to come view them again.
Per the MMC Section 17.62.040 (A)(8): *The planning manager/director may approve a site plan review after consultation with all appropriate city staff and specialists including the building official, city engineer, city biologist, city geologist, city archeologist and a coastal morphologist; and where substantial evidence supports the findings set forth in subsection D of this section for new construction or reconstruction of structures authorizing the following: Reduction of setback and open space requirements by no more than twenty (20) percent, except that front yard setbacks may be reduced by no more than fifty (50) percent.*
Planning Commission will not be required.

Jamie

From: Marissa Coughlan [redacted]
Sent: Tuesday, March 15, 2016 10:27 AM
To: Jamie Peltier
Cc: Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: FW: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Good morning Jamie:
When I met you at the site visit for the above-referenced property, you stated that an SPR was needed because of the encroachment of the garage. After looking at the plans in your office, I do not recall seeing an encroachment of the garage into the setbacks. Can you please clarify? If I recall correctly, you said that there would not be a public hearing for the SPR and that it would be the Planning Director determination? Would you also please clarify for me as to why it

would not go to the Planning Commission (provide the references within the LCP/LIP/MMC, guidelines and interpretations that would support no Planning Commission review? I'm a bit confused.
Thank you
Marissa

From: Marissa Coughlan
Sent: Monday, March 07, 2016 3:13 PM
To: Jamie Peltier
Subject: Re: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Wednesday @ 10a is fine. I'll come by tomorrow to look at plans. Thank you
Marissa

Sent from my iPhone

On Mar 7, 2016, at 3:02 PM, Jamie Peltier <JPeltier@malibucity.org> wrote:

> I am not available tomorrow for a view determination. The earliest time I can come out is Wednesday at 10 am.
>
> The plans are available to view and I'll be at the counter tomorrow and Friday if you have questions.
>
> ---
>
> **From:** Marissa Coughlan [redacted]
> **Sent:** Monday, March 7, 2016 1:21 PM
> **To:** Jamie Peltier
> **Cc:** Ehrlich Kenneth A.; Guadiana Ernest James
> **Subject:** Fwd: 31948 PCH (COHEN) Revised plans submitted 2-18-16
>
> Hello Jamie
> I would like to file for a "primary view" determination for 31946 PCH tomorrow.
>
> I would also like to the plans again then arrange time to address some concerns once I have received confirmation on some data being reviewed.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Marissa Coughlan [redacted]
> > **Date:** February 29, 2016 at 10:09:34 AM PST
> > **To:** Jamie Peltier <JPeltier@malibucity.org>
> > **Cc:** "Kenneth A. Ehrlich (KEhrlich@elkinskalt.com)" <KEhrlich@elkinskalt.com>, "Ernest J. Guadiana (EGuadiana@elkinskalt.com)" <EGuadiana@elkinskalt.com>
> > **Subject: Re: 31948 PCH (COHEN) Revised plans submitted 2-18-16**
> >
> > Thank you
> > Marissa
> >
> > Sent from my iPhone

On Feb 29, 2016, at 8:36 AM, Jamie Peltier <JPeltier@malibucity.org> wrote:

Good Morning,

As I have mentioned, the plans are available to view if you want to look at the height. The proposed scope of work that will be over 18 feet in height is the covered deck. The plans were routed to Environmental Health and Matt Janousek approved them. I have received the letters from the attorney via email and the hard copy in the mail. I believe the issues from the letter have been resolved, however, if there are questions please let me know.

Jamie

From: Marissa Coughlan [redacted]
Sent: Friday, February 26, 2016 4:52 PM
To: Jamie Peltier
Cc: Kenneth A. Ehrlich (KEhrlich@elkinskalt.com); Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: RE: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Thank you so much for the quick response. I appreciate it.

1.The height is our biggest concern as we may have to file for a view determination. The increase in roof height is a big concern.
2. We have a survey on the property and currently verifying consistency in the data as there are questions.
3. Were the plans ever given to Carl as he had asked for them before the revision?
4. Have you seen the letter from our attorney and City response yet?
This is it for a Friday.
Thank you
Marissa

From: Jamie Peltier [mailto:JPeltier@malibucity.org]
Sent: Friday, February 26, 2016 3:41 PM
To: Marissa Coughlan
Cc: Kenneth A. Ehrlich (KEhrlich@elkinskalt.com); Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: Re: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Yes, I am the planner on the project.
1. The project is has not been deemed complete.
2. The story pole plan has been approved and story poles are installed. I need to do a site visit to verify they're correct.
3. I have reviewed the revised plans and don't have any further comments.

4. The revised scope of work eliminated the enclosures, however, the increase in roof height, deck and remodel still remain, as proposed in the original scope. There is not a new application or documents stating the scope of work, it is on the plans.

If you have any specific questions regarding the project, please feel free to email me or visit me at the counter.

Jamie

From: Marissa Coughlan [redacted]
Sent: Friday, February 26, 2016 3:10 PM
To: Jamie Peltier
Cc: Kenneth A. Ehrlich (KEhrlich@elkinskalt.com); Ernest J. Guadiana (EGuadiana@elkinskalt.com)
Subject: 31948 PCH (COHEN) Revised plans submitted 2-18-16

Hello Jamie

I'm not sure if today is your off day . Jessica emailed me that the project is yours so.....
1. Regarding the above-referenced subject, has the revised been deemed complete?
2. Have you authorized the placement of story poles yet?
3. Have you had time to review the plans yet? (Will wait for response before I ask you my questions)
4. Would you please send me copy of submittal app for whatever they gave you calling out scope of work for revised plans?
Look forward to your response
Thank you
Marissa

Ernest J. Guadiana
D: 310.746.4425
F: 310.746.4462
EGuadiana@elkinskalt.com
Ref: 11806-0001

RECEIVED
MAR 22 2016
PLANNING DEPT.

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

March 22, 2016

VIA E-MAIL AND U.S. MAIL

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: BBLue@malibucity.org

Jamie Peltier
Planning Technician
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: JPeltier@malibucity.org

Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Bonnie and Jamie:

We represent the owners of the real property located at 31946 Pacific Coast Highway, Malibu, California. In this capacity, we submitted three (3) letters to the City of Malibu (the "City"), dated October 29th, November 25th and December 18th of 2015, expressing our concerns with the proposed renovation of the Cohen Property referenced above. After the City received our letters, the Applicant chose to amend their project.

Recently, the City received a new application for a proposed renovation of the Cohen Property (the "New Plans"). To the best of our ability in light of the City's position that stakeholders cannot copy plans submitted by Applicants, we have reviewed the New Plans and determined that the New Plans still require a Coastal Development Permit ("CDP") and Site Plan Review. We categorically disagree with the Planning Director's initial determination that Municipal Code § 17.62.040 renders it appropriate for the Planning Director to approve the New Plans in a ministerial manner without consideration by the Planning Commission because: 1) the New Plans require Site Plan Review which will ultimately be decided by the Planning Commission; 2) the New Plans require a CDP due to the improvements to the guest house and the increase in the garage height; and 3) the New Plans may impact public views.

In support of our position and as a means of aiding the City's evaluation of the proposed renovations to the Cohen Property, we present our analysis and conclusions below:

A. The Proposed Enclosed Deck On The Second Story Requires Site Plan Review.

Section 3.6 of the Local Implementation Plan ("LIP") outlines residential development standards. Although the LIP generally restricts buildings to a height of 18 feet for non-

beachfront lots, such as the Cohen Property, the LIP allows building heights in excess of 18 feet in certain circumstances. Specifically, LIP § 3.6.E.2 provides:

> Notwithstanding any provision of this section, ***the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs***. In no event shall the maximum number of stories above grade be greater than two.

LIP § 3.6.E.2.

The New Plans depict an enclosed deck on the second floor of the main house. This proposed enclosed deck expands the westward width of the house and contains a roof above the allowed 18 feet. Accordingly, LIP §§ 3.6.E.2 and 13.27 require Site Plan Review.[1]

The Applicant may argue that the deck is an accessory to the main house and therefore should not require Site Plan Review. However, the LIP does not differentiate between roofs of houses and roofs of decks. As the roof of the deck rises above 18 feet, Site Plan Review is required.

B. <u>The Planning Commission Will Ultimately Decide The Site Plan Review.</u>

As explained above, LIP § 13.27 requires Site Plan Review for the proposed enclosed deck. Under the Malibu Municipal Code, the Planning Manager has the discretion to refer the Site Plan Review to the Planning Commission. *M.M.C. § 17.62.040.D.* Prior to making a determination on the Site Plan Review, LIP § 13.27.5.3 requires the Planning Manager to determine that "the project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP." *LIP § 13.27.5.3.* The Planning Manager cannot make this required determination to allow her to decide this matter.

Chapter 6 of the LIP intends "to enhance and protect the scenic and visual qualities of coastal and mountain areas within the City of Malibu." The Cohen Property is visible from

---

[1] Our clients' consultant, Marissa Coughlan, recently met Planner Jamie Peltier at the property adjacent to the Cohen Property. During this meeting, Jamie stated that the LIP did not require a Site Plan Review because the proposed deck does not extend farther than six feet from the main house. We believe that the Planner is referencing Local Coastal Program Interpretation No. 18, which excludes the area of such enclosed decks from the allowed total development square footage. ***However, Local Coastal Program Interpretation No. 18 does not exempt such enclosed decks from Site Plan Review.***

Pacific Coast Highway and currently blocks views from Pacific Coast Highway of the Pacific Ocean. The proposed increase in the roof of the garage as well as the expansion of the second story of the Cohen Property's main residence will further impact public views of the Pacific Ocean. The Planning Commission, not the Planning Director, should consider such an impact(s) in a public hearing and with public input. The Planning Director should not privately make such a decision without a public process.

In any event, if the Planning Manager still chooses to decide the Site Plan Review, stakeholders will almost certainly appeal the decision to the Planning Commission. Municipal Code § 17.04.220.A provides as follows:

> ***Any person aggrieved by a decision or any portion of the decision made by the planning manager/director*** under the provisions of this title in connection with a site plan review, variance, stringline modification, conditional use permit, determination of permitted use, sign permit, cultural resources review, highway dedication or improvement, or temporary use permit application ***may appeal such action to the planning commission***.

Malibu Municipal Code § 17.04.220.A. Our clients have indicated a desire for Planning Commission review and consideration of this project, which would render an appeal a likely certainty. Under Municipal Code § 17.04.220.A, the Planning Commission will ultimately hear such appeal and determine the approval of the New Plans.

Due to the sensitivity of the issues and resources affected by the Site Plan Review, coupled with the likelihood that the Planning Commission ultimately will decide the Site Plan Review, the Planning Manager should refer the determination on the Site Plan Review to the Planning Commission.

C. <u>The Garage Height Increase Requires A CDP.</u>

LIP § 13.3 provides that "any development in the coastal zone...shall obtain a coastal development permit...."[2] LIP § 2.1 defines "development" as "construction, reconstruction, demolition, or alteration of the size of any structure...."

A number of exemptions may apply that obviate the need for a CDP. Generally, improvements to existing single-family residences are exempt from the requirement to obtain a CDP. *See, LIP § 13.4.1.A.* However, for single-family residences "between the sea and the first public road paralleling the sea", improvements that increase the height of an existing single-

[2] See also, Cal. Public Resources Code § 30106.

family residence or any significant non-attached structure, ***such as a garage, by more than 10 percent*** are not exempt from the requirement to obtain a CDP. *LIP § 13.4.1.B.6.*

Currently, the Cohen Property's existing garage has a sloped roof with a maximum height of approximately 13 feet. The New Plans depict a garage with an 18 foot flat roof, an increase of more than 10 percent over existing conditions. Consequently, the LIP requires a CDP for the proposed increase in height of the garage depicted in the New Plans.

The City or Applicant may counter that, because the garage is attached to the main residence, and because portions of the main residence exceed 18 feet, the LIP does not require a CDP for the garage's height increase. This anticipated argument has no merit.

The roof of the current garage at the Cohen Property lies separate and apart from the roof of the single-family residence. Therefore, the roof of the garage is not attached to the single-family residence. The New Plans continue this division between the garage roof and the roof of the main residence. Accordingly, the increase in the height of the garage requires a CDP because: a) the increase exceeds 10 percent of the existing height, b) the roof is not attached to the main residence, and c) garages are specifically referenced in LIP § 13.4.1.B.6 as requiring CDPs for an increase of more than 10 percent.

In short, the proposed height of the garage mandates a CDP and discretionary review of the entire project.

D. Any Guest House Development Requires A CDP.

As explained above, LIP § 13.3 provides that "any development in the coastal zone...shall obtain a coastal development permit...."[3] LIP § 2.1 defines "development" as "construction, reconstruction, demolition, or alteration of the size of any structure...." Exceptions or exemptions may apply that obviate the need for a CDP. LIP § 13.4.1 exempts "[i]improvements to existing single-family residences" from requiring a coastal development permit. ***However, this provision specifically excludes "guest houses or accessory self-contained residential units."***

The LIP defines a guest house as:

> [An] attached or detached living quarters on the same premises as a single family residence for the use of family members, guests or employees of the occupants of

[3] See also, Cal. Public Resources Code § 30106.

> such residence, ***containing no kitchen facilities*** and not rented or otherwise used as a separate dwelling. (Emphasis added.)

LIP § 2.1.

After a review of the proposed renovation plans, as well as the statements included in the 1987 CDP waiver obtained by the former owner of the Cohen Property, the guest house on the Cohen Property clearly qualifies as a "guest house" as defined by the LIP – which requires a CDP. The proposed renovation of the Cohen Property proposes a number of interior and exterior changes, including the detachment of the guest house from the main house. According to the LIP, the proposed renovations constitute "development" not otherwise exempt from CDP requirements. Consequently, the proposed renovations to the guest house require a CDP because the guest house is not exempt under LIP § 13.4.1.

E. <u>The New Plans Impact Public Views And May Require Modification.</u>

As explained above, Chapter 6 of the LIP functions "to enhance and protect the scenic and visual qualities of coastal and mountain areas within the City of Malibu." LIP Chapter 6 specifies restrictions on new development to protect such scenic and visual qualities. One of these restrictions, specified in LIP § 6.5.E.1.A, provides that "[s]tructures [on parcels located on the ocean side of Pacific Coast Highway] shall extend no higher than the road grade adjacent to the project site, where feasible."

The Cohen Property is located on the ocean side of Pacific Coast Highway. The New Plans create a garage with an 18 foot flat roof. Under LIP § 2.1, the proposed garage constitutes "new development" because the Applicant proposes to increase the garage's height by more than 10%. Our clients strongly suspect, and intend to confirm, that the Cohen Property's proposed garage height rises above the road grade of Pacific Coast Highway adjacent to the Cohen Property. Because this proposed garage is not built, restricting the garage's height to road grade of that portion of Pacific Coast Highway adjacent to the Cohen Property is feasible.

Accordingly, assuming the proposed garage height exceeds the grade height of Pacific Coast Highway at the Cohen Property, the City cannot approve the New Plans.

F. Conclusion

Until the application for the proposed renovation of the structures on the Cohen Property complies with the above-referenced issues, the New Plans remain deficient and City cannot approve them. Our clients reserve all of their rights and waive none.

Please contact our office with questions or comments.

Very truly yours,

ERNEST J. GUADIANA of
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Kenneth Ehrlich, Esq.
Christi Hogin, Esq.
Jack Ainsworth
Steve Hudson

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ELKINS
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WEINTRAUB
REUBEN
GARTSIDE LLP

December 18, 2015

RECEIVED
DEC 18 2015
PLANNING DEPT.

VIA E-MAIL AND U.S. MAIL

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Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Bonnie, Chris, Richard, Jamie, and Carl:

Our office represents the owners of the real property located at 31946 Pacific Coast Highway, Malibu, California. In this capacity, we submitted two letters to the City of Malibu (the "City"), dated October 29th and November 25th of this year, expressing our concerns with the proposed renovation of the Cohen Property referenced above. Since submitting our letters, the City conducted a site visit of the Cohen Property and determined that Site Plan Review is required for the proposed renovation.

Specifically, Chris' December 1, 2015 email to my colleague Ken Ehrlich described the City's planned Site Plan Review of the proposed renovation to the Cohen Property. We appreciate the City's consideration of our clients' position and commend the City's determination that a Site Plan Review is required. Nonetheless, the City has not addressed a

number of issues presented in our letters. Consideration of the totality of issues presented by the Cohen's proposed work would cause the City to conclude that a Coastal Development Permit ("CDP") and variance is required.

Accordingly, as a means of aiding the City's evaluation of the proposed renovations to the Cohen Property, we present our analysis and conclusions below:

A. CDP Is Required Because The Proposed Renovation Increases The Total Square Footage By More Than 10 Percent.

As explained in Chris' email, adding square footage to a single-family residence does not always require a CDP because a number of exemptions may apply. However, after our analysis of the proposed renovation of the Cohen Property, no exemption applies and a CDP is mandated.

Section 13.4 of the Local Implementation Plan ("LIP") details projects that do not require a CDP. This section specifically exempts improvements to existing single-family residences unless the improvement is listed in a non-exempt category. LIP § 13.4.1.B.4 specifies one of these non-exempt categories, and provides that the following improvement to an existing single-family residence requires a CDP:

> On property ... that is located between the sea and the first public road paralleling the sea... improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure....

LIP § 13.4.1.B.4.

The Cohen Property lies between the Pacific Ocean and Pacific Coast Highway, the first public road paralleling the Pacific Ocean. Accordingly, an increase of 10 percent or more of internal floor area of a structure on the Cohen Property would require a CDP.

As detailed in the proposed renovation plans, the Cohen Property consists of two structures: the main residence and the guest house. Los Angeles County issued the original building permit for the main residence in 1961 and permitted a 1,650 square foot residence. We attach a copy of the 1961 building permit as Attachment A. The County then permitted a 1,000 square foot addition to the main residence in 1975. We attach a copy of the 1975 building permit as Attachment B. Our review has not located any additional building permits for the main residence. Accordingly, the baseline square footage of the main residence is 2,650 square feet.

The County issued the original building permit for the guest house in 1989. The 1989 building permit limits the guest house to 700 square feet. We attach a copy of this 1989

building permit as Attachment C. Our review has not located any additional building permits for the guest house. Accordingly, the baseline square footage of the guest house is 700 square feet.

According to the Cohen's plans for the proposed renovation, the guest house will increase to 745 square feet and the main residence will increase to 3,605 square feet. Although the guest house renovation equates to only a 6.4% increase in square footage, the renovation to the main residence amounts to more than a 36% increase in square footage. Consequently, the express terms of LIP § 13.4.1.B.4 require a CDP for the proposed renovation of the main residence.

B. The Proposed Renovation Requires A Variance Because The Proposed Final Result Exceeds 3,064 Square Feet.

As explained in our November 25th letter, LIP § 3.6.K outlines the permitted residential structure size for lots of less than one-half acre, such as the Cohen Property. This section provides:

> Total development square footage shall be determined based on the following formula ... for lot areas up to 1/2 acre, total square footage shall be 17.7% of the lot plus 1,000 square feet.

LIP § 3.6.K.

The Cohen parcel is 11,660 square feet. We attach the current Los Angeles County Assessor's Map with the Cohen Property circled as Attachment D. Under the above-referenced formula, the Cohen Property's total development square footage may not exceed 3,064 square feet.

We understand that the Cohen Property, as currently permitted, exceeds 3,064 square feet.[1] The Coastal Commission explicitly approved this increase in its Waiver of Coastal Development Permit Requirement for the Cohen Property, dated August 13, 1987. We attach a copy of this waiver as Attachment E.

Under the proposed renovation plans, the structures on the Cohen Property will increase to 4,350 square feet. The LIP and other applicable law bars this amount of total

[1] The total development area of the main residence and guest house is 3,350 square feet in the aggregate.

development square footage. Consequently, in accordance with LIP § 13.26, a variance is required for the structures on the Cohen Property to increase square footage.[2]

C. The Applicant Must Obtain A CDP To Add A Kitchen To The Guest House.

As explained above, the California Coastal Commission allowed construction of the guest house without a CDP. See Attachment E. Among other points, the Coastal Commission conditioned its approval of the CDP waiver on the premise that the development "proposes no kitchen." The waiver also expressly states:

> If, at a later date, ...the plans [for the guest house are] revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained....

See Attachment E.

The proposed renovation of the guest house specifically adds a kitchen, which automatically invalidates the 1987 CDP waiver. Moreover, the proposed renovation plans alter the layout of the guest house, most notably detaching the guest house from the main residence. See Attachment E for the permitted plans. Consequently, as explicitly expressed in the 1987 CDP waiver, a CDP is required for the renovation of the guest house because the proposed renovations deviate from those approved by the Coastal Commission.

D. Any Development Of The Guest House Requires A CDP.

LIP § 13.3 provides that "any development in the coastal zone...shall obtain a coastal development permit...."[3] LIP § 2.1 defines "development" as "construction, reconstruction, demolition, or alteration of the size of any structure...."

As explained above, a number of exemptions may apply that obviate the need for a CDP. LIP § 13.4.1 exempts "[i]improvements to existing single-family residences" from requiring a coastal development permit. ***However, this provision specifically excludes "guest houses or accessory self-contained residential units."***

---

[2] LIP § 13.26 provides "a mechanism for applicants to make an application for a coastal development permit variance from standards or requirements of the Malibu LIP and to provide specific findings for approval or denial of variances."

[3] See also, Cal. Public Resources Code § 30106.

The LIP defines a guest house as:

> [An] attached or detached living quarters on the same premises as a single family residence for the use of family members, guests or employees of the occupants of such residence, ***containing no kitchen facilities*** and not rented or otherwise used as a separate dwelling. (Emphasis added.)

LIP § 2.1.

After a review of the proposed renovation plans, as well as the statements included in the 1987 CDP waiver, the guest house on the Cohen Property clearly qualifies as a "guest house" as defined by the LIP. The proposed renovation of the Cohen Property proposes an increase in the guest house square footage from 700 to 745, as well as a number of other interior and exterior changes.[4] Under the LIP, the proposed renovations constitute "development". Consequently, the proposed renovations to the guest house require a CDP because the guest house is not exempt under LIP § 13.4.1.

E. <u>The Septic System Likely Requires A CDP As Well.</u>

The Cohen Property received three (3) separate plumbing permits, issued in 1961, 1974, and 1989. We attach these permits as Attachment F. In total, the permitted fixtures include: 1 bathtub, 3 clothes washers, 1 dishwasher, 4 lavatories, 2 sinks, 3 showers, and 4 water closets. Under the City of Malibu Onsite Wastewater Treatment System Fixture Unit Worksheet, this equates to **51** total existing fixture units. We attach a copy of the worksheet completed by our office as Attachment G. In contrast to the plumbing permits, the City's March 11, 2015 inspection report for the Cohen Property specifies **48** fixture units (and 5 bedrooms). We attach a copy of this inspection report as Attachment H.

Whether 48 or 51 fixture units exist at the Cohen Property, Table H 2.1 of Section 15.12.050 of the Municipal Code requires a minimum septic tank capacity of **2,000 gallons** to service the Cohen Property. The 2015 inspection report specifies one septic tank with a capacity of **1,200 gallons** currently in service at the Cohen Property. Our investigation reveals no request from anyone affiliated with the Cohen Property for a 2,000 gallon capacity septic tank at the site.

---

[4] We understand that the addition of a kitchen converts the guest house to a "second unit," which is defined in LIP § 2.1 as an "attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons." Accordingly a second unit is an accessory self-contained residential unit, which similarly is not exempt from the requirement to obtain a CDP for improvements.

At the very least, the City must require a new operating permit for the correctly-sized wastewater treatment system.

Moreover, ambiguity exists regarding the capacity of the current system at the Cohen Property. The 1,200 gallon capacity septic tank specified in Attachment H contrasts other County records specifying a 1,000 gallon capacity septic tank at the Cohen Property. See Attachment I. During guest house development in or about 1988, the County of Los Angeles Department of Health Services approved the removal of a 1,000 gallon tank in exchange for a 1,500 gallon tank in a different location. We attach a copy of this approval as Attachment J. At or about the same time in 1988, the County also appeared to approve a separate 1,200 gallon septic tank to replace the 1,000 gallon tank. See Attachment K. We have no explanation for the contrasting approvals from Los Angeles County, and do not know the exact specification of the current system in place at the Cohen Property, either 1,200 or 1,500 gallon capacity septic tank.

Regardless of the capacity of the current onsite wastewater treatment system, the law requires a 2,000 gallon septic tank at the Cohen Property, and the expansion to such system requires a CDP in accordance with LIP § 13.4.1.B.3. The Cohens have not even applied for a CDP for a septic system meeting current site requirements (48 or 51 fixtures in current configuration), regardless of their proposed desired renovated configuration.

The applicable law deems prior development unlawful if that development was not authorized by a CDP or otherwise authorized under the Coastal Act. LIP § 13.3.F. If such development is unlawful, then "[n]o improvements, repair, modification or additions to such existing development may be approved, unless the City also approves a CDP authorizing the existing development." LIP § 13.3.F. Therefore, if the current septic system is unlawful, then a CDP must be issued for the expansion of the septic system to install a 2,000 gallon septic tank prior to the commencement of the proposed renovations.

F. Conclusion.

As detailed above, the current application for the proposed renovation of the Cohen Property is improper as the current application fails to address the following deficiencies:

1. A CDP is required for the 36% increase in total floor area of the main residence;

2. A variance is required to increase the total square footage of the Cohen Property in excess of 3,064 square feet;

3. A CDP is required to add a kitchen to the guest house;

4. A CDP is required for the any improvements to the guest house; and

5. A CDP is required to install the legally required 2,000 gallon capacity septic tank.

Until the application for the proposed renovation of the structures on the Cohen Property addresses the above-reference issues, the proposed renovation plans are deficient and cannot be approved by the City.

If you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,

ERNEST J. GUADIANA of
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Christi Hogin, Esq.

ATTACHMENT A

APR 3 1961

1

APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
JOHN A. LAMBIE, COUNTY ENGINEER
WILLIAM A. JENSEN, SUPT. OF BUILDING

BUILDING ADDRESS: 31955 Pac. Coast Hwy
LOCALITY: Malibu
NEAREST CROSS ST.: Breakbrook Rd
DISTRICT NO.: 9.2 | GROUP: I | TYPE CONST.: V | PROCESSED BY: HG
STATISTICAL CLASSIFICATION: CLASS NO. 1 | DWELL. UNITS: 1 | SEWER MAP BK / PG
MAP NUMBER: 4 5 2 3 | STATE HWY: NO
USE ZONE: M/3 | SPECIAL CONDITIONS:

BUILDING SETBACK	YARD	HWY	STREET NAME	EXIST. WIDTH
FRONT P.L.		50'	℄ Pac. Coast	100'
SIDE P.L.				

FOR APPLICANT TO FILL IN

BUILDING ADDRESS: 31955 Pacific Coast Hwy
LOT NO.: Legal attached | BLOCK:
TRACT:
SIZE OF LOT: 110 x 117 | NO. OF BLDGS. NOW ON LOT:
USE OF EXISTING BLDG.: Residence
OWNER: Mrs Ludlow | TEL. NO.:
ADDRESS: 8350 Clark St. L.A.
ARCHITECT OR ENGINEER: — | TEL. NO.:
ADDRESS:
CONTRACTOR: McCrory-Tyler | TEL. NO.: 375-9
ADDRESS: 4524 Van Nuys Blvd, Sherman Oaks

DESCRIPTION OF WORK

NEW | ADD | ALTER | REPAIR | DEMOLISH
SQ. FT. SIZE: 1650 | NO. OF STORIES: 1 | NO. OF FAMILIES: 1
USE OF STRUCTURE: Residence + att. Garage

SIGNATURE OF APPLICANT: J.R. McCrory
VALUATION $: 19,000 | 0

P.C. FEE $: 30.00 | PMT. FEE $: 60.00

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN THE PERFORMANCE OF THE WORK FOR WHICH THIS PERMIT IS ISSUED I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE WORKMEN'S COMPENSATION LAWS OF CALIFORNIA.

SIGNATURE OF PERMITTEE: J.R. McCrory
ADDRESS: 4524 Van Nuys Blvd

INSPECTION RECORD

Plan Check Fee will be Forfeited if Not approved by Zoning.
See P.A. 6151
J.R. McCrory
Need 2 Copies legal

APPROVALS	DATE	INSPECTOR'S SIGNATURE
FOUNDATION: LOCATION, FORMS, MATERIALS		
FRAME: FIRE STOPS, BRACING, BOLTS	9/25/61	
FURNACE: LOCATION, GAS VENT, DUCTS	9/25/61	
LATH, INT.		
LATH, EXT.	9/11/61	SIMERS
HOUSE NUMBER CORRECT AND POSTED	9/25/61	
FINAL		

INSPECTOR COPY

CLYDE N. EIRLAM, PRINCIPAL STRUCTURAL ENGINEER

PLAN CHECK VALIDATION N.O. CASH

PERMIT VALIDATION N.O. CASH

No 09875 HR2923 30.00

No 11583 HR24 1 60.00

6/19/61

*NOTES ON UNDER FLOOR 2, 3, 16 & NAILS ALL

1. PROVIDE [illegible] RAFTER TO CLOSE CRAWL

ON [illegible] ALL CONNECTIONS

POST TO [illegible] OF AREA PRESSURE [illegible]

2. REPLACE 1/4 SHEAT [illegible] C.F. [illegible]

FROM [illegible]

3. [illegible] WALL [illegible]

WALL [illegible]

4 [illegible]

ALL FLOOR [illegible] UNDER

BEHIND WALLS

[illegible]

[illegible]

[illegible]

7/26/6[illegible]

1. [illegible] PROOF

2. [illegible] & SHEET [illegible]

CORNERS

3. PROVIDE 1/2" PLYWOOD

ALONG PATIO WALL

FOR SHEAR PANEL

(4.) PROVIDE STRAP AT

6 X 12 RAFTER TO [illegible]

POST ON PATIO

5. SUPPORT ENDS OF [illegible]

PURLINS

6. 3" 8d NAILS ALL

1 X 6 LET IN BRACES

RAFTER TIES [illegible]

9. PROVIDE ADDITIONAL

60" VENT TO [illegible]

10. PROVIDE PURLIN

SUPPORTS [illegible]

OVER BEDROOM

(11.) PROVIDE [illegible]

DOOR INTO [illegible]

WAY IN EIGHT

FOR FALL CIRCUL-

ATING AIR

12. PROVIDE ADDITIONAL

BRACE TO GARAGE

WALL

7-26-61

7-27-61 CHECK ON FINAL

[illegible] 4 AND 13 [illegible]

FRAME BK [illegible]

9-13-61

1. PLACE MATERIAL FOR VENTILATION
WITH ROOMS EXPOSED
TO BE COVERED

2. PROVIDE BUMPER
GUARD TO PROTECT
FAN & W.H. IN GARAGE

3. PROVIDE SELF CLOSER
ON DOOR FROM GARAGE
INTO DWELLING

4. PROVIDE METAL FLASHING
& COMPLETE AT CHIMNEY
ON ROOF (HAS ROOF PAPER)

5. PROVIDE SPARK ARRESTOR
ON CHIMNEY

6. PROVIDE RAILING AT LIV.
ROOM & KITCHEN STEP DOWN

7. LIGHT CIRCUITS MUST
BE ON 15 AMP BREAKERS

8. PROVIDE JUMPER FROM
GRD. BUSHING TO NEUTRAL
& HOUSE #

9-18-61 AS PER APPROVED
PLANS PROVIDE 2'-6" LANDING
AT GARAGE "DOOR" AT ENTRY
2 36" HIGH HAND RAIL
& KITCHEN

A parcel of land in the county of Los Angeles, state of California, being a portion of the Rancho Topanga Malibu Sequit, as confirmed to Matthew Keller by Patent, recorded in Book 1 page 407 of Patents, in the office of the county recorder of said county, described as follows:

Beginning at a point in the southerly line of the 80 foot strip of land described in the deed to the State of California, recorded in book 15228 page 342, Official Records, in the office of said county recorder, that is distant westerly thereon 1135.29 feet from a point bearing South 23° 31' 30" West 40.00 feet from engineer's center line station 337 plus 61.57 at the westerly extremity of that certain course described in said deed as South 66° 28' 30" East 1181.07 feet; thence south 5° 48' 04" West 230.03 feet to the true point of beginning; thence continuing south 5° 48' 04" West 110.00 feet; thence south 84° 11' 56" East 114.03 feet [illegible]re or less, to the easterly line of the land described as parcel 1 in the deed to the [illegible]d Company, Ltd., a corporation, recorded on October 31, 1959 as Instrument No. 2965, [illegible] 630 page 739 of said Official Records; thence along said easterly line North 7° 49' [illegible]10.07 feet to a line that bears South 84° 11' 56" East from the true point of [illegible] thence North 84° 11' 56" West 117.90 feet to the true point of beginning.

ATTACHMENT B

APPLICATION FOR BUILDING PERMIT

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION

COLEMAN W. JENKINS, SUPT OF BUILDING

FOR APPLICANT TO FILL IN (Print or type only)

BUILDING ADDRESS: 31948 Pacific Coast Highway

LOT NO: BLOCK:

TRACT: See legal description

SIZE OF LOT: 110'X117' NO. OF BLDGS. NOW ON LOT: 1

USE OF EXISTING BLDG.: residential

OWNER: Mr. & Mrs. Mc Carty TEL. NO. 457-2472

ADDRESS: 31948 Pacific Coast Highway

CITY: Malibu, California

ARCHITECT OR ENGINEER: A.F. Hadson TEL. NO. 654-8052

ADDRESS: 2117 Upper Kress Drive L.A. 48

CONTRACTOR: owner-builder TEL. NO.

ADDRESS: same as owner LIC. NO.

CITY: LIC. CLASS:

CONSTRUCTION LENDER NAME AND BRANCH: none

ADDRESS:

SQ. FT. SIZE: 1000sq. NO. OF STORIES: 2 NO. OF FAMILIES: 1

USE OF STRUCTURE: residential

NEW ☐ ADD ☐ ALTER ☐ REPAIR ☐ DEMOL ☐

SIGNATURE OF APPLICANT: [signature]

VALUATION $ ~~22,500.00~~ 16,000

B.C. FEE $ 35.70 + 10.80 PMT. FEE $ 77.50

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL ORDINANCES AND LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN DOING THE WORK AUTHORIZED HEREBY I WILL NOT EMPLOY ANY PERSON IN VIOLATION OF THE LABOR CODE OF THE STATE OF CALIFORNIA IN RELATION TO WORKMEN'S COMPENSATION INSURANCE.

SIGNATURE OF PERMITTEE: [signature]

ADDRESS: 31948 Pacific Coast Highway

ASSESSOR MAP BOOK | PAGE | PARCEL

BUILDING ADDRESS: 31948 Pac. Coast Hwy

LOCALITY: Malibu

NEAREST CROSS ST.: Broad Beach Rd.

DISTRICT NO.	GROUP	TYPE CONST.	PROCESSED BY
9.2	E	V	Kunch

STATISTICAL CLASSIFICATION: CLASS NO. 21 DWELL. UNITS 0 | SEWER MAP BK PG

USE ZONE: R-1 7500 | MAP NO. 126 021 | SPECIAL CONDITIONS: PD 13373

BLDG. SETBACK FROM FRONT PROP. LINE OF Pac. Coast Hwy (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY +	YARD =	TOTAL
Hwy	100	70	0 +	20 =	20

BLDG. SETBACK FROM SIDE PROP. LINE OF _____ (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY +	YARD =	TOTAL
			+	=	

CORNER CUTOFF YES ☐ NO ☐

SEE REVERSE SIDE FOR SPECIAL APPROVALS

7/22/73 - [illegible]

Clark - [illegible]

7-27-73 Fire [illegible]

Div - [illegible]

APPROVALS	DATE	INSPECTOR'S SIGNATURE
FOUNDATION: LOCATION FORMS, MATERIALS	[illegible]	[illegible]
FRAME: FIRE STOPS, BRACING, BOLTS	12 [illegible]	[illegible]
FURNACE: LOCATION, GAS VENT, DUCTS	[illegible]	[illegible]
LATH, INT.	11/7/74	Fawcett
LATH, EXT.	11/4/74	Fawcett
HOUSE NUMBER CORRECT AND POSTED		
FINAL	12/15/74	Fawcett

INSPECTOR COPY

JOHN F. LEWIS, PRINCIPAL STRUCTURAL ENGINEER

PERMIT VALIDATION (CK) NO CASH

BAY CITIES VALIDATION (CK) NO CASH

10.7647 35.7015 77.50

Kunch Kunch

SPECIAL APPROVALS

	REQUIRED YES	REQUIRED NO	DATE SENT	DATE RETURNED	DATE APPROVED
WATER CERTIFICATE					
ROAD DEPT.					
HEALTH DEPT.					
FIRE DEPT.					
GRADING					
GEOLOGISTS					
REFORESTATION & RESELECTION					
SPECIAL CONDITIONS					
SPECIAL INSPECTION ON CONC., MASONRY & WELDING					
LOT DRAINAGE					
PARKING					

PLANS TO APPLICANT					NO. RECD
TO		RETURNED			APPROVED
NO	DATE	NO	DATE		

6/20/5 — Permit

A parcel of land in the County of Los Angeles, State of California, being a portion of the Rancho Topanga Malibu Sequit, as confirmed to Mathew Keller by patent, recorded in Book 1, page 407 of patents in the office of the County Recorder of said county, described as follows:

Beginning at a point in the southerly line of the 80 foot strip of land described in the deed to the State of California, recorded in Book 15228, page 342, of official records, in the office of said County recorder, that is distant Westerly thereon 1135.29 feet from a point bearing south 23° 31' 30" West 40.00 feet from engineers center line station 337, plus 61.57 at the westerly extremity of that certain course described in said deed as South 66° 28' 30" East 1181.07 feet; hence south 5° 48' 04" west 230.03 feet to the true point of beginning; hence continuing south 5° 48' 04" west 110.00 feet; hence south 84°11' 56" east 114.03 feet; more or less, to the easterly line of the land described as parcel 1 in the deed to the Alisc Land Co., Ltd; a Corp., recorded on October 31, 1959 as instrument # 2965, in Book D-630, page 739, of said official records; Hence along said easterly line north 7° 49' 10" east 110.07 feet to a line that bears south 84°11' 56" east from the true point of beginning; hence north 84° 11' 56" west 117.90 feet to true point of beginning.

GEOLOGIC REVIEW SHEET

9.2

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER

DESIGN DIVISION
ENGINEERING GEOLOGY SECTION

SHEET 1 OF 1

Site Address 31948 PACIFIC COAST HWY
Location MALIBU
Developer/Owner MR & MRS McCARTY
Engineer
Geologist
Soils Engineer

DISTRIBUTION:
- [ ] Plan Check
- [x] Dist. Engineer
- [ ] Developer-Owner
- [ ] Site Engineer
- [ ] Geologist
- [ ] Soils Engineer
- [x] Geol. Sect. File
- [ ] Grading Section

PLAN CHECK NO. OR DATE OF REPORT(S)

Review of:
- [ ] Grading Plan No.
- [x] Building Plan No. 7647 (Addition)
- [ ] Geologic Report Dated
- [ ] Soils Report Dated
- [ ] Other

Action:
- [x] Plan is approved
- [ ] Plan is not approved for reasons below
- [ ] Plan approved subject to conditions below
- [ ] Submit plans for recheck

Remarks:

Prepared by J. Padak Reviewed by R. E. Amsel Date 8-18-72

For Regional Office Use Only
Regional Office
Mailed to District Office on / /

ATTACHMENT C

APPLICATION FOR BUILDING PERMIT

1

COUNTY OF LOS ANGELES — BUILDING AND SAFETY

INSP COPY

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C.)

Policy No. _____ Company _____

☐ Certified copy is hereby furnished.

☐ Certified copy is filed with the county building inspection department.

Date _____ Applicant _____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars ($100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number _____ Lic. Class _____

Contractor _____ Date _____

☐ I am exempt under Sec. _____

B.&P.C. for this reason _____

_____ Date: _____

Signature _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code):

☑ I, as owner of the property, or my employees with wages as their sole compensation, will do the work and the structure is not intended or offered for sale (Section 7044, Business and Professions Code).

☑ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code).

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name _____

Lender's Address _____

I certify that I have read this application and state that the above information is correct. I agree to comply with all County ordinances and State laws relating to building construction, and hereby authorize representatives of this County to enter upon the above mentioned property for inspection purposes.

Carl Volante AIA — Signature of Applicant or Agent — Date 1-28-88

FOR OWNER

78 A838A 20-0010 DPW 7/88

FOR APPLICANT TO FILL IN

BUILDING ADDRESS: 31948 P.C.H.

CITY: MALIBU CA ZIP: 90265

SIZE OF LOT: 1/4 AC — NO. OF BLDGS. NOW ON LOT: 1

TRACT | BLOCK | LOT NO.

OWNER: MR. JOHN McCABE — TEL. NO. 457-2472

ADDRESS: 31948 PCH

CITY: MALIBU, CA. ZIP: 90265

ARCHITECT OR ENGINEER: CARL VOLANTE — TEL. NO. 495-1777

ADDRESS: BOX 2446 MALIBU, CA

CONTRACTOR — TEL. NO.

ADDRESS — LIC. NO.

CITY — LIC. CLASS

SQ. FT. SIZE: 700 — NO. OF STORIES: 2 — NO. OF FAMILIES: 1

CHECK ONE: NEW ☐ ADD ☒ ALTER ☐ REPAIR ☐ DEMOL ☐

DESCRIPTION OF WORK: ADDITION

USE OF EXISTING BLDG.: RESIDENCE

APPLICANT (PRINT) — TEL. NO.

ADDRESS

PRESENT BUILDING ADDRESS

LOCALITY

MOVING CONTRACTOR — TEL. NO.

ADDRESS

REQUIRED SET BACK	YARD	HWY	TOTAL SETBACK FROM PROP. LINE	EXIST. WIDTH
FRONT P.L.	20	0	20	100
SIDE P.L.				

P.C. Fee $ 167.88 — Permit Fee 252.00

46.32 — Issuance Fee 10.50

Investigation Fee — Total Fee 262.50

BUILDING ADDRESS: 31948 PACIFIC COAST HWY

LOCALITY: MALIBU

NEAREST CROSS ST.

ASSESSOR MAP BOOK | PAGE | PARCEL

USE ZONE: R-A-1 — MAP NO.: 126-H-021

SPECIAL CONDITIONS: CC 21187 A/C 87083 COASTAL 5-87-616 PP 8151 School 10825

DISTRICT	GROUP	TYPE CONST.	FIRE ZONE	PROCESSED BY
9.2	R-3	5	4	OF

STATISTICAL CLASSIFICATION — CLASS NO. 21 — DWELL. UNITS _____ — APT. — CONDO.

SEWER MAP — BK. PG.

VALIDATION

VALUATION: $ 80,000.00

$ 40,000.

FINAL DATE: 2-28-89.

FINAL By: [signature]

25889A
1.167.88
0904-87

LDMA Ref. #

LDMA P/C #

LDMA Perm. #

SEE REVERSE FOR EXPLANATORY LANGUAGE

PLANS TO APPLICANT				
To:		Returned		Approved
No.	Date	No.	Date	

Approvals	Required Yes	Required No	Date Received or Approved
Water Certificate			
Health Department			
Fire Department			
Grading			
Geological			
Pedestrian Protection (Fence) (Canopy)			
Special Inspection (Conc.) (Masonry) (Welding)			
Lot Drainage			
Parking			

Approvals	Date	Inspector's Signature
Location— (Setback & Yards)	2-8-88	
Foundations	2-8-88	
Slab	2-12-88	
Frame	5-2-88	
Energy Insulation	5-4-88	
Lath/Drywall — Interior	5-18-88	
Lath — Exterior	5-18-88	
House Number — Correct & Posted		
Final — Enter on Front		

INSPECTOR'S NOTES

FIRE PLACE FRONT portion is construction w/steel studs.

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason. (Sec. 7031.5)

Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9) (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars ($500).):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044) *Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself through his own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale).*

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044) *Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law).*

☐ I am exempt under Sec. _____, B.&P.C. for this reason _____

Date _____ Owner _____

INSPECTOR'S NOTES

ATTACHMENT D

4473 | 12

SCALE 1" = 100'

CODE 10853

2008

PACIFIC COAST HWY.

BROAD BEACH RD.

SEALEVEL DR.

PACIFIC OCEAN

MEAN HIGH TIDE LINE PER S.D.F. MAY 1957

LOT 16 Por.

LOT A Por.

BK. 4470

TRACT NO. 10630 M.B 181 - 6 - 11

PARCEL MAP P.M. 46 - 6

LAND OF MATTHEW KELLER IN THE RANCHO TOPANGA MALIBU SEQUIT R.F. 534

FOR PREV. ASSM'T. SEE: 4470 - 21, 27, 28, 49

ASSESSOR'S MAP COUNTY OF LOS ANGELES, CALIF.

REVISED
1-11-65
7-23-65
9209030030010008-07
9800040800400 1-07
9808040800400 2-07
2008020502-07
8-5-64
8-27-64
671110G402
671205
690206
720218
730822
731204304
740801
761020
770321
850415103-85
881004
910606

ATTACHMENT E

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

FILE COPY

Date: August 13, 1987

TO: Carl Volante AIA
P.O. Box 2446
Malibu, CA 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-87-616 APPLICANT: Mr. and Mrs. McCarty

LOCATION: 31948 Pacific Coast Highway
MALIBU

PROPOSED DEVELOPMENT: The addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

RATIONALE: The proposed development is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within a an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their August 25-28, 1987, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
South Coast District Director

by:

cc: Commissioners/File

BP/nw
3484A

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: WAIVER OF COASTAL PERMIT REQUIREMENTS FOR: the addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

LOCATION: 31948 Pacific Coast Highway
MALIBU

APPLICANT: MR. & MRS. MCCARTY

APPLICATION NUMBER: 5-87-616

DATE NOTICE POSTED:

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
PO BOX 1450
245 WEST BROADWAY, STE 380
LONG BEACH, CA 90802
(213) 590-5071

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 87-616 APPLICANT: Mr. & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

PROPOSED DEVELOPMENT: The addition of a 950 ft guesthouse, 24' high, to an existing single family residence

RATIONALE: The proposed dev. is consistent with the size and bulk standards of the Certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their _____, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

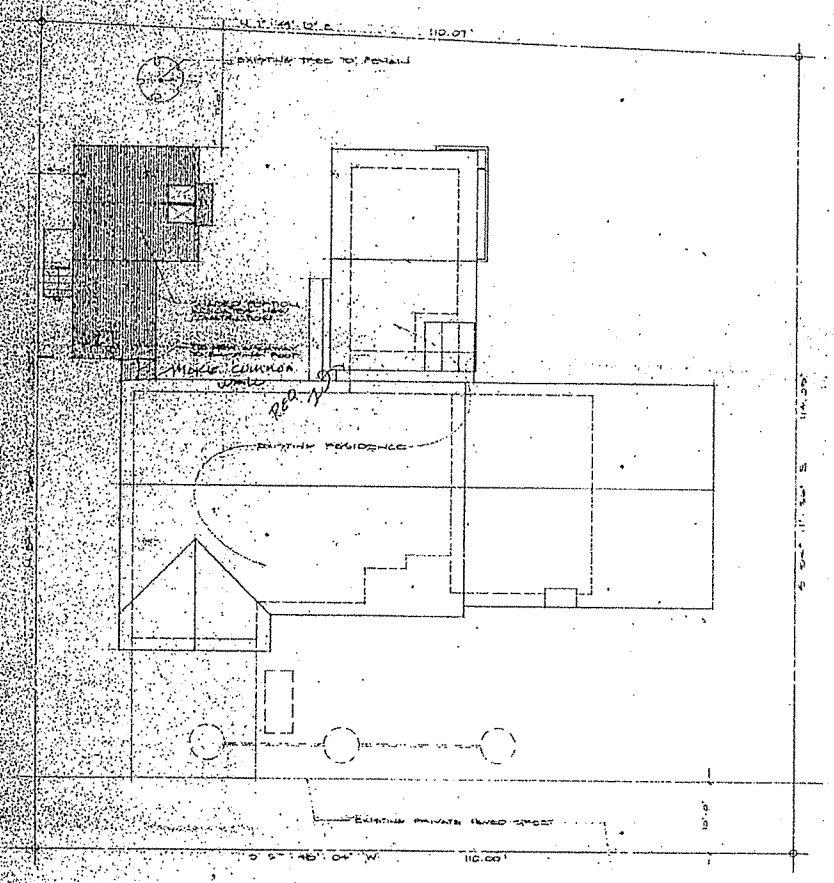
Tom Crandall

TOM CRANDALL
South Coast District Director

by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85



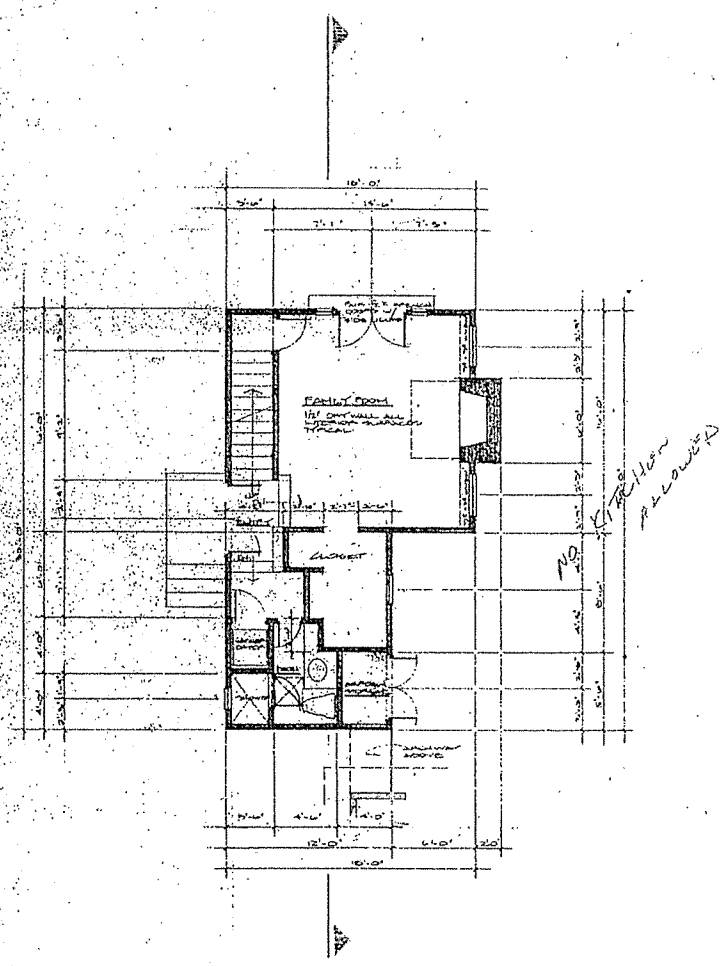
SITE PLAN
1/8" = 1'-0"

HCCARTY RESIDENCE
31948 PACIFIC COAST HIGHWAY
HALIBU, CALIFORNIA 90265

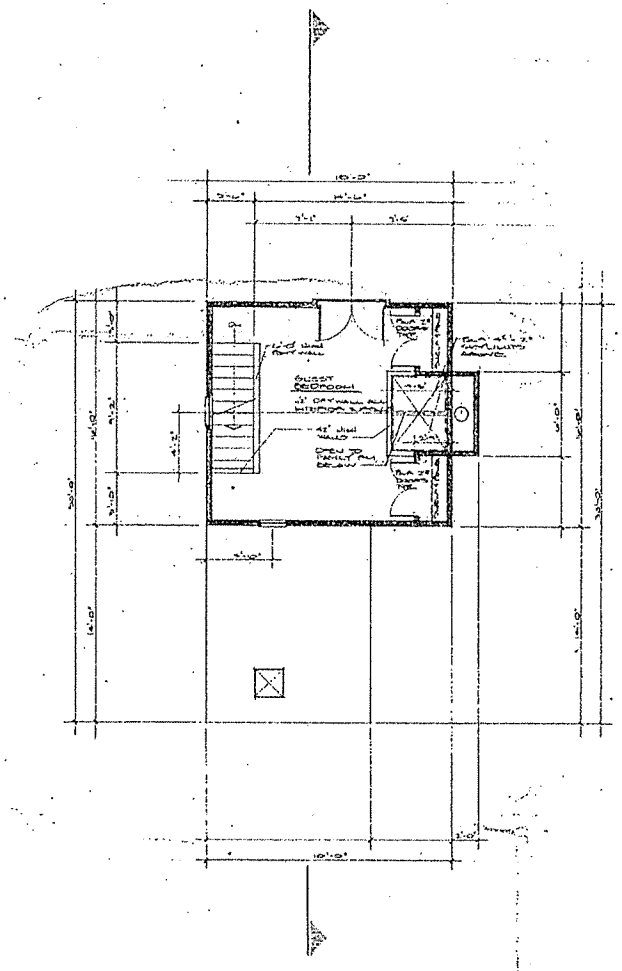
A/C 87-083

RECEIVED
JUL 28 1987
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

South Coast District Office
APPROVED Permit No. 5-87-616
By: Bill Ponder
EFFECTIVE Date: 8/29/87



FIRST FLOOR PLAN
1/4" = 1'-0"



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

VOLANTE

ATTACHMENT F

7RA557-CERT

APPLICATION FOR PLUMBING PERMIT

1

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
JOHN A. LAMBIE, COUNTY ENGINEER
WILLIAM A. JENSEN, SUPT OF BUILDING

BUILDING ADDRESS: 31948 Pacific Coast Hwy
LOCALITY: Trancas Broad Beach Rd
NEAREST CROSS ST.:
OWNER: Ludlow-Nuttwe
MAIL ADDRESS: ~~14115 Van Nuys Blvd~~
CITY: ~~Pacoima~~ TEL. NO. Em 40539
CONTRACTOR: J. Reid Plumb. Co
ADDRESS: 14115 Van Nuys Blvd
CITY: Pacoima TEL. NO. Em 40539
CONTRACTOR'S REGISTRATION NO.: 118400 STATE / COUNTY

DISTRICT NO.	GROUP	ZONE	PROCESSED BY
9-2	I	14/5	[illegible]

INDUSTRIAL WASTE APPROVAL

INSPECTOR COPY

FOR APPLICANT TO FILL IN

NUMBER	FIXTURE OR ITEM
2	WATER CLOSET ✓ ✓
1	BATH TUB ✓
1	SHOWER ✓
2	LAVATORY ✓ ✓
1	SINK
1	DISHWASHER
	LAUNDRY TUB
1	CLOTHES WASHER ✓
1	WATER HEATER ✓
1	GAS SYSTEM

11	@ $1.00 PER ITEM OR FIXTURE	$	11 00
	PERMIT	$	2 00
	TOTAL FEE		13 00

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING PLUMBING.

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND/OR LICENSED AS REQUIRED BY LOS ANGELES COUNTY AND STATE OF CALIFORNIA OR THAT I AM THE LEGAL OWNER OF THE ABOVE DESCRIBED RESIDENTIAL PROPERTY.

SIGNATURE OF PERMITTEE: [illegible]

INSPECTION RECORD

APPROVALS	DATE	INSPECTOR'S SIGNATURE
UNDER SLAB WORK	[illegible]	[illegible]
ROUGH PLUMBING	1/25/91	[illegible]
GAS PIPING	[illegible]	[illegible]
GAS VENT	1/25/91	[illegible]
HOT WATER HEATER	[illegible]	[illegible]
PLUMBING FIXTURES	[illegible]	[illegible]
GAS TEST	4-19-91	[illegible]
UTILITY CO. NOTIFIED	4-20-91	[illegible]
FINAL	[illegible]	[illegible]

VALIDATION

ROBERT A. WOOD,
SUPERVISING MECHANICAL ENG'R

14648 19 5 13.00

APPLICATION FOR PLUMBING PERMIT

7/26/[illegible]

SHOWER PAN C/O

$ 2.00

APPLICATION FOR PLUMBING PERMIT

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
MAKE CHECKS PAYABLE TO:
HARVEY T. BRANDT, COUNTY ENGINEER

BUILDING ADDRESS: 3194 E Pacific Coast Hwy
LOCALITY: Malibu
NEAREST CROSS ST: Broad Beach
OWNER: John W. McCarty
MAIL ADDRESS: 3194 E Pacific Coast Hwy
CITY: Malibu TEL. NO. 457-2472
CONTRACTOR: Owner Builder John W. McCarty
ADDRESS: 3194 E Pacific Coast Hwy
CITY: Malibu TEL. NO. 457-2472
STATE LICENSE NO. LIC CLASS

FOR APPLICANT TO FILL IN (PRINT OR TYPE)

NUMBER	FIXTURE OR ITEM	x	FEE
1	WATER CLOSET	1.75	1.75
	BATH TUB	1.75	
1	SHOWER	1.75	1.75
1	LAVATORY	1.75	1.75
1	SINK	1.75	1.75
	DISHWASHER	1.75	
1	CLOTHES WASHER	1.75	1.75
	SWIMMING POOL RECEPTOR	1.75	
1	LAWN SPRINKLER SYSTEM	1.75	1.75
1	WATER HEATER	1.75	1.75
	GAS SYSTEM OUTLETS	1.75	
	OUTLETS OVER 5 PER SYSTEM	.30	
	Plan check fee See Reverse		1.075
	PLUMBING PERMIT ISSUING FEE $		3.00
	TOTAL FEE		5.75

Plan check applicant
Name: John W. McCarty
Address: 3194 E Pacific Coast Hwy
City: Malibu Tel. No. 457-2472

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING PLUMBING.

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND OR LICENSED AS REQUIRED BY LOS ANGELES COUNTY AND STATE OF CALIFORNIA OR THAT I AM THE LEGAL OWNER OF, AND INTEND TO RESIDE IN THE ABOVE DESCRIBED RESIDENTIAL PROPERTY.

SIGNATURE OF PERMITTEE: John W. McCarty

PLAN CHECK VALIDATION CK. M.O. CASH

DISTRICT NO. 9.2 GROUP I ZONE PROCESS

INDUSTRIAL WASTE APPROVAL

INSPECTION RECORD

Shower Pan at Middle Trench

APPROVALS	DATE	INSPECTOR'S INITIALS
UNDER SLAB WORK	11/1/77	[illegible]
ROUGH PLUMBING	11/1/77	[illegible]
GAS PIPING		
GAS VENT		
HOT WATER HEATER		
PLUMBING FIXTURES	11/7/77	Fennell
GAS TEST		
UNDER CO. WITH FEE		
FINAL	11/7/77	Fennell

PERMIT VALIDATION CK. M.O. CASH

INSPECTOR COPY

ok

Ordinance No. 2269, the Plumbing Code, requires a permit fee to be paid at the time of submitting plans and specifications based on the following:

a) A single building containing more than 180 drainage fixture units.	25% of the Plumbing PERMIT FEE required.
b) A portable water line serving one or more buildings with an aggregate demand of more than 150 water fixture units or 100 GPM (excluding buildings under item "a" and minor accessory buildings).	$20.00 & $1.00 for each additional building over one.
c) A fuel gas line serving one or more buildings with an aggregate demand of 2,000,000 BTU's or more (excluding buildings under item "a" and minor accessory buildings).	$20.00 & $1.00 for each additional building over one.
d) A sewer collection system serving more than one building with an aggregate load of more than 180 drainage fixture units. (Excluding minor accessory buildings).	$10.00 & $1.00 for each additional building over one.

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C.)

Policy No._____ Company_____

☐ Certified copy is hereby furnished.

☐ Certified copy is filed with the county building inspection department.

Date_____ Applicant_____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the work involved by the permit is for one hundred dollars ($100) or less.)

I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws.

_____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under provisions of Chapter (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.

License Number_____ Lic. Class_____

Contractor_____ Date _____

☐ I am exempt from the licensing requirements as I am a licensed architect or a registered professional engineer acting in my professional capacity (Section 7051, Business and Professions Code).

Lic. or Reg. No._____ Date_____

HOME OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Section 7031.5, Business and Professions Code):

☑ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Section 7044, Business and Professions Code).

CONSTRUCTION LENDING AGENCY

I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).

Lender's Name_____

Lender's Address_____

I certify that I have read this application and state that the above information is correct. I agree to comply with all County ordinances and State laws regulating Plumbing, and hereby authorize representatives of this County to enter upon the above-mentioned property for inspection purposes.

Carl Volante AIA 2-10-88

Signature of Permittee Date

FOR OWNER

76A667A
CE 817 (2-80)

APPLICATION FOR PLUMBING PERMIT

1

COUNTY OF LOS ANGELES — BUILDING AND SAFETY

FOR APPLICANT TO FILL IN (PRINT OR TYPE)

NUMBER	FIXTURE OR ITEM	●	FEE
1	WATER CLOSET		6 00
	BATH TUB		
1	SHOWER		6 00
1	LAVATORY		6 00
	SINK		
	DISHWASHER		
1	CLOTHES WASHER		6 00
	SWIMMING POOL RECEPTOR		
	LAWN SPRINKLER SYSTEM		
1	WATER HEATER		6 00
2	GAS SYSTEM OUTLETS		12 00
	OUTLETS OVER 5 PER SYSTEM		
Plan check fee			42 00
PLUMBING PERMIT ISSUING FEE $			10 50
	TOTAL FEE		52 50

Plan check applicant

Name

Address

City Tel. No.

BUILDING ADDRESS	31948 P.C.H
LOCALITY	BROAD BCH.
NEAREST CROSS ST.	BROAD BCH. RD
OWNER	JOHN McCARTY
MAIL ADDRESS	31948 PCH
CITY	MALIBU, CA TEL. NO. 457-2472
CONTRACTOR	OWNER.
ADDRESS	
CITY	TEL. NO.
STATE LICENSE NO.	LIC. CLASS
DISTRICT NO. 9.2	PROCESSED BY DF
FINAL DATE 2-28-89	VALIDATION
FINAL BY	

INSPECTOR COPY

FAMILY ROOM / GUEST HOUSE ADDITION

SEE REVERSE FOR EXPLANATORY LANGUAGE

APPROVALS	DATE	INSPECTOR'S SIGNATURE
UNDER SLAB WORK		
ROUGH PLUMBING	5-2-88	
GAS PIPING		
GAS VENT		
HOT WATER HEATER		
PLUMBING FIXTURES		
GAS TEST		
UTILITY CONNECTED		
FINAL	Entire on Ground	
INDUSTRIAL WASTE APPROVAL		

INSPECTOR'S NOTES

INSPECTOR'S NOTES

Shower Pan OK

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason *(Section 7031.5, Business and Professions Code): Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more [illegible] five hundred dollars ($500).:*

☐ I, as owner of the property will do the wor[illegible] the structure is not intended or offered for sale. [illegible] *(Sec. 7044, Business and Professions Code: [illegible] tractor's License Law does not apply to an ow[illegible] property who builds or improves thereon, and wh[illegible] such work himself provided that such impro[illegible] are not intended or offered for sale. If, howe[illegible] building or improvement is sold within one [illegible] completion, the owner-builder will have the [illegible] of proving that he did not build or improve [illegible] purpose of sale.)*

I am exempt under Sec. _____

B & P.C. for this reason _____

_____

Date _____

Owner _____

ATTACHMENT G

City of Malibu

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

ONSITE WASTEWATER TREATMENT SYSTEM
FIXTURE UNIT WORKSHEET

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

Date: _____

Applicant: _____

Address: _____

Number of Bedrooms (Existing): _____

Number of Bedrooms (Future): _____

Planning Division Reference Number: _____

Worksheet Certification by:

_____ _____
Print name Signature

_____
Applicable California State License or Registration Type

_____
State License or Registration Number Expiration Date

Type of Plumbing Fixture	Existing Fixtures	+	Proposed Fixtures	=	Total Fixtures	x	Unit Value	=	Existing Fixture Units	Total Future Fixture Units
	"A"		"B"		"(A + B)"		"C"		"A x C"	"(A + B) x C"
Bathtub or Combination Bath/Shower	1	+		=	1	x	2	=	2	
Bidet		+		=		x	2	=		
Bar Sink		+		=		x	1	=		
Clothes Washer	3	+		=	3	x	3	=	9	
Dishwasher	1	+		=	1	x	2	=	2	
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	4	+		=	4	x	1	=	4	
Kitchen Sink	2	+		=	2	x	2	=	4	
Shower (Single Head)	3	+		=	3	x	2	=	6	
Water Closet (Flush Toilet)	4	+		=	4	x	6	=	24	
Other (MPC Table 7-3)		+		=		x		=		
Other (MPC Table 7-3)		+		=		x		=		

TOTAL EXISTING FIXTURE UNITS 51

TOTAL FUTURE FIXTURE UNITS

Notes

1. In completing this form, a room is considered a bedroom if it provides privacy, has an associated closet, and is in close proximity to a bathroom with bathtub and/or shower fixtures.
2. If an existing fixture is to be deleted from the project, indicate the fixture with a minus sign (–) next to the proposed fixture quantity in column "B".
3. For plumbing fixtures not shown in this table please refer to Malibu Plumbing Code (MPC) Table 7-3.

ATTACHMENT H

City of Malibu

Environmental and Building Safety Division
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

OFFICIAL INSPECTION FORM
ONSITE WASTEWATER TREATMENT SYSTEM

This inspection report is for regulatory purposes only and is not to be used or construed as a guarantee of future system performance.

This form is to be used for all required Onsite Wastewater Treatment System inspections required by Section 15.14.050 of Ordinance 321. The form must be completed by a City of Malibu Approved Inspector (Section 15.14.060). All sections of the form are to be completed in accordance to the "Guidelines for the Inspection of Onsite Wastewater Treatment Systems in the City of Malibu".

A plot plan of the OWTS and site must be attached to this report. Please refer to the Guidelines for the specifications required.

Part I Site Information		
Property Owner: Betty McCarty Family Trust		Site Address: 31948 Pacific Coast Hwy.
Mailing Address: 31948 Pacific Coast Hwy.		Site APN: 4473-012-020
City, State, Address: Malibu, CA 90265		Site Location: West End / Encinal Cyn.
Telephone Number		Additional Information:

Part II History			
OWTS Permit on file with City: ☒ Yes ☐ No Percolation test on file with City: ☐ Yes ☒ No		Building Type: ☒ Single Family Residence ☐ Multifamily ☐ Commercial ☐ Condominium	
Building Serviced by OWTS: ☒ Occupied ☐ Seasonal Use		Building Construction Date: 1961	
Number of Bedrooms: 5 Fixture Unit Count: 48		Maintenance Contract for OWTS: ☐ Yes ☒ No	
OWTS Permit Number: 15-0372	Date Issued: 3-11-15	Date of Final Approval for Installation: 1-28-82 +	Age of System (installation date or approximate age): 53yr. & 1yr.

Part III System Type	
Type of OWTS Installed: ☒ Conventional ☐ Alternative/Advanced ☐ Demonstration ☐ Holding Tank	System Type Permitted by City: ☒ Yes ☐ No
Information for all Alternative/Advanced System Types: ☐ Secondary Treatment Component ☐ Disinfection Component ☐ De-Nitrification	Grey Water System: ☐ Yes ☒ No Permit: ☐ Yes ☐ No Removed: ☐ Yes ☐ No
Influent (Sewage) Type: ☒ Residential ☐ Multifamily ☐ Condominium ☐ Commercial ☐ Restaurant	Appearance of Influent: ☒ Normal ☐ High Strength ☐ Weak

NOTE: All alternative/advanced OWTS will require submission of system approval from the maintenance provider

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Part IV - Tanks

Manufacturer: Nottingham Capacity: 1,200 gal	☒ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
Tank Pumped for Inspection: ☐ Yes ☒ No ☐ Recommended ☒ Not Required	Septage Levels: Scum: 1 in Effluent: in Sludge: 1 1/2 in
Function of Tank: ☒ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease	Manhole Risers: Present ☒ Yes ☐ No Diameter: 24" Depth of Soil Cover Over Tank: 3 ft 0 in
Liquid Level in Tank: ☒ Normal ☐ Below Normal ☐ Above Normal	Number of Tank Compartments: ☐ One ☒ Two ☐ Three ☐ Other _____
Tank Material: ☒ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other	Condition of Baffles: ☒ Pass ☐ Damaged ☐ Fail
Effluent Filter: ☐ Yes ☐ Cleaned ☒ No ☐ Installed @ Inspt ☐ Recommended	Inlet Tee: ☒ Pass ☐ Damaged ☐ Fail Outlet Tee: ☒ Pass ☐ Damaged ☐ Fail
Setback Distance: Building 10' ft; Lot line 8' ft; Stream N/A ft; Well N/A ft	Tank: ☒ Passes ☐ Conditionally Passes ☐ Fails
Additional Comments:	

Tank #2 Manufacturer: Capacity: gal	Condition of tank: ☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
Tank Pumped for Inspection: ☐ Yes ☐ No ☐ Recommended ☐ Not Required	Septage Levels: Scum: in Effluent: in Sludge: in
Function of Tank: ☐ Septic ☐ Treatment ☐ Pump vault ☐ Dosing ☐ Grease	Manhole Risers: Present ☐ Yes ☐ No Diameter: Depth of Soil Cover Over Tank: ft in
Liquid Level in Tank: ☐ Normal ☐ Below Normal ☐ Above Normal	Number of Tank Compartments: ☐ One ☐ Two ☐ Three ☐ Other _____
Tank Material: ☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Block ☐ Other	Condition of Baffles: ☐ Pass ☐ Damaged ☐ Fail
Effluent Filter: ☐ Yes ☐ Cleaned ☐ No ☐ Installed @ Inspt ☐ Recommended	Inlet Tee: ☐ Pass ☐ Damaged ☐ Fail Outlet Tee: ☐ Pass ☐ Damaged ☐ Fail
Setback Distance: Building ft; Lot line ft; Stream ft; Well ft	Tank: ☐ Passes ☐ Conditionally Passes ☐ Fails
Additional Comments:	

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part IV is correct

Print Name: Darrell Roy ENT, Inc.	Inspection Date: 2-9-15
Signature: Darrell Roy	Malibu Approved Inspector Number: IP-12011

Part V Distribution

Distribution Type: ☐ Direct Connection ☒ Box ☐ Manifold ☐ Hydrosplitter ☐ other	Access Riser to Grade: ☒ Yes ☐ No Riser Diameter: 8"
Distribution System Material of Construction: ☒ Concrete ☐ Plastic/polymer ☐ Fiberglass ☐ Other	Condition of Distribution System: ☒ Pass ☐ Damaged/needing repair ☐ Failed
Additional Comments: With two 4" gate Valves. These Valves Serve intended to rest the 1960's Pits	Observed Deficiencies (if any): ☐ Roots ☐ Cracks ☐ Water Infiltration ☐ Evidence of Ponding ☐ Sludge ☐ Unlevel

I certify that I have inspected the tank(s) and that to the best of my knowledge and ability the information in Part V is correct

Print Name: Darrell Roy Ent. Inc.	Inspection Date: 2-9-15
Signature: Darrell Roy	Malibu Approved Inspector Number: IP-12011

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Recycled Paper

Part VI Pump Station		
	~~Pump Vault Type:~~ ☐ In Tank Vault ☐ Pump Station Vault ☐ Dosing	Access: ☐ Yes ☐ No Diameter:
	Pump Vault Material: ☐ Concrete ☐ Fiberglass ☐ Plastic ☐ Metal ☐ Other	Condition of Vault: ☐ Acceptable ☐ Struct Unsound ☐ Infiltration ☐ Exfiltration
	Pumps: ☐ Simplex ☐ Duplex ☐ Other Pump Elevated: ☐ Yes ☐ No	Pump Operation: ☐ Pass ☐ Fail ☐ Pump Replaced ☐ Incorrect Pump
	Alarms: ☐ Yes ☐ No High Water Alarm: ☐ Yes ☐ No Alarm System: ☐ Pass ☐ Fail	Floats: ☐ Pass ☐ Needs Adjustment ☐ Fail
	Comments:	
	I certify that I have inspected the Pump Station(s) and that to the best of my knowledge and ability the information in Part VI is correct	
	Print Name:	Inspection Date:
	Signature:	Malibu Approved Inspector Number:

Part VII Dispersal System					
	Type: ☒ Seepage Pits ☐ Leach Trenches ☐ Leach Field ☐ Sand Filter ☐ Drip Irrigation ☐ ET Bed				
	Number of Type Units: (E) 3 + (N) 2	Unit Length: (N) 40' (E) 24' 35 BTI ft	Unit Width: ft	Pit Diameter: 5' ft	Liquid Depth in Pit: (E) 10' / (N) Dry
	Impermeable Surface Over Area: ☒ Yes ☒ No Water in Observation Ports: ☐ Yes ☐ No Depth in			Evidence of Surface Discharge/Breakout: ☐ Yes ☒ No Evidence of Storm Water Ponding: ☐ Yes ☒ No	
	Hydraulic Performance Test: ☒ Yes ☐ No Dispersal Area: ☐ Breakout ☐ Wetness ☐ Odors			Pressure Distribution System: ☐ Yes ☒ No Squirt Test: ☐ Pass ☐ Fail ☐ Not Performed	
	Setback Distance: Building 10 ft	Lot Line 8' ft	Stream N/A ft	Well N/A ft	Condition of Dispersal System: ☒ Pass ☐ Conditionally Pass ☐ Fail
	Comments: Their are 3 seepage Pits installed 19605 (Full) 2 New pits were installed. (2015)				
	I certify that I have inspected the dispersal system and that to the best of my knowledge and ability the information in Part VII is correct				
	Print Name: Darrell Roy Ent. Inc.			Inspection Date: 2-9-15	
	Signature: Darrell Roy			Malibu Approved Inspector Number: IP-12011	

Part VIII Hydraulic Test		
	Static Liquid Level in Tank: ☒ Even with Invert ☐ Below Invert ☐ Above Invert	Hydraulic Test Initial Level: Normal inches ☐ Above ☐ Below Inlet
	Approximate Gallons Water Added: 350 Gallons	Liquid Level Rise (inches): 0
	Length of Time Water Added: 35 Minutes	Time to return to Initial: (30 minute max) 0
	Dispersal Area Observation: ☒ Pass ☐ further evaluation required ☐ Fail	Hydraulic Test Evaluation: ☒ Pass ☐ Marginal ☐ Fail
	I certify that I have performed the hydraulic test and that to the best of my knowledge and ability the information in PartVIII is correct	
	Print Name: Darrell Roy ENT. Inc.	Inspection Date: 2-9-15
	Signature: Darrell Roy	Malibu Approved Inspector Number: IP-12011

Recycled Paper
Recycled Paper

City of Malibu

Environmental and Building Safety Division
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

This form is to be completed in its entirety for all Alternative/Advanced Treatment Systems

This form shall be attached to the required "Official Inspection Form Onsite Wastewater Treatment System" when an inspection is performed in accordance with Ordinance 321 and the City of Malibu's Operating Permit Program.

Part X Advanced Systems		
	Manufacturer:	Model:
	Wastewater Vessels other than a Septic Tank: ☐ Yes ☐ No	Type of Vessel: ☐ Treatment ☐ Holding ☐ Equalization ☐ Dosing ☐ Pump
	System Functioning: ☐ Yes ☐ No	System Controls: ☐ Yes ☐ No Controls Tested: ☐ Yes ☐ No
	Pumping Systems: ☐ Yes ☐ No ☐ Functional	Air Supply for Aeration: ☐ Yes ☐ No Operation: ☐ Pass ☐ Fail ☐ Maintenance
	Disinfection Unit: ☐ Yes ☐ No Operational ☐ Yes ☐ No	Disinfection Unit Type: ☐ UV ☐ Chloronation/Dechloronation ☐ Ozination
	Maintenance Provider:	Contract Expiration Date:
	Date of Last Maintenance	Status at Last Maintenance
	Comments:	

Attach a copy of the last maintenance report provided by the Maintenance Contractor.

ATTACHMENT I

765123 - 5M - 12-59

LOS ANGELES COUNTY HEALTH DEPARTMENT
BUREAU OF SANITATION
COMPLAINT REPORT

31948

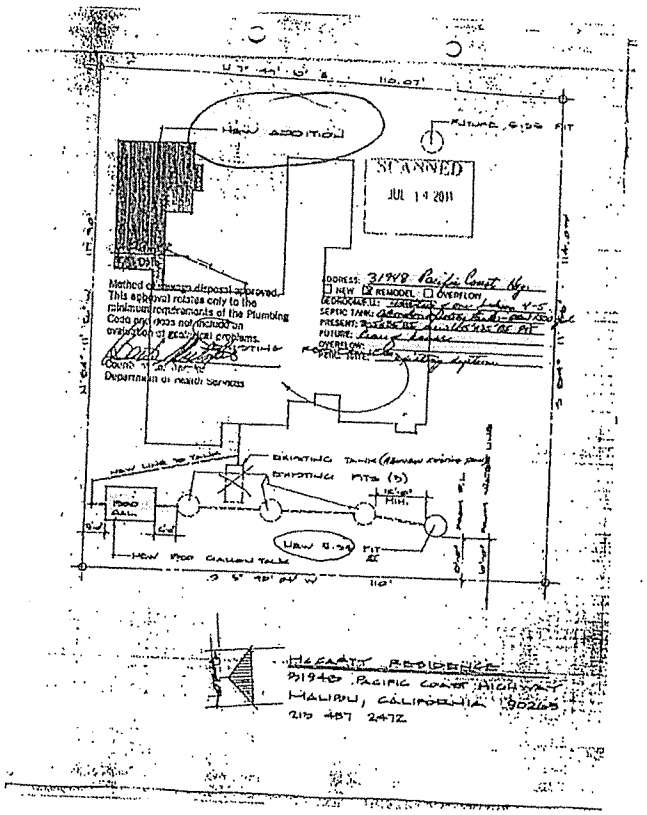
Telephone ✓
Mail
In person

Location of complaint: 3[illegible] Pacific Coast Hwy Cross street: Broad Beach Rd
Locality - City: Malibu District: S. M. Sanitarian: D. Riggle
Complaint: Sewage backup for 3 BR House

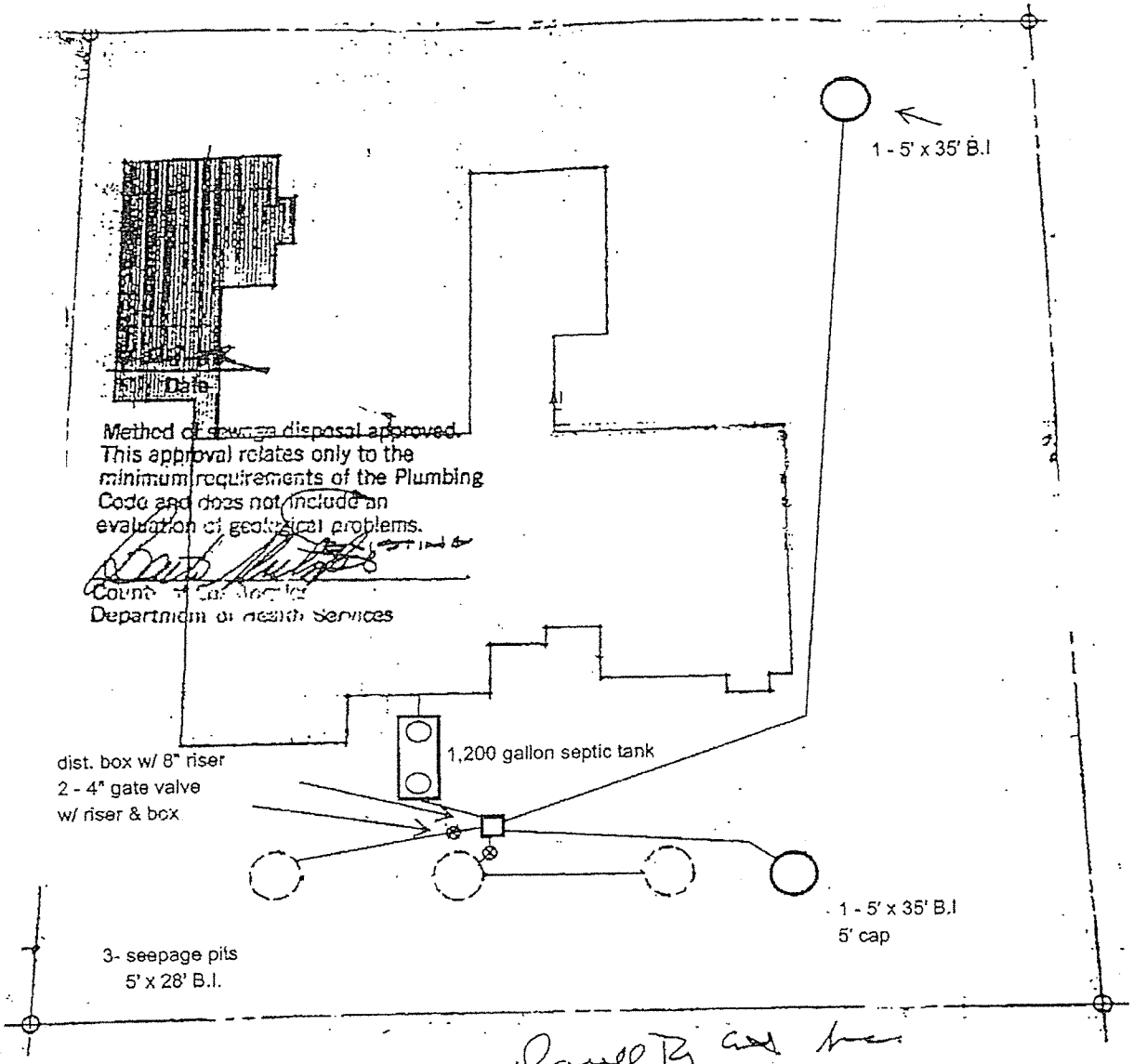
~~Complainant~~ John McCarty Address: 457 2565 Phone
Occupant ~~[illegible]~~ Address Phone
Agent or Owner ~~[illegible]~~ Address Phone
Date 4-11-61 Rec'vd by D. Riggle Rel'd to

Report of investigation and dates: 4-11-61. Checked area. Will verify info. D.
4-13-61. Owner called & was told Septic Tank & leaching adequate. D.
10-5-72. Adding BR, bath & 2nd floor dec. Bldg reports 2 new Tanks (locked) & 2 pits (22'x7'). System located in front of house. Requested details & sign letter for "undersize system". Will OK!
8-29-73. Adding pit ~~[illegible]~~. See note on back of sheet. OK

Complainant contacted on


NEW ADDITION
FUTURE 6,000 PIT
SCANNED
JUL 14 2011
Method of sewage disposal approved. This approval relates only to the minimum requirements of the Plumbing Code and does not include an evaluation of geological problems.
County of Los Angeles
Department of Health Services
ADDRESS: 31948 Pacific Coast Hwy
☐ NEW ☒ REMODEL ☐ OVERLOW
SEPTIC TANK:
PRESENT:
FUTURE:
OVERLOW:
PERC. TEST:
EXISTING TANK
EXISTING PITS (5)
NEW 1,000 GALLON TANK
NEW 6,000 PIT
110.07'
110'
HEGARTY RESIDENCE
31948 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265
213 457 2472

ATTACHMENT K



3-31-15

31948 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 9026

Ernest J. Guadiana
D: 310.746.4425
F: 310.746.4462
EGuadiana@elkinskalt.com

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

November 25, 2015

RECEIVED
NOV 30 2015
PLANNING DEPT.

VIA E-MAIL AND U.S. MAIL

Bonnie Blue
Planning Director
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: BBlue@malibucity.org

Richard Mollica
Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: RMollica@malibucity.org

Jamie Peltier
Planning Technician
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: JPeltier@malibucity.org

Carl Manisco
Environmental Programs
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
E-Mail: CManisco@malibucity.org

Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Bonnie, Richard, Jamie, and Carl:

This letter follows the October 29, 2015 letter ("October Letter") from my colleague Ken Ehrlich on this matter. Our office represents the owners of the real property at 31946 Pacific Coast Highway, Malibu, CA ("31946 Property"). The October Letter expresses concerns over the planned redevelopment of the Cohen Property referenced above, and specifies multiple reasons for the City to require a Coastal Development Permit ("CDP") for this planned redevelopment.

On November 16, 2016, we understand the applicant submitted an amended application for an administrative plan review for the development of the Cohen Property (the "Amended Plan"). After our review,[1] the Amended Plan remains deficient, and the planned redevelopment

[1] For whatever reason, the City continues to refuse to provide our office with a copy of the submitted plans. The City claims that the architect has some form of intellectual property protection over the plans. We disagree, and request the legal basis for the City's position. The plans are public documents submitted to a public agency. Our office submitted a proper PRA (footnote continued)

cc: R. Mollica, J. Peltier, C. Manisco

requires a full CDP. The Amended Plan does not address the concerns contained in our October Letter and presents additional issues. Our clients seek to ensure that the City of Malibu: a) knows with certainty the existing configuration and elevations of the Cohen Property; and b) ensures that appropriate permits, including a CDP, are obtained for the planned redevelopment.

A. Ministerial Permit Sought Despite No Roof Height Elevations Submitted

Our October Letter outlines that the original application for an administrative plan review neither revealed the heights of the structures located on the Cohen Property nor the heights of the proposed structures. The Amended Plan similarly lacks these height measurements. By not including the proper elevations of the as-built and proposed structures, the applicant seeks to conceal the significant differences between current, existing site conditions and proposed as-redeveloped conditions. If the City knew that the current height is under 18 feet and the proposed height is over 18 feet, the applicant could not redevelop the site through an administrative permit; at the very least, the applicant's plans require Site Plan Review or a full CDP.

For example, the maximum height for "[e]very residence and every other building or structure associated with a residential development, including satellite dish antenna...is 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna." (Emphasis added.)[2] Neither the City nor our clients can determine the roof height of the proposed structure because the applicant failed to provide elevations. We remain quite concerned that the owner of the Cohen Property may seek to use this ambiguity over elevations (or omission of elevations) to improperly raise the height of the structure immediately seaward of the 31946 Property. The City must know this information before determining the type of permit needed for the work and before issuing any permits.

B. Ministerial Permit Sought Despite Increase in Allowable Square Footage

The Amended Plan provides that the total square footage of the renovated structures is 4,350 square feet. This square footage exceeds the amount allowed on the Cohen Property. The Cohen Property is less than one-half acre in size, which means that the total development square footage may not exceed 17.7% of the lot area plus 1000 square feet.[3] The net area of the Cohen

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request more than 10 days ago, and the City has not responded. The City has violated the PRA, for which we reserve our rights. Regardless, the City separately produced the plans to our office.

[2] LIP Section 3.6-E.1.

[3] LIP Section 3.6-K.

Property is 11,660 square feet. Accordingly, the total development square footage may not exceed 3,064 square feet.

From our search, no permit, variance, or other entitlement allows the Cohen Property to exceed 3,064 square feet. As a result, the LIP requires a CDP for the total development square footage depicted in the Amended Plan.[4]

C. Ministerial Permit Sought Despite Unapproved Addition of Kitchen to Guest House

We attach as Exhibit "A" plans approved in 1987 for the current guest house at the Cohen Property (the "Approved Guest House Plan"). The Approved Guest House Plan provided "No Kitchen Allowed". This approval is in line with the definition of a guest house in the Local Implementation Plan, which defines a guest house to be an "attached or detached living quarters on the same premises ... ***containing no kitchen.***"[5] The addition of a kitchen would convert this structure to a "Second Unit,"[6] the creation of which would require a coastal development permit.[7]

E. Potentially Inaccurate Baseline Condition

The current improvements at the Cohen Property do not match existing permitting for the site. For example, the as-built structure contained in the Amended Plan shows the guest house detached from the main residence and including a kitchen. Under the Approved Guest House Plan, the guest house is attached to the main residence by a common wall and does not contain a kitchen. Other inaccuracies may also exist as to the main residence. These inaccuracies must be clarified and uncovered so a proper baseline can be understood and evaluated in connection with the proposed redevelopment.

F. Unconfirmed Fixture Count

As noted above, the as-built structure in the Amended Plan is inaccurate. These inaccuracies may lead to an overstressed septic system, which could present a community-wide

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[4] See, LIP Section 13.4.4 [providing that an increase in 10% of the total interior square footage of a property located "between the sea and the first public road paralleling the sea" requires a coastal development permit.

[5] LIP Section 2.1. (Emphasis added.)

[6] LIP Section 2.1.

[7] See, LIP Section 13.4.1 [providing that the exemption to improvements to existing single-family residences does not apply to "accessory self-contained residential units."]

health and safety risk. The City's inability to locate the completed confirmed fixture count for the Cohen Property magnifies this concern. A determination of the allowed fixtures on the Cohen Property is vital for proper calculation of septic requirements. In short, the City must have this information to evaluate the Amended Plan, and must demand that the applicant produce the same in a comprehensive, logical manner.

G. Amended Plan Indecipherable

The Amended Plan contains a number of abbreviated terms and drawings that remain undefined within the Amended Plan. Such undefined terms and drawings create ambiguities in reviewing the redevelopment of the Cohen Property. For example, the Amended Plan shows the western portion of the proposed residence to extend past a dotted line. If this dotted line represents the setback requirement, then the LCP/LIP requires Site Plan Review prior to approval.[8]

These indecipherable plans also inhibit public involvement in the City's development process. The City should require resolution of these ambiguities prior to making any determination on the Amended Plan.

H. Potential Piecemeal Development

As explained in our October Letter, the owner of the Cohen Property previously shared with our clients rough drawings for an expansive redevelopment of the Cohen Property. Undoubtedly, the applicant's "master plan" for the Cohen Property includes an expansive redevelopment of the entire site. Still, the plans submitted to date reflect a much smaller project scope. Undoubtedly, the applicant seeks to "piecemeal" to fruition the massive, expansive project through many small scale increments. Our clients have repeatedly requested detailed plans and elevations for **all** of the desired construction at the Cohen Property, but still have not received such materials to date. In any event, the redevelopment described to our clients expands well beyond that detailed in the Amended Plan. Our clients seek to ensure proper and coordinated permitting for all planned improvements, including public involvement in the process and the avoidance of piecemeal development.

We request that the City: a) know with certainty the existing configuration and elevations of the Cohen Property; and b) ensure that appropriate permits, including a CDP, are obtained for the planned redevelopment.

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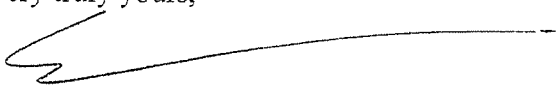
[8] Municipal Code, Section 17.62.040.8.

Please contact our office with questions or comments.

Very truly yours,



Ernest J. Guadiana
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Christi Hogin, Esq.

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

FILE COPY

Date: August 13, 1987

TO: Carl Volante AIA
P.O. Box 2446
Malibu, CA 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-87-616 APPLICANT: Mr. and Mrs. McCarty

LOCATION: 31948 Pacific Coast Highway
MALIBU

PROPOSED DEVELOPMENT: The addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

RATIONALE: The proposed development is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within a an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their August 25-28, 1987, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

by:

CHARLES DAMM
South Coast District Director

cc: Commissioners/File

BP/nw
3484A

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: WAIVER OF COASTAL PERMIT REQUIREMENTS FOR: the addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

LOCATION: 31948 Pacific Coast Highway
MALIBU

APPLICANT: MR. & MRS. MCCARTY

APPLICATION NUMBER: 5-87-616

DATE NOTICE POSTED:

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
PO BOX 1450
245 WEST BROADWAY, STE 380
LONG BEACH, CA 90802
(213) 590-5071

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 87-616 APPLICANT: Mr & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

PROPOSED DEVELOPMENT: The addition of a 750 ft guesthouse, 24' high, to an existing single family residence

RATIONALE: The proposed dev. is consistent with the size and bulk standards of the Certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their _____, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

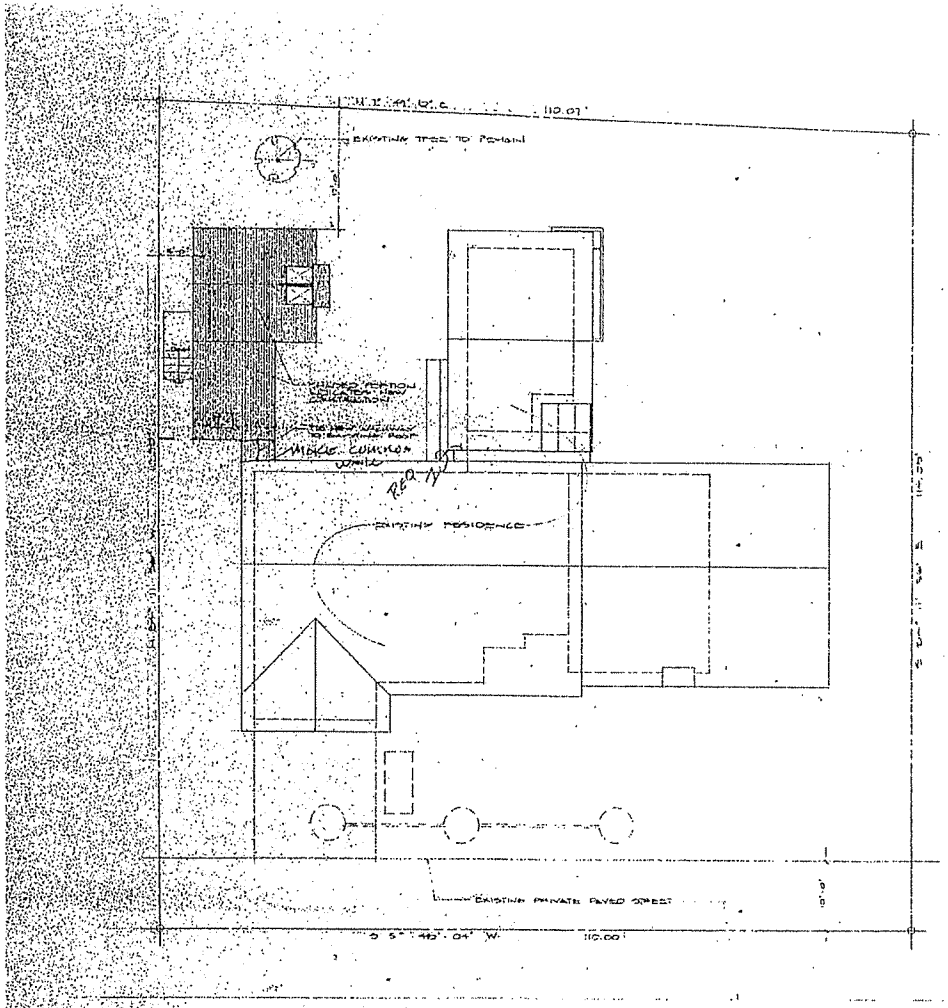
Tom Crandall

TOM CRANDALL
South Coast District Director

by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85



SITE PLAN
1/8" = 1'-0"

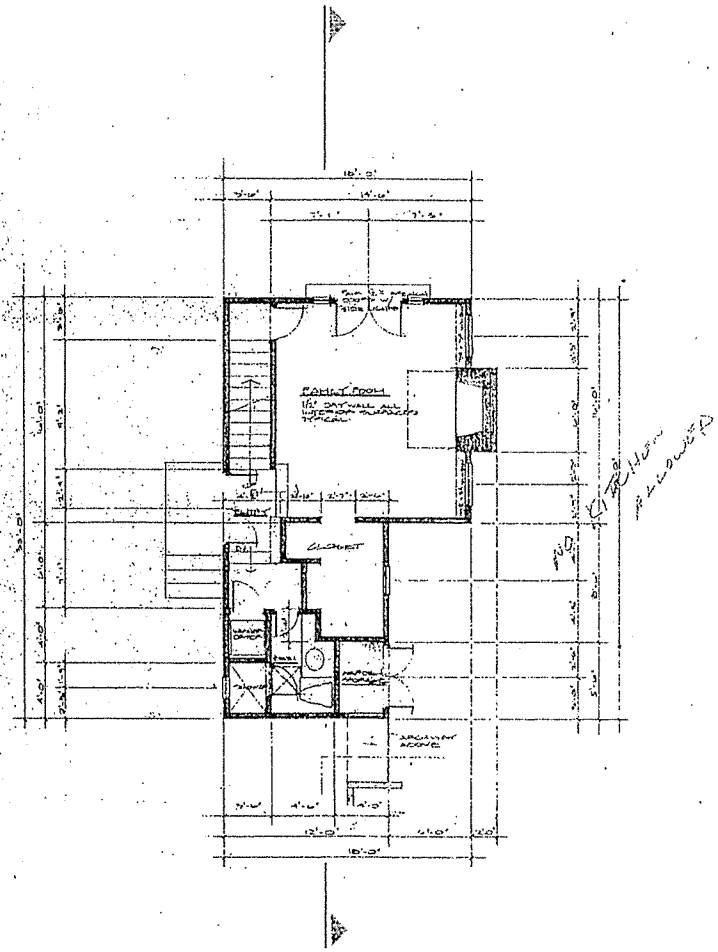
MCCARTY RESIDENCE
31948 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

V. GLANTZ
ARCHITECT, AIA

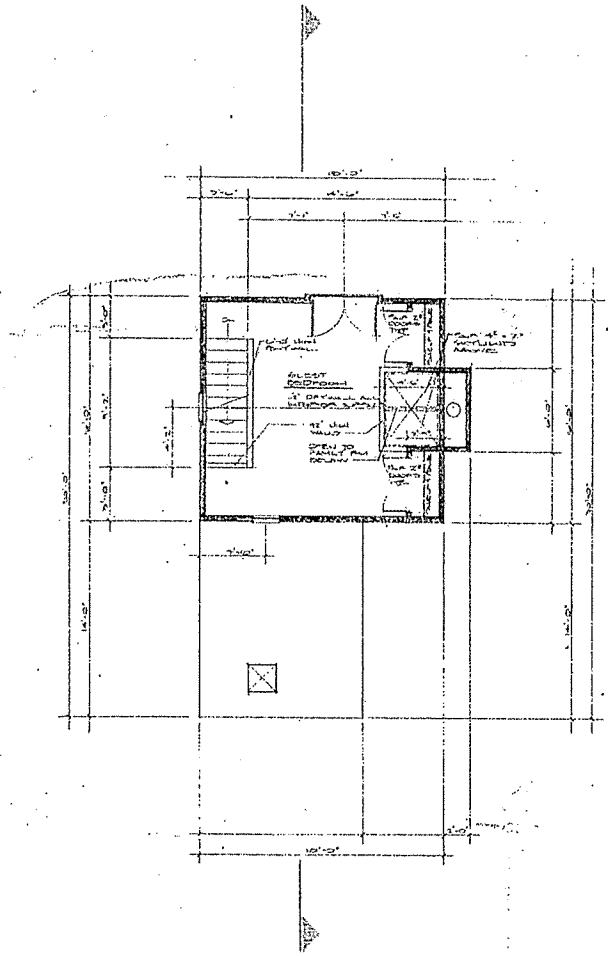
A/C 87-083

RECEIVED
JUL 28 1987
CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT

South Coast District Office
APPROVED: Permit No. 5-87-616
By: Bill Ponder
EFFECTIVE Date: 8/29/87



FIRST FLOOR PLAN
1/4" = 1'-0"



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

V. OLIANTE
ARCHITECTS, A.I.A.

Jamie Peltier

From: Matthew Janousek
Sent: Thursday, November 19, 2015 9:11 AM
To: [redacted]
Cc: Craig George; Carl Manisco; Jamie Peltier
Subject: RE: 31948 Pacific Coast Highway (APR 15-089) - Env Health conformance review

Hello Wayne,

After further review of our records for this property, it appears that the residence is currently being served by a 1,200 gallon septic tank. We have on record a 1988 LA County DPH approval for installation of a 1,500 gallon tank, but apparently the 1,500 gallon tank was never installed. Please be advised that moving forward with this project, an additional condition of final approval through the Environmental Health department for APR 15-089 will include an upgrade from the existing 1,200 gallon tank to a 1,500 gallon tank, which is the minimum tank size required for a 5 bedroom residence.

Please let me know if you have any questions or require additional information.

Kind regards,
Matt

From: Matthew Janousek
Sent: Tuesday, November 03, 2015 5:28 PM
To: [redacted]
Cc: Carl Manisco; Karen Frey; Jose Coyotl
Subject: 31948 Pacific Coast Highway (APR 15-089) - Env Health conformance review

Hello Mr. Chevalier,

Please find attached Environmental Health conformance review for your project at 31948 Pacific Coast Highway (APR 15-089).

Please do not hesitate to contact me if you have any questions.

Kind regards,

==========

Matt Janousek
Environmental Health Consultant
City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265
Tel: 310.456.2489, x 307
Fax: 310.317.1950
mjanousek@malibucity.org

Kenneth A. Ehrlich
D: 310.746.4412
F: 310.746.4462
KEhrlich@elkinskalt.com

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

October 29, 2015

RECEIVED
NOV 02 2015
PLANNING DEPT.

VIA EMAIL AND U.S. MAIL

Richard Mollica
Senior Planner
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Email: RMollica@malibucity.org

Re: Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Richard:

Our office represents the owners of the real property at 31946 Pacific Coast Highway, Malibu, CA ("31946 Property"). We have concerns over planned redevelopment of the Cohen Property referenced above. Overall, we want to ensure that the City of Malibu: a) knows with certainty the existing configuration and elevations of the Cohen Property, and b) ensures that appropriate permits are obtained for the planned redevelopment.

We enclose as Exhibit "A" documentation depicting the current as-built configuration of the Cohen Property. The documentation shows a 4-bedroom, 2-bath multi-structure residence on an approximately 11,660 square foot lot. Exhibit "A" shows the Cohen Property structure immediately seaward (south) of the 31946 Property as an east-west trending structure with a roof no higher than 14 feet. We believe that an on-site inspection of the Cohen Property will confirm this roof height for the subject structure.

A. Ministerial Permit Sought Despite No Roof Height Elevations Submitted

Concerns have arisen because, among other points, a recent permit application from the owner of the Cohen Property, photographic copies of which are attached as Exhibit "B", does not reveal elevations of the real property and structures proposed to be redeveloped. This is especially concerning as the Cohen Property owner recently sought ministerial, over-the-counter permitting for the requested construction despite the fact that work may actually require Site Plan Review or a full Coastal Development Permit.

For example, the maximum height for "[e]very residence and every other building or structure associated with a residential development, including satellite dish antenna…is 18 feet

above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna." (emphasis added.)[1] From the recent submittal by the owner of the Cohen Property, neither the City nor our clients can determine the roof height of the proposed structure because the applicant failed to provide elevations. See Exhibit "B". We fear that the owner of the Cohen Property may seek to use this ambiguity over elevations (or omission of elevations) to improperly raise the height of the structure immediately seaward of the 31946 Property. The City must know this information before determining the type of permit needed for the work and before issuing any permits.

B. Potentially Inaccurate Baseline Condition

We also fear that the current improvements at the Cohen Property may not match existing permitting for the site. For example, Exhibit "A" shows a 4-bedroom, 2-bath multi-structure residence and "No Kitchen Allowed" in one of the structures. The current configuration of the Cohen Property may include 5-bedrooms, at least 3 bathrooms, and kitchen improvements in the specific areas mandated for "no kitchens" according to existing plans and permitting. See Exhibit "B", p. 1, which clearly depicts a kitchen in the guest house. Our clients overall concern on this point largely relates to the potential for the Cohen Property to overstress the septic system, which could present a community-wide health and safety risk, or present a fire hazard by housing a kitchen in an area not designed as such.

C. Potential Piecemeal Development

Some time ago, the owner of the Cohen Property shared with our clients rough drawings for an expansive redevelopment of the Cohen Property. Our clients have repeatedly requested detailed plans and elevations for all of the desired construction at the Cohen Property, but have not received such materials to date. In any event, the redevelopment described to our clients is well beyond that which has been requested from the City. Our clients seek to ensure proper and coordinated permitting for all planned improvements, including public involvement in the process and the avoidance of piecemeal development.

---

[1] LIP Section 3.6-E.1.

We appreciate the City's immediate attention to this matter.

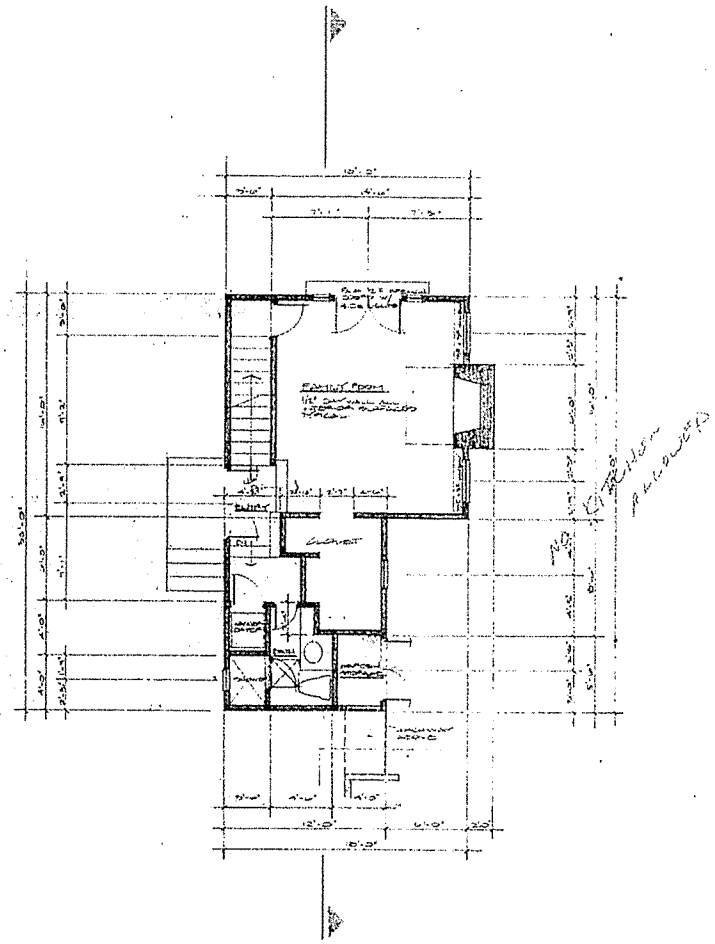
Very truly yours,

KENNETH A. EHRLICH,
a Professional Corporation of
Elkins Kalt Weintraub Reuben Gartside LLP

KAE:kae

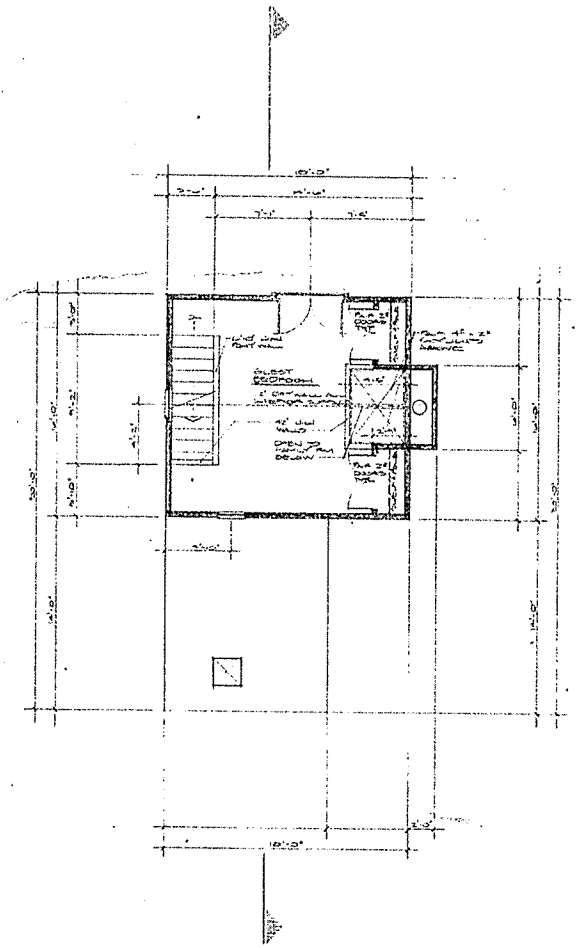
cc w/encls.: Doug Cleavenger, City of Malibu (DCleavenger@malibucity.org)

Exhibit A



FIRST FLOOR PLAN

1/4" = 1'-0"

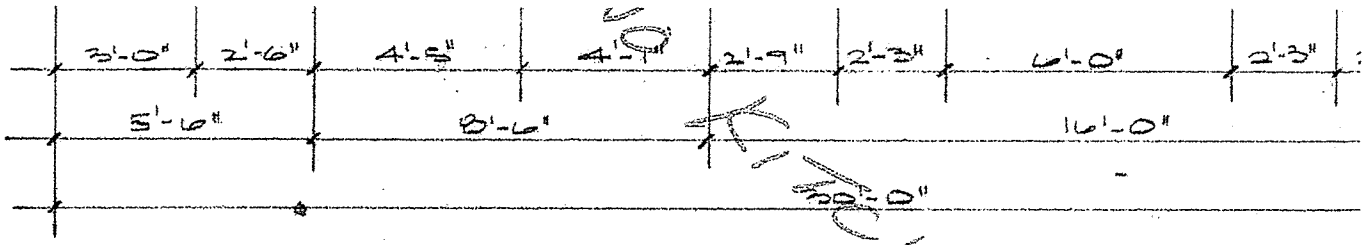


SECOND FLOOR PLAN

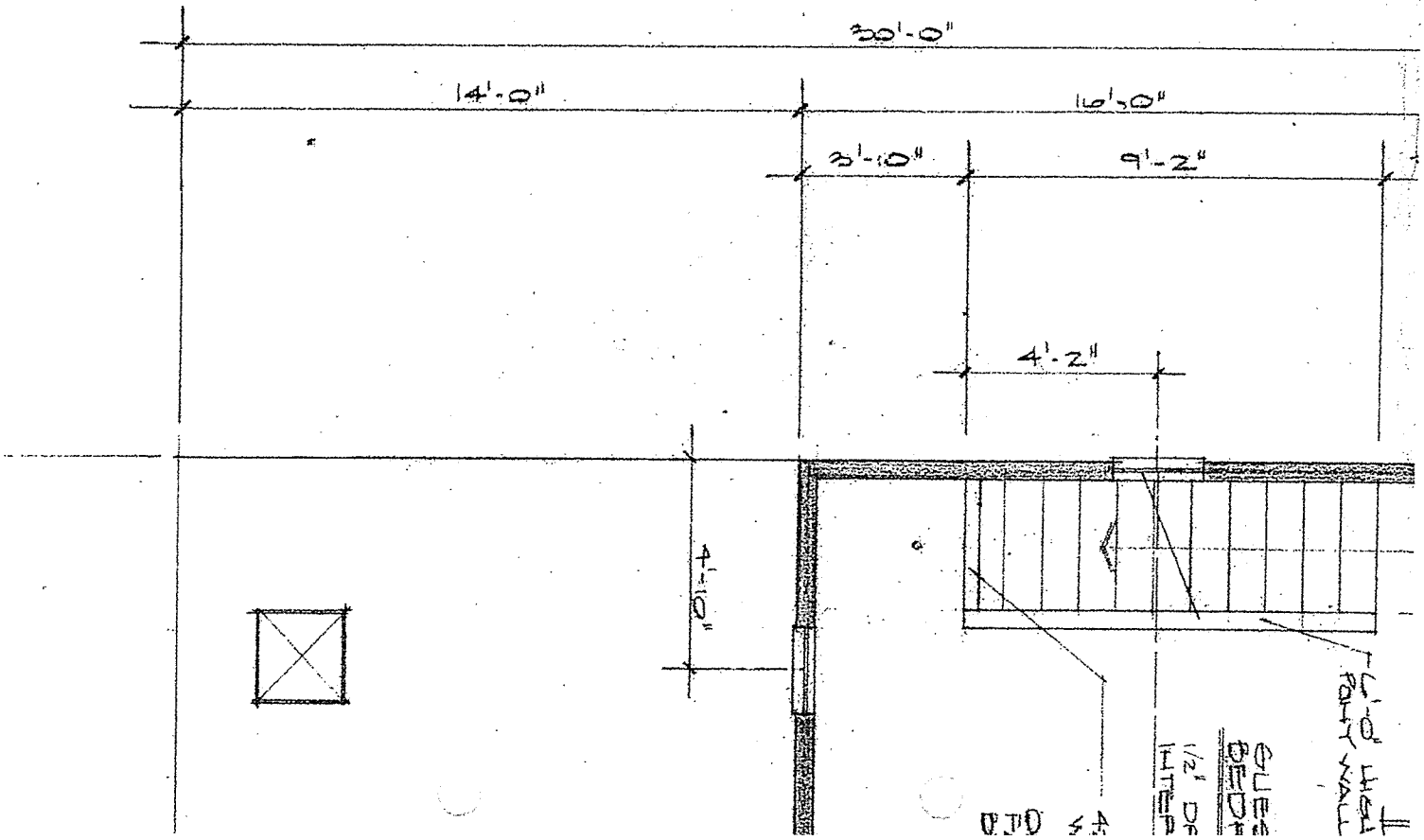
1/4" = 1'-0"

V. OLANTE
ARCHITECT AIA

Carl Volante AIA
Box 2448
Malibu, CA 90265
(805) 493-1797



KITCHEN ALLOWED



STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
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(213) 590-5071

FILE COPY

Date: August 13, 1987

TO: Carl Volante AIA
P.O. Box 2446
Malibu, CA 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

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WAIVER # 5-87-616 APPLICANT: Mr. and Mrs. McCarty

LOCATION: 31948 Pacific Coast Highway
MALIBU

PROPOSED DEVELOPMENT: The addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

RATIONALE: The proposed development is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within a an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their August 25-28, 1987, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
South Coast District Director

by:

cc: Commissioners/File

BP/nw
3484A

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: WAIVER OF COASTAL PERMIT REQUIREMENTS FOR: the addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

LOCATION: 31948 Pacific Coast Highway
MALIBU

APPLICANT: MR. & MRS. MCCARTY

APPLICATION NUMBER: 5-87-616

DATE NOTICE POSTED:

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
PO BOX 1450
245 WEST BROADWAY, STE 380
LONG BEACH, CA 90802
(213) 590-5071

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

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WAIVER # 87-616 APPLICANT: Mr & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

PROPOSED DEVELOPMENT: The addition of a 950 ft guesthouse, 24' high, to an existing single family residence

RATIONALE: The proposed dev. is consistent with the size and bulk standards of the Certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within an environmentally sensitive habitat area or will the project adversely impact public access.

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Tom Crandall

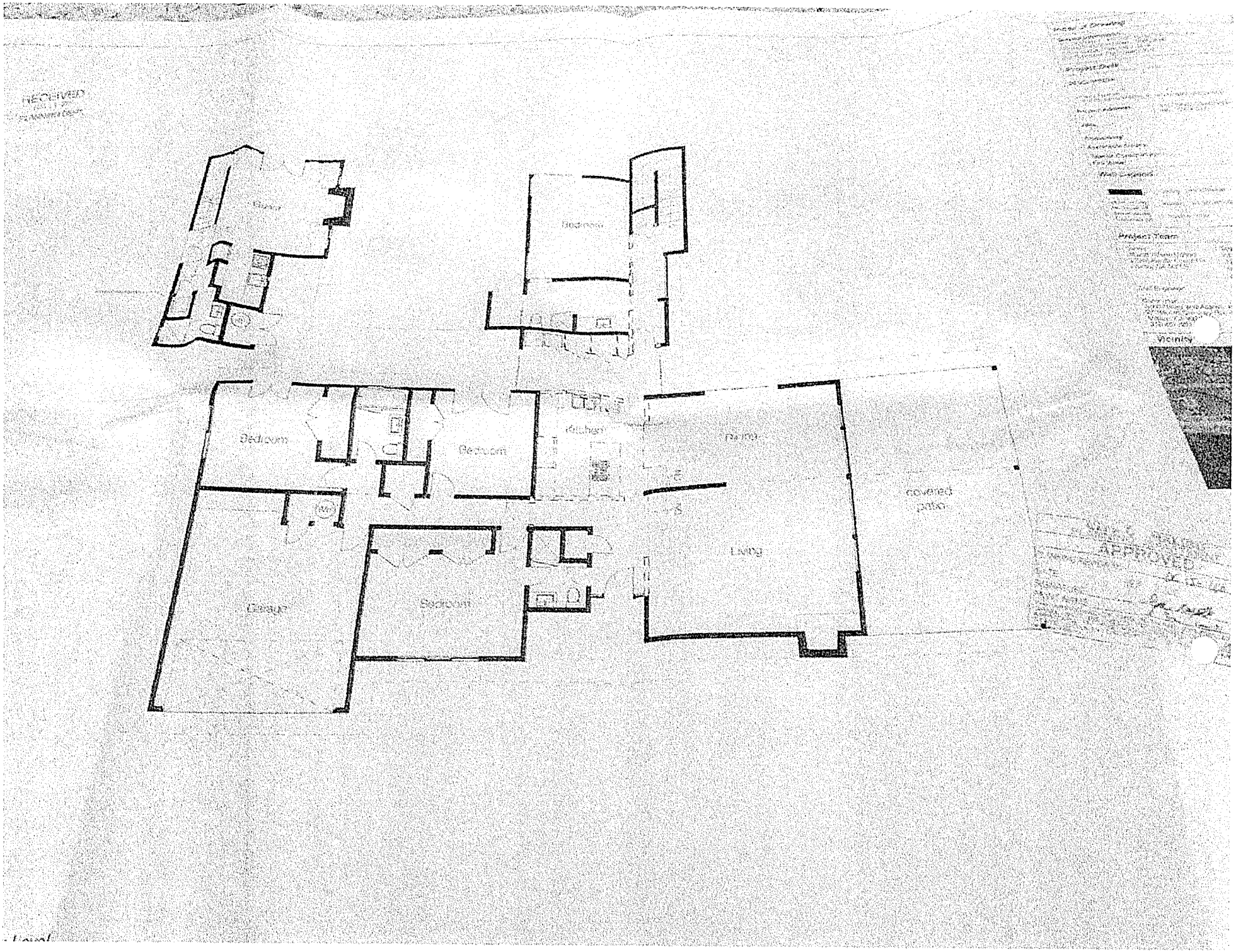
TOM CRANDALL
South Coast District Director

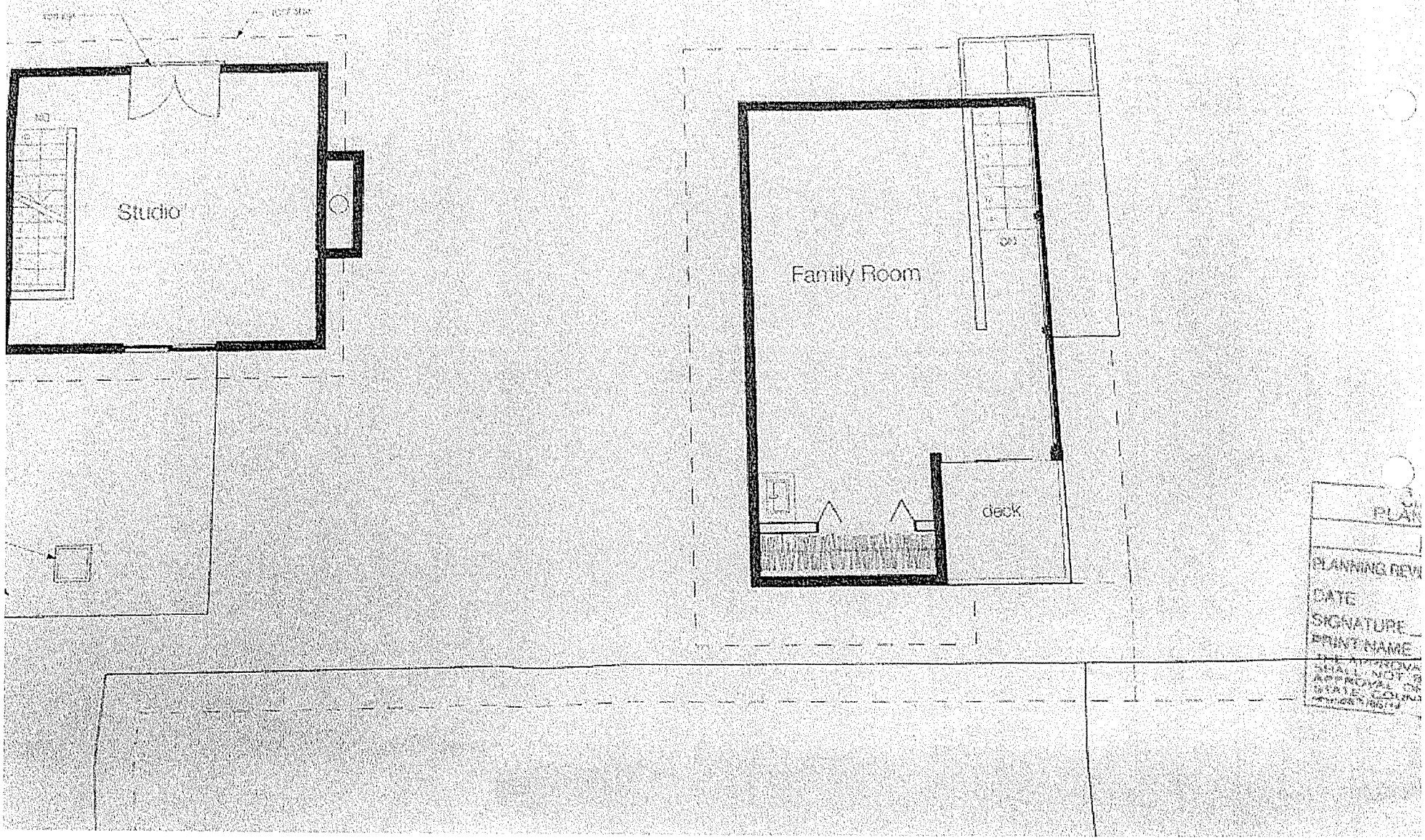
by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85

Exhibit B


Bedroom
Bedroom
Bedroom
Kitchen
Living
covered patio
Garage
Bedroom
Project Team
Vicinity
APPROVED


Studio
Family Room
deck
PLANNING REVI
DATE
SIGNATURE
PRINT NAME

Ernest J. Guadiana
D: 310.746.4425
F: 310.746.4462
EGuadiana@elkinskalt.com
Ref: 11806-0001

ELKINS
KALT
WEINTRAUB
REUBEN
GARTSIDE LLP

June 2, 2016

RECEIVED
JUN 0 6 2016
PLANNING DEPT.

VIA E-MAIL AND U.S. MAIL

Planning Commission
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Re: June 6, 2016 Planning Commission Agenda #6, Item 5C;
Proposed Redevelopment of 31948 Pacific Coast Highway, Malibu, CA 90265 ("Cohen Property")

Dear Planning Commissioners:

We represent Amir and Tamara Goldfiner (the "Goldfiners"), the owners of the real property located at 31946 Pacific Coast Highway, Malibu, California. Through our office, the Goldfiners have submitted multiple letters to the City of Malibu (dated October 29, 2015, November 25, 2015, December 18, 2015, March 22, 2016, and May 2, 2016) expressing concerns with the proposed renovation of the Cohen Property referenced above.[1] Concurrently with our submittals to the City of Malibu (the "City"), our clients, and, subsequently, our office, sought to reach an amicable resolution with the applicants, the Cohens. To date, those efforts have not achieved success, but our clients will continue to attempt to reach a neighborly resolution. In the interim, we outline the Goldfiners' remaining concerns with the proposed project.

Permit Process & Project Modification

The Cohens submitted documentation to re-develop the Cohen Property in or about Fall 2015. The initial submittal violated the Malibu Local Coastal Program, Coastal Act, and multiple City ordinances. The Goldfiners notified the City and the Cohens of the deficiencies of the initial proposal.

The Applicants submitted new plans reflecting a downsized and modified project on or around February 18, 2016 (the "New Plans"). The New Plans reflect a more compliant and

[1] The Planning Department's May 27, 2016 staff report contains copies of our previous letters.

Date Received 6/6/16 Time 4:00
Planning Commission meeting of 6/6/16
Agenda Item No. 5C
Total No. of Pages 26

CC: Planning Commission, PD, PM, Recording Secretary, Reference Binder, File

neighborly project than originally proposed. Nonetheless, our clients remain concerned with the New Plans and expressed same in letters dated March 22 and May 2, 2016.

Although the City's Municipal Code arguably allows the Planning Director to consider and determine the administrative plan review for the New Plans, the Planning Director opted for the Planning Commission to hear and determine the matter at its June 6, 2016 meeting.

Throughout this entire process, our clients have negotiated with the Applicants in good faith to resolve the open issues. Nevertheless, these negotiations failed to resolve the dispute.

Overview of Pending Issues

A. The Garage Height Increase Requires A CDP.

Section 13.3 of the Local Implementation Plan ("LIP") provides that "any development in the coastal zone...shall obtain a coastal development permit...."[2] LIP § 2.1 defines "development" as "construction, reconstruction, demolition, or alteration of the size of any structure...."

Generally, improvements to existing single-family residences do not require coastal development permits ("CDPs"). *LIP § 13.4.1.A.* However, for single-family residences "between the sea and the first public road paralleling the sea", a CDP is required for improvements that increase the height of an existing single-family residence or any significant non-attached structure, such as a garage, by more than 10 percent. *LIP § 13.4.1.B.6.*

Currently, the Cohen Property's existing garage has a sloped roof with a maximum height of approximately 13 feet. The New Plans depict a garage with an 18 foot flat roof, an increase of more than 10 percent over existing conditions. Consequently, the LIP requires a CDP for the renovations to the garage depicted in the New Plans.

The Planning Department's May 27, 2016 staff report (the "Staff Report") claims that LIP § 13.4.1 exempts the New Plans from the CDP requirement on the purported basis that "[t]he proposed development is not listed among the classes of development in LIP Section 13.4.1(B) for which [a CDP] exemption does not apply", and further states "the proposed project does not result ... in an increase in roof height of the existing residence." *See*, Staff Report, page 13. These Staff Report assertions are incorrect.

[2] See also, Cal. Public Resources Code § 30106.

The roof of the current garage at the Cohen Property is detached from the roof of the single-family residence. *See*, Staff Report, Attachment 5, last page and Attachment 6 photos 2, 3, and 5. The New Plans continue this division between the garage roof and the main residence roof. *See*, Staff Report, Attachment 3, Plan Set pp. 202-205, and 301-303. Accordingly, the increase in the height of the garage requires a CDP because: a) the increase exceeds 10 percent of the existing height, b) the roof is detached from the main residence, and c) garages are specifically referenced in LIP § 13.4.1.B.6 as requiring CDPs for a height increase of more than 10 percent.

In short, the proposed height of the garage mandates a CDP and discretionary review of the entire project. Therefore, the Planning Commission cannot approve the New Plans as proposed.

B. CDP Required For Guest House.

As explained above, LIP § 13.3 provides that, subject to multiple exemptions, "any development in the coastal zone...shall obtain a coastal development permit...."[3] LIP § 2.1 defines "development" as "construction, reconstruction, demolition, or alteration of the size of any structure...." Exceptions or exemptions may apply to obviate the need for a CDP.

The Staff Report claims that the LIP exempts the New Plans from the CDP requirement because "the proposed project... is consistent with LIP Section 13.4.1 (Improvements to an Existing Single-Family Residence)." *See*, Staff Report, p. 13. Although the Staff Report correctly states that LIP § 13.4.1 exempts "[i]improvements to existing single-family residences" from requiring a CDP, the Staff Report fails to note that this provision specifically excludes "guest houses or accessory self-contained residential units."

The LIP defines a guest house as:

> [A]n attached or detached living quarters on the same premises as a single family residence for the use of family members, guests or employees of the occupants of such residence, containing no kitchen facilities and not rented or otherwise used as a separate dwelling.

LIP § 2.1; emphasis added.

According to the New Plans, as well as the statements included in the 1987 CDP waiver obtained by the Cohen Property's former owner, the guest house on the Cohen Property clearly

[3] See also, Cal. Public Resources Code § 30106.

qualifies as a "guest house" and requires a CDP.[4] The proposed renovation of the Cohen Property proposes a number of interior and exterior changes, including the detachment of the guest house from the main house. According to the LIP, the proposed renovations constitute "development" not otherwise exempt from CDP requirements. Consequently, and contrary to the Staff Report, the proposed guest house renovations require a CDP because the guest house is not exempt under LIP § 13.4.1. Since the New Plans require a CDP, the Planning Commission cannot approve the New Plans as proposed.

C. The New Plans Impact Public Views And Violate LIP § 6.5.E.1.A.

Chapter 6 of the LIP seeks "to enhance and protect the scenic and visual qualities of coastal and mountain areas within the City of Malibu" by restricting "new development". The Staff Report fails to apply LIP Chapter 6 to the proposed project and, as a result, overlooks a clear violation.

LIP § 6.5.E protects ocean views by restricting "new development" on the ocean side of Pacific Coast Highway. Specifically, LIP § 6.5.E.1.A provides "[w]here the topography of the project site descends from the roadway, new development shall be sited and designed to preserve bluewater ocean views over the approved structures by incorporating the following measures.... Structures shall extend no higher than the road grade adjacent to the project site, where feasible." *LIP § 6.5.E.1.A; emphasis added.*

The Cohen Property descends seaward from Pacific Coast Highway. Accordingly, if the increase in garage height constitutes "new development", then the garage cannot exceed road grade elevation of Pacific Coast Highway adjacent to the Cohen Property.

Chapter 6 of the LIP fails to define "new development", but the New Plans clearly include the demolition and redevelopment of the garage structure at the Cohen Property. This obviously constitutes "new development" using both common sense and the LIP. Moreover, LIP § 2.1 defines "new development" as improvements to any structure that increases the height by more than 10 percent. The New Plans seek to increase the height of the garage from 13 feet to 18 feet, an increase of approximately 28% (more than 10 percent), and thus constitutes "new development" under the LIP definition. *See*, LIP § 2.1.[5]

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[4] A copy of this 1987 CDP Waiver is enclosed as Attachment "A".

[5] On its face, LIP § 2.1 limits the definition of "new development" to LIP Chapter 2 – Definitions. With respect to the LIP drafters, this language limitation appears dubious. For example, LIP § 2.1 also defines "Coastal Development Permit" as "a permit for any development or use within the coastal zone *that is required pursuant to this Chapter* [i.e., LIP Chapter 2 – (footnote continued)

To the extent that the Planning Commission seeks additional guidance in determining whether the Cohens' proposed new garage constitutes "new development", LIP § 2.1 defines "development" to include the "alteration of the size of any structure." The LIP fails to define "new", but "new" is easily defined. The Merriam-Webster Dictionary defines "new" as "having recently come into existence." If approved, the New Plans propose to increase the height of the garage, resulting in an increased garage height that will have recently come into existence as a result of the Cohen construction. Thus, under this additional definition, the New Plans' proposed garage constitutes "new development".

Since the increase in garage height constitutes new development, LIP § 6.5.E.1.A requires the garage height to be at a lower elevation than the road grade of Pacific Coast Highway adjacent to the Cohen Property. Our clients retained a professional surveyor, Rosell Surveying and Mapping, Inc., to determine the elevation of the proposed garage height in relation to the adjacent road grade of Pacific Coast Highway. We enclose a copy of the recently-completed survey as Attachment "B".

The survey reveals that the proposed garage impermissibly rises above the road grade of Pacific Coast Highway adjacent to the Cohen Property and therefore violates LIP § 6.5.E.1.A. Adjacent to the proposed project, Pacific Coast Highway's road grade elevation is 102.99 feet above sea level. The elevation of the existing Cohen garage is 97.85 feet above sea level. Accordingly, to comply with LIP § 6.5.E.1.A, the garage height cannot be increased more than 5.14 feet. The New Plans propose to increase the garage height by approximately 6.67 feet. Consequently, since the elevation of the proposed garage would be higher than Pacific Coast Highway, the Planning Commission cannot approve the New Plans.

D. The City Improperly Performed The Required Site Plan Review By Failing To Review The Roof Of The Proposed Balcony.

LIP § 3.6 outlines residential development standards. Although the LIP generally restricts buildings to a height of 18 feet for non-beachfront lots, such as the Cohen Property, the LIP allows building heights in excess of 18 feet in certain circumstances. Specifically, LIP § 3.6.E.2 provides:

> Notwithstanding any provision of this section, ***the Manager may issue a development permit, pursuant to Section 13.27 of the Malibu LIP (Site Plan***

Definitions]...."(emphasis added). Since LIP Chapter 2 contains only definitions, a strict reading of the LIP would mean, for example, that the term "Coastal Development Permit" as that term is used in LIP Chapter 13 (entitled, "Coastal Development Permits") is undefined. Such a reading appears incorrect.

> ***Review), to allow heights up to 24 feet for flat roofs and 28 feet for pitched or sloped roofs***. In no event shall the maximum number of stories above grade be greater than two.

LIP § 3.6.E.2; emphasis added; See also, Malibu Municipal Code § 17.62.040.A.1.

For Site Plan Review approval, Malibu Municipal Code § 17.62.040.D requires the project not to "obstruct visually impressive scenes of the Pacific Ocean ... from the main viewing area of any affected principal residence."

The New Plans depict a new balcony on the second floor of the main house that is partially enclosed with a roof and contains a guardrail on the edge of the balcony. As explained in the Staff Report, the Planning Department required Site Plan Review for the balcony's guardrail because the guardrail exceeds 18 feet. *See*, Staff Report, page 11. Ultimately, the Planning Department recommends approval of the Site Plan Review in part because Staff Report Finding D4 provides "given the existing mature vegetation, the visually permeable guardrail at the height of 21.11 feet will not block the primary view of the adjacent neighbor." *Id.*, at 12.

However, the Planning Commission must deny the Site Plan Review because the Planning Department failed to address the new expanded roof partially enclosing the balcony.[6] The New Plans propose to extend the roof of the main residence by approximately one (1) foot to the south to partially cover the new balcony.[7] Unlike the guardrail studied by the Planning Department, this expanded roof is approximately 28 feet high, where ocean views are not blocked by mature vegetation. Furthermore, this expanded roof will not have a visually permeable design. Accordingly, this expanded roof will directly encroach the Goldfiners' view of the Pacific Ocean from their main viewing area as depicted in the their Primary View Determination. *See*, Staff Report, Attachment 6. Neither the Goldfiners nor the Planning

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[6] The Staff Report states that "the existing roof overhang ... will be modified, but will not result in increased height." *See,* Staff Report, p. 11. However, the Planning Department required Site Plan Review for the guardrail, which similarly does not increase the height of the main residence. There is no rational basis for requiring Site Plan Review for the guard rail, but not for the new expanded roof, each of which exceed 18 feet in height.

[7] This roof extension is depicted in Staff Report, Attachment 3, Plan Set pp. 203, a copy of which is enclosed as Attachment "C".

Department know the true extent of the encroachment because the Cohens failed to place story poles to indicate the extent of the roof expansion as required by the City's Story Pole Policy.[8]

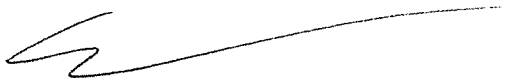
Although the encroachment may be considered "minor" by a layman, the New Plans seek to remove a large portion of the Goldfiners' view of the Pacific Ocean through the increase of the garage height, making every remaining portion of the Goldfiners' ocean view extremely precious. The Cohens' failure to properly install story poles indicating the extent of the roof expansion invalidates the Planning Department's Site Plan Review, and therefore Staff Report Finding D4 fails. Consequently, the Planning Commission cannot approve the New Plans.

E. Conclusion

Based on the points specified above, the New Plans remain deficient and Planning Commission cannot approve them.

Please contact our office with questions or comments.

Very truly yours,



ERNEST J. GUADIANA of
Elkins Kalt Weintraub Reuben Gartside LLP

EJG

Encls.

cc: Kenneth Ehrlich, Esq.
Christi Hogin, Esq.
Bonnie Blue
Jamie Peltier

[8] A copy of the City's Story Pole Policy is enclosed as Attachment "D", and a copy of the Story Pole Certification for the Cohen Property is enclosed as Attachment "E".

ATTACHMENT A

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, *Governor*

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

FILE COPY

Date: August 13, 1987

TO: Carl Volante AIA
P.O. Box 2446
Malibu, CA 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 5-87-616 APPLICANT: Mr. and Mrs. McCarty

LOCATION: 31948 Pacific Coast Highway
MALIBU

PROPOSED DEVELOPMENT: The addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

RATIONALE: The proposed development is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within a an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their August 25-28, 1987, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Damm

CHARLES DAMM
South Coast District Director

by:

cc: Commissioners/File

BP/nw
3484A

NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: WAIVER OF COASTAL PERMIT REQUIREMENTS FOR: the addition of a 750 sq.ft. guest house, 24' high to an existing single family residence.

LOCATION: 31948 Pacific Coast Highway
MALIBU

APPLICANT: MR. & MRS. MCCARTY

APPLICATION NUMBER: 5-87-616

DATE NOTICE POSTED:

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE OFFICE LISTED BELOW BETWEEN 8 AM AND 5 PM, WEEKDAYS.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA OFFICE
PO BOX 1450
245 WEST BROADWAY, STE 380
LONG BEACH, CA 90802
(213) 590-5071

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

Based on your project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Administrative Code. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

WAIVER # 87-616 APPLICANT: Mr & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

PROPOSED DEVELOPMENT: The addition of a 750 ft guesthouse, 24' high, to an existing single family residence

RATIONALE: The proposed dev. is consistent with the size and bulk standards of the certified Malibu Land Use Plan, proposes no kitchen facilities and is not located within an environmentally sensitive habitat area or will the project adversely impact public access.

This waiver will not become effective until reported to the Commission at their _____, meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the Administrative Code. The enclosed Notice Card shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Tom Crandall

TOM CRANDALL
South Coast District Director

by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85

STATE OF CALIFORNIA—THE RESOURCES AGENCY GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 WEST BROADWAY, SUITE 380
LONG BEACH, CA 90802
(213) 590-5071

3484

Date: 8/10/87

TO: Carl Volante AIA
Box 2446
Malibu, Ca 90265

SUBJECT: Waiver of Coastal Development Permit Requirement/De Minimis Developments-Section 30624.7 of the Coastal Act

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WAIVER # 87-616 APPLICANT: Mr & Mrs. McCarty

LOCATION: 31948 PCH, Malibu,

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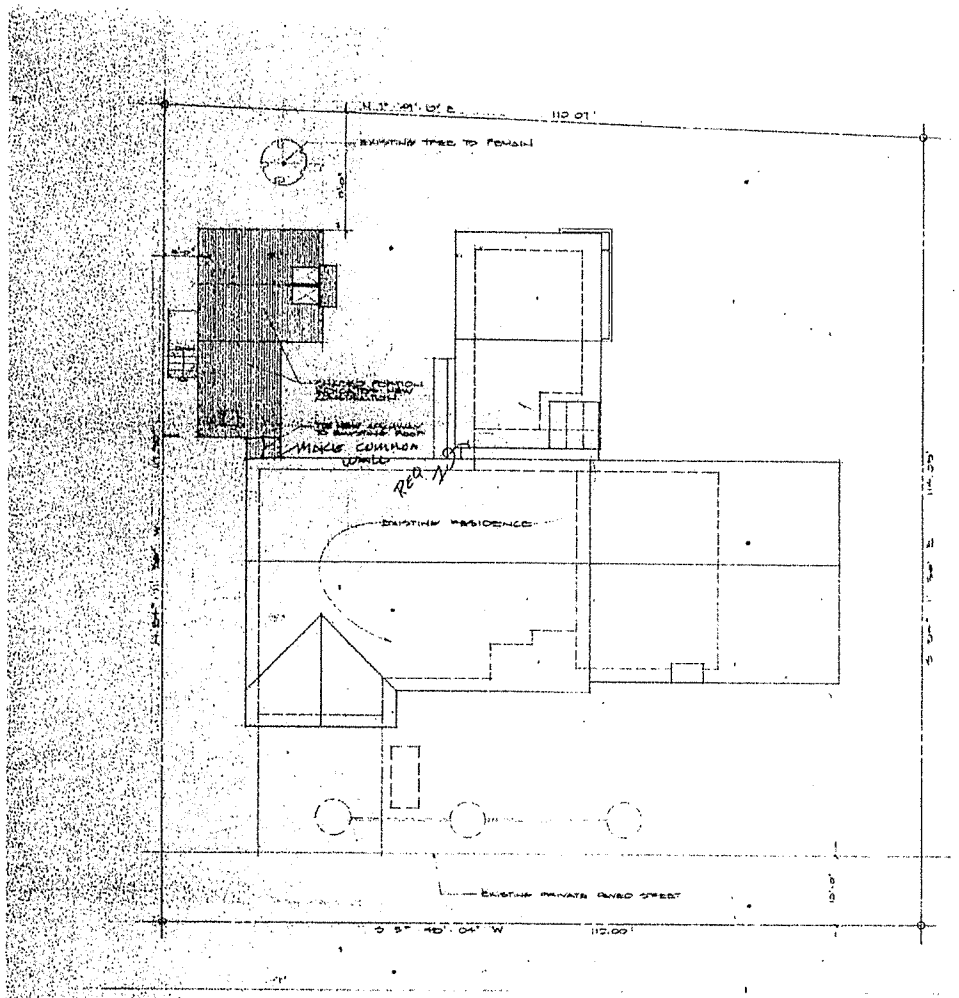
Tom Crandall

TOM CRANDALL
South Coast District Director

by: Bill Ponder

cc: Commissioners/File

(0790A) 12/85



SITE PLAN
1/8" = 1'-0"

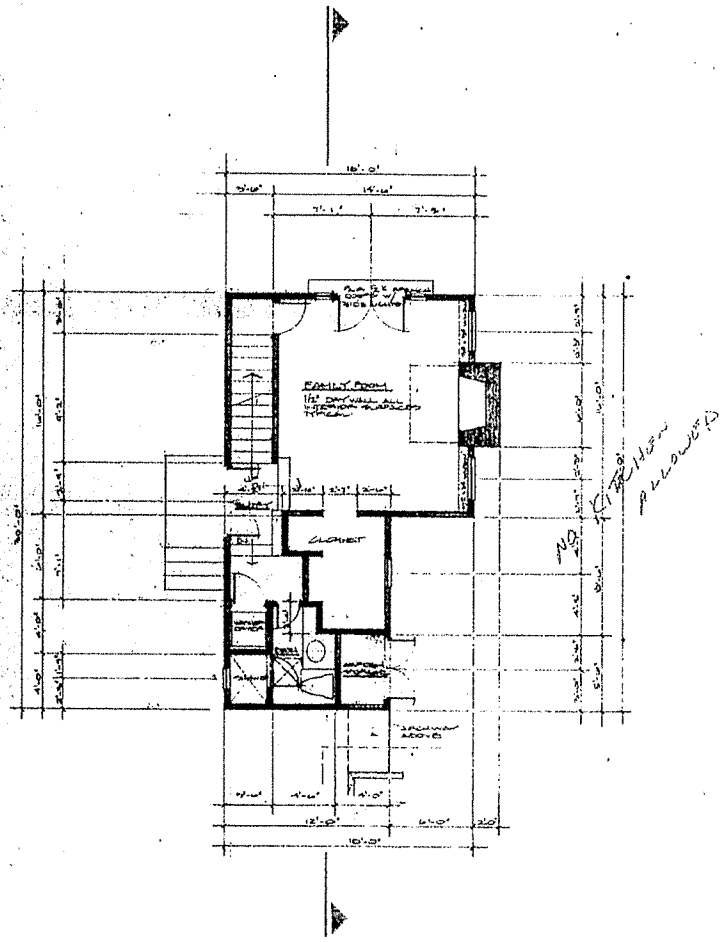
H. CARTY RESIDENCE
31945 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

A/C 87-083
APPROVED IN CONCEPT
COUNTY OF LOS ANGELES
EXPIRES 90 days
7-15-87

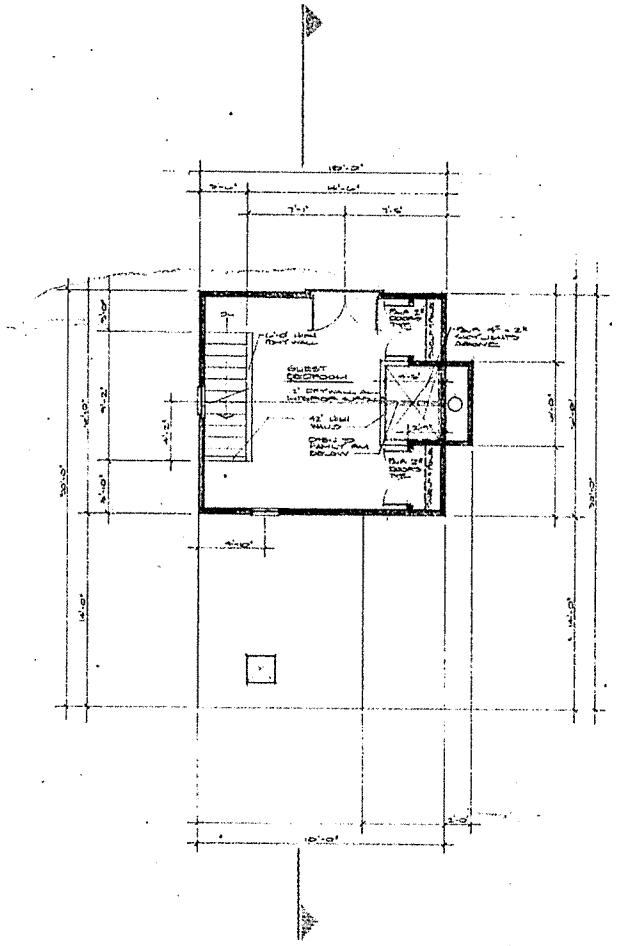
South Coast District Office
APPROVED
Permit No. 5-87-616
By: bill Ponder
EFFECTIVE
Date: 8/29/87

RECEIVED
JUL 28 1987
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

VOLANTE
ARCHITECT AIA



FIRST FLOOR PLAN
1/4" = 1'-0"

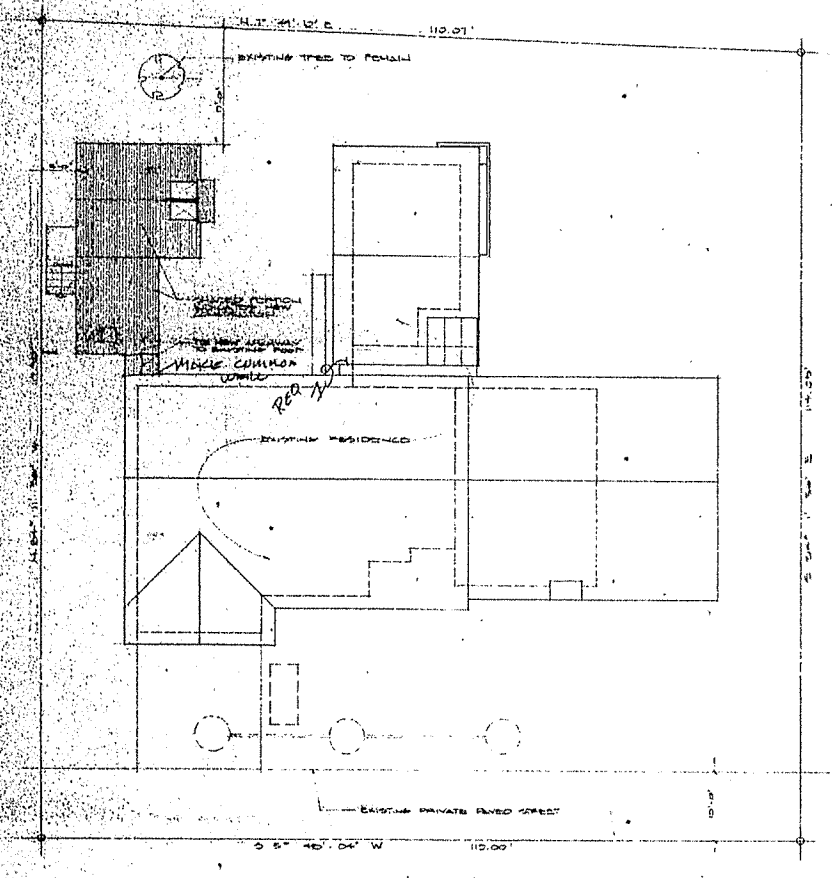


SECOND FLOOR PLAN
1/4" = 1'-0"

HILLARY RESIDENCE
9445 PUNTA CAST HIGHWAY
MANTOLI, CALIFORNIA 90265

VOLANTE
ARCHITECT AIA

Carl Volante AIA
Box 2445
Malibu, CA. 90265
323 493-1797



SITE PLAN

1/8" = 1'-0"

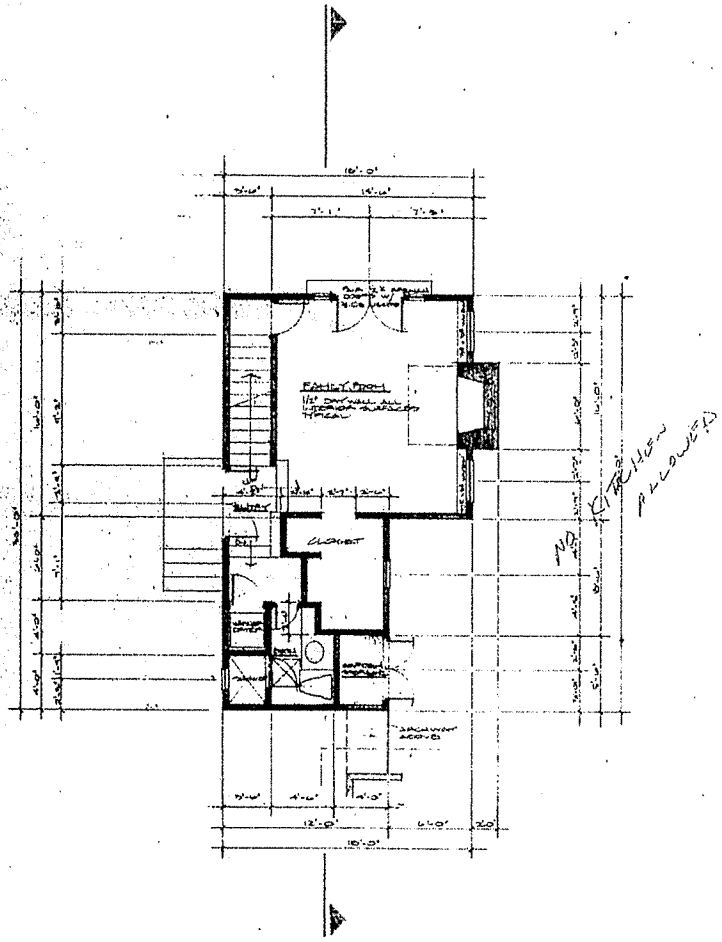
McCARTY RESIDENCE
21948 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA 90265

VOLANTE
ARCHITECT AIA

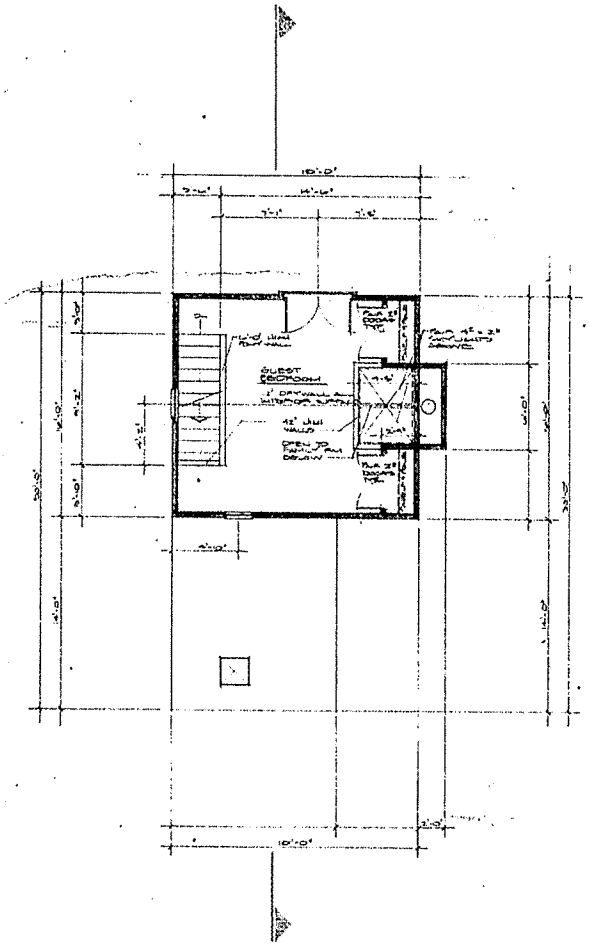
A/C 87-083

RECEIVED
JUL 28 1987
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

South Coast District Office
APPROVED Permit No. 5-87-616
By: Bill Ponder
EFFECTIVE Date: 8/29/87



FIRST FLOOR PLAN
1/4" = 1'-0"



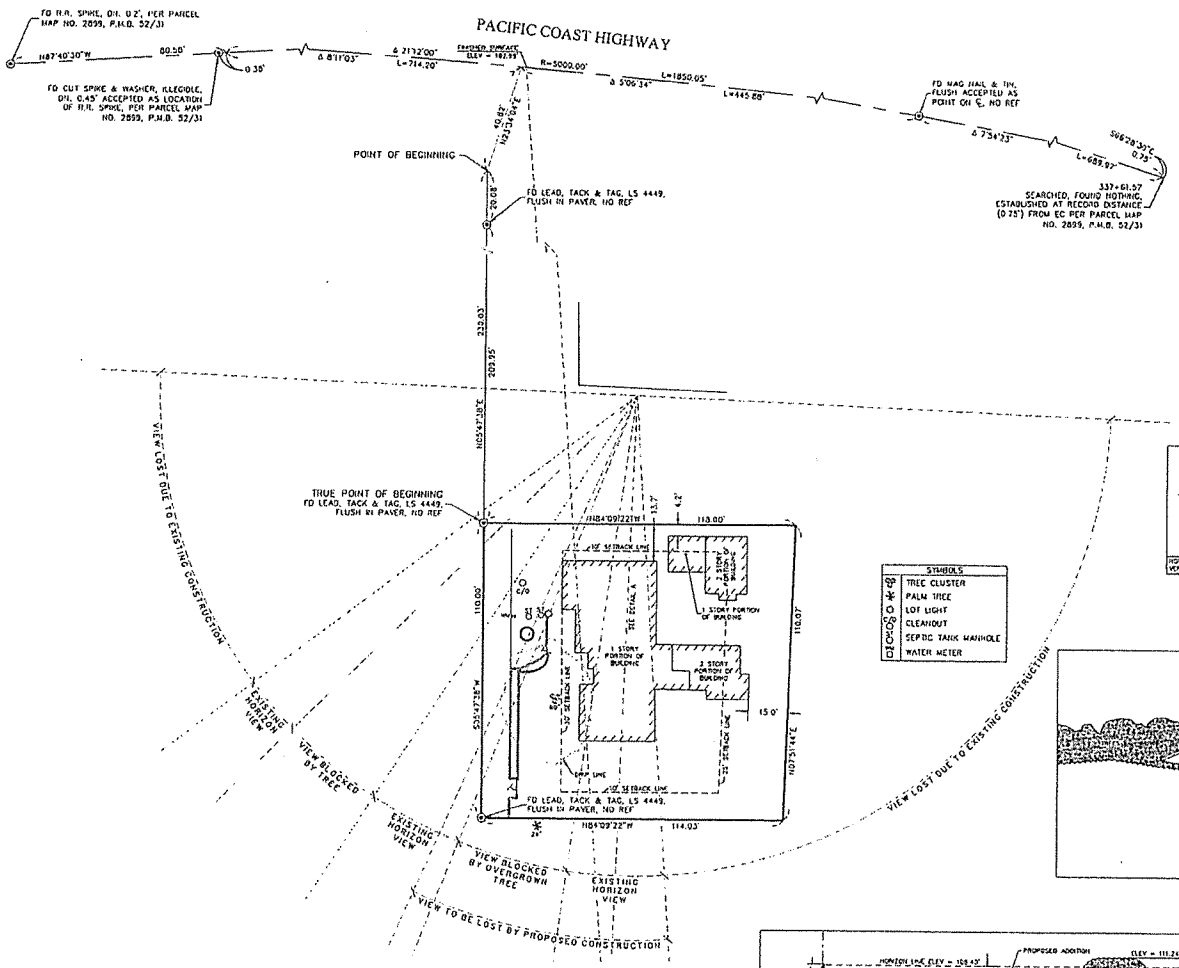
SECOND FLOOR PLAN
1/4" = 1'-0"

HUNTY RESIDENCE
3360 PACIFIC COAST HIGHWAY
TORRANCE, CALIFORNIA 90505

VOLANTE
ARCHITECT AIA

CARL VOLANTE AIA
Box 2448
MANHATTAN BEACH
(213) 465-1797

ATTACHMENT B



GRAPHIC SCALE

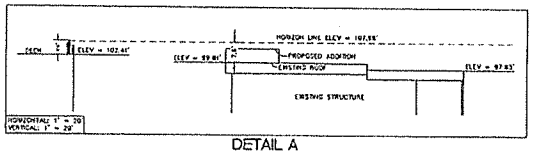
(IN FEET)
1 inch = 20 ft.

LEGAL DESCRIPTION:
A PARCEL OF LAND, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONFIRMED TO MATTHEW KELLER BY PATENT RECORDED IN BOOK 1, PAGE 407 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 342 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER, THAT IS DISTANT WESTERLY THEREON 1135.29 FEET FROM A POINT BEARING SOUTH 23°31'30" WEST 40.00 FEET FROM ENGINEER'S CENTERLINE STATION 337 PLUS 61.57 AT THE WESTERLY EXTREMITY OF THAT CERTAIN COURSE DESCRIBED IN SAID DEED AS "SOUTH 66°28'30" EAST 1181.07 FEET"; THENCE SOUTH 5°48'04" WEST 230.03 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 5°48'04" WEST 110.00 FEET; THENCE SOUTH 84°11'56" EAST 114.03 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE ALISO LAND COMPANY, LTD., A CORPORATION, RECORDED ON OCTOBER 31, 1959 AS INSTRUMENT NO. 2865, IN BOOK D-630 PAGE 739, OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 7°49'10" EAST 110.07 FEET TO A LINE THAT BEARS SOUTH 84°11'56" EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 84°11'56" WEST 117.90 FEET TO THE TRUE POINT OF BEGINNING.

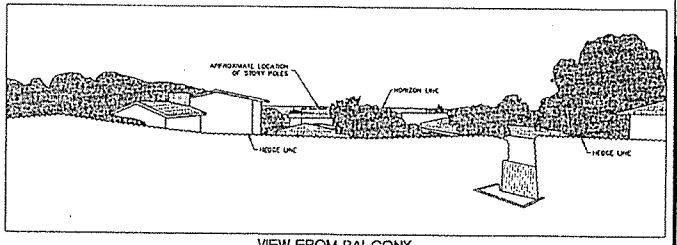
EXCEPT ANY PORTION OF SAID LAND, WHICH AT ANY TIME WAS ROC LAND, WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

ALSO EXCEPT THEREFROM ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES AND WATER CONTAINED IN, ON, WITHIN, AND UNDER SAID LAND, BUT WITHOUT RIGHT OF ENTRY, AS RESERVED IN DEEDS FROM MARBLEHEAD LAND COMPANY, RECORDED ON NOVEMBER 4, 1959 AS INSTRUMENT NO. 301, IN BOOK 17006 PAGE 140 OF OFFICIAL RECORDS.

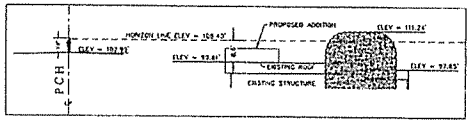
NOTE:
SETBACKS SHOWN ARE PER PLOT PLAN 8151 DATED APRIL 22, 1991



DETAIL A



VIEW FROM BALCONY



THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

DAMO T. ROSELL P.L.S. 6281

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. ADDITIONAL DEEDS, EASEMENTS, VACATIONS, TAKINGS AND/OR RESTRICTIONS AFFECTING THE SUBJECT PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF LOS ANGELES COUNTY.

NOTE:
THIS SURVEY DRAWING IS PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED TO COPY THIS SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THIS ORIGINAL TRANSACTION.

NO.	REVISION	DATE	BY
△			
△			
△			
△			

DRAWN BY	ART
SCALE	1"=20'
CHECKED BY	DTR
JOB No.	15-281
FIELD DATE	11/25/15
FIELD BOOK	
PLOT DATE	04/08/16

PREPARED FOR:
AMIR AND TAMARA GOLDFINER
626 S. CLUSE STREET, SUITE 2015
LOS ANGELES, CA 90014
C/O MARISSA COUGHLAN

LINE OF SITE SURVEY

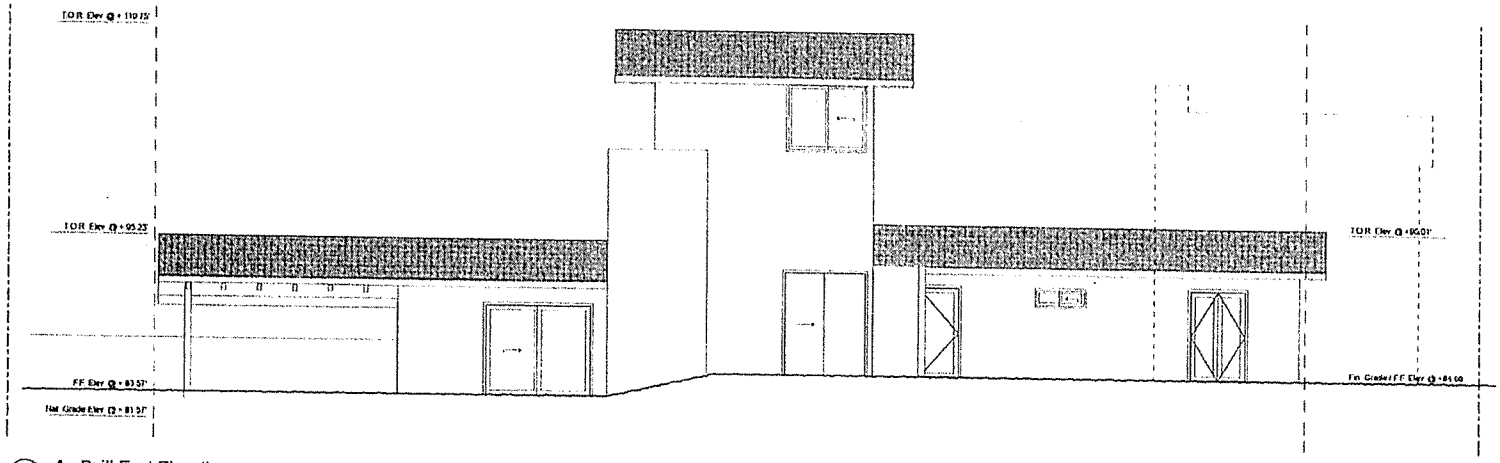
31948 PACIFIC COAST HIGHWAY
MALIBU, CALIFORNIA

LAND SURVEYOR DAMO T. ROSELL No. 6281 STATE OF CALIFORNIA

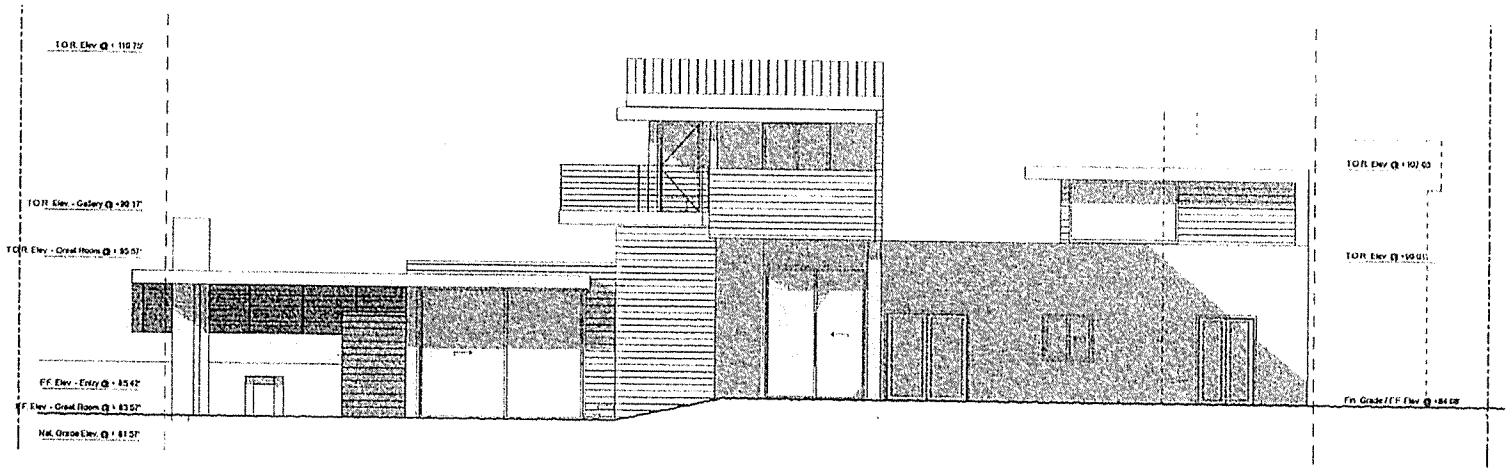
ROSELL SURVEYING
LAND SURVEYING & MAPPING

SHEET
1 OF 1

ATTACHMENT C



1 As-Built East Elevation



2 Proposed East Elevation

studio bracket

Cohen
31948 Pacific Coast Hwy.
Malibu, CA 90265

East Elevations

203

ATTACHMENT D

City of Malibu

Planning Department

Effective Date: July 1, 2012

Story Pole Policy

Story poles are placed to demonstrate height, bulk and location of a proposed project that may potentially impact public and/or private views. The placement of story poles shall be required for all Coastal Development Permits and for certain discretionary requests associated with Administrative Plan Review applications (i.e., all projects reviewed by the Planning Director and/or the Planning Commission).

Purpose

During review of certain discretionary projects, story poles are installed to demonstrate the height and location of proposed development. Review of the story poles ensures that permitted development is sited and designed to protect public views to and along the ocean and scenic coastal areas consistent with the Malibu Local Coastal Program (LCP) and to protect private primary views in accordance with Malibu Municipal Code (M.M.C.) Section 17.40.040(A)(17).

Waiver of Requirement

In some cases, the story poles requirement may be waived by the Planning Director where it is determined through onsite investigation, evaluation of topographic maps, photographic evidence, or by other means that there is no possibility that the proposed development will create or contribute to adverse impacts upon scenic areas.

Procedure

Prior to installation of story poles, the applicant shall consult with the case planner to prepare the story pole plan. The plan shall be on a minimum of an 8.5-inch by 11-inch reduction of the roof plan showing all locations at which story poles will be placed. The story pole plan shall be approved by the case planner prior to story pole placement.

Typically, story poles may not be placed at a property until the case planner confirms that all reviewing departments have completed their reviews. In some cases, the case planner may allow early installation of story poles if view issues are anticipated.

Prior to notification of a public hearing, or 10 days prior to the mailing of the public notice of application (for those projects not requiring a hearing), story poles shall be placed on the site unless waived by the Planning Director.

Location

The number of story poles required will vary with each specific project. The case planner shall review proposed story pole location to ensure that the plan adequately demonstrates the proposed height, mass, and bulk of the portion of the project under review. Story poles showing roof overhangs, eaves, chimneys, balconies, decks, patios, and accessory structures may be required. The plan should be kept as simple as possible to accurately reflect the proposal and to minimize visual clutter in potential view areas.

Materials

The material of the story pole shall be indicated on the story pole plan. Story poles shall be constructed of 2-inch by 4-inch lumber or other sturdy building material (PVC pipe is not acceptable). Story poles should be braced at the base by use of guy wires or supporting beams to ensure that they will withstand weather and will remain correctly positioned. The guy wires should be flagged for safety purposes.

Story Pole Plan Requirements

The story pole plan is subject to the following criteria:

Plan Scale – The story pole plan shall be at the same scale as the roof plan.

Indication of Story Pole Height – The elevations of the height of each story pole and the natural and finished grades shall be indicated on the plans. If requested by the case planner, the applicant shall also provide a detail on the plans showing the elevation of a typical story pole.

Markings – The story pole plan shall include the following plan note:

> "The top one foot of the story poles shall be painted with a clearly visible black paint. Markings shall also be made at 18 feet above finished or natural grade, whichever results in a lower building height, and at one foot increments above 18 feet. Bright orange construction mesh approximately one foot in width shall be placed connecting poles to show all proposed roof and ridgelines."

Safety Provisions – All story poles shall be placed to ensure the health, safety and general welfare of the public. The story pole plan shall include the following plan note:

> "If at any time the story poles become unsafe, they shall be repaired and reset immediately. The story poles shall be removed immediately if determined by the City to be a public safety risk."

Waiver of Risk – The applicant must sign and submit a waiver absolving the City of any liability associated with construction of, or damage by the story poles. This waiver will be provided by the case planner and shall be copied on the story pole plan. The applicant shall not install the story poles until the waiver form is submitted to the City.

Certification

For projects including construction of a new, single-family residence, a new commercial building, projects with a primary view issue, or those which are located in a scenic area; certification of the story poles is required. Once the story poles are placed, a licensed surveyor, civil engineer, or architect[1] must certify that the story poles have been placed in accordance with the approved story pole plan. The property owner may not certify the story pole height or position. After receiving the certification, the case planner will visit the site to verify and photograph the story poles. Public notification shall not begin until certification is complete and the case planner verifies the placement of the story poles.

Removal

The story poles shall be removed immediately if determined by the City to be a public safety risk or at the discretion of the Planning Director. Story poles shall remain in place for the duration of the approval process and shall be removed within seven (7) calendar days after the final appeal period expires, unless other arrangements are made with the Planning Department.

---

[1] Story poles certified by an engineer or an architect may require a follow-up certification by a licensed surveyor if the placement of the poles is challenged.

ATTACHMENT E

RECEIVED
FEB 26 2016
PLANNING DEPT.

Story Pole Certification

February 26, 2016

Location: 31948 Pacific Coast Hwy
Malibu, CA 90265

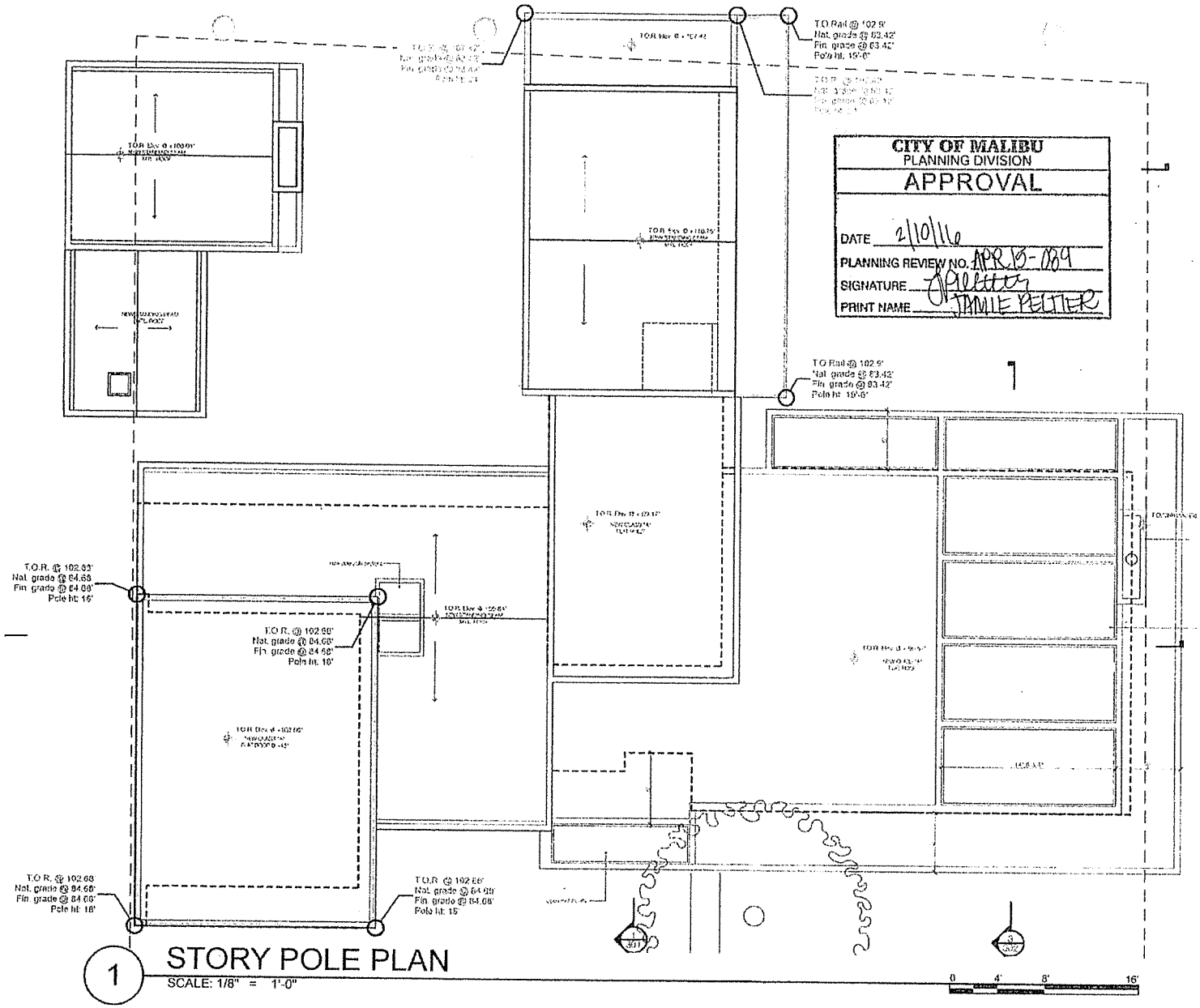
To Whom it May Concern:

I, Charles Bonadiman, PLS 8922, hereby attest that I am a Professional Land Surveyor, licensed in the State of California. I certify that I performed an inspection of the story poles erected at 31948 Pacific Coast Hwy. The story poles substantially conform with the approved story pole plan provided by Studio Bracket, dated Feb 4, 2016, as to heights and locations as shown thereon.

LICENSED LAND SURVEYOR
CHARLES J.
BONADIMAN
PLS 8922
Ex. 09/30/2016
STATE OF CALIFORNIA

2-26-16

Charles J. Bonadiman, PLS 8922 exp. 9/30/2016



CITY OF MALIBU
PLANNING DIVISION
APPROVAL

DATE 2/10/16
PLANNING REVIEW NO. APR 15-089
SIGNATURE
PRINT NAME JAMIE PELTIER

1 STORY POLE PLAN
SCALE: 1/8" = 1'-0"

Materials
The material of the story poles is indicated on the story pole plan. Story poles shall be constructed of 2-inch by 4-inch lumber or other ... by building material (PVC pipe is not acceptable). Story poles should be braced at the base by use of guy wires or supporting beams to ensure that they will withstand weather and will remain correctly positioned. The guy wires should be flagged for safety purposes.

Story Pole Plan Requirements

The story pole plan is subject to the following criteria:

Plan Scale – The story pole plan shall be at the same scale as the roof plan.

Indication of Story Pole Height – The elevations of the height of each story pole and the natural and finished grades shall be indicated on the plans. If requested by the case planner, the applicant shall also provide a detail on the plans showing the elevation of a typical story pole.

Markers – The story pole plan shall include the following plan note:

"The top one foot of the story poles shall be painted with a clearly visible black paint. Markings shall also be made at 10 feet above finished or natural grade, whichever results in a lower building height, and at intervals above 10 feet. Bright orange construction mesh approximately one foot in width shall be placed connecting poles to show all proposed roof and ridgelines."

Safety Monitoring – All story poles shall be placed to ensure the health, safety and general welfare of the public. The story pole plan shall include the following plan note:

"If at any time the story poles become unsafe, they shall be repaired and reset immediately. The story poles shall be removed immediately if determined by the City to be a public safety risk."

Waiver of Risk – The applicant must sign and submit a waiver absolving the City of any liability associated with construction of, or damage by the story poles. The waiver will be provided by the case planner and shall be stored on the story pole plan. The applicant shall not install the story poles until the waiver form is submitted to the City.

STORY POLE PLAN
APPROVED BY: _____ _____
Jamie Pellier DATE
Associate Planner

I hereby absolve the City of any liability associated with the construction of, or damage caused by, the placement of the approved story poles.

WAYNE CHEVALIER _____ DATE
PROJECT APPLICANT

Pole / Mesh Legend*

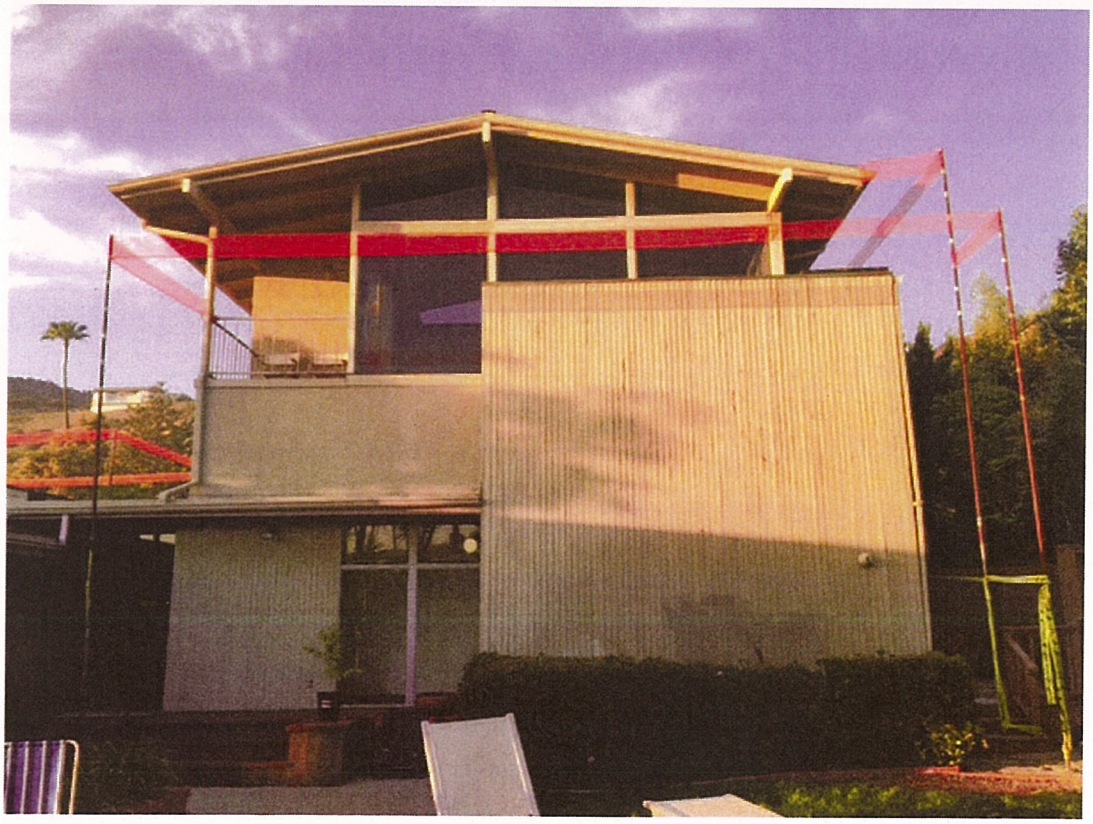
T.O.R. @ 102.9'
Nat. grade @ 83.42'
Fin. grade @ 83.42'
Pole ht: 19'-6"
Top of guard rail mesh: 102.9'

T.O.R. @ 102.68'
Nat. grade @ 84.68'
Fin. grade @ 84.68'
Pole ht: 18'
Top of parapet mesh: 102.68'

*poles to be min. 2x4 lumber or 1 3/4" dia. stl. pipe

RECEIVED
FEB 04 2016
PLANNING DEPT.

Story Pole Plan
31948 PCH
Malibu, CA 90265



ATTACHMENT 5

City of Malibu

23825 Stuart Ranch Rd. · Malibu, California · 90265-4816
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

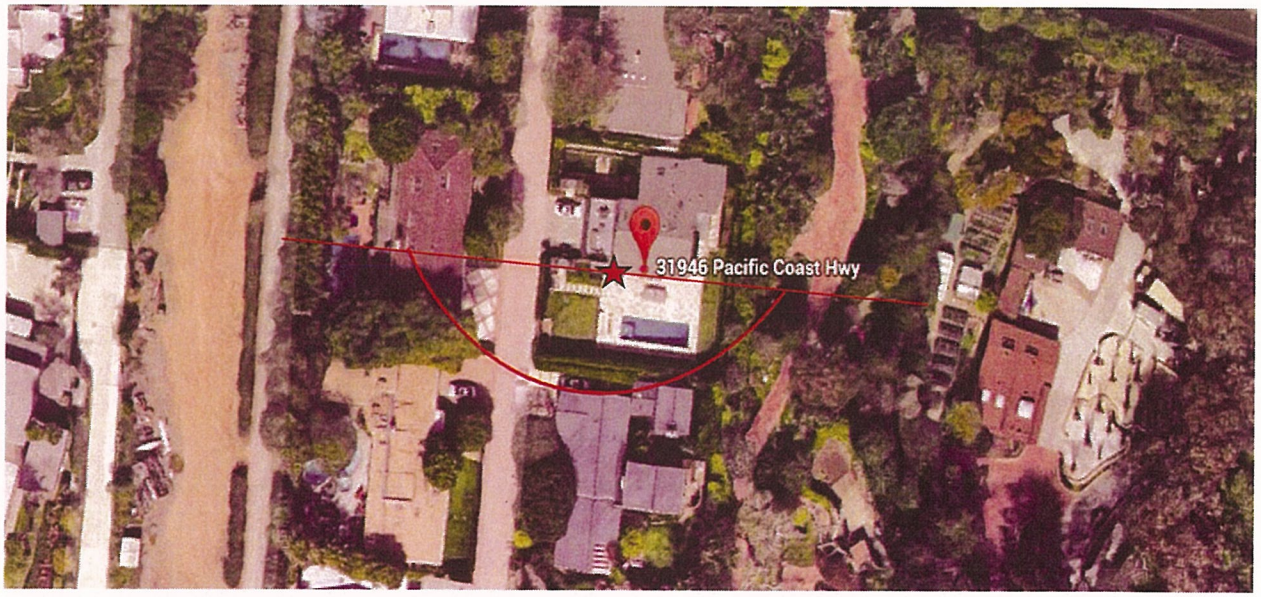
PLANNING DEPARTMENT

PRIMARY VIEW DETERMINATION

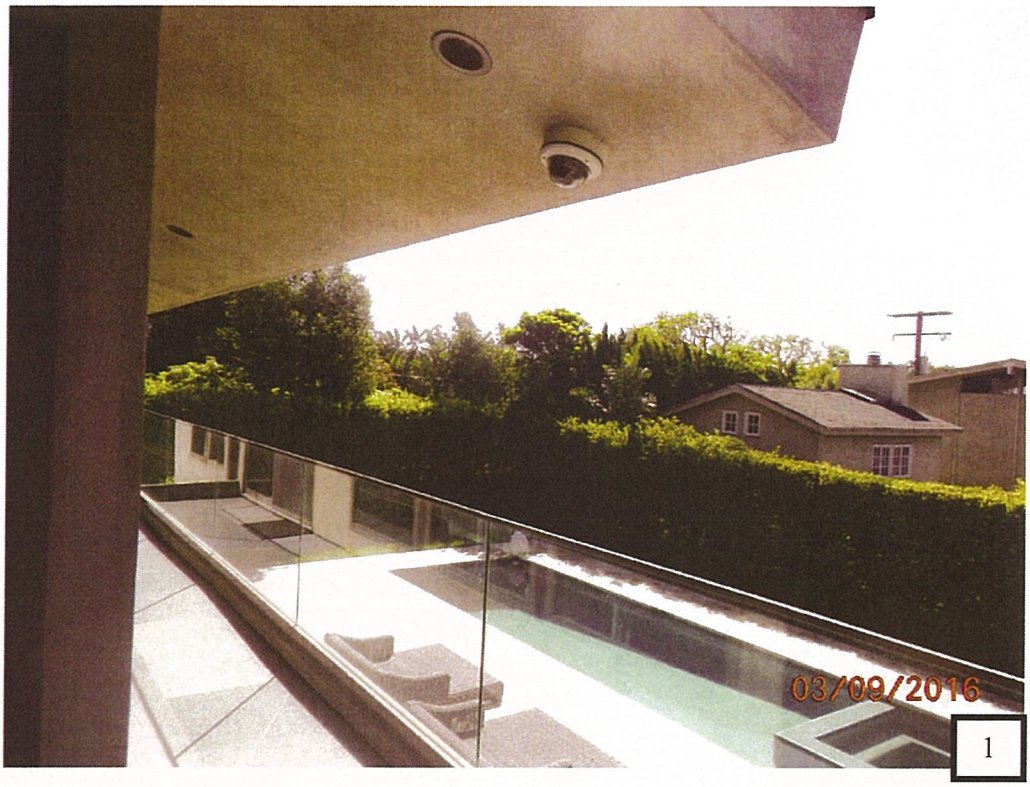
Primary View Determination: 31946 Pacific Coast Highway

On March 9, 2016, staff conducted a primary view determination at 31946 Pacific Coast Highway. Staff documented the primary view standing on the balcony adjacent to the living room, (primary living area), a location chosen by the property owner. The location of the primary view determination photographs were taken from is denoted by a red star in the aerial below.

On March 9, 2016, the view from this location on the property is as follows: The diagram below corresponds with the photographs from East to West. The nature of the view consists of the Pacific Ocean looking over existing development.



* This is the general location of the view.


03/09/2016
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5

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for 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/planning forms or in person at City Hall, or by calling (310) 456-2489, extension 245.

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.

If you have questions regarding this notice, please contact **Jamie Peltier, Planning Technician, at (310) 456-2489, extension 244.**

Date: May 12, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 7

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

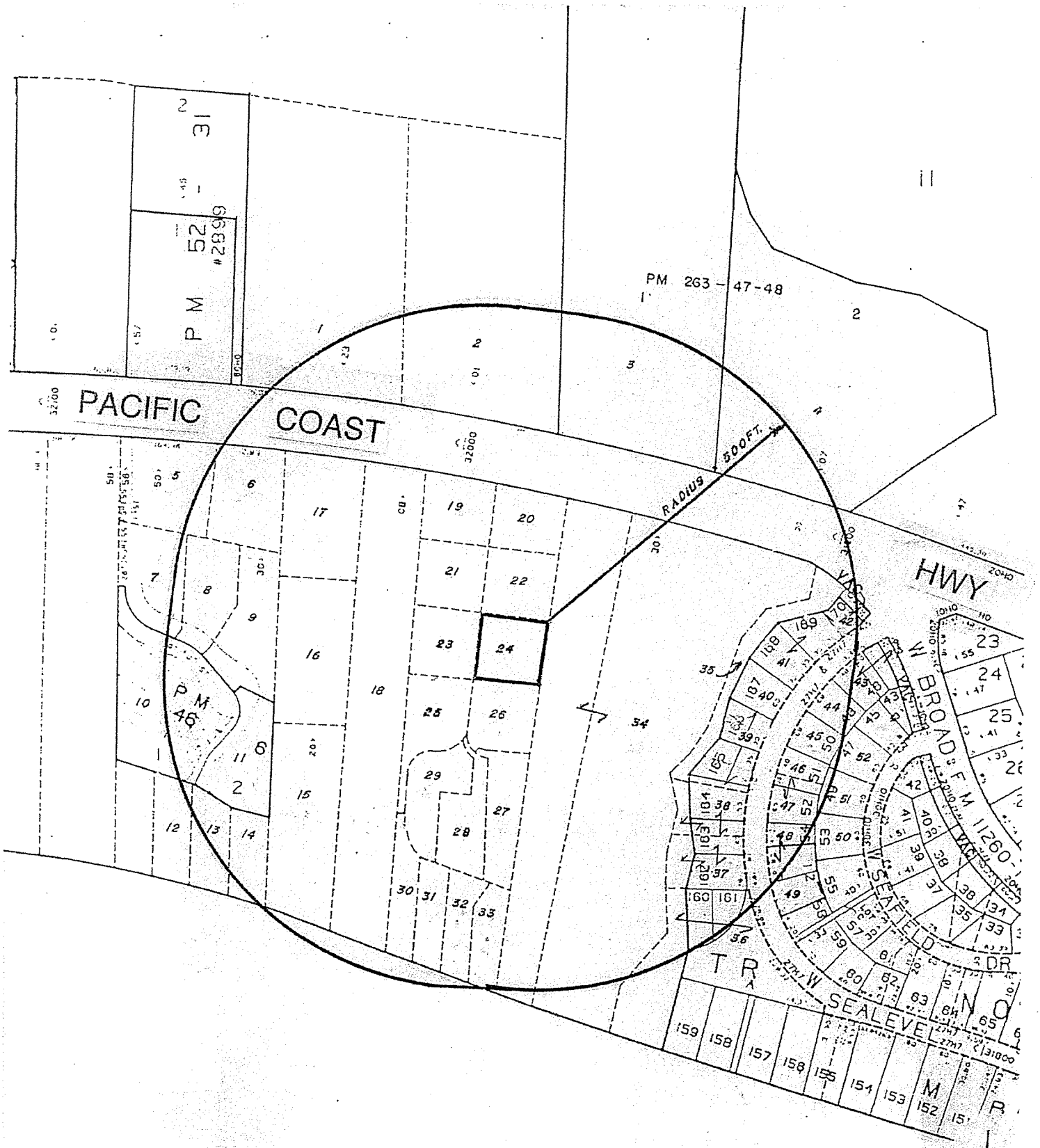
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, June 6, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

ADMINISTRATIVE PLAN REVIEW NO. 15-089 AND SITE PLAN REVIEW NOS. 16-004, 16-005, AND 16-007 – An application to modify an existing two-story single-family residence and guest house with an interior and exterior remodel, a second-story deck extension and an increase in roof height of the attached garage not to exceed 18 feet, including site plan reviews for a 50 percent reduction of the front yard setback, a 20 percent reduction of the side yard setback, and construction over 18 feet in height for the deck railing

LOCATION:	31948 Pacific Coast Highway
APN:	4473-012-020
ZONING:	Single-Family Medium (SFM)
APPLICANT:	Wayne Chevalier
OWNER:	Wayne and Jill Cohen
APPLICATION FILED:	October 21, 2015
CASE PLANNER:	Jamie Peltier Planning Technician (310) 456-2489, ext. 244 jpeltier@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections Section 15301(e) – Existing Facilities. 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).



HERON
MAPS

(310) 317 - 1515
20756 SEABOARD RD.
MALIBU CA 90265

Planning Commission Meeting
06-20-16
Item 5.A.

Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Stephanie Hawner, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: June 9, 2016 Meeting Date: June 20, 2016

Subject: Coastal Development Permit No. 16-010 and Demolition Permit No. 16-014 – An application to demolish an existing single-family residence and construct a new single-family beachfront residence and associated development

Location: 31302 Broad Beach Road, within the appealable coastal zone
APN: 4470-016-005
Owner: Stephen and Jean Moran Kaplan

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-27 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act, approving Demolition Permit No. 16-014 to demolish the existing single-family residence and associated development, and approving Coastal Development Permit No. 16-010 to construct a new 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a garage, theater, second unit and gym, a covered bridge connecting the single-family residence to the accessory structure, 1,378 square feet of covered areas, new spa, fire pit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor located in the Single-Family Medium residential zoning district at 31302 Broad Beach Road (Kaplan).

DISCUSSION: This agenda report provides a project overview, summary of surrounding land uses and project setting, description of the proposed project, staff's analysis of the project's consistency with applicable Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to the California

Environmental Quality Act (CEQA). The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

Project Overview

This item is for a new coastal development permit (CDP) to replace a CDP, and associated amendment, for a single-family residence at 31302 Broad Beach Road, that recently expired (Attachment 2 – Vicinity Map). The permit was inadvertently allowed to expire a few months ago while the applicant was working diligently with the California Coastal Commission (CCC) on the Offer to Dedicate (OTD) a lateral access easement, and building plan check with the City. After completing all the steps needed to pull the permit, the applicant came to the City to pull the demolition permit to begin construction. It was discovered at that time that the CDP, and associated CDPA, had expired about 4 months prior, on October 7, 2015. The applicant submitted an extension request on February 4, 2016, but since an extension cannot be granted after a CDP has expired, a new CDP is required.

The current application is for the same scope of work, by the same applicant, for the same property owner (Attachment 3 - Project Plans). There is no material change from the previously approved scope of work. A minor change to the project scope is as follows: The total development square footage (TDSF) has increased from 8,412 square feet to 8,437 square feet. The increase of 25 square feet is a result of modifications to the front entry located within the interior courtyard of the project and results in no greater impacts than the previously approved project.

Story poles were placed on the project site on May 1, 2012, to demonstrate the size, mass, height, and bulk of the proposed project, and photos of the site with the story poles in place are included in the record (Attachment 4 – Story Pole Photos). An analysis of the project's visual impact from the beach was conducted through site inspection, architectural plans and review of neighborhood character were conducted at that time. Story poles were not reinstalled for the current application given that the visual impacts to Broad Beach Road and the beach could be evaluated by the site visit and review of the photographs from 2012. The project incorporates a 14.8 foot wide view corridor running parallel to the east property line pursuant to LIP Section 6.5(E)(2)(a) to minimize scenic impacts.

The project does not involve any additional discretionary requests.

The applicant has fulfilled all but one of the conditions required prior to building permit issuance and, has completed building plan check. The property owner recorded three of the four required deed restrictions, and the OTD for a lateral access easement, which were required as conditions of approval for CDP No. 11-050 and CDPA No. 13-005 (Attachment 5 – Recorded Documents). The OTD was recorded on January 25, 2016. The demolition plans, grading plans, and building plans are ready for permit issuance. Except for the

Department of Public Works, no updated conditions of approval were required by the City Departments. The previous permit conditions and new conditions from the City Departments have been included in the attached Resolution No. 16-27.

Background

The City previously approved CDP No. 11-050 on June 19, 2012, for the demolition of the existing single-family residence and the construction of a new single-family residence, detached accessory structure, bridge, covered areas, spa, fire pit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor (Attachment 6 - Resolution No. 12-56).

The approval was appealed by the CCC. The CCC requested an updated wave uprush report to compare the mean high tide line (MHTL) of record as surveyed by Moffatt and Nicholl for the CCC on October 15, 2009 for the Broad Beach Road Emergency Revetment Plan with the MHTL surveyed by the Land and Air Surveying dated December 3, 2006, an amended landscape plan prohibiting any new landscaping seaward of the deck stringline, and an OTD a lateral public access easement.

The applicant agreed to the requests of CCC and processed a CDP amendment (CDPA No. 13-005) with the City capturing the terms of the agreement, which was approved by the Planning Commission on October 7, 2013 (Attachment 7 - Resolution No. 13-94). Consequently, the CCC withdrew the appeal.

The April 2013 Updated Wave Uprush Report prepared by David C. Weiss Structural Engineer and Associates Inc. found that the 2009 MHTL was closer to the north property line than any of the MHTLs of record. In the previous 2006 report, the wave uprush did not reach the previously approved single-family residence but reached a portion of the deck; however, based on the new 2009 MHTL location, the entire deck is within the wave uprush zone. Therefore, the project coastal engineer recommends that footings within the wave uprush zone be taken to a minimum of 2 feet below scour or 2 feet into bedrock whichever is higher.

The City Coastal Engineer has reviewed the revised wave uprush report and concurs with the project geotechnical engineer. In addition, a condition of approval has been included in Planning Commission Resolution No. 16-37 specifying that no future shoreline protective device may be permitted to protect the deck approved seaward of the wave uprush line. So, although the deck is permitted to remain within the wave uprush zone upon the approved foundation which is designed to withstand wave action, a future shoreline protective device may not be permitted to protect an accessory structure, such as the approved deck. The approved deck is designed to be removed or relocated in the

event of damage from wave action, or be reconstructed to withstand wave action, and not rely on shoreline protection.

Project Setting and Surrounding Land Uses

The approximate 19,580 square foot beachfront parcel is located on Broad Beach Road. It is within the Trancas Beach Overlay District and is zoned Single-Family Medium for residential use. The project site is currently developed with an existing two-story single-family residence, with a detached garage.

The property is located within the Appeal Jurisdiction of the California Coastal Commission as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The property is not designated as Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map and does not have trails on or adjacent to it according to the LCP Park Lands Map. Table 1 provides a summary of the lot dimensions and lot area of the subject parcel.

Table 1 – Property Data	
Lot Depth	273 feet
Lot Width	74 feet
Gross Lot Area	19,581 square feet
Area Comprised of 1:1 Slopes	0 square feet
Area Comprised of Easements	1,480 square feet
Net Lot Area*	**18,101 square feet**

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

The surrounding land uses are also single-family residences. A temporary beachwide rock revetment was installed on the seaward side of the subject property, and more than 70 other adjacent properties, under Emergency Coastal Development Permit (ECDP) No. 09-021 and subsequently, for a period of 10 years under Coastal Commission Permit No. 4-15-0390.

Because the beachwide rock revetment has been permitted by the CCC as a temporary shoreline protection device (SPD), the residence and accessory development for this project have been designed to not rely on the SPD. The project has been planned with foundations designed to withstand wave uprush hazards, as approved by the City Coastal Engineer.

Project Description

The proposed scope of work is as follows:

Demolition

- Two-story single-family residence and ancillary structures;
- Spa; and
- Removal of existing OWTS.

Construction

- 5,047 square foot single-family residence;
- 2,012 square foot detached accessory structure, consisting of:
  - a 659 square foot garage and 375 square foot theater on the first floor; and
  - a 597 square foot guest house and 381 square foot gym on the second floor;
- A covered connector bridge between the single-family residence and accessory structure;
- 1,378 square feet cumulative total of covered areas;
- Spa;
- Fire pit;
- Roof deck on the main residence;
- Roof mounted solar panels on the accessory structure;
- Landscaping and Hardscape;
- Subterranean mechanical room and crawlspace (less than 6 feet interior height);
- 278 cubic yards of non-exempt grading;
- Alternative onsite wastewater treatment system (AOWTS); and
- A 14.8 foot wide contiguous view corridor parallel to the eastern property line.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the Local Implementation Plan (LIP). The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP carries out the LUPs policies, and contains specific requirements to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) 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 the following chapters and associated findings are applicable to the project: Coastal Development Permit, Scenic Visual and Hillside Resource Protection, Shoreline and Bluff Development, and Hazards.[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 Reviewer, City Public Works Department, City geotechnical staff, City Coastal Engineer, California State Lands Commission (CSLC), Los Angeles County Water District 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 8 – Department Review Sheets). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies.

Zoning (LIP Chapter 3)

The project is subject to development and design standards set forth under LIP Sections 3.4, 3.5 and 3.6 concerning residential beachfront development standards within the Trancas Beach Overlay District. Table 2 provides a summary and indicates the proposed project meets those standards.

Table 2 – Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
SETBACKS (ft.)			
Front Yard (Average of Neighboring Properties or 20 feet maximum)	20	20	Complies
Rear Yard	Building Stringline/ Deck Stringline	Building Stringline/ Deck Stringline	Complies
Side Yard (3 ft. min. and 5 ft. max.)	5	5	Complies

[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.

Table 2 – Zoning Conformance			
Development Requirement	**Allowed/ Required**	**Proposed**	**Comments**
View Corridor (20% of frontage)	14.8	14.8	Complies
PARKING SPACES			
Main Residence	2 enclosed 2 unenclosed	2 enclosed 2 unenclosed	Complies
Guest House	1 enclosed or unenclosed	1 unenclosed	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE (sq.ft.)			
Total	N/A	8,437	Complies
Residence		5,064	
Detached Accessory Structure		2,012	
- Garage - Theatre - Gym - Guest House	 900	659 375 381 597	Complies
Covered Area		1,378	
HEIGHT (ft.)	24	24	Complies
Trancas Beach Overlay District (Area I and Area II as designated on overlay map: max. 30 inches tall, except a 9 foot tall transparent wind break in Area II)	A 9 foot tall, transparent wind break in Area II	A 9 foot tall, transparent wind break in Area II	Complies
NON-EXEMPT GRADING (cu.yd.)	1,000	278	Complies
CONSTRUCTION ON SLOPES	3 to 1 and flatter	3 to 1 and flatter	Complies
FENCES/WALLS/HEDGES			
Within view corridor	6 feet, visually permeable	6 feet, visually permeable	Complies
Side Yard	6 feet	6 feet	Complies

As shown in Table 2, the proposed project complies with all applicable development standards set forth in LIP and MMC. The proposed development complies with all required beachfront setbacks and incorporates a 14.8-foot wide view corridor along the eastern property line. All fencing, walls, and gates located within the view corridor are proposed to be visually permeable and comply with the maximum height permitted in LIP Section 3.5, and a condition of approval has been placed in Planning Commission Resolution No. 16-27 to that effect.

Pursuant to the Trancas Beach Overlay standards in LIP Section 3.4, no structure above 30 inches is permitted in Area I, as designated on the Trancas Beach Overlay District Map, except that a windbreak up to a maximum of 9 feet in height if the entire area above 30 inches in height is constructed of transparent glass. The project proposes no structures in Area I. Within Area II, the project includes a 9-foot tall transparent glass windbreak for the deck, in conformance with the overlay zone.

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 total amount of proposed grading is 547 cubic yards, of which 278 cubic yards is non-exempt grading, which is less than the maximum allowable, and the remaining 269 cubic yards is exempt understructure grading. The project complies with grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

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

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance with LIP Chapter 17 requirements for water quality protection and approved the plans for grading and building permit issuance. The standard conditions of approval including the implementation of storm water management plans during construction activities and management of runoff from the proposed development remain in place and the project conforms to the water quality protection standards of LIP Chapter 17. Conditions of approval have been included in this resolution which require ongoing compliance with the water quality protection standards.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

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

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 A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

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

Finding A2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. The project site is along a public road and does not accommodate public vertical access to the shoreline. The single-family residence is proposed on a site that has been previously developed with a single-family residence, and the existing onsite development blocks vertical access to the ocean. According to the LCP Public Access Map, a vertical public accessway is located approximately 360 feet to the west of the property between 31340 and 31346 Broad Beach Road.

The property owner recorded an OTD for a lateral public access easement accommodating public access along the shoreline on January 25, 2016, and a lateral public beach access exists along the State of California's "wet sand right of way" which provides public access along and parallel to the sea and shoreline seaward of the MHTL. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act of 1976.

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no further feasible alternatives that would further reduce any impacts on the environment. The project complies with the size, location and height requirements of the LCP. The following alternatives to the proposed project were considered.

No Project – The no project alternative would avoid any change to the subject parcel. The project site is zoned for residential use and the proposed project is consistent with the SFM zoning designation. The objective of the proposed project is to demolish the existing single-family residence and construct a new single-family residence and associated development, including a new view corridor, and AOWTS. The no project alternative would not accomplish any of the project objectives, and therefore, is not feasible.

Alternate Project – A reduced project or alternative location could be proposed on the project site. However, the project conforms to all beachfront residential development criteria as demonstrated by Table 2, including the provision of a new view corridor and AOWTS. It is within the general vicinity of existing development, and the site is constrained by the building stringline, deck stringline, and view corridor requirements. It is not anticipated that a smaller or alternative project would offer any environmental advantages.

Proposed Project – The proposed project consists of the demolition of an existing single-family residence and associated development, eliminating all existing nonconforming conditions on the project site. The proposed development will provide a 14.8 foot wide view corridor, will be located landward of the existing development and will be located landward of the required stringlines. The majority of the project will be located within the existing building's footprint, therefore, eliminating the need for grading in undisturbed areas. In addition, the new single-family residence with the AOWTS is environmentally superior to the existing residence with OWTS.

As discussed in Finding A1, the project has been reviewed and conditionally approved by the applicable City, County and State departments and agencies, and meets the residential development standards of the LCP and MMC. The proposed project has been determined to be the least environmentally damaging feasible alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

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

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

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

C. Native Tree Protection (LIP Chapter 5)

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

D. 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 the beach and Broad Beach Road, both LUP-designated scenic areas. As a result, the Scenic, Visual and Hillside Resource Protection Chapter applies, and the five findings set forth in LIP Section 6.4 are made below.

Finding D1. 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 currently developed with an existing single-family residence, in a predominantly developed single-family residential area. As proposed, the project complies with the overlay and beachfront residential standards for height and setbacks. The rear yard setback is established by the building stringline and deck stringline, and the required 10 foot setback from the MHTL, which helps to limit the bulk and mass of development and regulate seaward development.

Due to the lot dimensions and topography, there is no feasible alternative building site location where the development would not be visible from a scenic area; therefore, the project has been designed and conditioned to minimize any adverse or scenic impacts. The project provides the required view corridor pursuant to LIP Section 6.5, providing new public ocean views over the property. The project incorporates a total of 14.8 foot wide view corridor running parallel to the east property line pursuant to LIP Section 6.5(E)(2)(a). Additionally, the project is subject to conditions of approval pertaining to permissible exterior colors, materials and lighting restrictions. The deed restriction acknowledging the lighting restriction has already been recorded as of December 17, 2014, pursuant to Resolution No. 12-56.

As proposed, the project would result in a less than significant visual impact to public views from the beach and Broad Beach Road.

Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

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

Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project, as designed and conditioned, is the least environmentally damaging alternative.

Finding D4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As previously discussed in Findings A3 and D1, the proposed project will result in less than significant impacts on scenic and visual resources.

Finding D5. 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 Finding D1, the project as proposed and conditioned will result in less than significant impacts on scenic and visual resources. All proposed development conforms to the view corridor requirements, and will be constructed landward of the building stringline and deck stringlines, and the 10 foot MHTL setback.

E. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credit applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

F. 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 Reviewer, City Public Works Department, City geotechnical staff, WD29, and LACFD. It has been determined by the project geotechnical engineer that the subject property is located within a liquefaction hazard zone, in a Tsunami zone, in a Federal Emergency Management Agency (FEMA) identified VE Zone Special Flood Hazard Area (SFHA). The required findings are made as follows:
Finding F1. 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.

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

The applicant submitted geotechnical and engineering reports, coastal engineering reports and addenda prepared by GeoConcepts, Inc, and David C. Weiss Structure Engineer and Associates, Inc. that have been reviewed through building plan check. These reports are on file at City Hall. In these reports, site-specific conditions are evaluated and recommendations are provided to address any pertinent issues. Potential

geologic hazards analyzed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, wave uprush and tsunami, and flood and fire hazards. Based on review of the project plans and associated geotechnical reports by City geotechnical staff, LACFD, City Public Works Department, City Coastal Engineer and the City Environmental Health Reviewer, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The project, including the new AOWTS, will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards.

Liquefaction/Landslide Hazard

Based on the liquefaction analysis, liquefaction induced settlement is estimated to be 2.88 inches and differential settlement is estimated to be 1.88 inches. The project geotechnical engineer included specific recommendations for the foundation which include minimum pile diameter size and depth into bedrock. All piles will be designed to resist a lateral force as recommended by the project geotechnical engineer.

Flood

The proposed site was evaluated for flood hazards. The FEMA Flood Insurance Rate Map for the project area designates the northern 170 feet of the lot as Zone D and the southern half of the lot in Zone VE with a base floor elevation of +13 feet NAVD. The proposed structure and AOWTS are outside of the VE zone. According to the Coastal Engineering Report, the lowest recommended finished floor is 19.3 feet NAVD88. Subsequently, the proposed residence lowest finished floor on the beachfront portion is 19.3 feet NAVD88.

Fire Hazard

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

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has "mutual aid agreements" with cities and counties throughout the State so that additional personnel and firefighting equipment can augment the LACFD. As such, the project, as designed and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards.

Finding F2. 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 F1, the proposed project, as designed and conditioned, by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously stated in Finding A3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding F4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As previously discussed in Findings A3 and F1, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

Finding F5. 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 Finding A3, the proposed project, as designed and conditioned, development is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

G. 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.

Finding G1. 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 demolition of the existing residence and the construction of a new residence. A new AOWTS will be located between the proposed residence and the road, and the associated leachfield located between the proposed residence and accessory structure. Both the new AOWTS and the associated leachfield were determined to be located as far landward as feasible in compliance with LIP Section 10.4 by the City Coastal Engineer and City Environmental Health Administrator. The proposed project, including the single-family residence, AOWTS, leachfield, and associated development does not necessitate a new shoreline protective device. This determination was made without the assumption that the temporary beachwide rock revetment would be permanent. Additionally, the proposed development was reviewed by the CSLC and they asserted no jurisdictional claims regarding the proposed project. The project complies with the 10 foot setback from the MHTL. The property owner has also recorded an offer to dedicate a lateral public access easement [Los Angeles County Recorder's Office, Document No. 20160059524].

Based on the new 2009 MHTL location, the entire deck is within the wave uprush zone. Therefore, the project coastal engineer recommends that footings within the wave uprush zone be taken to a minimum of 2 feet below scour or 2 feet into bedrock whichever is higher. The City Coastal Engineer has reviewed the revised wave uprush report and concurs with the project geotechnical engineer. In addition, a condition of approval has been included this resolution clarifying that although the deck is permitted to remain within the wave uprush zone, a future shoreline protective device may not be permitted to protect an accessory structure, such as the approved deck. The approved deck is designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

Therefore, no significant adverse impacts on public access, shoreline sand supply or other resources are anticipated due to project design and location on the site.

Finding G2. 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 G1, the proposed project, as designed and conditioned, and approved by the City Coastal Engineer and the City geotechnical staff, the project will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding G4. 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 Findings A3 and G1 the proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

Finding G5. In addition, if the development includes a shoreline protective device, that it is designed or conditioned to be sited as far landward as feasible, to eliminate or mitigate to the maximum extent feasible extent adverse impacts on local shoreline sand supply and public access, there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and is the least environmentally damaging alternative.

The project does not include a shoreline protective device. The project has been designed to not require a shoreline protection for the life of the structure, including accessory development. As previously discussed in Finding G1, the septic system is located as far landward as feasible on the project site. The applicant has also recorded an OTD a lateral public access easement. The proposed project, as designed, is the least environmentally damaging alternative.

Nonetheless, pursuant to LIP Section 10.6, as a condition of approval, the property owner is required to acknowledge, by the recordation of deed restriction, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protection structure which extends the seaward footprint of the subject structure shall be undertaken and that he / she expressly waives any right to such activities that may exist under Coastal Act Section 30235.

H. Public Access [LIP Chapter 12]

The Coastal Act generally provides that with new shoreline development projects, access to the shoreline and along the coast shall be provided, except where adequate access exists nearby. The applicant has recorded an offer to dedicate a lateral access easement to accommodate public access along the shoreline landward of the MHTL. A lateral public beach access exists along the State of California's "wet sand right of way" which allows public use of lands seaward of the MHTL and provides public access along and parallel to the sea and shoreline. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. As such, the project provides the maximum feasible protection to public access required by LIP Chapter 12.

I. Land Division (LIP Chapter 15)

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

J. Demolition Permit [MMC Chapter 17.70]

MMC Chapter 17.70 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes to demolish all of the existing onsite development. The required findings are made as follows.

Finding J1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

This resolution includes conditions of approval to ensure that the project will not create significant adverse environmental impacts.

Finding J2. A development plan has been approved or the requirement waived by the City.

A coastal development permit application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless this resolution is adopted.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (e) - New Construction and 15301(l) – Existing Facilities. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

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

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on May 26, 2016 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 9).

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 16-27. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-27
2. Vicinity/Aerial Map
3. Project Plans
4. Story Pole Photos
5. Recorded Deed Restrictions and OTD
6. Planning Commission Resolution No. 12-56
7. Planning Commission Resolution No. 13-94
8. Department Review Sheets
9. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING DEMOLITION PERMIT NO. 16-014 TO DEMOLISH THE EXISTING SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 16-010 TO CONSTRUCT A NEW 5,047 SQUARE FOOT SINGLE-FAMILY RESIDENCE, A 2,012 SQUARE FOOT TWO-STORY DETACHED ACCESSORY STRUCTURE CONSISTING OF A GARAGE, THEATER, SECOND UNIT AND GYM, A COVERED BRIDGE CONNECTING THE SINGLE-FAMILY RESIDENCE TO THE ACCESSORY STRUCTURE, 1,378 SQUARE FEET OF COVERED AREAS, NEW SPA, FIREPIT, ROOF DECK, ROOF SOLAR PANELS ON THE ACCESSORY STRUCTURE, HARDSCAPE, AND INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING A 14.8 FOOT WIDE CONTIGUOUS VIEW CORRIDOR LOCATED IN THE SINGLE-FAMILY MEDIUM RESIDENTIAL ZONING DISTRICT AT 31302 BROAD BEACH ROAD (KAPLAN)

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

SECTION 1. Recitals.

A. On October 20, 2011, an application for Coastal Development Permit (CDP) No. 11-050 and Demolition Permit (DP) No. 11-021 was submitted to the Planning Department by the applicant, Robert Ramirez, on behalf of property owners, Stephen and Jean Moran Kaplan. The application was routed to the City Coastal Engineer, City geotechnical staff, City Environmental Health Reviewer, City Biologist, the City Public Works Department, and California State Lands Commission (CSLC) and Los Angeles County Fire Department (LACFD) for review.

B. On February 15, 2012, a site visit was conducted to document existing site conditions.

C. On March 13, 2012, a Notice of CDP Application for the coastal development permit was posted on the subject property.

D. On May 1, 2012, story poles were installed to demonstrate the location, height, and bulk of the proposed project. The story poles were certified by a licensed surveyor.

E. On May 11, 2012, staff conducted a site visit to determine visual impacts and document the story poles.

F. On June 19, 2012, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 12-56, approving CDP No. 11-050 and associated request.

G. On July 20, 2012, the California Coastal Commission (CCC) filed an appeal of the project.

H. On May 22, 2013, the applicant submitted Coastal Development Permit Amendment (CDPA) No. 13-005 to address the issues raised in the CCC appeal and modify the scope of work approved under CDP No. 11-050 to: receive and file an updated wave uprush report with an updated mean high tide line; amend the landscaping plan to prohibit any landscaping seaward of the deck stringline; add a condition of approval to effectuate the property owner's offer to dedicate lateral access easement; and add a condition of approval specifying that no future shoreline protective device could be approved to protect an ancillary or accessory structure. The CCC withdrew the appeal in consideration of these permit amendments.

I. On October 7, 2013, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record, and adopted Planning Commission Resolution No. 13-94, approving CDPA No. 13-005. Condition No. 7 of Resolution No. 13-94 provided that CDP No. 11-050, as amended by CDPA No. 13-005, would expire if the project has not commenced within two (2) years after issuance of the permit, or October 7, 2015.

J. On December 17, 2014, the following deed restrictions were recorded: those required in Resolution No. 12-56 as Condition of Approval Nos. 101, 102 and 103 for indemnification of the City for hazards and fire, and the acknowledgment of lighting restrictions.

K. On October 7, 2015, CDP No. 11-050, as amended by CDPA No. 13-005, expired by the terms of the permit. An extension had not been submitted by the applicant, and no extensions had been granted.

L. On January 19, 2016, the Irrevocable Offer to Dedicate Public Lateral Access Easement and Declaration of Restrictions (OTD) was recorded by the property owner as required by Resolution No. 13-94 as Condition of Approval No. 20. (Doc No. 20160059524)

M. On February 4, 2016, the applicant submitted an extension request, but the request could not be processed by the City because the permit had already expired.

N. On March 4, 2016, an application for Coastal Development Permit (CDP) No. 16-010 was submitted to the Planning Department by the applicant, Robert Ramirez, on behalf of property owners, Stephen and Jean Moran Kaplan for the same project scope to replace the expired CDP No. 11-050, as amended by CDPA No. 13-005. The application was routed to the City Coastal Engineer, City geotechnical staff, City Environmental Health Reviewer, the City Public Works Department, and Los Angeles County Waterworks District No. 29 (WD29) for review.

O. On April 7, 2016, a courtesy notice of the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

P. On April 13, 2016, a Notice of CDP Application was posted on the subject property.

Q. On April 14, 2016, the CDP application was deemed complete for processing.

R. On May 26, 2016, 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.

S. On June 20, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15303(a) and (e) - New Construction and 15301(l) – Existing Facilities. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission hereby adopts the findings in the agenda report, the findings of fact below, and approves CDP No. 16-010 for the demolition of an existing, two-story single-family residence and associated development, including the onsite wastewater treatment system (OWTS), construction of a new, 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a 659 square foot garage and 375 square foot theater on the first floor, and a 597 square foot guest house and 381 square foot gym on the second floor, a covered connector bridge which connects the single-family residence to the accessory structure, 1,378 square foot of covered areas, new spa, fire pit, roof deck, roof mounted solar panels on the accessory structure, hardscape, and a new alternative OWTS (AOWTS), including a 14.8 foot wide contiguous view corridor, in the Single-Family Medium (SFM) residential zoning district at 31302 Broad Beach Road.

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

A. Coastal Development Permit (LIP Chapter 13)

A1. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Environmental Health Reviewer, City Public Works Department, City geotechnical staff, City Coastal Engineer, CSLC, WD29 and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all of the required Trancas Beach Overlay and beachfront residential development standards of the SFM residential zoning district.

A2. The project is located between the first public road and the sea. The project site is along a public road and does not currently accommodate public access to the shoreline. The single-family residence is proposed on a site that has been previously developed with a single-family residence, and the existing onsite development blocks vertical access to the ocean. On January 19, 2016, the property owner recorded Doc No. 20160059524, the OTD for a lateral public access easement on the subject property required by Resolution No. 13-94 as Condition of Approval No. 20. It was required as a condition to permit the development of a new single-family residence on the property. The recorded OTD is incorporated as part of this project approval, so a new OTD is not required as a condition of approval. Therefore, no potential project-related or cumulative impact on public access and/or recreation is anticipated to result from the proposed project. The proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act.

A3. The proposed single-family residence is located on the same site as an existing legal non-conforming residence that will be demolished and replaced with a code compliant development. The new AOWTS serves to improve water quality and the 14.8 foot wide contiguous view corridor will bring the property into conformance with LCP Scenic and Visual Resource policies and provisions. The proposed project meets the development policies of the LCP and has been determined to be the least environmentally damaging feasible alternative.

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

B1. Due to the lot dimensions and topography, there is no feasible alternative building site location where the development would not have the potential to be visible from Broad Beach Road or the beach, which are public viewing areas. With the inclusion of the conditions set forth in this resolution, pertaining to permissible exterior colors, materials and lighting restrictions, the project will blend in with the surrounding environment. The property owner previously recorded a deed restriction acknowledging the lighting restrictions required by Resolution No. 12-56. The recorded deed restriction is incorporated as part of this project approval, so a new lighting deed restriction is not required as a condition of approval. With the implementation of said conditions, the project will not have significant adverse scenic or visual impacts.

B2. The project as proposed and conditioned is the least environmentally damaging alternative.

B3. The project has been designed to minimize any adverse or scenic impacts from the beach and adjacent structures by providing the required view corridor pursuant to LIP Section 6.5. The project incorporates a 14.8 foot wide view corridor running parallel to the east property line pursuant to LIP Section 6.5(E)(2)(a). The existing development will be demolished providing new public ocean views over the property, where none existed.

B4. The location proposed for development would result in a less than significant visual impact to public views from the beach and will not impact sensitive resources. All proposed development conforms to the view corridor requirement and will be constructed landward of the required building stringline and deck stringline, and setback 10 feet from the MHTL. The project as proposed and conditioned will result in less than significant impacts on scenic and visual resources.

C. Hazards (LIP Chapter 9)

C1. Based on review of the project plans, geotechnical reports and addenda, and a Coastal Engineering Report, the project engineers concluded the project is feasible from an engineering geologic standpoint, will be free from geologic hazards such as landslides, slippage, settlement, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project geotechnical engineer are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

C2. The proposed project, as designed and conditioned by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to site characteristic, project design and conditions. It has been determined by the project geotechnical engineer that the subject property is located within a liquefaction hazard zone, in a Tsunami zone, in a Federal Emergency Management Agency (FEMA) identified VE Zone Special Flood Hazard Area (SFHA). The project, as designed and conditioned, will incorporate all recommendations contained in the geotechnical report and wave uprush report, and the conditions required by the City Coastal Engineer, City geotechnical staff, City Public Works Department and the LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

C3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

C4. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

C5. No adverse impacts to sensitive resources are expected.

C6. The record concludes the entire city limits of Malibu are located within a high fire hazard area. The property owner previously recorded a deed restriction to indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property, required by Resolution No. 12-56. The recorded deed restriction is incorporated as part of this project approval, so a new wildfire indemnity deed restriction is not required as a condition of approval.

C7. The project site is subject to wave action. According to the Coastal Engineering Report, the lowest recommended finished floor is 19.3 feet NAVD88[1]. The proposed residence lowest finished floor on the beachfront portion is 19.3 feet NAVD88 consistent with the recommendation of the coastal engineer. The property owner previously recorded a deed restriction acknowledging that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any

1 NAVD stands for North American Vertical Datum.

injury or damage due to such hazards, required by Resolution No. 12-56. The recorded deed restriction is incorporated as part of this project approval, so a new beach hazard indemnity deed restriction is not required as a condition of approval.

D. Shoreline and Bluff Development (LIP Chapter 10)

D1. The proposed project includes the demolition of the existing residence and OWTS, and the construction of a new residence, and a new AOWTS. The proposed development was reviewed by the CSLC and they asserted no jurisdictional claims regarding the proposed project. The project complies with the 10 foot setback from the MHTL. The property owner has also recorded an offer to dedicate a lateral public access easement. Due to its minor scope and design, and the recorded offer to dedicate a lateral public access easement, the project is not anticipated to result in significant adverse impacts to on public access, shoreline sand supply or other resources.

D2. The proposed location of the new AOWTS has been reviewed and approved by the City Coastal Engineer and City Environmental Health Reviewer for compliance with LIP Chapter 10, and determined to be located as far landward as feasible.

D3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

D4. The proposed project, as designed and conditioned, will not have any significant adverse impacts on public access or shoreline sand supply or other resources.

D5. The project does not include a shoreline protective device. The project has been designed to not require a shoreline protection for the life of the structure. Therefore, a condition of approval requires the property owner to acknowledge, by recordation of a deed restriction, consistent with LIP Section 10.4(M), no shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave run-up. Accessory structures, including but not limited to, patios, stairs, recreational facilities, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

E. Demolition Permit (MMC Chapter 17.70)

E1. The proposed project includes the demolition of the existing residence and construction of a new residence. A condition is included in this resolution that requires the property owner to conduct the demolition in a manner that will not create significant environmental impacts.

E2. A coastal development permit application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless this resolution is adopted.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 16-010 and DP No. 16-014, subject to the following conditions.

SECTION 5. Conditions of Approval

Standard Conditions

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

2. Approval of this application is to allow for the following:

   Demolition:
   a. Existing two-story single-family residence;
   b. Two-story deck;
   c. Spa; and
   d. OWTS.

   Construction:
   a. A new 5,047 square foot, single-family residence;
   b. A 2,012 square foot two-story detached accessory structure, consisting of a 659 square foot garage and 375 square foot theater on the first floor; and, 597 square foot guest house and 381 square foot gym on the second floor;
   c. A covered connector bridge which connects the single-family residence with the accessory structure;
   d. 1,378 square feet cumulative total of covered areas;
   e. Spa;
   f. Fire pit;
   g. Roof deck over the main residence;
   h. Roof mounted solar panels on the accessory structure;
   i. Landscaping and hardscape;
   j. Subterranean mechanical room and crawlspace (less than 6 feet interior height);
   k. 278 cubic yards of non-exempt grading;
   l. Installation of AOWTS; and
   m. A 14.8 foot wide contiguous view corridor parallel to the eastern property line.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning department dated **March 14, 2016**. The project shall comply with all conditions of approval stipulated in the department referral sheets. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP cannot be effective until all appeals, including those to the CCC, have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.

5. This permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto separate plan sheets behind the cover sheet of the CDP approved plans.

7. The applicant shall submit three (3) complete sets of the CDP approved plans, including the sheets described in Condition No. 6, to the Planning Department for consistency review and approval prior to submitting to the City of Malibu Environmental Sustainability Department for plan check, and again prior to the issuance of any building or development permits.

8. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

9. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

10. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, City Environmental Health Reviewer, City Public Works Department, WD29, CSLC, LACFD and U.S. Army Corps of Engineers, as applicable. Notwithstanding this review, all required permits shall be secured.

11. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

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

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the

coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Demolition/Solid Waste

15. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Deputy Building Official.

16. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

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

18. An Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) signed by the Owner or Contractor shall be submitted to the Environmental and Sustainability Department for review and approval. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.

19. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

Construction / Framing

20. At no time shall any eastbound lane along Pacific Coast Highway be closed for construction staging related to this project between the hours of 7:00 a.m. and 9:00 a.m.

21. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

22. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the lowest recommended finish floor elevation on the ocean side, as defined by a licensed civil engineer, based upon a comprehensive wave action report, the elevation of the center line of the road on the land side, the highest roof member elevation on the building for half the total length of the structure on the road side and the ocean side, and lowest finish floor elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.

23. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

24. Construction debris and sediment shall be properly contained and secured on site with Best Management Practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

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

Public Works

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

Street Improvements

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

Grading and Drainage

28. Exported soils shall be taken to the County landfill, or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

29. A Grading and Drainage Plan containing the following information shall be reviewed and approved by the Public Works Department, prior to the issuance of grading permits for the project:
    a. Public Works Department general notes;
    b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking tennis courts and pool decks).
    c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
    d. The grading limits shall include the temporary cuts made for buttresses, and over-excavation for fill slopes shall be shown;
    e. Any native trees required to be protected;
    f. Any rare or endangered species as identified in the biological assessment, along with fencing of these areas if required by the City Biologist;
    g. Private storm drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
    h. Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.

30. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private streets, and any drainage easements.

Stormwater

31. 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:
    a. Site Design BMPs;
    b. Source Control BMPs;
    c. Treatment Control BMPs 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;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
    f. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and

g. The WQMP shall be submitted to Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department 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 BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department prior to issuance of the certificate of occupancy.

32. 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 following elements shall be included:
   a. Installation of 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.
   b. Prohibits the discharge of trash.
   c. 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).
   d. Elimination of non-storm water discharges.

33. 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

Spa / Water Feature/ Mechanical Equipment

34. Onsite noise, including that which emanates from spa and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

35. Spa and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides (three sides if adjacent to the building). The fence or walls shall comply with LIP Section 3.5.3 and no equipment shall be located closer than three feet to the property line.

36. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
    a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
    b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
    c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works facility for discharge.

37. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
    a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonization;
    b. There are sufficient BMPs in place to prevent soil erosion; and
    c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

    Discharges not meeting the above-mentioned methods must be trucked to a publicly owned wastewater treatment works.

38. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property.

Geology

39. Procedures to properly abandon the existing OWTS shall be included as notes on the plans.

40. Two sets of final grading, retaining wall, swimming pool and spa, pool cabana OWTS and residence plans (approved by the Building Safety Division) incorporating the project geotechnical consultant's recommendations and building plan check review comments must be reviewed and wet stamped and manually signed by the project engineering geologist and project geotechnical engineer and submitted to City geotechnical staff for review and approval.

Coastal Engineering

41. The property owner shall comply with the requirements for recorded documents and deed restrictions outlines in LIP Sections 10.6(A) and 10.6(B)(1).

Environmental Health

42. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of onsite facilities.

43. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

44. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The designer must also be a registered OWTS designer with the City of Malibu. The final AOWTS design report and drawings shall be submitted to the City Environmental Health Reviewer with the designer's wet signature, professional registration number and stamp (if applicable).

45. The final AOWTS design report shall contain the following information (in addition to the items listed above).
    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
    b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
    c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench,

seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Provide seepage pit cap depth relative to original and finished grades. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

46. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.

47. The following note shall be added to the plan drawings included in the OWTS final design. "Prior to commencing work to abandon, remove, or replace existing onsite wastewater treatment system (OWTS) components an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health 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."

48. Proof of ownership of subject property shall be submitted to the City Environmental Health Reviewer.

49. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Reviewer. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.

50. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Reviewer.

51. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Reviewer and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

52. Final approval by the City geotechnical staff, and City Planning Department shall be submitted to the City Environmental Health Reviewer.

53. A final planning approval shall be submitted to the City Environmental Health Reviewer.

54. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

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

56. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to <u>structures</u> (i.e., setbacks less than those shown in Malibu Plumbing Code Take K-1) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table K-1 setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced

57. In accordance with MMC Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee shall be submitted with the application and a final fee shall be paid for Environmental Health review of the OWTS design and system specifications.

58. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the AOWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.

59. Consistent with Section 10.4 M of the City of Malibu Local Coastal Program Local Implementation Plan, no shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave run-up. Accessory structures, including but not limited to, patios, stairs, recreational facilities, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

Biology/Landscaping

60. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

61. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

62. Prior to issuance of Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

63. No landscaping shall be permitted seaward of the deck stringline, regardless of landscaping height.

64. No new development, planting, or irrigation is permitted within public easements. Any new structure, plant or irrigation system occurring in the public easement shall be removed at the owner's expense.

65. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks Department, please provide landscape water use approval from that department.

66. Invasive plant species, as determined by the City of Malibu, are prohibited.

67. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

68. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

69. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

70. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

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

72. Grading/excavation shall be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1 –March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

73. Construction fencing shall be installed within five (5) feet of the seaward limits of work prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

Site Specific Conditions

Colors and Materials

74. The residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.

75. New structures shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

Lighting

76. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;

d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited; and
f. Outdoor decorative lighting for aesthetic purposes and lighting of the shore are prohibited.

77. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

78. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. Up-lighting of landscaping is prohibited.

Water Service

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

U.S. Army Corps of Engineers

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

Shoreline Construction Protection

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

82. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.

83. No machinery shall be allowed in the intertidal zone at any time unless necessary for protection of life and/or property.

84. All construction debris shall be removed from the beach daily and at the completion of development.

85. The applicant/property owner shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.

86. Construction equipment shall not be cleaned on the beach.

87. Construction debris and sediment shall be property contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

88. The applicant/property owner shall obtain all required permits, including approval for mechanized equipment to access to the beach, from Beaches and Harbor prior to commencement of construction.

View Corridor

89. Pursuant to LIP Section 6.5(E)(2)(e) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
    a. A view corridor a minimum of 14.8 feet wide parallel adjacent to the eastern property line extending the length of the property.
    b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
    c. Any fencing across the view corridor shall be visually permeable.
    d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
    e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

Offer to Dedicate and Deed Restrictions

90. [Los Angeles County Recorder's Office, Document No. 20160059524] In order to effectuate the applicant's proposal of an offer to dedicate an easement for lateral public access, prior to issuance of the permit, the property owner shall execute an record a document, in a form and content acceptable to the Coastal Commission, irrevocably offering to dedicate (or granting), free of prior liens and any other encumbrances that the Coastal Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the Coastal Commission, granting to the public the permanent right of lateral access and passive recreation. The easement shall be located along the entire width of the property and shall extend from the ambulatory mean high tide line landward to the approved dripline of the deck, as generally illustrated on Attachment 6 of the October 7, 2013 Planning Commission agenda report. A shoreline protection buffer, where, notwithstanding the above, public access and recreation would not be allowed, shall extend from the dripline of the approved deck seaward to the intersection of sand with the toe of the existing temporary rock revetment (which was temporarily authorized pursuant to the California Coastal Commission Emergency Coastal Development Permit 4-10-003-G). If the Coastal Commission requires removal, replacement, relocation, and/or reconstruction of the as-built shoreline protective device on the property pursuant to the follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the seaward boundary of the shoreline protection buffer shall be relocated accordingly to the intersection of sand with the toe of the approved shoreline protection device. If the Coastal Commission does not authorize a new shoreline protective device, on the property pursuant to a follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the shoreline protection buffer shall be eliminated in its entirety. The recorded document shall include metes and bounds legal descriptions with corresponding graphic depiction, drawn to scale by a licensed surveyor, of both the subject parcel and easement area. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the

offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

91. [Los Angeles County Recorder's Office, Document No. 20141371928] The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

92. [Los Angeles County Recorder's Office, Document No. 20141081829] The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

93. [Los Angeles County Recorder's Office, Document No. 20141371925] Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under ***Lighting***. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

94. While the Broad Beach Geologic Hazard Abatement District revetment as permitted by the Coastal Commission may currently provide incidental protection of structures, regardless, consistent with Section 10.4 of the LIP, no shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave run-up. Accessory structures, including but not limited to, patios, stairs, recreational facilities, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

Prior to Occupancy

95. Prior to issuance of Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

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

compliance should the final work not be completed in accordance with this permit.

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

Fixed Conditions

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

99. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

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

PASSED, APPROVED AND ADOPTED this 20th day of June 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to LCP 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, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov 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. 16-73 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of June, 2016 by the following vote:

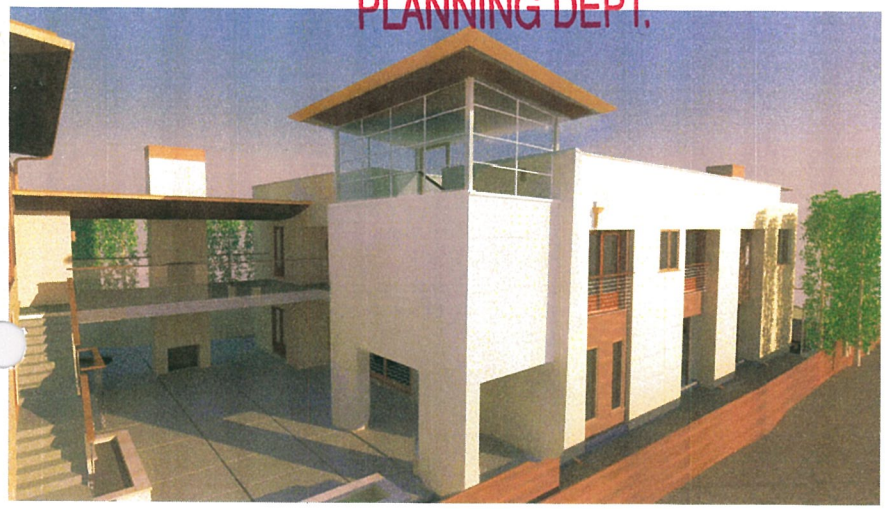
AYES:
NOES:
ABSTAIN:
ABSENT:

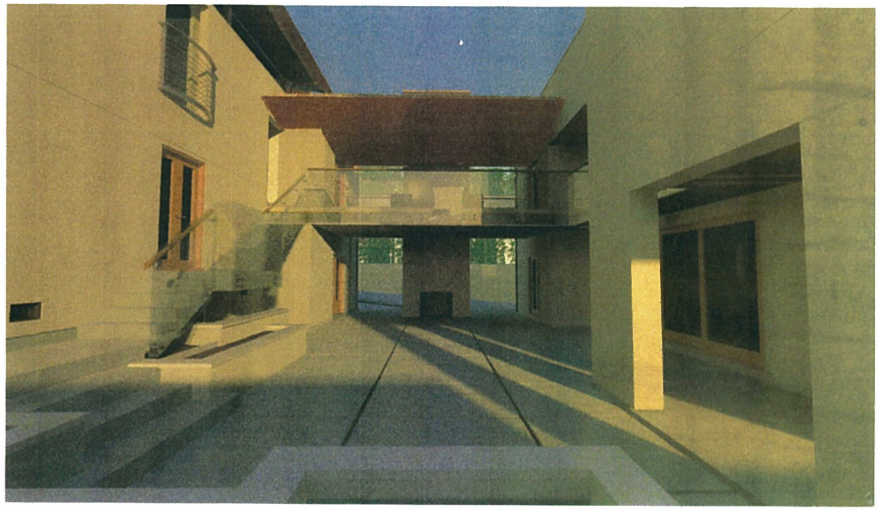
KATHLEEN STECKO, Recording Secretary

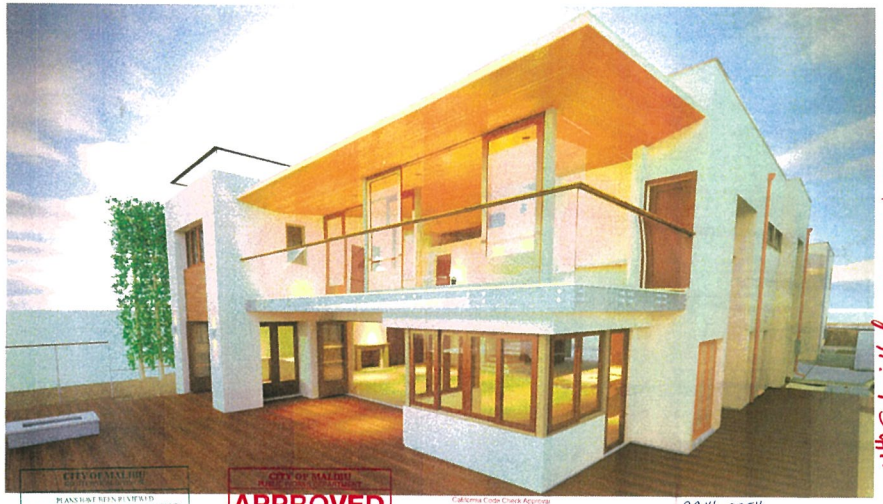
Vicinity Map & Aerial

ATTACHMENT 2

RECEIVED
MAR 14 2016
PLANNING DEPT.







RAMIREZ DESIGN, INC.
1112 Montana Ave. #872
SANTA MONICA, CA 90403
T (310) 395-2192
F (310) 395-8984

DATE: 5/25/2015

REVISIONS:

No	Date	Description
1	12/05/11	CDP Application Set
2	02/28/12	Plan Check Comments
3	05/03/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	01/05/14	Building Plan Check Set
6	03/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/28/15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

BUILDING & SAFETY CITY'S COPY

4th Submittal

COVER SHEET

SHEET
T1

BROAD BEACH RESIDENCE

CITY OF MALIBU
PLANS HEREIN APPROVED FOR COASTAL ENGINEERING AND GEOLOGY PURPOSES ONLY. ASSUMES NO CITY OF MALIBU LAWS AND ORDINANCES
7/15

APPROVED
SIGNATURE DATE 6.25.15
THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF ANY CITY, COUNTY OR STATE LAWS OR ORDINANCES.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by
Date JUN 09 2015

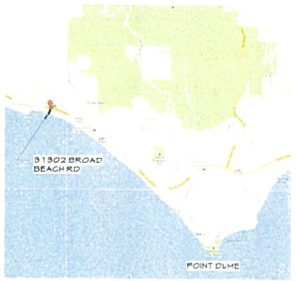
CC14-0054
CC14-0055
CC14-0056
CC14-0057
CC14-0058

CITY OF MALIBU
RECEIVED
MAY 29 2015
ENVIRONMENTAL ASSESSMENT DEPT.

CITY FILE

*CONDITIONALLY APPROVED

VICINITY MAP



AREA CALCULATIONS

LOT AREA 14581 SF (GROSS LOT AREA)
18101 SF (NET LOT AREA)

PROPOSED FLOOR AREAS

FIRST FLOOR	2546 SF
SECOND FLOOR	2377 SF
THEATER	375 SF
GUEST HOUSE	547 SF
GYM	381 SF
TOTAL	6275 SF

(SEE SHEET T6 FOR TDSF CALCULATIONS)

SETBACK REQUIREMENTS:

FRONT SETBACK	20 FT
SIDE SETBACK	5 FT
REAR SETBACK	STRINGLINE RULE

IMPERMEABLE COVERAGE

SEE SHEET T6 FOR INFORMATION

PROJECT INFORMATION

PROJECT DESCRIPTION
- NEW SINGLE FAMILY RESIDENCE
- NEW DETACHED GARAGE/GYM
- NEW GUEST HOUSE
- NEW LANDSCAPING
- NEW DECK
- DEMOLITION OF EXISTING SINGLE FAMILY RESIDENCE.

PROPERTY ADDRESS

31302 BROAD BEACH RD
MALIBU, CA 90265

GENERAL INFORMATION

APN	4470-016-037
TRACT NO.	12409
LOT	PORTION OF 15
MAP BOOK / PAGE	MB 263 / 37-38

GENERAL PLAN LAND USE DESIGNATION

SINGLE FAMILY RESIDENTIAL
(PER LAND USE MAP EXHIBIT LU-1A)

OCCUPANCY CLASSIFICATION: R3 & U

TYPE OF CONSTRUCTION: VB

FIRE HAZARD SEVERITY ZONE: VHFHSZ

APPLICABLE CODES: 2013 CBC / 2014 LACBC

THE FOLLOWING SHALL BE PROVIDED ON A SEPARATE PERMIT
- PHOTOVOLTAIC SYSTEM
- FIRE SPRINKLERS
- OWTS
- SPA
- GRADING

PROJECT DIRECTORY

OWNER:

KAPLAN LIVING TRUST
PO BOX 1808
SANTA MONICA, CA 90406
PH (213) 830-6350

DESIGNER:

RAMIREZ DESIGN, INC.
426 PALISADES AVE
SANTA MONICA, CA 90402
PH (310) 393-2192
FX (310) 393-8984

CIVIL ENGINEER:

SHAWN KIGGINS, P.E.
LICENSE # C 67845
RAMIREZ DESIGN, INC.
426 PALISADES AVE
SANTA MONICA, CA 90402
PH (310) 393-2192
FX (310) 393-8984

GEOTECHNICAL ENGINEER:

SCOTT WALTER, G.E.
LICENSE# 2476
GEOCONCEPTS INC.
14428 HAMLIN ST., #200
VAN NUYS, CA 91401
PH (818) 994-8895
FX (818) 994-8599

COASTAL ENGINEER:

DAVID G. WEISS STRUCTURAL ENGINEER & ASSOCIATES INC.
24372 VANONEN STREET
SUITE 104
WEST HILLS, CA 91307
PH (818) 227-8040
FX (818) 227-8041

MECHANICAL ENGINEER / ENERGY CONSULTANT:

MONTEREY ENERGY GROUP
26465 CARMEL RANCHO BLVD #8
CARMEL, CA 93923
PH (831) 372-8328
FX (831) 358-4113
info@meg4.com

ENVIRONMENTAL/SEPTIC DESIGNER:

JOHN YAROSLASKI, P.E.
LICENSE # 60148
ENSITU ENGINEERING
685 MAIN ST. STE A
MORRO BAY, CA 93442
PH (805) 772-0150
FX (805) 772-0813
ens t@ensitu.com

GENERAL CONTRACTOR

RAMIREZ DESIGN, INC.
LICENSE # 476756
426 PALISADES AVE
SANTA MONICA, CA 90402
PH (310) 393-2192
FX (310) 393-8984

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T4	SURVEY	A1.1.4	CITY OF MALIBU NOTES
T5	FIRE DEPARTMENT SITE PLAN	A1.1.5	CITY OF MALIBU NOTES
T6	TDSF AND BUILDING AREA CALCULATIONS	A1.1.6	CITY OF MALIBU NOTES
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A4.4	ACCESSORY BUILDING SECTION	S5.2	FOUNDATION DETAILS
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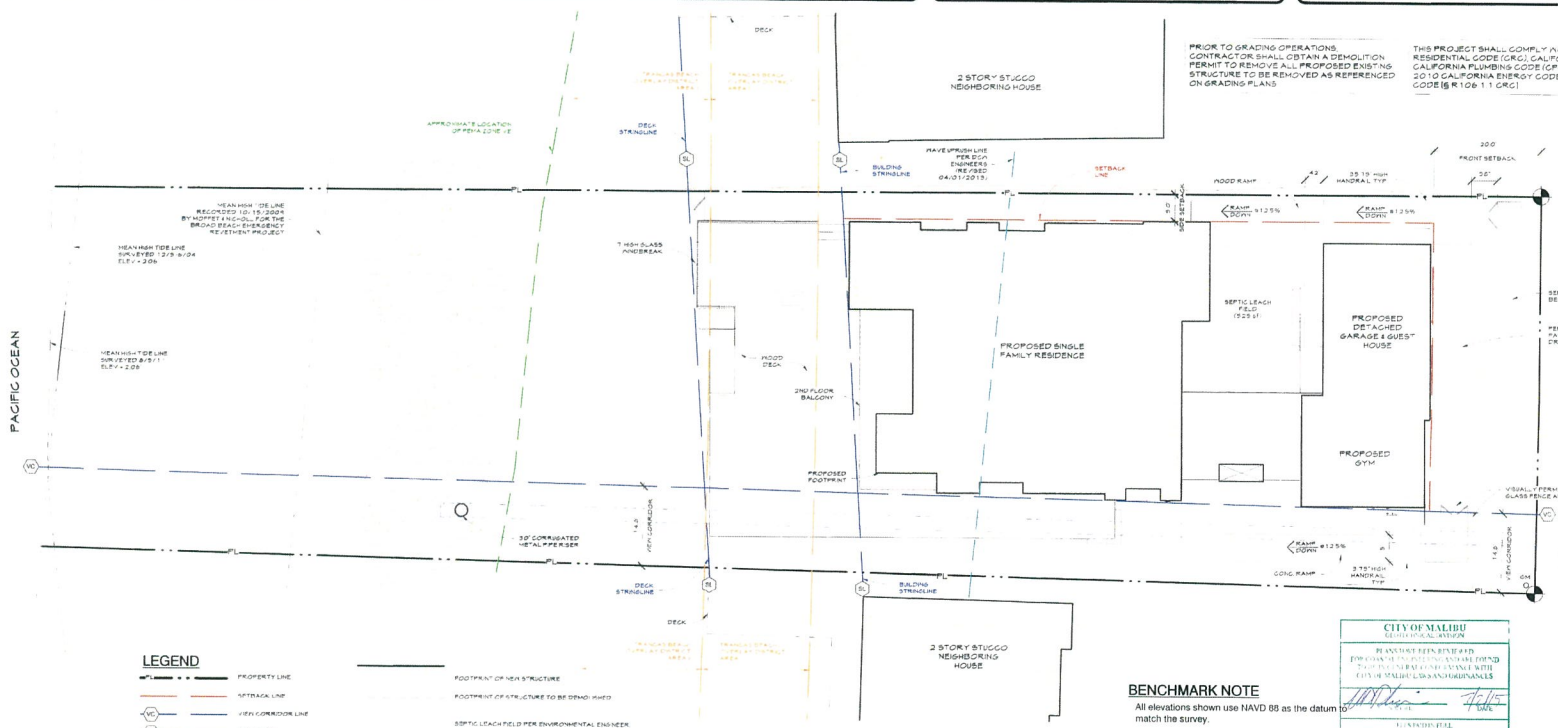
A9.1	ARCHITECTURAL SKETCHES	M6.3	MECHANICAL DETAILS
A10.1	GENERAL NOTES	M6.4	HEAT SOURCE VENTING
A10.2	GENERAL NOTES		

PRIOR TO GRADING OPERATIONS, CONTRACTOR SHALL OBTAIN A DEMOLITION PERMIT TO REMOVE ALL PROPOSED EXISTING STRUCTURE TO BE REMOVED AS REFERENCED ON GRADING PLANS.

THIS PROJECT SHALL COMPLY WITH TITLE 24 AND 2013 CALIFORNIA RESIDENTIAL CODE (CRC), CALIFORNIA MECHANICAL CODE (CMC), CALIFORNIA PLUMBING CODE (CPC), CALIFORNIA ELECTRICAL CODE (CEC), 2010 CALIFORNIA ENERGY CODE (CENC), AND 2014 LOS ANGELES COUNTY CODE (R 106.1.1 CRC)



LEGEND

- PROPERTY LINE
- SETBACK LINE
- VC VIEW CORRIDOR LINE
- SL STRINGLINE
- FEMA VE ZONE BOUNDARY
- WAVE UPRUSH LINE PER DGA ENGINEERS
- TRANSAB BEACH OVERLAY DISTRICT LINE
- FOOTPRINT OF NEW STRUCTURE
- FOOTPRINT OF STRUCTURE TO BE DEMOLISHED
- SEPTIC LEACH FIELD PER ENVIRONMENTAL ENGINEER
- EXISTING SEPTIC STRUCTURES TO BE DEMOLISHED
- 18' x 10' PARKING SPACE

1 SITE PLAN
SCALE 3/32" = 1'-0"

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

CITY OF MALIBU
GEOTECHNICAL DIVISION
PLANS MUST BE REVIEWED FOR CONCEPTUAL ACCEPTABILITY AND CONFORMANCE WITH CITY OF MALIBU CODES AND ORDINANCES
GEOTECHNICAL
DATE

CITY OF MALIBU
ENVIRONMENTAL VISION COMMITTEE
APPROVED
DATE

TRUE NORTH
PROJECT NORTH

Date JUN 09 2015

RAMIREZ DESIGN, INC.
1112 Montana Ave #1072
SANTA MONICA, CA 90403
T (310) 393-2192
F (310) 393-8984

DATE: 5/25/2015

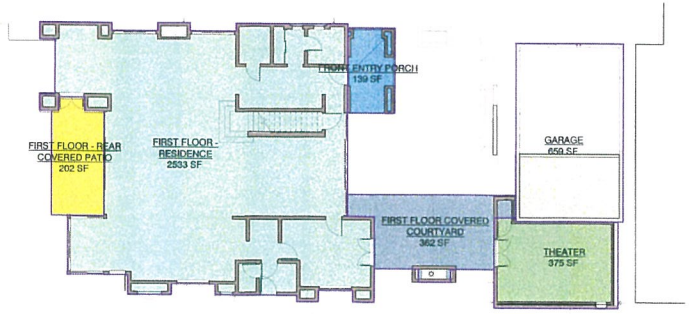
REVISIONS:

No.	Date	Description
	10/2011	CDP Application Set
2	03/28/12	Plan Check Comments
3	05.28.13	CDP Amendment Application Set
4	09.27.14	Planning Green Sheet Set
5	04.08.14	Building Plan Check Set
6	09.09.14	Grading Resubmittal Set
7	04.10.15	Building Resubmittal Set
8	05.26.15	Building Resubmittal Set

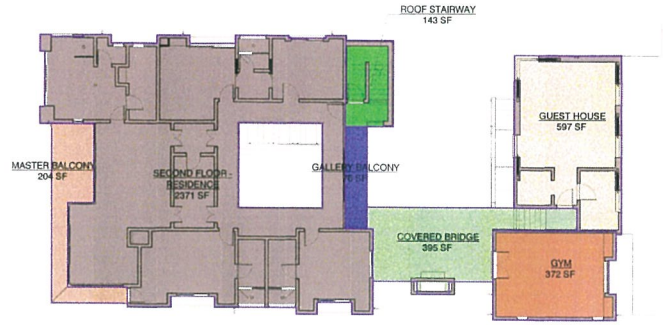
BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

SITE PLAN

SHEET
T2



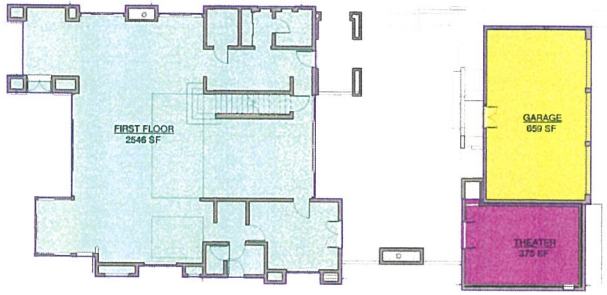
1 TDSF - FIRST FLOOR
SCALE 3/32" = 1'-0"



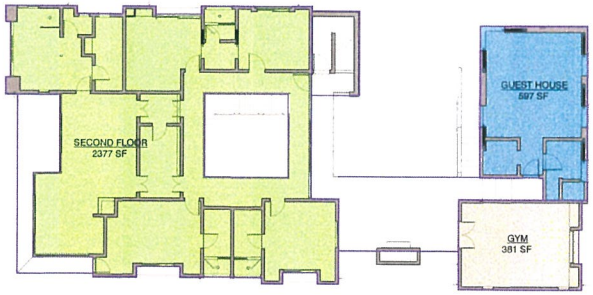
2 TDSF - SECOND FLOOR
SCALE 3/32" = 1'-0"

TOTAL DEVELOPMENT SQUARE FOOTAGE

	LOCATION	AREA
FIRST FLOOR	FIRST FLOOR - RESIDENCE	2533 SF
	GARAGE	659 SF
	THEATER	375 SF
	FIRST FLOOR COVERED COURTYARD	362 SF
	FIRST FLOOR - REAR COVERED PATIO	202 SF
	FRONT ENTRY PORCH	139 SF
SECOND FLOOR	SECOND FLOOR - RESIDENCE	2371 SF
	GUEST HOUSE	597 SF
	COVERED BRIDGE	395 SF
	GYM	372 SF
	MASTER BALCONY	204 SF
	ROOF STAIRWAY	143 SF
	GALLERY BALCONY	76 SF
TOTAL		8427 SF



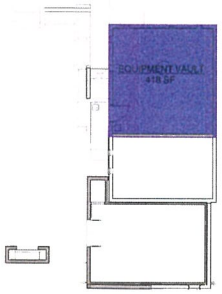
3 FIRST FLOOR BUILDING AREAS
SCALE 3/32" = 1'-0"



4 SECOND FLOOR BUILDING AREAS
SCALE 3/32" = 1'-0"

BUILDING SQUARE FOOTAGE - CONDITIONED

	LOCATION	SQFT
CONDITIONED AREAS	FIRST FLOOR	2546 SF
	SECOND FLOOR	2377 SF
	GUEST HOUSE	597 SF
	GYM	381 SF
	THEATER	375 SF
	TOTAL CONDITIONED AREA	6275 SF
UNCONDITIONED AREAS	GARAGE	659 SF
	EQUIPMENT VAULT	418 SF
	TOTAL UNCONDITIONED AREA	1077 SF
	GRAND TOTAL	7352 SF



5 BASEMENT BUILDING AREA
SCALE 3/32" = 1'-0"

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CRC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of City or county ordinances or California or State Laws.
Reviewed By: JUN 09 2015
Date

RAMIREZ DESIGN, INC.
1112 Montana Ave #827
SANTA MONICA, CA 90403
T (310) 395-2092
F (310) 395-8964
info@ramirezdesign.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	12/20/11	CDP Application Set
2	05/28/12	Plan Check Comments
3	06/28/13	CDP Amendment Application Set
4	06/27/14	Planning Green Sheet Set
5	10/08/14	Building Plan Check Set
6	09/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/28/15	Building Resubmittal Set

C 47846
REG. EXP. 6-30-15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

TDSF AND BUILDING AREA CALCULATIONS

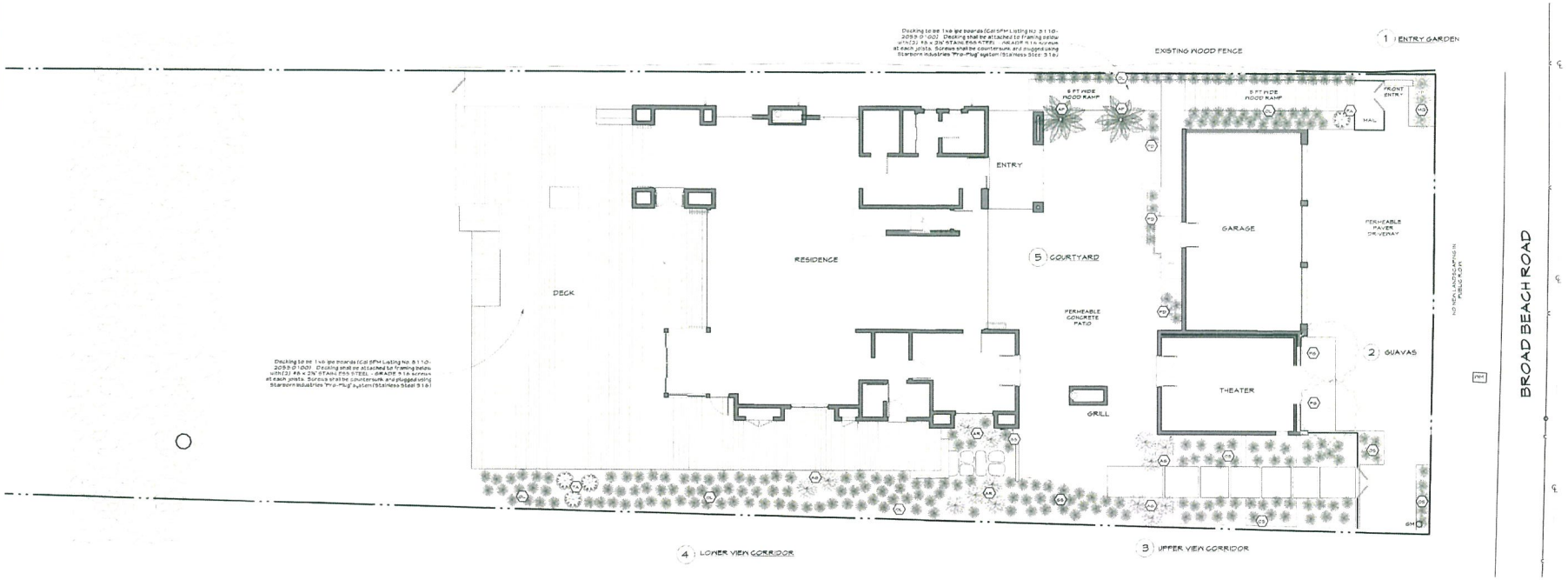
SHEET
T6

HYDROZONE	BOTANICAL NAME	COMMON NAME	SYMBOL	FUEL ZONE	WATER USAGE	HEIGHT	SPREAD	E/D	FACTOR	IRRIGATION	QUANTITY	MAINTENANCE & REMARKS
1 ENTRY	Phormium "Maori Queen" Flax	Maori Queen Flax	MQ	A,B	M	4-6'	3-4'	E	0.5	Drip	3	None
	Aloe plicatilis	Fan Aloe	FA	A,B	L	Varies	Varies	E	0.15	Drip	1	None
	Libertia peregrinans	Orange Libert a	OL	A,B	M	1-2'	1-2'	E	0.5	Drip	50	None
2 GUAVAS	Feijoa sellowiana	Pineapple Guava	PG	A,B	M	18-25'	10-15'	E	0.5	Drip	2	None
	Carex testacea	Orange Sedge	OS	A,B	M	1-2'	1-2'	E	0.5	Drip	10	None
3 UPPER VIEW	Carex elata "Aurea"	Golden Sage	GS	A,B	M	1.5-2.5'	1.5-2.5	E	0.5	Drip	33	None
	Carex testacea	Orange Sedge	OS	A,B	M	1-2'	1-2'	E	0.5	Drip	44	None
	Agave attenuata	Agave	AG	A,B	L	Varies	Varies	E	0.15	Drip	6	None
	Agave striata	Agave Red Margin	AR	A,B	L	Varies	Varies	E	0.55	Drip	6	None
4 LOWER VIEW	Carex testacea	Orange Sedge	OS	A,B	M	1-2'	1-2'	E	0.5	Drip	26	None
	Libertia peregrinans	Orange Libert a	OL	A,B	M	1-2'	1-2'	E	0.5	Drip	58	None
	Aloe arborescens	Torch Aloe	TA	A,B	L	Varies	Varies	E	0.15	Drip	3	None
	Agave attenuata	Agave	AG	A,B	L	Varies	Varies	E	0.15	Drip	2	None
	Bromeliads	Varies	BR	A,B	H	Varies	Varies	E/D	N/A	Drip	N/A	Potted
5 COURTYARD	Dypsis lutescens	Areca Palm	AP	A,B	M	12-30'	8-15'	E	0.5	Drip	3	None
	Carex pansa	Pacific Dune Sedge	PD	A,B	M	0.5-1'	0.75-1'	E	0.5	Drip	24	None
	Bromeliads	Varies	BR	A,B	H	Varies	Varies	E/D	N/A	Drip	N/A	Potted

AERIAL PHOTOGRAPH

LANDSCAPE NOTES

1. The Maximum Applied Water Allowance (MAWA) for this project totals 25,674 gallons per year. The Estimated Applied Water Use (ETWU) totals 19,279 gallons per year, thus meeting the Landscape Water Conservation Ordinance Requirements.
2. Existing Landscape to be entirely removed and replaced.
3. New Landscaping to be added according to all specifications provided on the plan.
4. New Landscaping shall comply accordingly with all regulations listed on the Fuel Modification Plan Guidelines issued by the Los Angeles County Fire Department.
5. The Landscape in Zones "A" and "B" must receive adequate moisture to maintain plant health and live-moisture content.
6. The property owner is responsible for complying with the long-term maintenance agreement of the proposed Fuel Modification Plan.
7. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
8. Invasive plant species, as determined by the City of Malibu, are prohibited.
9. Remove all existing Eucalyptus species and all other existing invasive species.
10. Protect selected existing Metrisideros species.
11. Vegetation with a mature height of six feet or greater shall be situated on the property so as not to significantly obstruct the primary view from the neighboring principal residence at any given time (given consideration of its future growth).
12. The Landscape Plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
13. Construction fencing shall be installed within five (5) feet of the seaward limits of work prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.
14. Night lighting of the beach is prohibited.



LEGEND

- WM — WATER METER
- GM — GAS METER
- FLOW LINE
- PROPERTY LINE
- ROADWAY CENTER LINE
- WATER MAIN
- ROOF OVERHANG ABOVE
- SETBACK LINE

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of City or county ordinances, federal or state laws.
Reviewed by: [illegible]
Date: JUN 09 2015

TRUE NORTH
PROJECT NORTH

2 LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

RAMIREZ DESIGN, INC.
426 PALISADES AVE.
SANTA MONICA, CA 90402
T. (310) 395-2192
F. (310) 395-8894
bob@ramirezstudio.com

DATE10/24/2014

REVISIONS:

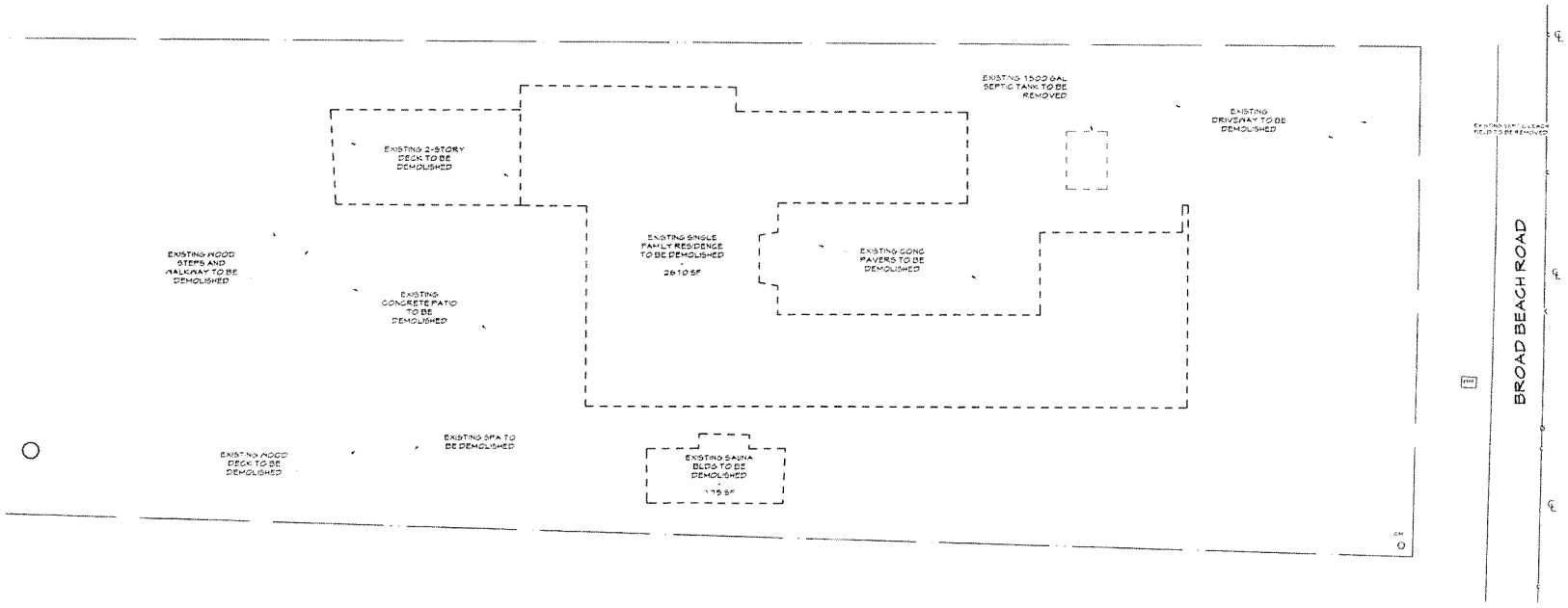
No.	Date	Description
1	10/20/11	CDP Application Set
2	02/20/12	Plan Check Comments
3	08.22.13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set

REGISTERED PROFESSIONAL ENGINEER
BARRY D. KANDARIAN
C 67848
Exp. 12-31-15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

LANDSCAPE PLAN

SHEET
L1



JUN 09 2015

AS-BUILT/DEMO SITE PLAN
SCALE 1/8" = 1'-0"

RAMIREZ DESIGN, INC.
1112 Montana Ave #872
SANTA MONICA, CA 90403
T (310) 393-2192
F (310) 393-6994
E: info@ramirezdesign.com

DATE: 04/27/15

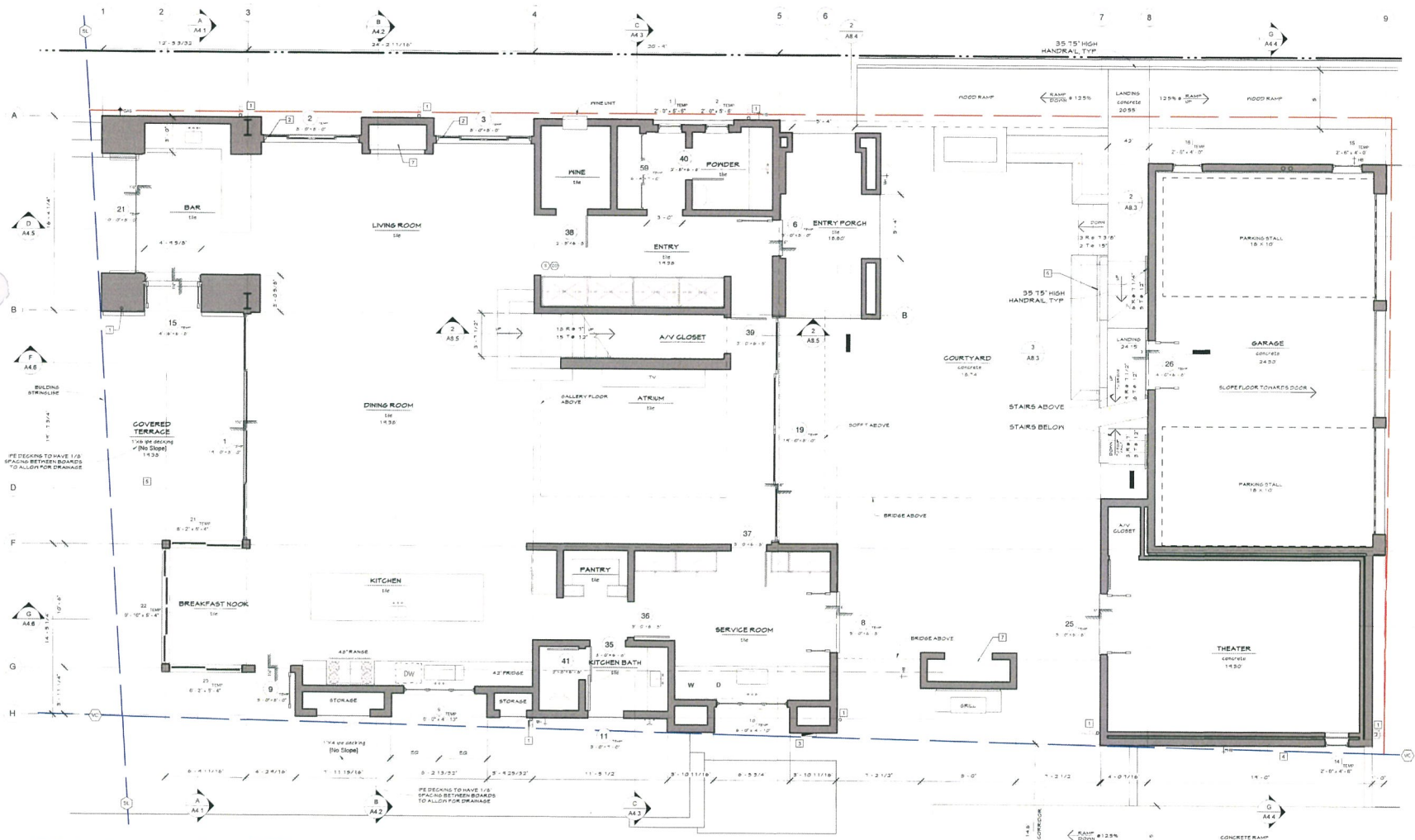
REVISIONS:

No.	Date	Description
1	11/23/11	CDP Application Set
2	02/28/13	Plan Check Comments
3	05/22/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	08/28/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

AS-BUILT/DEMO SITE PLAN

SHEET
A1.1



KEY NOTES

1. Copper downspout in wall. See civil drawings for more info.
2. Full Height Fixed Glass. Tempered.
3. Electrical subpanel.
4. Electric meter. service entrance 400 amps.
5. 1x6 ipe decking.
6. 42" glass guardrail with 36" high wood handrail.
7. TGN554 - Series "D" Modular Direct Vent Fireplace ANSI Z21.50-2014 / CSA 2.22-2014

PLAN NOTES

A. Wall and ceiling finishes shall not have a flame spread index of greater than 200
B. Wall and ceiling finishes shall not have a smoke-developed index of greater than 450
C. Showers and walls above bathtubs with shower heads shall be finished with a nonabsorbent surface to a height not less than 6 feet above the floor
D. Exhaust and intake openings terminating outdoors shall be protected with corrosion-resistant screens, louvers, or grilles with openings of ¼"-½" in any dimension.
E. All exposed soffits shall have Densglass 5/8" exterior gypsum sheathing.
F. All decking surfaces, porches, and balconies shall have Pli-Dek walking deck covering system IGC ESR-2047
G. Decking to be 1x6 ipe boards (Cal SFM Listing No. 8110-2053.0100).
H. Stairs, treads, risers, and landings shall have Pli-Dek walking deck covering system IGC ESR-2047
I. All handrails are similar unless noted otherwise.
J. Showers and walls above bathtubs with shower heads shall be finished with a nonabsorbent surface to a height not less than 6 feet above the floor

LEGEND

- New 2x6 wall
- Smoke detector - Hard-wired and interconnected w/ battery backup and compliant with UL 217 and UL 268.
- Carbon Monoxide detector - Hard-wired and interconnected w/ battery backup and compliant with UL 2034 and UL 2075
- Door tag - "TEMP" denotes tempered - see schedule for addl info
- Window tag - "TEMP" denotes tempered glass - see schedule for addl info
- Floor elevation change. (Finish Floor to Finish Floor --- See sections and details for finish information.)

LINE LEGEND

- PROPERTY LINE
- SETBACK LINE
- VIEW CORRIDOR LINE
- STRINGLINE

1 FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL REVIEW
APPROVED
FEB 23 '16
SIGNED: [illegible]
THIS APPROVAL IS VALID FOR THE PROJECT DESCRIBED ON THE ATTACHED PLANS ONLY. ANY CHANGE TO THE PROJECT DESCRIPTION OR PLANS MUST BE REVIEWED BY THE ENVIRONMENTAL REVIEW BOARD.

Conditional Use Check Approval
Plan Review for compliance
Plans shown hereon are reviewed for the 2013 CBC. Approval of these plans and specifications shall not be construed permit the violation of any provisions of the or other ordinances of the City of Malibu.
Reviewed by: [illegible]
Date: JUN. 09 2015

TRUE NORTH
PROJECT NORTH

RAMIREZ DESIGN, INC.
1112 Montana Ave. #867-2
SANTA MONICA, CA 90403
T. (310) 395-0882
F. (310) 395-2882
info@ramirezdesigninc.com

DATE: 5/25/2015

REVISIONS:

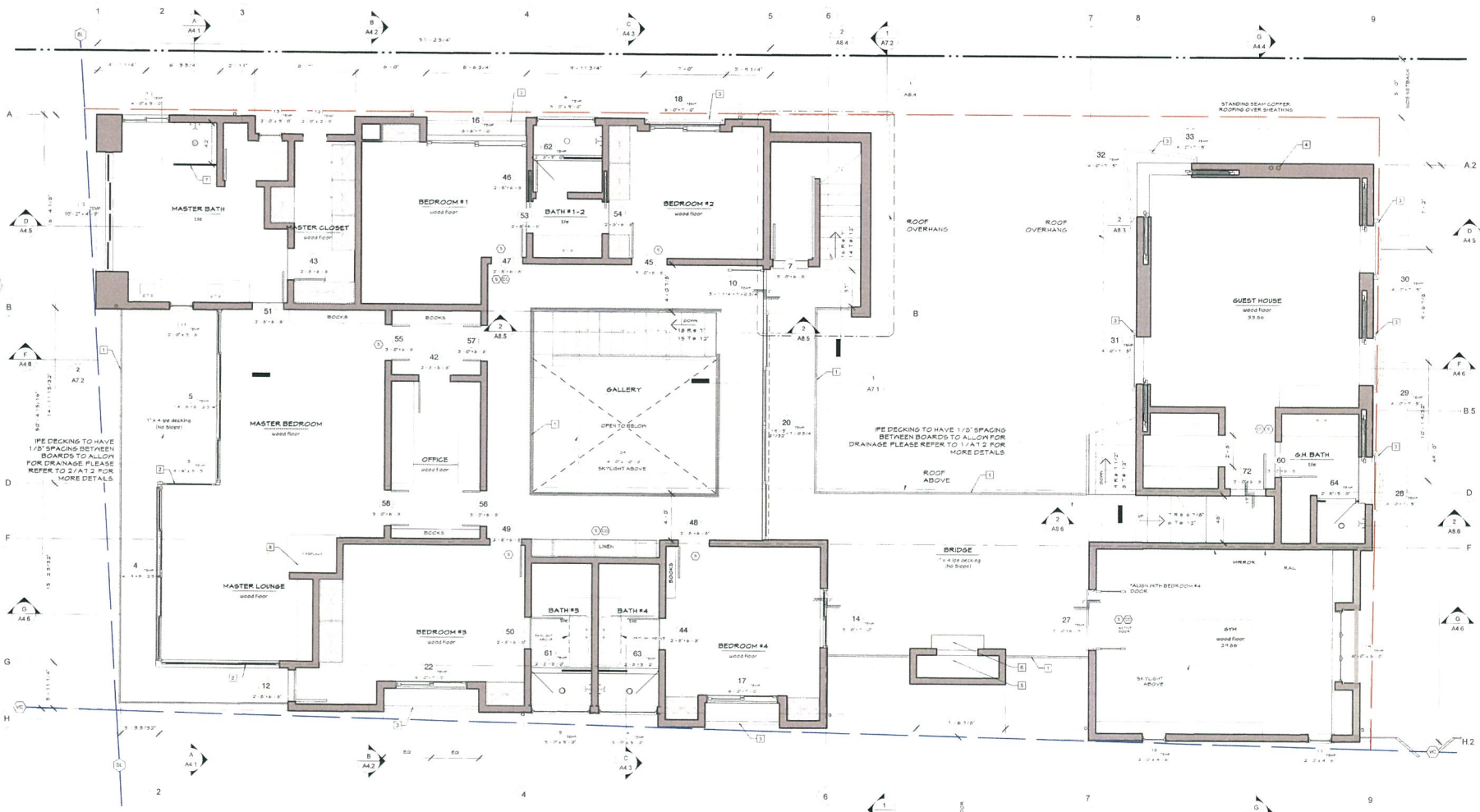
No	Date	Description
1	10/20/11	CDP Application Set
2	08/08/12	Plan Check Comments
3	06/05/13	CDP Amendment Application Set
4	02/07/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	08/08/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/08/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
DAVID A. RAMIREZ
C 67846
REN 6/30/15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

FIRST FLOOR PLAN

SHEET
A2.1



KEY NOTES:

1. Glass guardrail 42" high
2. Full height fixed glass Tempered
3. Steel cable guardrail 42" high
4. Septic vent to roof
5. TCM554 - Series "D" Modular Direct Vent Fireplace ANSI Z21.50-2014 / CSA 2.22-2014
6. Non-combustible hearth
7. Obscured Shower Glass
8. Monessen CRLD-VNSC Direct Vent Gas Interior Fireplace ANSI Z21.88-2014

PLAN NOTES:

A. Wall and ceiling finishes shall not have a flame spread index of greater than 200
B. Wall and ceiling finishes shall not have a smoke-developed index of greater than 450
C. Showers and walls above bathtubs with shower heads shall be finished with a nonabsorbent surface to a height not less than 6 feet above the floor
D. Exhaust and intake openings terminating outdoors shall be protected with corrosion-resistant screens, louvers, or grilles with openings of ¼"-½" in any dimension.
E. All exposed soffits shall have DensGlass 5/8" exterior gypsum sheathing.
F. All decking surfaces, porches, and balconies shall have Fil-Dek walking deck covering system ICC ESR-2047
G. Decking to be 1x6 Ipe boards (Cal SFM Listing No 9110-2053:0100)
H. Stairs, treads, risers, and landings shall have Fil-Dek walking deck covering system ICC ESR-2047
I. All handrails are similar unless noted otherwise
J. Showers and walls above bathtubs with shower heads shall be finished with a nonabsorbent surface to a height not less than 6 feet above the floor

LEGEND

- New 2x6 wall
- Smoke detector - Hard-wired and interconnected w/ battery backup and compliant with UL 217 and UL 268
- Carbon Monoxide detector - Hard-wired and interconnected w/ battery backup and compliant with UL 2034 and UL 2075
- Door tag - "TEMP" denotes tempered - see schedule for addl info
- Window tag - "TEMP" denotes tempered glass - see schedule for addl info.
- Floor elevation change. (Finish Floor to Finish Floor --- See sections and details for finish information.)

LINE LEGEND

- PROPERTY LINE
- SETBACK LINE
- VIEW CORRIDOR LINE
- STRINGLINE

TRUE NORTH
PROJECT NORTH

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

RAMIREZ DESIGN, INC.
1112 Montana Ave. #872
SANTA MONICA, CA 90403
T. (310) 395-2192
F. (310) 395-8084
RamirezDesignInc@aol.com

DATE: 5/25/2015

REVISIONS:

No	Date	Description
1	10.00.11	CDP Application Set
2	02.29.12	Plan Check Comments
3	10.03.13	CDP Amendment Application Set
4	12.07.14	Planning Geen Sheet Set
5	04.08.14	Building Plan Check Set
6	06.03.14	Grading Resubmittal Set
7	04.16.15	Building Resubmittal Set
8	05.28.15	Building Resubmittal Set

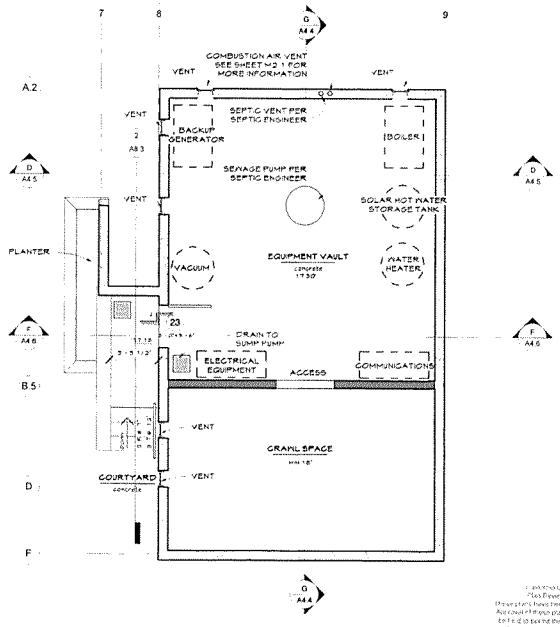
REGISTERED PROFESSIONAL ENGINEER
JOHN D. RAMIREZ
C 047848
EXP 12-31-15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

SECOND FLOOR PLAN

SHEET
A2.2

JUN 09 2015



1 EQUIPMENT VAULT PLAN
SCALE 1/4" = 1'-0"

LA County Code Check Approved
Plan Review Complete
These plans have been reviewed per the 2013 CBC
Approval of these plans and specifications shall not
be held to permit the violation of any provisions of
city or county ordinances or local or state laws.
Reviewed by
Date JUN 09 2015

TRUE
NORTH
PROJECT
NORTH

RAMIREZ
DESIGN, INC.
1112 Montana Ave #872
SANTA MONICA, CA 90403
T (310) 395-2992
F (310) 395-8984
bob@ramirezdesigns.com

DATE: 5/25/2015

REVISIONS:

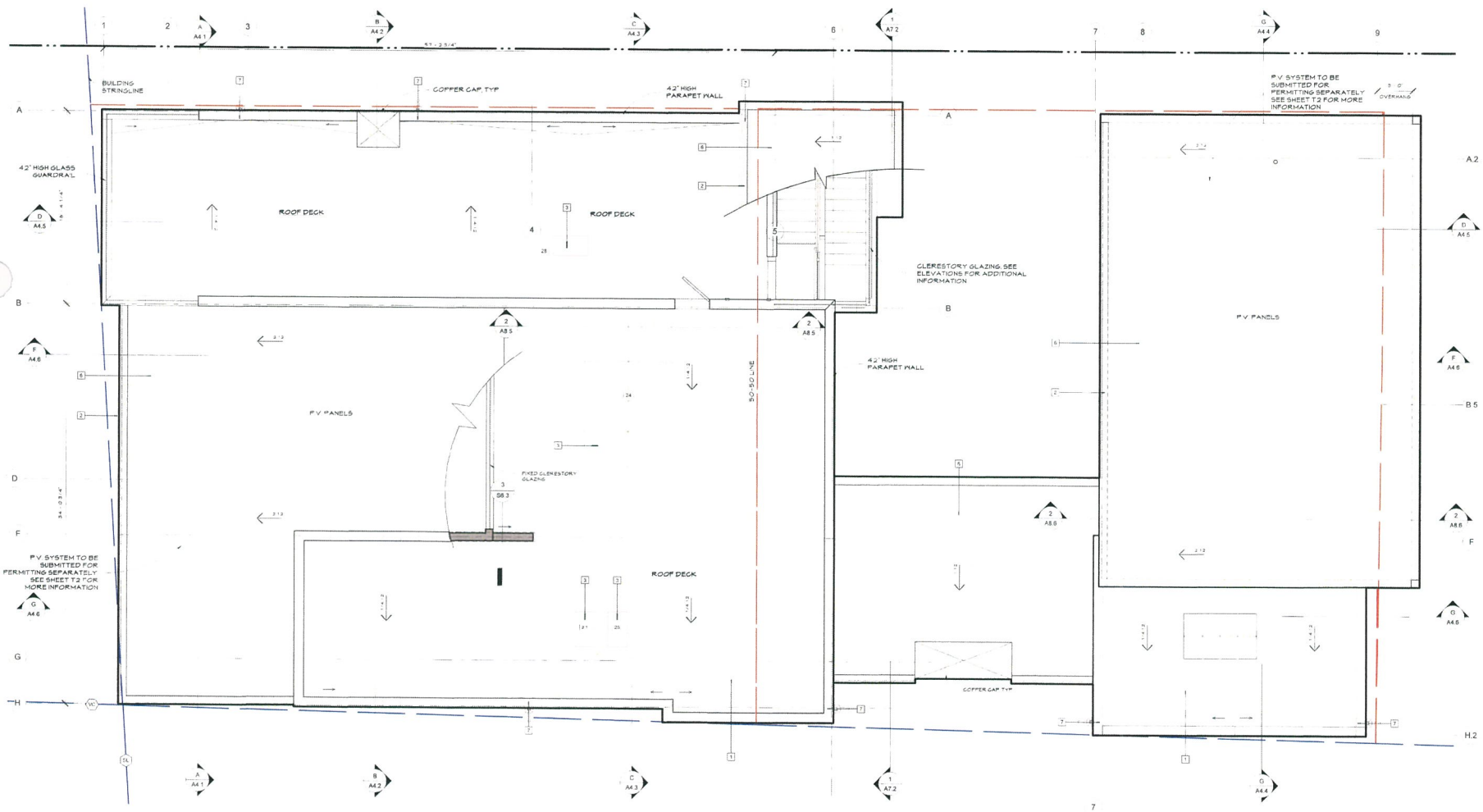
No.	Date	Description
1	12/20/11	CDP Application Set
2	12/28/12	Plan Check Comments
3	05/02/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/28/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
BOB D. RAMIREZ
C 67835
Exp 6-30-15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

EQUIPMENT VAULT PLAN

SHEET
A2.3



KEY NOTES:

1. 60-mil GAF TPO Single Ply Membrane or equivalent as approved by owner. All metal flashing shall be Stainless Steel Grade 316 unless otherwise noted on the plan. All roof coverings shall be Class "A" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R402)
2. Roof gutters shall be provided with a means to prevent the accumulation of leaves and debris in the gutter. (Residential Code R327.5.3.4 and building Code 1089.4.4)
3. Unit skylights and tubular daylighting devices shall be tested by an approved independent laboratory, and bear a label identifying manufacturer, performance grade rating and approved inspection agency to indicate compliance with the requirements of AAMA/NPMA/CSA 101/I.S.2/A440
4. All roof coverings shall be Class A as specified in Building Code 1505.1.1 (Residential Code R327.5.2 & R402)
5. Under-tile waterproofing deck system - IGC-ES Rated, Class A Fire resistive system
6. 16oz. Copper standing seam roofing @ approx. 22" O.C.
7. 6"x8" Scupper

LINE LEGEND

- PROPERTY LINE
- SETBACK LINE
- VC — VIEW CORRIDOR LINE
- SL — STRINGLINE

TRUE NORTH
PROJECT NORTH

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

RAMIREZ DESIGN, INC
1112 Montana Ave. #872
SANTA MONICA, CA 90403
T. (310) 395-2092
F. (310) 395-8984

DATE: 5/25/2015

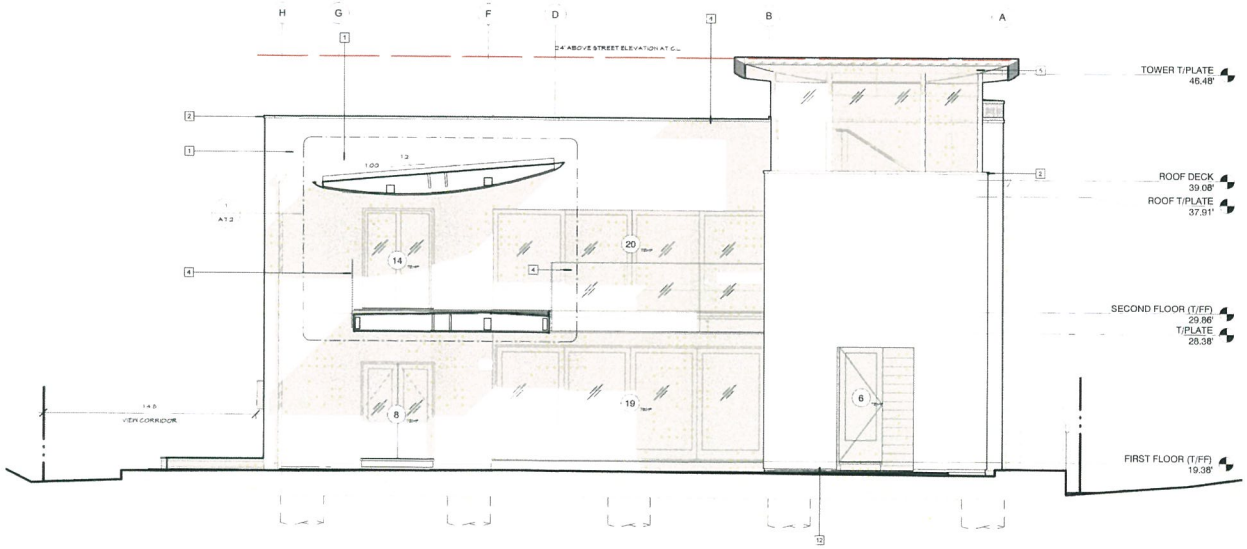
REVISIONS:

No.	Date	Description
1	10.2011	CDP Application Set
2	02.08.12	Plan Check Comments
3	05.02.13	CDP Amendment Application Set
4	02.27.14	Planning Green Sheet Set
5	11.14.14	Building Plan Check Set
6	03.03.14	Grading Resubmittal Set
7	04.15.15	Building Resubmittal Set
8	05.28.15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

ROOF PLAN

SHEET
A2.4



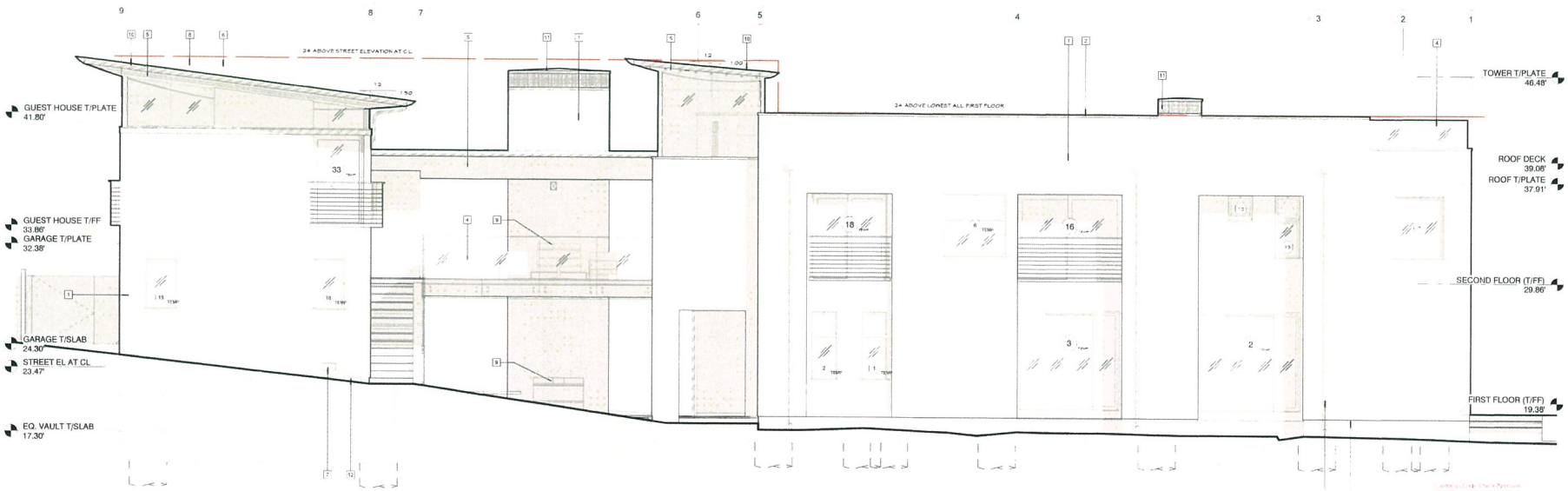
1 FRONT/NORTH ELEVATION
SCALE 1/4" = 1'-0"

NOTES

1. 7/8" Smooth Stucco
2. 2" Limestone wall cap
3. 3" Copper downspout
4. 42" high glass guardrail
5. Stained clear western red cedar soffit
6. Vents per mechanical drawings
7. Grill space vent
8. Solar Photovoltaic panels
9. Outdoor Fireplace (SOVERN Fireplaces ICC report No ESR-2216)
10. 60-mil 6AP TPO Single Ply membrane or equivalent as approved by Owner. All metal flashing shall be Stainless Steel Grade 316 unless otherwise noted on the plan. All roof coverings shall be Class "A" as specified in Building Code 1505.1.1 (Residential Code R327.5.2 (R902))
11. Copper chimney cap
12. Stainless steel 316 weep screed

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.



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

JUN 09 2015

RAMIREZ DESIGN, INC.
1112 Montana Ave. #672
SANTA MONICA, CA 90403
T. (310) 595-2192
F. (310) 595-6994
info@ramirezdesign.com

DATE: 5/25/2015

REVISIONS:

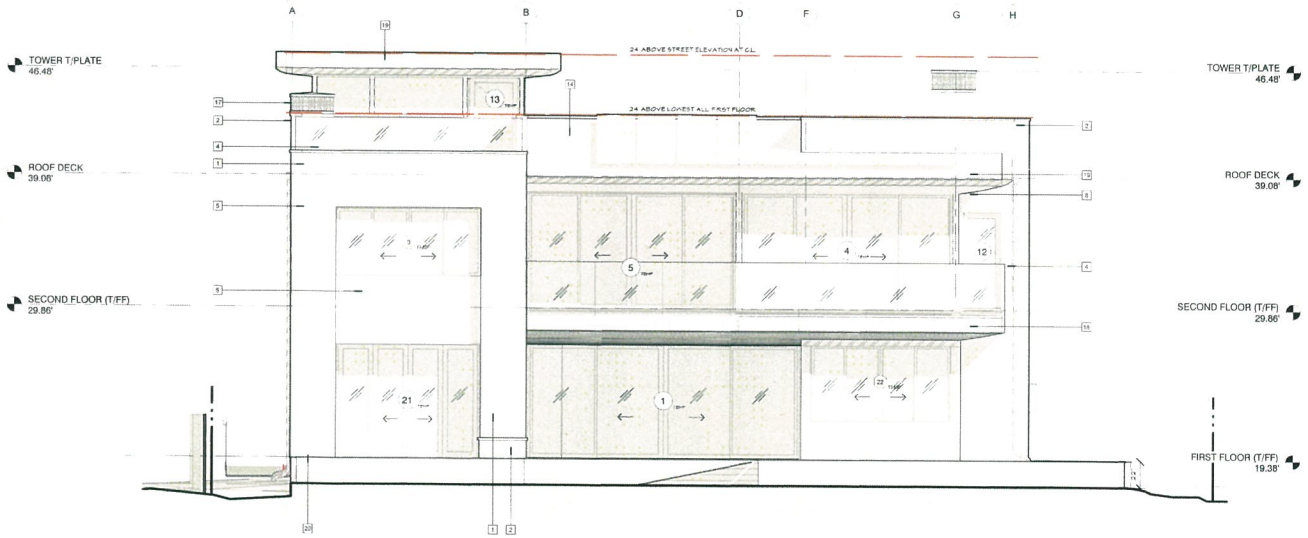
No.	Date	Description
1	10/03/11	CDP Application Set
2	02/29/12	Plan Check Comments
3	06/12/13	CDP Amendment Application Set
4	02/07/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/05/14	Grading Resubmittal Set
7	04/15/15	Building Resubmittal Set
8	02/26/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
EDWARD D. KOPKOWSKI
C 067844
REV 30-06-15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE ELEVATIONS

SHEET
A3.1



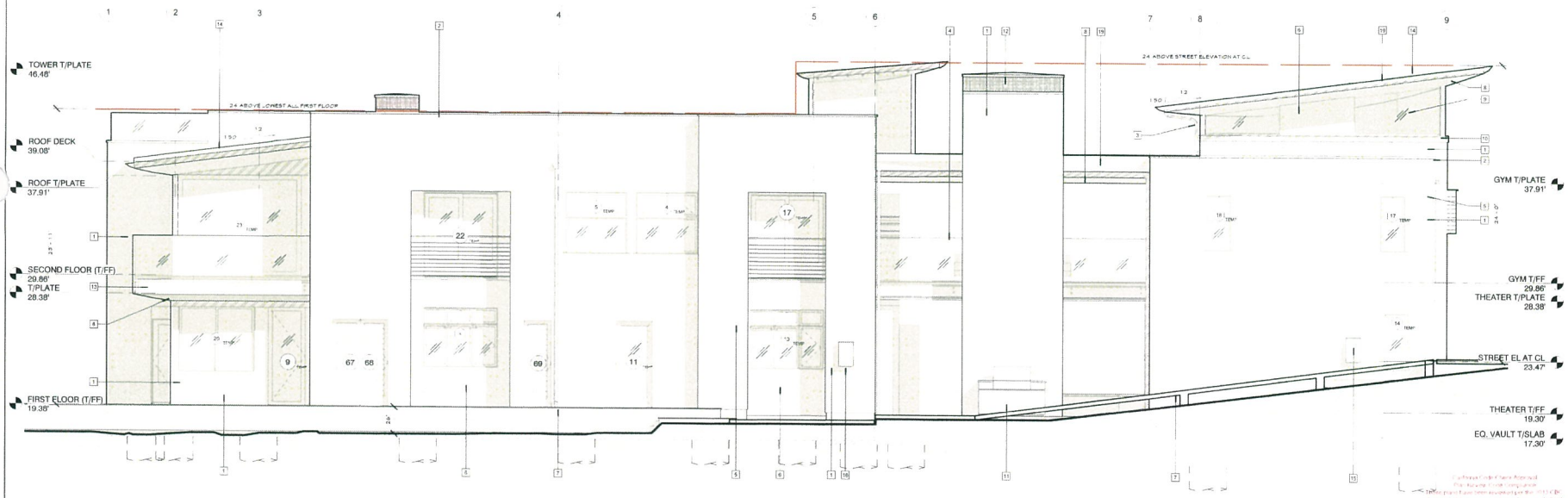
1 REAR/SOUTH ELEVATION
SCALE 1/4" = 1'-0"

NOTES

1. 7/8" Smooth Stucco
2. 2" Limestone wall cap
3. Copper downspout. See civil drawings for more info.
4. 4'-2" high glass guardrail
5. 1/4" Stucco reveal
6. Clear Western Red Cedar wood siding
7. Roof downspout outlet
8. Stained clear western red cedar soffit
9. Fixed clerestory glass
10. Copper frieze
11. Built-in outdoor grill
12. Copper chimney cap
13. Painted metal fascia
14. Solar Photovoltaic panels
15. Electric Meter - Service Entrance
16. Electric Subpanel
17. Copper chimney cap
18. Painted metal fascia
19. 24 gauge Copper Standing Seam Metal Roofing
20. Stainless steel 316 wire screen

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.



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

RAMIREZ DESIGN, INC.
1112 Montana Ave. #872
SANTA MONICA, CA 90405
T. (310) 395-2192
F. (310) 395-8984
ron@ramirezdesign.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	10/25/11	CDP Application Set
2	08/30/13	Plan Check Comments
3	05/30/13	CDP Amendment Application Set
4	08/27/14	Planning Green Sheet Set
5	10/08/14	Building Plan Check Set
6	09/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/26/15	Building Resubmittal Set

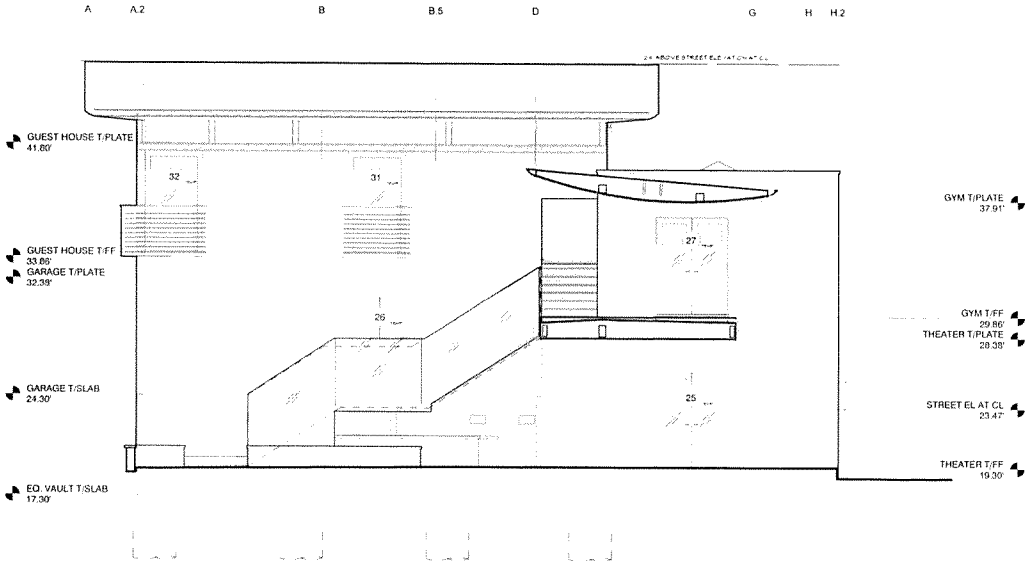
REGISTERED PROFESSIONAL ENGINEER
RONALD RAMIREZ
C67845
Exp. 12/31/15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

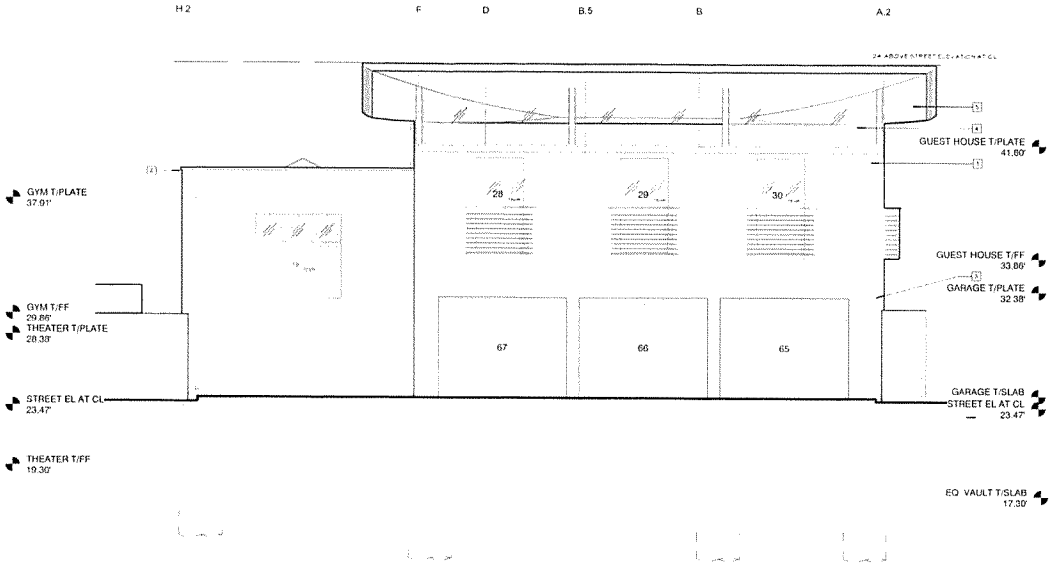
HOUSE ELEVATIONS

SHEET
A3.2

Conditional Under Plan Approval
This Approval Could Change and
Approval Does Not Imply Approval for the Intended Use
Reviewed for Conformance with Local Coastal Program
JUN 09 2015
Date



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



3 GARAGE NORTH/FRONT ELEVATION
SCALE 1/4" = 1'-0"

NOTES

1. 7/8" Smooth Stucco
2. 2" Limestone wall cap
3. 1/4" Stucco reveal
4. Metal gutter
5. Stained cedar weathering cedar soffit

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

JUN 09 2015

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F. (310) 595-0984
R.Ramirez@ramirezdesigninc.com

DATE: 5/25/2015

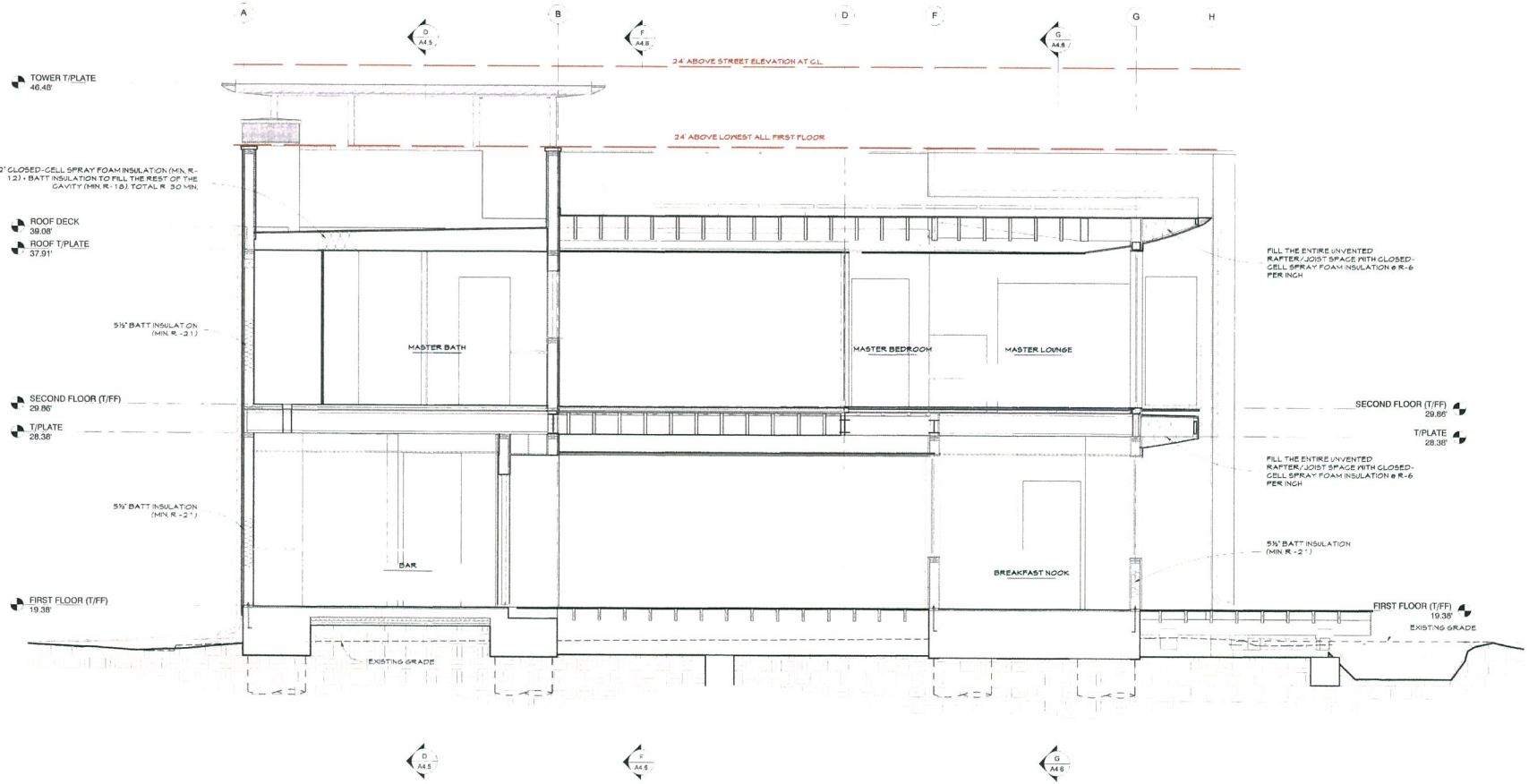
REVISIONS:

No.	Date	Description
1	12/2/13	CDP Application Set
2	12/18/13	Plan Check Comments
3	1/13/14	CDP Amendment Application Set
4	12/27/14	Planning Street Sheet Set
5	4/18/14	Building Plan Check Set
6	10/13/14	Grading Resubmittal Set
7	1/14/15	Building Resubmittal Set
8	1/23/15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

GARAGE ELEVATIONS

SHEET
A3.3



A Section A
SCALE 3/8" = 1'-0"

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed for the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by: _____
Date: JUN 09 2015

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DATE: 5/25/2015

REVISIONS:

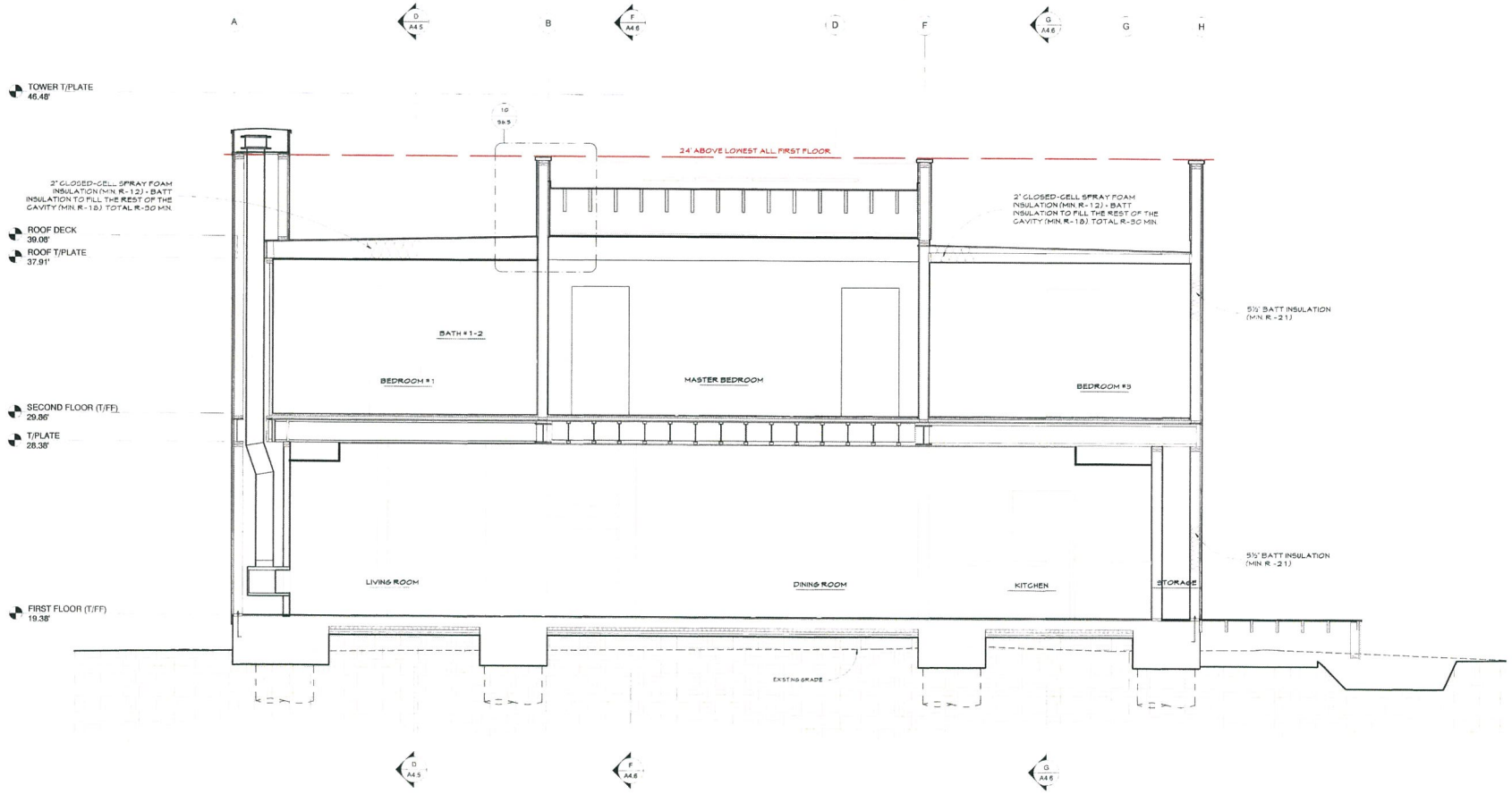
No.	Date	Description
1	12/09/11	CDP Application Set
2	02/09/12	Plan Check Comments
3	05/30/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/15/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/26/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
DAVID D. KRAUSE
C 67045
REP 6/30/15
CIVIL
STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE BUILDING SECTION

SHEET
A4.1



B Section B
SCALE: 3/8" = 1'-0"

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC
Approval of these plans and specifications does not permit the violation of any provisions of any county ordinance or state of or state laws.
Reviewed by: JH
Date: JUN 09 2015

RAMIREZ DESIGN, INC.
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DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	10/03/11	CDP Application Set
2	03/09/12	Plan Check Comments
3	05/23/13	CDP Amendment Application Set
4	03/07/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/28/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
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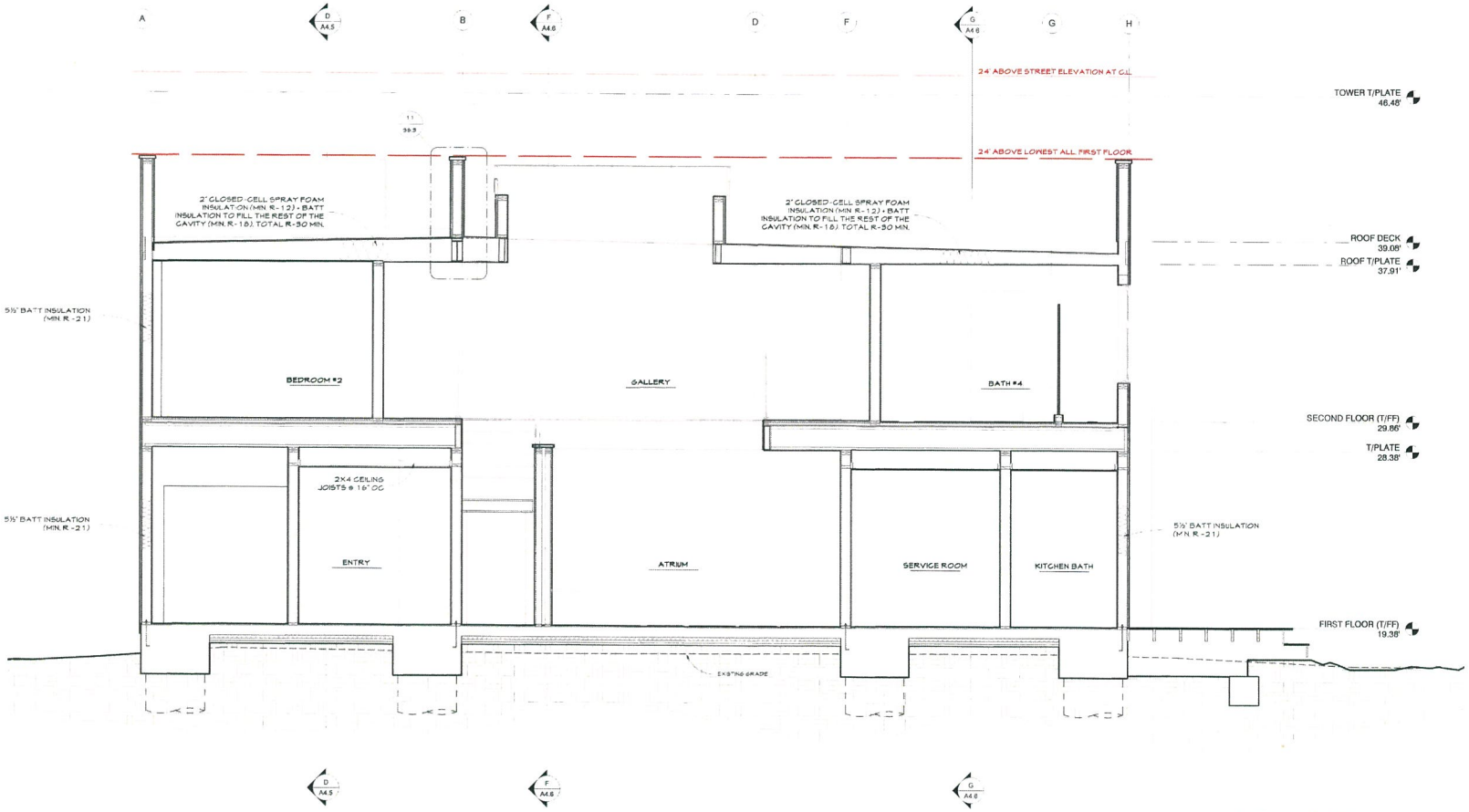
BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE BUILDING SECTION

SHEET
A4.2



C Section C
SCALE: 3/8" = 1'-0"

BENCHMARK NOTE

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California Code Check Approval
Plan Review Code Compliance
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Reviewed by
Date JUN 09 2015

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DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	12/20/11	CDP Application Set
2	02/28/12	Plan Check Comments
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6	08/08/14	Grading Resubmittal Set
7	04/10/15	Building Resubmittal Set
8	05/28/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
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STATE OF CALIFORNIA

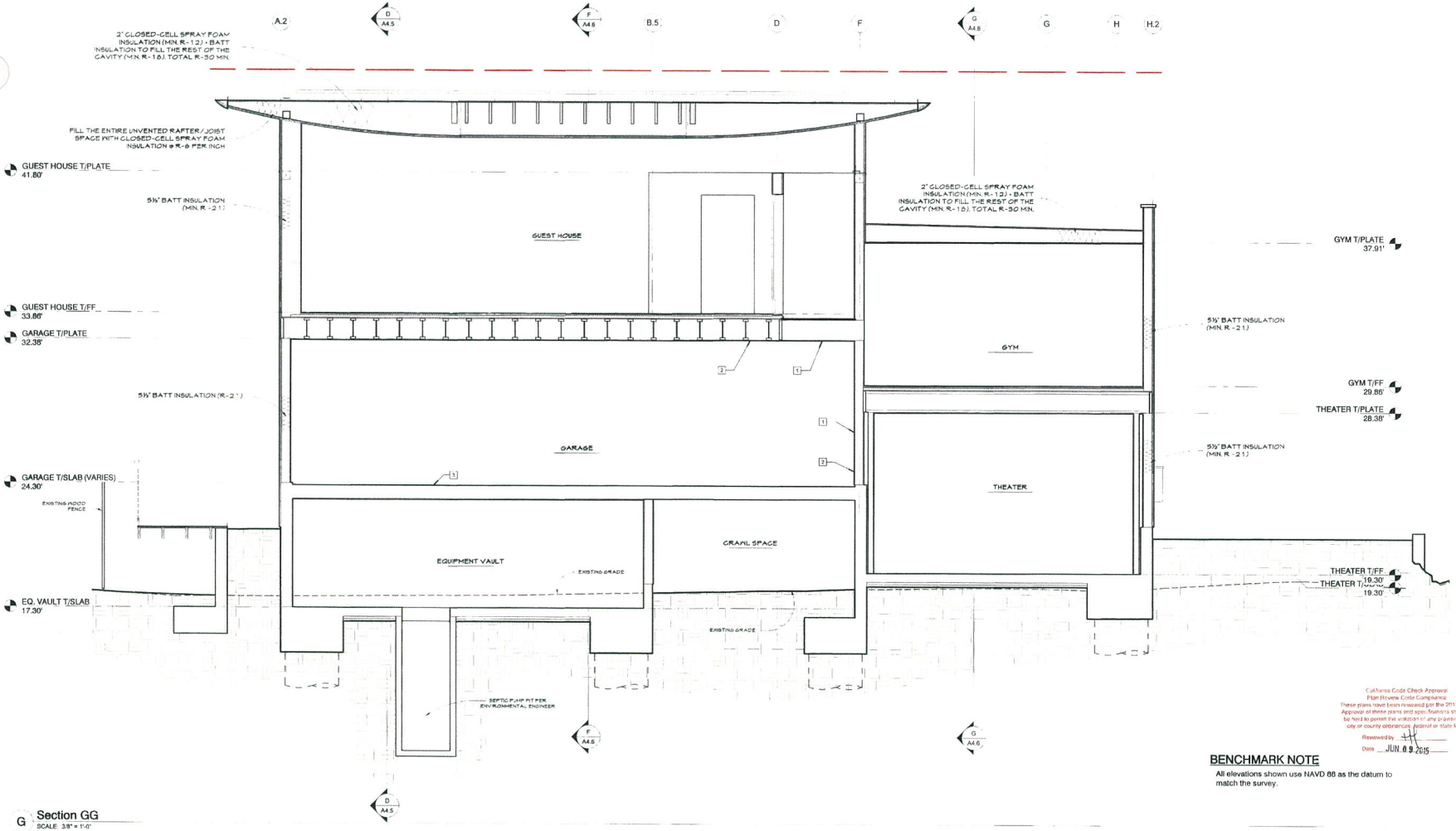
BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE BUILDING SECTION

SHEET
A4.3

NOTES

1. Provide 5/8" Type X Gypboard.
2. Fireblocking shall be provided at penetrations between the garage and the rest of structure and shall comply with CRC Sec. R302.11 Item 4.
3. Slope Garage floor 1/8"/ft towards garage door.



G Section GG
SCALE: 3/8" = 1'-0"

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CRC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by ____
Date JUN 09 2015

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

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bob@ramirezstudio.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	12/20/11	CDP Application Set
2	02/29/12	Plan Check Comments
3	05/23/13	CDP Amendment Application Set
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8	05/28/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
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C 67044
Exp. 12/31/15
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STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
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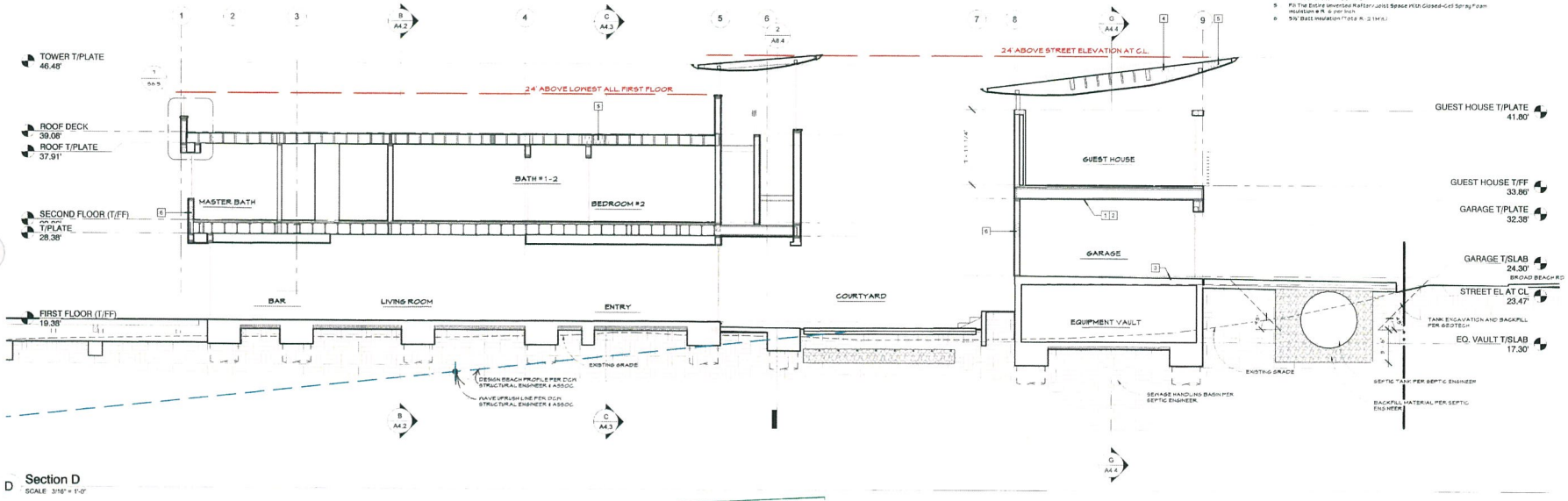
MALIBU, CA 90272

ACCESSORY BUILDING SECTION

SHEET
A4.4



D Section D
SCALE 3/16" = 1'-0"

NOTES

1. Provide 5/8" Type X Gypsum.
2. Fireblocking shall be provided at penetrations between the garage and the rest of structure and shall comply with CRC Sec. R302.11 Item 4
3. Slope garage floor 1/8" ft towards garage door
4. 2" Closed-Cell Spray Foam Insulation With the rest of the cavity filled with Batt Insulation (Total R-30 Min.)
5. Fill The Entire Inverted Rafter/Joist Space With Closed-Cell Spray Foam Insulation @ R 6 per inch
6. 5½" Batt Insulation (Total R-21 Min.)

CITY OF MALIBU
BUILDING & SAFETY
PLANS EXAMINED AND REVIEWED
DETAILS OF CONSTRUCTION NOTED AND ARE FOUND TO BE IN CONFORMANCE WITH CITY OF MALIBU CODES AND ORDINANCES
FEES PAID IN FULL

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CRC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by: M
Date: JUN 09 2015

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info@ramirezdesign.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	12/12/11	CDP Application Set
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3	06/22/13	CDP Amendment Application Set
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8	05/08/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
RICHARD D. RAMIREZ
C 67044
EXP. NOV 15
CIVIL
STATE OF CALIFORNIA

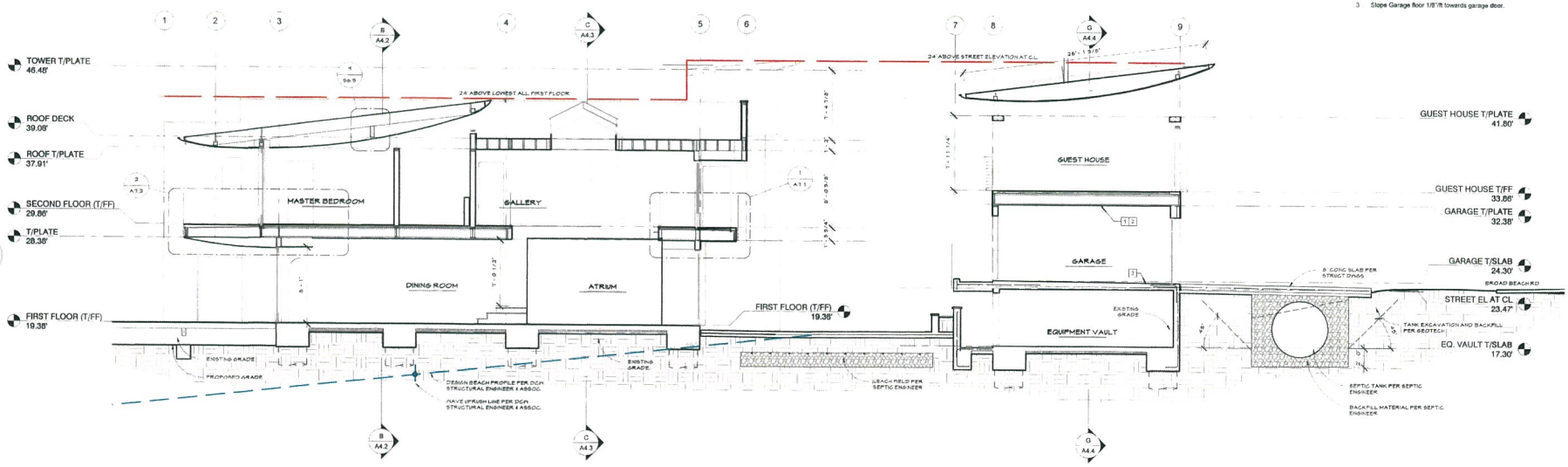
BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE & GARAGE BUILDING SECTION

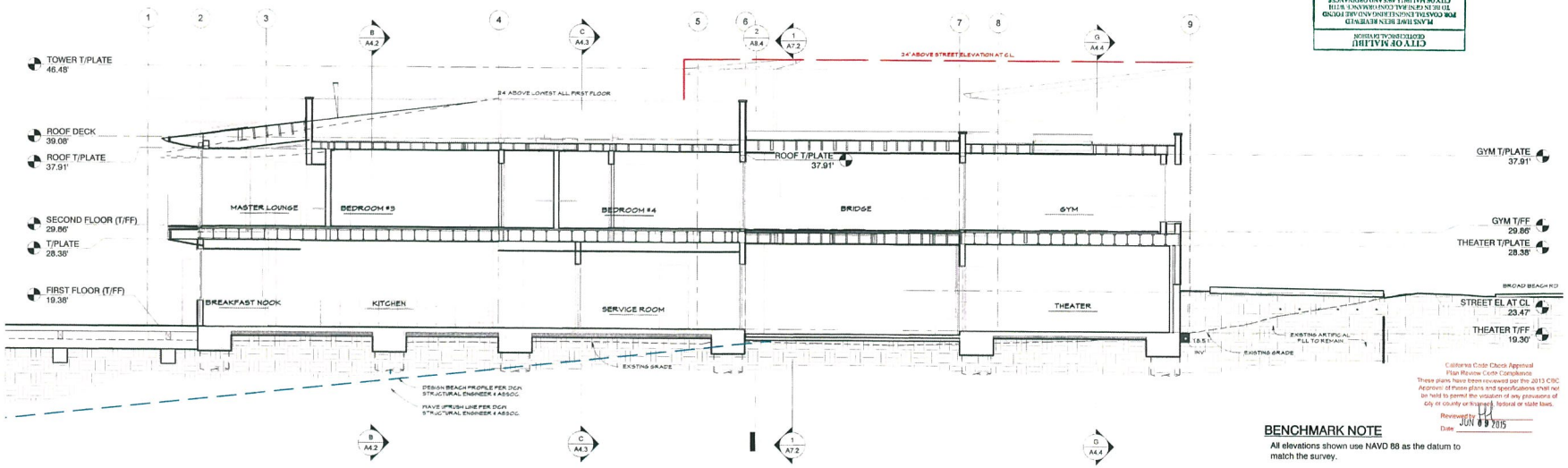
SHEET
A4.5

NOTES

1. Provide 5/8" Type X Gypboard.
2. Fireblocking shall be provided at penetrations between the garage and the rest of structure and shall comply with CRC Sec. R302.8 Item 4.
3. Slope Garage floor 1/8"/ft towards garage door.



F Section F
SCALE 3/16" = 1'-0"



G Section G
SCALE 3/16" = 1'-0"

CITY OF MALIBU
GEOTECHNICAL DIVISION
PLANS HAVE BEEN REVIEWED FOR COASTAL ESCUTCHEON AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH CITY OF MALIBU LAWS AND ORDINANCES
REVIEWED BY: DATE:
PLAN REVIEW

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC
Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county or local, federal or state laws.
Reviewed by
Date JUN 09 2015

RAMIREZ DESIGN, INC.
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bob@ramirezstudio.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	1/30/11	CDP Application Set
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8	05/08/15	Building Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER
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EXP 6/30/15
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STATE OF CALIFORNIA

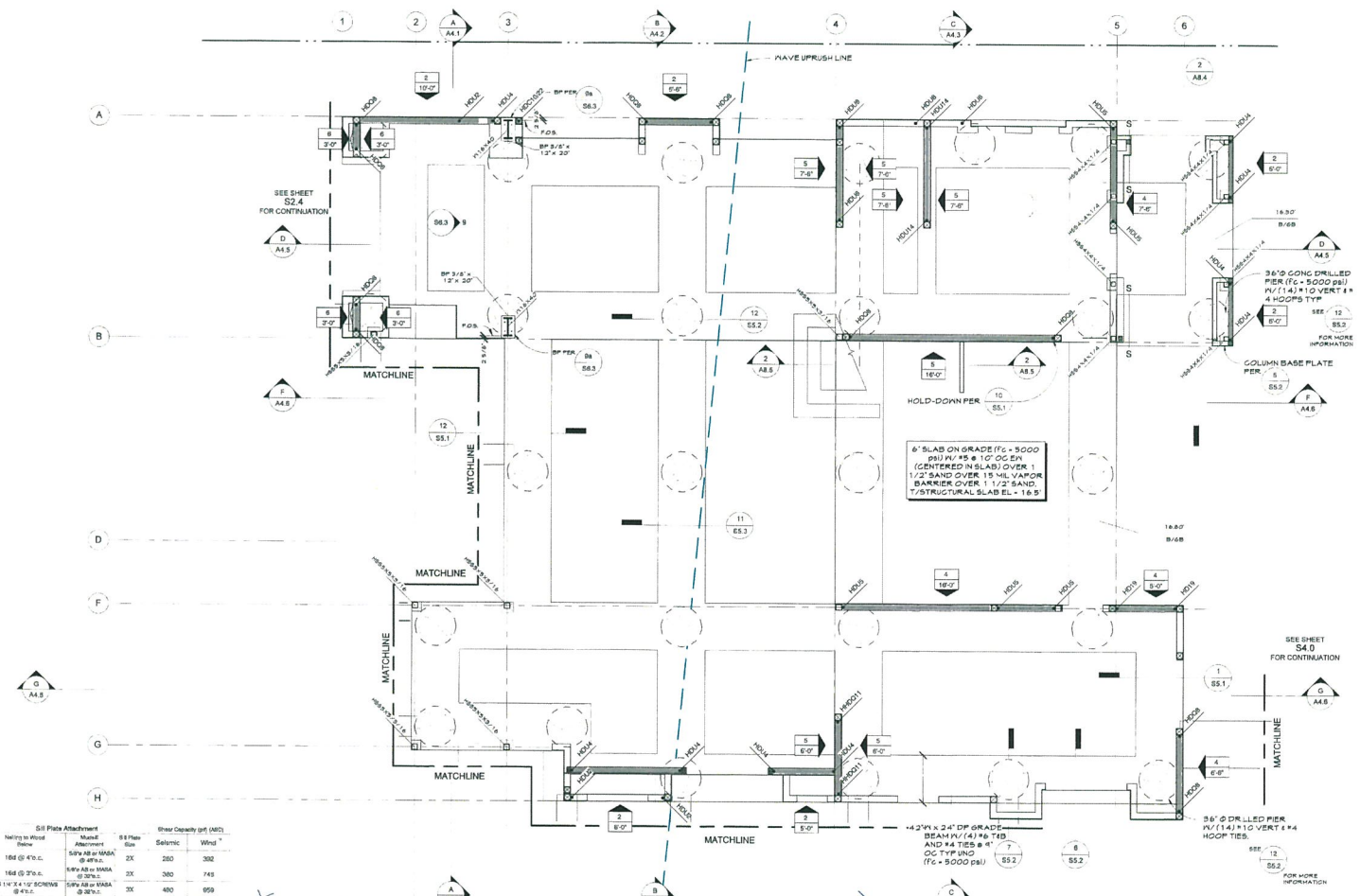
BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

HOUSE & GARAGE BUILDING SECTION

SHEET
A4.6

FOUNDATION NOTES

1. Verify all dimensions and elevations with the architectural drawings.
2. Contractor shall locate and verify with others prior to pouring concrete: all door openings in exterior foundation walls; drains and slopes; blockouts for all ducts, chases and pipes, reference mechanical, plumbing, electrical and sprinkler drawings. For stair details and guardrails, reference architectural drawings. For concrete curbs and locations, reference architectural drawings.
3. Top of slab (T/SLAB) elevation assumed 0'-0". for actual T/SLAB elevation refer to civil and architectural drawings. provide 15 mil vapor barrier below slab at interior spaces. Provide free-draining granular fill per the geotech report.
4. All footings and slabs to bear on competent native soil, structural fill and/or bedrock as specified in the geotech report as noted in the structural general notes. For subgrade preparation, structural fill, footing drains, and other requirements, reference the geotech report as noted in the structural general notes.
5. All foundation excavations must be observed and approved by the Project Geotechnical Consultant in writing prior to the placement of reinforcing steel.
6. All wood exposed to concrete, weather, or within 8" of finished grade shall be pressure-treated.
7. For post size and cap requirements, reference the Second Floor framing plan.
8. Moisture proof all concrete stem and basement walls per architectural drawings.
9. Anchor bolts to be 5/8"Ø x 9" minimum embedment @ 48"oc UNO on shear wall schedule. All anchor bolts and nuts in pressure treated mud sills shall be hot dipped galvanized or stainless steel. Each anchor bolt shall be provide with a 1/4" x 3" x 3" plate washer minimum.
10. Existing footings adjacent to new construction may require retrofitting and/or underpinning pending investigation and approval of project structural engineer.
11. All foundation anchor bolts, holddown hardware, and any other inserts shall be securely fastened to foundation forms prior to foundation inspection and casting of concrete.
12. Hold-down connectors shall be re-tightened just prior to enclosure.
13. Excavations shall be made in compliance with CAL/OSHA regulations.
14. Continuous inspection by a deputy inspector is required for all concrete designed with f'c greater than 2500 psi. Refer to Structural General Notes for specific inspection requirements.
15. All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.
16. Prior to the contractor requesting a Building Department foundation inspection, the soils engineer shall advise the building official in writing that: (1)The building pad was prepared in accordance with the soils report, (2) The utility trenches have been properly backfilled and compacted, (3) the foundation excavations comply with the intent of the soils report.
17. Reference typical details as follows:
    - 1 / S5.1 TYPICAL EXTERIOR FOUNDATION AND SLAB-ON-GRADE
    - 3 / S5.1 CONCRETE REINF - BARS AND BENDS
    - 4 / S5.1 CONCRETE REINF LAP SPLICES (EPOXY COATED)
    - 5 / S5.1 CONC FOUNDATION WALL/INTERSECTIONS
    - 6 / S5.1 CONC WALL OPENING DETAIL
    - 7 / S5.1 SLAB CONTROL JOINTS
    - 8 / S5.1 STEPPED FOOTING
    - 9 / S5.1 CONC STAIR ON GRADE
    - 10 / S5.1 HOLD-DOWN BOLT SCHEDULE
    - 5 / S5.2 TYPICAL BASEPLATE TO FOUNDATION - HSS COLUMN
    - 12 / S5.2 TYPICAL DRILLED PIER ELEVATION
    - 7 / S5.3 TYPICAL SILL PLATE ANCHORAGE TO CONCRETE
    - 11 / S5.3 TYPICAL INTERIOR GRADE BEAM
    - 12 / S5.3 TYPICAL ANCHOR BOLT SCHEDULE



SHEAR WALL SCHEDULE

WALL TYPE	Wall Sheathing APA-Rated	Panel Edge Nail Size & Spacing	Blocking & Stud Size @ Adjoining Panel Edges	Rim Joist or Blocking Conn. to Top Plate Below	Sill Plate Attachment: Nailing to Wood Below	Sill Plate Attachment: Mudsill Attachment	Sill Plate Size	Shear Capacity (plf) (ABD): Seismic	Shear Capacity (plf) (ABD): Wind
1	15/32" CD-EXT	8d @ 6"o.c.	2X	A35 or LTP5 @ 16"o.c.	16d @ 3"o.c.	5/8"x A8 or MABA @ 48"o.c.	2X	260	392
2	15/32" CD-EXT	8d @ 4"o.c.	2X	A35 or LTP5 @ 12"o.c.	16d @ 3"o.c.	5/8"x A8 or MABA @ 36"o.c.	2X	380	745
3	15/32" CD-EXT	8d @ 3"o.c. STAGGERED	3X	A35 or LTP5 @ 10"o.c.	SDS 1/4" X 4 1/2" SCREWS @ 4"o.c.	5/8"x A8 or MABA @ 36"o.c.	3X	480	959
4	15/32" CD-EXT	8d @ 2"o.c. STAGGERED	3X	A35 or LTP5 @ 16"o.c. EACH SIDE	SDS 1/4" X 4 1/2" SCREWS @ 3"o.c.	5/8"x A8 or MABA @ 24"o.c.	3X	640	1253
5	15/32" CD-EXT BOTH SIDES	8d @ 4"o.c. STAGGERED	3X	A35 or LTP5 @ 12"o.c. EACH SIDE	SDS 1/4" X 4 1/2" SCREWS @ 3"o.c.	5/8"x A8 or MABA @ 24"o.c.	3X	760	1491
6	15/32" CD-EXT BOTH SIDES	8d @ 3"o.c. STAGGERED	3X	A35 or LTP5 @ 10"o.c. EACH SIDE	SDS 1/4" X 4 1/2" SCREWS @ 2"o.c.	5/8"x A8 or MABA @ 18"o.c.	3X	960	1918
7	15/32" CD-EXT BOTH SIDES	8d @ 2"o.c. STAGGERED	3X	A35 or LTP5 @ 8"o.c. EACH SIDE	SDS 1/4" X 4 1/2" SCREWS @ 2"o.c.	5/8"x A8 or MABA @ 12"o.c.	3X	1280	2608

NOTES:

1. Install panels either horizontally or vertically.
2. Where sheathing is applied on both sides of wall, panel edge joints on 2x framing shall be staggered so that joints on the opposite sides are not located on the same stud.
3. Blocking is required at all panel edges.
4. Provide shear wall sheathing and nailing for the entire length of the walls indicated on the plans. Ends of full height walls are designated by windows, or doorways or as designated on plans. For hold-down requirements, reference plans.
5. Sheathing edge nailing is required at all hold-down posts and bundled studs. Edge nailing may also be required to each stud used in built-up hold-down posts. For additional information reference the hold-down details.
6. Intermediate framing to be with 2x minimum members. Attach sheathing to intermediate framing with 8d nails at 12"oc where studs are spaced at 16"oc.
7. Where bottom plate attachment specifies (8) rows of nails, provide double plate rim joist or equal below, stagger nails in rows 2" apart minimum.
8. Pressure treated material can cause excessive corrosion in the fasteners. Provide hot-dipped galvanized (electric plating is not acceptable) nails and connector plates (framing angles, etc.) for all connectors in contact with pressure treated framing members.
9. At adjoining panel edges, (2) 2x studs nailed together may be used in place of a single 3x stud. Double 2x studs may be connected together by nailing the studs together with 3" long nails of the same spacing and diameter as the plate nailing.
10. Provide additional row of blocking where (8) rows of nailing are required for sole plate nailing.
11. Mechanical attachment of rim joist to top plate below as specified above may be substituted with extension of sheathing from wall below to centerline of rim joist and nailing with boundary nailing spacing.
12. Anchor bolts to be embedded in concrete 9" minimum. Provide 3 x3 x ¼" thick plate washers on each bolt. Contractor's option to provide Simpson "MABA" Connectors with ZMAX Corrosion Protection (ABR# 2586); ICC-ES# # 2586 at same spacing per schedule (PERIODIC SPECIAL INSPECTION REQUIRED)
13. Wind Shear wall capacities shown include an Allowable Stress Increase of 40% per CBC 2308.3.

LEGEND

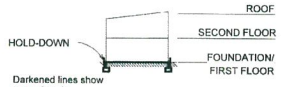
- 4x6 Post, UNO
- 6x6 Post, UNO
- Hold-down - Connect with 4x6 minimum. See details for connection information.
- Stepped Footing per 8 / S5.1
- Concrete wall

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

JUL 13 2015

The following stamped sheets of the plans have been reviewed by GeoConcepts, Inc. from a geology and geotechnical engineering standpoint and appear to be in general conformance with the report(s) prepared by GeoConcepts, Inc.
The reports should be considered a part of the plans; therefore, more restrictive recommendations within the report(s), or if there are conflicts between the reports and plans, the more restrictive shall govern and should be followed. This review is not to be construed as an authentication of any conclusions, calculations, or elevations shown of the plans.

CITY OF MALIBU
GEOTECHNICAL DIVISION
PLANS HAVE BEEN REVIEWED FOR COASTAL ENGINEERING AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH CITY OF MALIBU LAWS AND ORDINANCES
7/2/15
FEES PAID IN FULL



Darkened lines show area of work.

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by
Date JUN 09 2015

TRUE NORTH
PROJECT NORTH

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bob@ramirezstudio.com

DATE: 6/09/2015

REVISIONS:

No.	Date	Description
1	12/20/11	CDP Application Set
2	02/28/12	Plan Check Comments
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BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

FOUNDATION PLAN

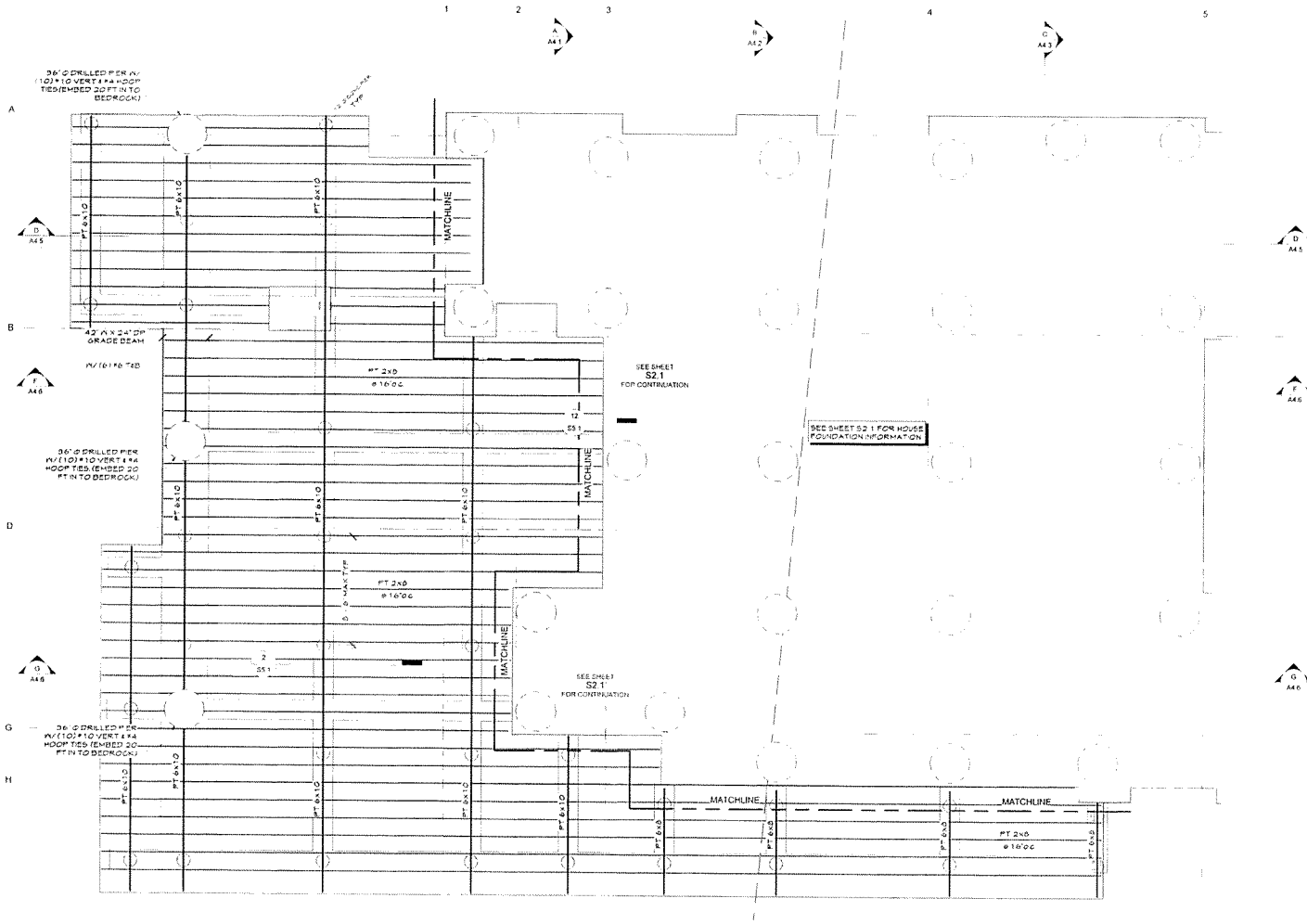
SHEET
S2.1

DECK FRAMING NOTES

1. Verify all dimensions and elevations with architectural drawings.
2. All wood exposed to concrete, weather or within 8" of finished grade shall be EXTERIOR GRADE FIRE RETARDANT LUMBER. Provide a STAINLESS STEEL - GRADE 316 anchor screw on elevation flashing at all decks below the foundation plate line a minimum of 4" above grade or 3" above roofing areas.
3. All 2x, double 2x and 4x hangers to be face mount type U/S, HU, S-Joist Hangers and Hip/Jack hangers are as specified & approved. Tie hangers to be face mount Simpson U/S type, HU.
4. Provide STAINLESS STEEL - GRADE 316 for all metal connectors in contact with pressure treated framing members and decking including screws & bolts.
5. Headers shown but not specified, to be 4x10 minimum headers unless shall be supported by 1x10 minimum and 1 king stud minimum UNO. Headers shall be continuous to the foundation.
6. Common nail length and gauge shall be per Table 2304.9.1 of the 2013 CBC.
7. All fasteners exposed to weather in deck across framing such as screws, joist hangers and clips shall be STAINLESS STEEL - GRADE 316.
8. Reference typical details as required.

DECKING

Decking to be Trex pro series (CAS-ESR Listing no. 61-10-2053.01-02). Decking shall be attached to framing below with (2) #8 x 2½" STAINLESS STEEL - GRADE 316 screws at each joists. Provide stainless countersunk and plug along Simpson Industrial Pro-Plug System Stainless Steel. Refer to www.simpsonadvantex.com for plug product.



GRADE BEAM LEGEND

- (A) 42" W X 24" DP W/ (6) #6 T&B & #4 TIES @ 4" OC
- (B) 18" W X 24" DP W/ (5) #6 T&B & #4 TIES @ 4" OC
- (C) 18" W X 18" DP W/ (3) #6 T&B & #4 TIES @ 4" OC

1 DECK FRAMING PLAN
SCALE: 1/4" = 1'-0"

JUL 13 2015

CITY OF MALIBU
BUILDING & SAFETY
PLANS EXAMINED FOR CONFORMITY WITH THE CITY OF MALIBU BUILDING CODE AND OTHER ORDINANCES
PLAN CHECKER DATE
CITY ENGINEER

JUN 09 2015

TRUE NORTH
PROJECT NORTH

RAMIREZ DESIGN, INC.
1812 Michigan Ave. #B72
SANTA MONICA, CA 90405
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E-Mail: jimmy@rdi-la.com

DATE: 5/25/2015

REVISIONS:

No.	Date	Description
1	12/20/11	CDP Application Set
2	12/20/12	Plan Check Comments
3	05/23/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/18/14	Building Plan Check Set
6	03/03/14	Grading Resubmittal Set
7	04/16/15	Building Resubmittal Set
8	05/08/15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

DECK FRAMING/FOUNDATION PLAN

SHEET
S2.4

FOUNDATION NOTES

1. Verify all dimensions and elevations with the architectural drawings.
2. Contractor shall locate and verify with others prior to pouring concrete: all door openings in exterior foundation walls, drains and slopes, blockouts for all ducts, chases and pipes, reference mechanical, plumbing, electrical and sprinkler drawings. For stair details and guardrails, reference architectural drawings. For concrete curbs and locations, reference architectural drawings.
3. Top of slab (T/SLAB) elevation assumed 0'-0" for actual T/SLAB elevation refer to civil and architectural drawings, provide 15 mil vapor barrier below slab at, clear or spaces. Provide free-draining granular fill per the geotech report.
4. All footings and slabs to bear on competent native soil, structural fill and/or backfill as specified in the geotech report as noted in the structural general notes. For subgrade preparation, structural fill, footing drains, and other requirements, reference the geotech report as noted in the structural general notes.
5. All foundation excavations must be observed and approved by the Project Geotechnical Consultant in writing prior to the placement of reinforcing steel.
6. All wood exposed to concrete, weather, or within 8" of finished grade shall be pressure treated.
7. For post size and cap requirements, reference the Second Floor framing plan.
8. Moisture proof all concrete stem and basement walls per architectural drawings.
9. Anchor bolts to be 5/8 Ø x 8" minimum embedment @ 48"oc UNO on shear wall schedule. All anchor bolts and nuts in pressure treated mud sills shall be hot dipped galvanized or stainless steel. Each anchor bolt shall be provide with a 1"H x 3" x 3" plate washer minimum.
10. Existing footings adjacent to new construction may require reforming and/or underpinning pending investigation and approval of project structural engineer.
11. All foundation anchor bolts, hold-down hardware, and any other inserts shall be securely fastened to foundation forms prior to foundation inspection and casting of concrete.
12. Hold-down connectors shall be re-tightened just prior to enclosure.
13. Excavations shall be made in compliance with CAL/OSHA regulations.
14. Continuous inspection by a deputy inspector is required for all concrete designed with f'c greater than 2500 psi. Refer to Structural General Notes for specific inspection requirements.
15. All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.
16. Prior to the contractor requesting a Building Department foundation inspection, the soils engineer shall advise the building official in writing that: (1) The building pad was prepared in accordance with the soils report. (2) The utility trenches have been properly backfilled and compacted. (3) the foundation excavations comply with the intent of the soils report.
17. Reference typical details as follows:

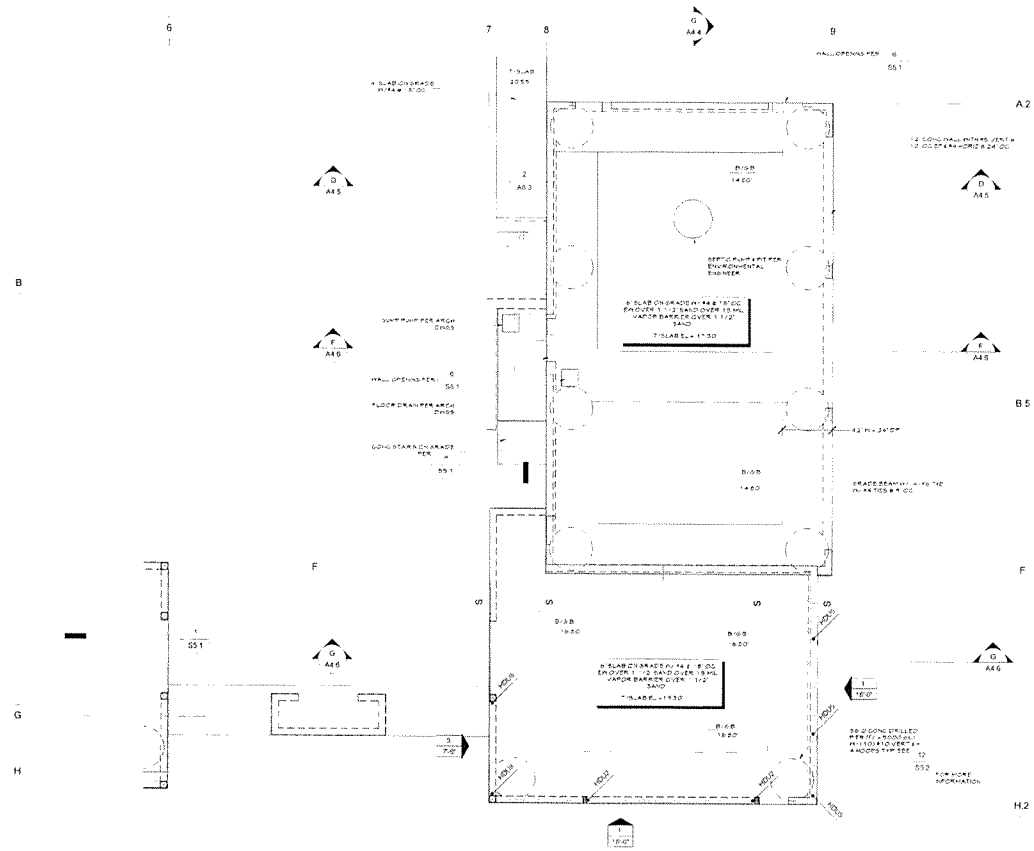
1 / S5.1 TYPICAL EXTERIOR FOUNDATION AND SLAB-ON-GRADE
3 / S5.1 CONCRETE REPAIR - BARS AND BENDS
4 / S5.1 CONCRETE REPAIR LAP SPLICES (EPOXY COATED)
5 / S5.1 CONC FOUNDATION WALL INTERSECTIONS
6 / S5.1 CONC WALL OPENING DETAIL
7 / S5.1 SLAB CONTROL JOINTS
8 / S5.1 STEPPED FOOTING
9 / S5.1 CONC STAIR ON GRADE
10 / S5.1 HOLD-DOWN BOLT SCHEDULE
5 / S5.2 TYPICAL BASE PLATE TO FOUNDATION - HSS COLUMN
12 / S5.2 TYPICAL DRILLED PIER ELEVATION
7 / S5.3 TYPICAL SILL PLATE ANCHORAGE TO CONCRETE
11 / S5.3 TYPICAL INTERIOR GRADE BEAM
12 / S5.3 TYPICAL ANCHOR BOLT SCHEDULE

SHEAR WALL SCHEDULE

WALL TYPE	Wall Sheathing APA-Rated	Panel Edge Nail Size & Spacing	Blocking & Stud S 2x @ Adjoining Panel Edges	Rim Joist or Blocking Conn. to Top Plate Below	Sill Plate Attachment: Nailing to Wood Below	Sill Plate Attachment: To Anchor Attachment	Sill Plate Size	Shear Capacity (plf) Seismic	Shear Capacity (plf) Wind
1	15/32" CD-EXT	All @ 4"o.c.	2X	A35 or LTP5 @ 16"o.c.	16d @ 4"o.c.	5/8"ø SB or MASA @ 48"o.c.	2X	200	350
2	15/32" CD-EXT	6d @ 4"o.c.	2X	A35 or LTP5 @ 12"o.c.	16d @ 3"o.c.	5/8"ø AB or MASA @ 32"o.c.	2X	380	748
3	15/32" CD-EXT	6d @ 3"o.c. STAGGERED	3X	A35 or LTP5 @ 10"o.c.	SDS 1/4"x4 1/2" SCREWS @ 4"o.c.	5/8"ø AB or MASA @ 32"o.c.	3X	490	958
4	15/32" CD-EXT	6d @ 2"o.c. STAGGERED	3X	A35 or LTP5 @ 8"o.c. EACH SIDE	SDS 1/4"x4 1/2" SCREWS @ 3"o.c.	5/8"ø AB or MASA @ 24"o.c.	3X	640	1253
5	15/32" CD-EXT BOTH SIDES	6d @ 4"o.c. STAGGERED	3X	A35 or LTP5 @ 12"o.c. EACH SIDE	SDS 1/4"x4 1/2" SCREWS @ 7"o.c.	5/8"ø AB or MASA @ 24"o.c.	3X	760	1491
6	15/32" CD-EXT BOTH SIDES	6d @ 3"o.c. STAGGERED	3X	A35 or LTP5 @ 12"o.c. EACH SIDE	SDS 1/4"x4 1/2" SCREWS @ 2"o.c.	5/8"ø AB or MASA @ 16"o.c.	3X	980	1919
7	15/32" CD-EXT BOTH SIDES	6d @ 2"o.c. STAGGERED	3X	A35 or LTP5 @ 8"o.c. EACH SIDE	SDS 1/4"x4 1/2" SCREWS @ 2"o.c.	5/8"ø AB or MASA @ 16"o.c.	3X	1280	2508

NOTES:

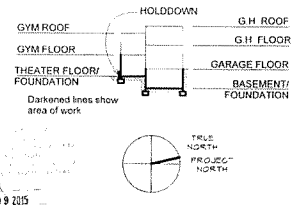
1. Installation nails at the top and bottom of wall panels.
2. Where sheathing is applied on both sides of wall, panel edge joints on the 2x framing shall be staggered so that joints on the opposite sides are not located on the same studs.
3. Blocking is required at all panel edges.
4. Provide shear wall sheathing and nailing to the entire length of the wall, including the ends. Ends of full height walls are designated by windows, or as shown, or as designated on plans. For hold-down requirements, refer to plans.
5. Sheathing edge nailing is required at all hold-down posts and bundled studs. Edge nailing may also be required at each hold-down post. For hold-down posts, refer to plans. For added hold-down information, reference the hold-down details.
6. Intermediate framing to be with 2x minimum dimension. Attach sheathing to intermediate framing with 8d nails at 12"oc where studs are spaced at 16"oc.
7. Where bolted plate attachment specified 12" away of ends, provide double stud, nailed together using staggered nails in both 2" sides for studs.
8. Provide a bead of liquid construction adhesive compatible with the fasteners. Provide non-flowing gasket and bedding sealants and weatherproof holes in connector plates meeting ranges: ±0.1. For all connectors in contact with pressure treated framing members.
9. At adjoining panel edges, (2) 2x studs nailed together may be used in place of a single 2x stud. Double 2x studs may be connected together by nailing the studs together with 3" long nails at the same spacing and diameter as the stud nailing.
10. Provide additional row of blocking where (2) rows of nailing are required for shear panel nailing.
11. Mechanical attachment of plan-cast top plate pieces as specified above may be substituted with minimum of sheathing from a sill plate to underside of rim joist and nailing with boundary nailing spacing.
12. Anchor bolts to be embedded in concrete 8" minimum. Provide 2 x 2 x 0.14" thick plate washers on each bolt. Connectors subject to provide Simpson MEBA Connectors with ZMAX Corrosion Protection (LRFB# 25994, ICC ESR# 2068) at same spacing as schedule. PERIODIC SPECIAL INSPECTION REQUIRED.
13. Wind Shear wall capacities shown include an Allowable Stress Increase of 40% per CBC 2303.3.



1 ACC. STRUCTURE FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

LEGEND

- 4x6 Post, UNO
- 6x6 Post, UNO
- Hold-down - Connect with 4x6 minimum. See details for connection information.
- Stepped Footing per 8/S5.1
- Concrete wall



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DATE: 6/09/2015

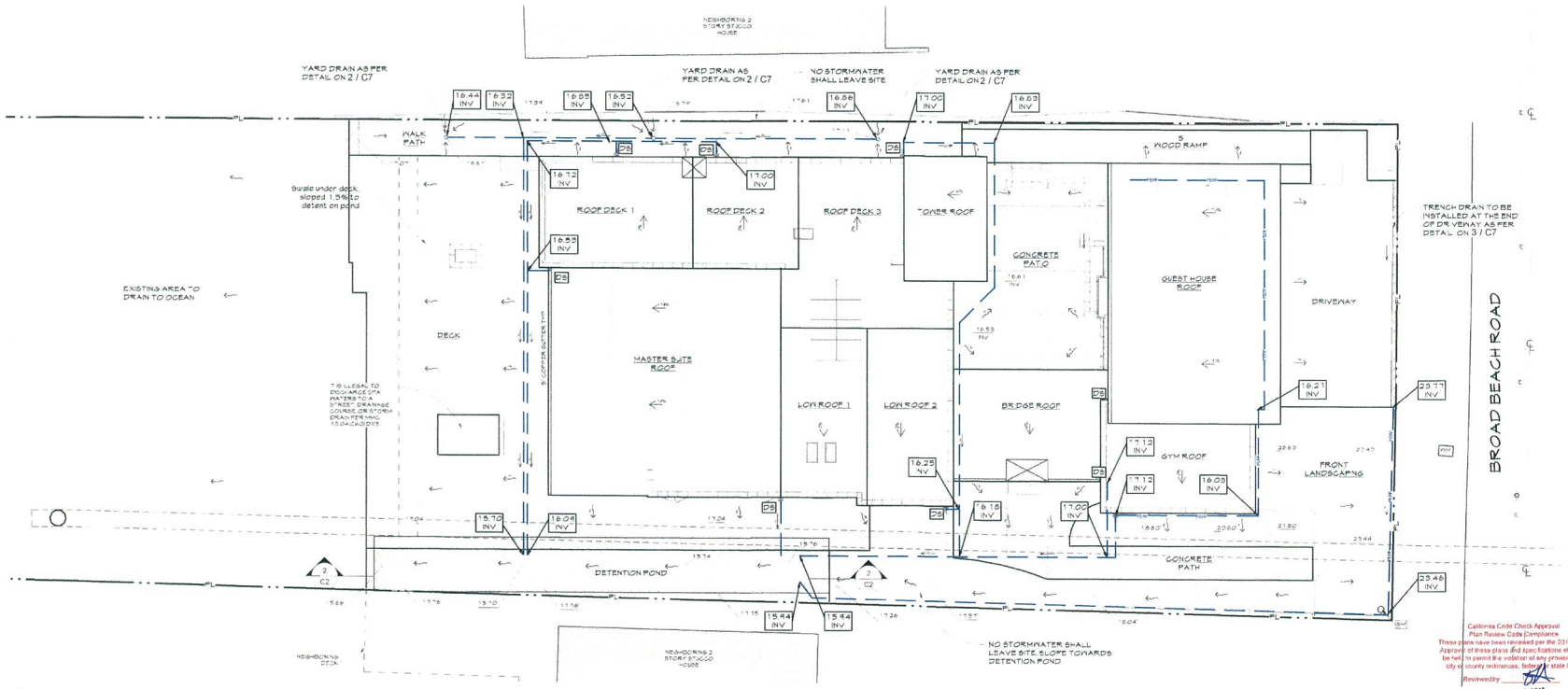
REVISIONS:

No.	Date	Description
1	10/23/14	CDP Application Set
2	02/20/15	Plan Check Comments
3	03/23/15	CDP Amendment Application Set
4	05/07/15	Planning/Green Sheet Set
5	05/14/15	Building Plan Check Set
6	05/23/15	Leading Residential Set
7	06/15/15	Building Resubmittal Set
8	06/25/15	Building Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

ACC. STRUCTURE FOUNDATION PLAN

SHEET
S4.0



California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by: _____
Date: NOV 26 2014

3 SITE DRAINAGE PLAN
SCALE: 1/8" = 1'-0"

LEGEND

- 4" PVC PIPE (ASTM D2729) WITH 4" DRAIN
- 4" PVC PIPE (ASTM D2729)
- 4" PERFORATED PIPE
- WALL OUTLINE BELOW ROOF
- CONTOUR LINES
- PROPERTY LINE
- DS DOWNSPOUT
- SURFACE FLOW OVER IMPERVIOUS SURFACE
- SURFACE FLOW OVER PERVIOUS SURFACE
- PIPE FLOW DIRECTION

** DEPTH IMPERMABLE SURFACES
1/2" DEPTH PERMEABLE SURFACES

LOCATION	AREA	TYPE	VOLUME
CONCRETE PATH	431 SF	PERVIOUS	18 CF
CONCRETE PATIO	627 SF	PERVIOUS	26.1 CF
DECK	1954 SF	PERVIOUS	81.4 CF
DETENTION POND	492 SF	PERVIOUS	20.5 CF
FRONT LANDSCAPING	1222 SF	PERVIOUS	50.9 CF
WALK PATH	494 SF	PERVIOUS	20.6 CF
WOOD RAMP	259 SF	PERVIOUS	10.8 CF
PERVIOUS TOTAL	5479 SF		228.3 CF
BRIDGE ROOF	374 SF	IMPERVIOUS	31.2 CF
DRIVEWAY	648 SF	IMPERVIOUS	54 CF
GUEST HOUSE ROOF	1008 SF	IMPERVIOUS	84 CF
GYM ROOF	316 SF	IMPERVIOUS	26.3 CF
LOW ROOF - 1	331 SF	IMPERVIOUS	27.5 CF
LOW ROOF - 2	344 SF	IMPERVIOUS	28.7 CF
MASTER SUITE ROOF	1190 SF	IMPERVIOUS	99.1 CF
ROOF DECK - 1	384 SF	IMPERVIOUS	32 CF
ROOF DECK - 2	263 SF	IMPERVIOUS	21.9 CF
ROOF DECK - 3	478 SF	IMPERVIOUS	39.9 CF
TOWER ROOF	232 SF	IMPERVIOUS	19.3 CF
IMPERVIOUS TOTAL	5567 SF		463.9 CF
GRAND TOTAL	11046 SF		692.2 CF

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

HYDROLOGY CALCULATIONS

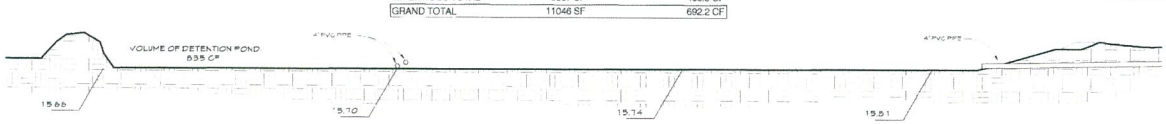
REFERENCES: Los Angeles County Department of Public Works Hydrology Manual; Los Angeles County Department of Public Works Sedimentation Manual

Hydrology Map: Point Dume - 1-H1 14
50 Year: sohyet: 6.9in
100 Year Isohyet: 6.9in * 1.122 = 7.74 in (per Table 5.3.1 of Hydrology Manual)
Soil Number: 38
Debris Zone: DPA-7
Bulking Rate: 1.57
Debris Production Rate: 44.1 cy/ac
Fire Factor (FF): 0.71
Percent Impervious: 41.79% (pre-development)
30.76% (post-development)

MINIMUM GRADEFALL

1% MIN. SLOPE FOR GRADED SWALES
2% MIN. SLOPE FOR DIRT SURFACES
1.2% MIN. SLOPE FOR CONCRETE SURFACES

CITY OF MALIBU
PUBLIC WORKS DEPARTMENT
APPROVED
SIGNATURE DATE 6-26-13
THE APPROVAL OF THESE PLANS AND SPECIFICATIONS SHALL NOT BE HELD TO IMPLY OR DENOTE AN APPROVAL OF THE VIOLATION OF ANY FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES.



2 DETENTION PONDING AREA DETAIL
SCALE: 1/4" = 1'-0"

Peak Flow Hydrologic Analysis

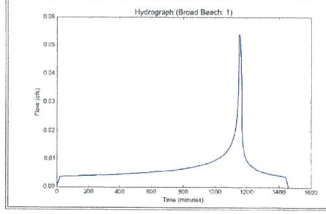
File location: /\\c2server/Company Files/A22 Company Files/Project Files/2314 Projects/Broad Beach Residence/Hydrology/hydrocalc-31
Version: HydroCalc 0.2 Beta

Input Parameters

Project Name	Broad Beach
Subarea ID	1
Area (ac)	0.42
Flow Path Length (ft)	150.0
Flow Path Slope (vft/hft)	0.01
50-yr Rainfall Depth (in)	1.125
Percent Impervious	0.274
Soil Type	38
Design Storm Frequency	100-yr
Fire Factor	0.71
LID	False

Output Results

Modeled (100-yr) Rainfall Depth (in)	1.2623
Peak Intensity (in/hr)	0.4021
Undeveloped Runoff Coefficient (Cu)	0.1
Developed Runoff Coefficient (Cd)	0.3192
Time of Concentration (min)	19.0
Clear Peak Flow Rate (cfs)	0.0539
Burned Peak Flow Rate (cfs)	0.0749
24-Hr Clear Runoff Volume (ac-ft)	0.014
24-Hr Clear Runoff Volume (cu-ft)	609.203



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DATE: 09/03/14

REVISIONS:

No	Date	Description
1	10/20/11	CDP Application Set
2	02/06/12	Plan Check Comments
3	04/01/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/03/14	Resubmittal Set

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

SITE DRAINAGE

SHEET
C2

GRADING NOTES

1. Prior to commencement of work, a pre-grading meeting shall be held. Participants at this meeting will consist of the contractor, the owner or his representative, the soils engineer and the civil engineer. The purpose of the meeting is to avoid misunderstanding of the recommendations set forth in the soils report and/or grading plan that might cause delays in the project.
2. Prior to placement of fill, all vegetation, rubbish, and other deleterious material should be disposed of off site. The proposed structures should be staked out in the field by a surveyor. This staking should, as a minimum, include areas for overexcavation, toes of slopes, tops of cuts, setbacks, and easements. All staking shall be offset from the proposed grading area at least five feet (5'). The proposed construction areas should be excavated down to the competent bearing material.
3. The natural ground, that is determined to be satisfactory for the support of the filled ground, shall then be scarified to a depth of at least six inches (6") and moistened as required. The scarified ground should be compacted to at least 90 percent of the maximum laboratory density.
4. The fill soils shall consist of materials approved by the project Soils Engineer or his representative. These materials may be obtained from the excavation areas and any other approved sources, and by blending soils from one or more sources. The material used shall be free from organic vegetable matter and other deleterious substances, and shall not contain rocks greater than eight inches (8") in diameter nor of a quantity sufficient to make compaction difficult.
5. The approved fill material shall be placed in approximately level layers six inches (6") thick, and moistened as required. Each layer shall be thoroughly mixed to attain uniformity of moisture in each layer. When the moisture content of the fill is (3) percent or more below the optimum moisture content, as specified by the Soils Engineer, water shall be added and thoroughly mixed in until the moisture content is within (3) percent of the optimum moisture content. When the moisture content of the fill is (3) percent or more above the optimum moisture content as specified by the Soils Engineer, the fill material shall be aerated by scarifying or shall be blended with additional materials and thoroughly mixed until the moisture content is within (3) percent or less of the optimum moisture content. Each layer of fill material shall be compacted to a minimum of (90) percent of the maximum dry density as determined by ASTM D 1557, using approved compaction equipment. Where cohesionless soil having less than (15) percent finer than (0.005) millimeters is used for fill, the fill material shall be compacted to a minimum of (95) percent of the maximum dry density.
6. Review of the fill placement should be provided by the Soils Engineer or his representative during the progress of grading. In general, density tests will be made at intervals not exceeding two feet (2') of fill height or every 500 cubic yards of fill placed.
7. During the inclement part of the year, or during periods when rain is threatening, all fill that has been spread and awaits compaction shall be compacted before stopping work for the day or before because of inclement weather. These fills, once compacted, shall have the surfaces sloped to drain to one area where water may be removed. Work may start again, after the rainy period, once the site has been reviewed by the Soils Engineer and he has given his authorization to resume. Loose materials not compacted prior to the rain shall be removed and aerated so that the moisture content of these fills will be within (3) percent of the optimum moisture content. Surface materials previously compacted before the rain, shall be scarified, brought to the proper moisture content, and re-compacted prior to placing additional fill, if deemed necessary by the Soils Engineer.
8. Review of geotechnical data available for the local vicinity of the site indicates that septic tanks, seepage pits, or leach fields may be encountered during site grading. If encountered, these should be drained of effluent or drilled out if they have been backfilled. The cleaned-out area should be inspected by the soils engineer and governing inspector prior to backfill. The pool may be filled with approved compacted fill, lean concrete, or gravel. Whichever backfill material is selected, at least five feet (5') of approved manmade fill, placed at 90 percent relative compaction should cap the pool.

BENCHMARK NOTE

All elevations shown use NAVD 88 as the datum to match the survey.

MINIMUM GRADEFALL

1% MIN. SLOPE FOR GRADED SWALES
2% MIN. SLOPE FOR DIRT SURFACES
1/2% MIN. SLOPE FOR CONCERTE SURFACES

GRADING QUANTITIES

Location	Area	Cut	Fill	Net cut/fill
Not Under Structure				
Basement Backfill - by west ramp	85 SF	0 CY	11 CY	11 CY
Courtyard Planter	31 SF	0 CY	3 CY	3 CY
Courtyard Planter	9 SF	0 CY	0 CY	0 CY
Courtyard Planter	22 SF	0 CY	2 CY	2 CY
Courtyard Planter	17 SF	0 CY	2 CY	2 CY
Detention Ponding Area	609 SF	23 CY	2 CY	-21 CY
Driveway	1249 SF	0 CY	111 CY	110 CY
Eastside Planter #1	159 SF	0 CY	2 CY	2 CY
Eastside Planter #2	127 SF	0 CY	9 CY	9 CY
Eastside Planter #3	131 SF	0 CY	10 CY	10 CY
Entry Courtyyard	1093 SF	0 CY	12 CY	12 CY
Garage Sideyard Landing	51 SF	0 CY	6 CY	6 CY
Rear Deck Area	2096 SF	42 CY	3 CY	-39 CY
Rest of Site	10074 SF	6 CY	7 CY	1 CY
Not Under Structure Total	15755 SF	71 CY	180 CY	109 CY

Location	Area	Cut	Fill	Net cut/fill
Under Structure				
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - Acc. Structure	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	3 SF	3 CY	0 CY	-3 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY

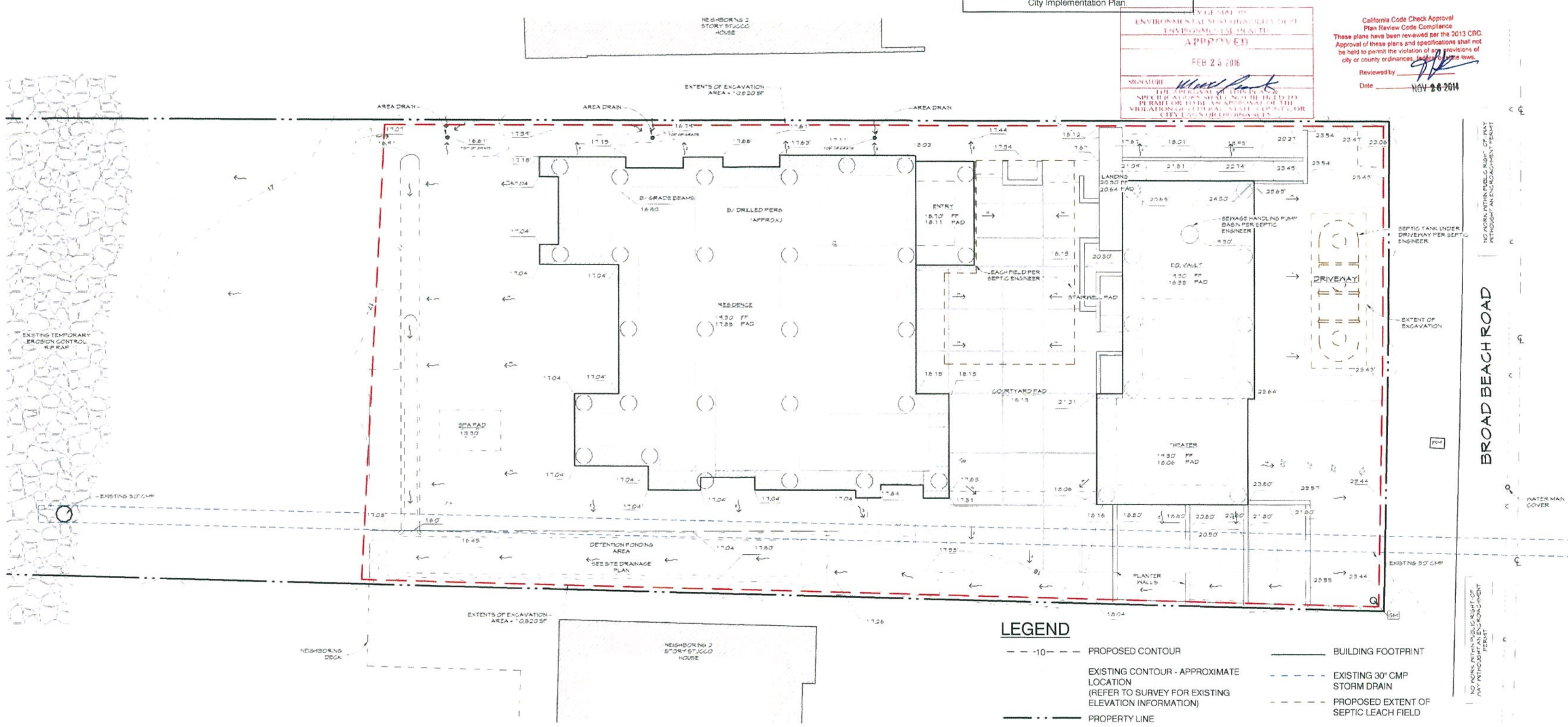
Location	Area	Cut	Fill	Net cut/fill
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	-5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	5 CY
Drilled Pier - House	5 SF	5 CY	0 CY	5 CY
Equipment Vault Stairwell	20 SF	1 CY	0 CY	1 CY
Equipment Vault Stairwell	23 SF	0 CY	3 CY	3 CY
Equipment Vault Stairwell	8 SF	0 CY	0 CY	0 CY
Grade Beams - Equipment Vault	286 SF	19 CY	0 CY	19 CY
Grade Beams - House	1004 SF	37 CY	0 CY	-37 CY
Grade Beams - Theater	138 SF	2 CY	0 CY	-2 CY
Pad - Equipment Vault	203 SF	12 CY	0 CY	-12 CY
Pad - Equipment Vault	222 SF	2 CY	0 CY	-2 CY
Pad - House	50 SF	0 CY	1 CY	1 CY
Pad - House	404 SF	0 CY	2 CY	2 CY
Pad - House	422 SF	0 CY	2 CY	2 CY
Pad - House	156 SF	1 CY	0 CY	-1 CY
Pad - House	286 SF	1 CY	0 CY	-1 CY
Pad - House	171 SF	0 CY	0 CY	0 CY
Pad - House	57 SF	0 CY	1 CY	1 CY
Pad - Under Spa	55 SF	9 CY	0 CY	-9 CY
Sewage Handling Pump	6 SF	2 CY	0 CY	-2 CY
Under Structure Total	3693 SF	288 CY	8 CY	-279 CY
Grand Total	19448 SF	358 CY	189 CY	-170 CY

Prior to grading operations, contractor shall obtain a demolition permit to remove all proposed existing structure to be removed as referenced on grading plans

Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the apility to accept the material in compliance with the City Implementation Plan.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
APPROVED
FEB 25 2016
SIGNATURE
THE APPROVAL OF THIS PLAN & SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF FEDERAL, STATE, COUNTY, OR CITY LAWS OR ORDINANCES

California Code Check Approval
Plan Review Code Compliance
These plans have been reviewed per the 2013 CBC. Approval of these plans and specifications shall not be held to permit the violation of any provisions of city or county ordinances, federal or state laws.
Reviewed by:
Date: NOV 26 2014



LEGEND

— — -10- — —	PROPOSED CONTOUR
	EXISTING CONTOUR - APPROXIMATE LOCATION (REFER TO SURVEY FOR EXISTING ELEVATION INFORMATION)
— · — · —	PROPERTY LINE
— — — (red)	LIMITS OF EARTH DISTURBANCE
———	BUILDING FOOTPRINT
- - - -	EXISTING 30" CMP STORM DRAIN
— — —	PROPOSED EXTENT OF SEPTIC LEACH FIELD

1 SITE GRADING PLAN
SCALE: 1/8" = 1'-0"

RAMIREZ DESIGN, INC.
426 PALISADES AVE
SANTA MONICA, CA 90402
T: (310) 395-2192
F: (310) 395-8984
bob@ramirezstudio.com

DATE: 09/03/14

REVISIONS:

No.	Date	Description
1	10/20/11	CDP Application Set
2	02/29/12	Plan Check Comments
3	05/22/13	CDP Amendment Application Set
4	02/27/14	Planning Green Sheet Set
5	04/08/14	Building Plan Check Set
6	09/03/14	Resubmittal Set

REGISTERED PROFESSIONAL ENGINEER SHAWN KIGGINS C67845 CIVIL STATE OF CALIFORNIA

BROAD BEACH RESIDENCE
31302 BROAD BEACH RD.
MALIBU, CA 90272

SITE GRADING PLAN

SHEET
C3

Story Poles

View from Beach

View from Street

ATTACHMENT 4

This page is part of your document - DO NOT DISCARD

20160059524

Pages:
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Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

01/19/16 AT 04:59PM

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
PAID:	0.00

LEADSHEET

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00011614874

007333946

SEQ:
01

DAR - Counter (Upfront Scan)

THIS FORM IS NOT TO BE DUPLICATED

E07T210

Attachment 5

RECORDING REQUESTED BY:

Stephen Kaplan and Jean Moran Kaplan, as Co-Trustees of the Kaplan Living Trust dated March 10, 2004

WHEN RECORDED RETURN TO:

CITY OF MALIBU
Attn: City Clerk
23825 Stuart Ranch Road
Malibu, CA 90265

APN(S): 4470-016-037

IRREVOCABLE OFFER TO DEDICATE PUBLIC LATERAL ACCESS EASEMENT

AND

DECLARATION OF RESTRICTIONS

THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC LATERAL ACCESS EASEMENT AND DECLARATION OF RESTRICTIONS ("Offer"), is made this __ day of December, 2015, by Stephen Kaplan and Jean Moran Kaplan, as Co-Trustees of the Kaplan Living Trust dated March 10, 2004 ("Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest in certain real property located in the City of Malibu, County of Los Angeles, State of California, legally described as set forth in attached **EXHIBIT A**, hereby incorporated by this reference (the "Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as defined in Section 30103 of the California Public Resources Code ("PRC"), a section of the California Coastal Act of 1976, PRC § 30000 *et seq*. (the "Act"); and

III. WHEREAS, the City of Malibu's Local Coastal Program ("LCP"), certified by the California Coastal Commission ("Commission") on September 13, 2002, requires that any

land use permit, subdivision, or other development located in the coastal zone approved by the City of Malibu ("City") must be consistent with the policies of the LCP; and

IV. WHEREAS, pursuant to the LCP, Grantor applied to the City for a Coastal Development Permit to undertake development (as that term is defined in PRC Section 30106 and Section 2.1 of the LCP's Local Implementation Plan) on the Property; and

V. WHEREAS, the Property is a parcel located between the first public road and the shoreline; and

VI. WHEREAS, pursuant to PRC Sections 30210 through 30212, and the public access and recreation policies of the LCP, public access to and along the shoreline is to be maximized; and

VII. WHEREAS, on October 7, 2013, the City conditionally approved Coastal Development Permit Amendment No. 13-005 ("Permit") in accordance with Resolution No. 13-94, attached hereto as **EXHIBIT B**, and incorporated herein by this reference; which includes the findings adopted by the City in support of its decision, and is subject to the following condition (the "Condition"):

> 20. In order to effectuate the applicant's proposal of an offer to dedicate an easement for lateral public access, prior to issuance of the permit, the property owner shall execute an record a document, in a form and content acceptable to the Coastal Commission, irrevocably offering to dedicate (or granting), free of prior liens and any other encumbrances that the Coastal Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the Coastal Commission, granting to the public the permanent right of lateral access and passive recreation. The easement shall be located along the entire width of the property and shall extend from the ambulatory mean high tide line landward to the approved dripline of the deck, as generally illustrated on Attachment 6 of the October 7, 2013 Planning

Commission agenda report. A shoreline protection buffer, where, notwithstanding the above, public access and recreation would not be allowed, shall extend from the dripline of the approved deck seaward to the intersection of sand with the toe of the existing temporary rock revetment (which was temporarily authorized pursuant to the California Coastal Commission Emergency Coastal Development Permit 4-10-003-G). If the Coastal Commission requires removal, replacement, relocation, and/or reconstruction of the as-built shoreline protective device on the property pursuant to the follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the seaward boundary of the shoreline protection buffer shall be relocated accordingly to the intersection of sand with the toe of the approved shoreline protection device. If the Coastal Commission does not authorize a new shoreline protective device, on the property pursuant to a follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the shoreline protection buffer shall be eliminated in its entirety. The recorded document shall include metes and bounds legal descriptions with corresponding graphic depiction, drawn to scale by a licensed surveyor, of both the subject parcel and easement area. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

VIII. WHEREAS, Grantor has elected to comply with the Condition and execute this Offer so as to enable Grantor to undertake the development authorized by the Permit.

NOW AND THEREFORE, in consideration of the granting of the Permit to Grantor by the City, Grantor hereby irrevocably offers to dedicate to the People of the State of California a lateral access easement in gross and in perpetuity over the Property as follows:

1. DESCRIPTION. The easement offered hereby affects that portion of the Property located from the ambulatory mean high tide line landward to the approved dripline of the deck and which is specifically described and depicted on **EXHIBITS C-1** and **C-2** respectively,

attached hereto and incorporated herein by this reference. Notwithstanding the foregoing, a shoreline protection buffer, where this easement does not authorize public access and recreation, shall extend from the approved dripline of the deck seaward to the intersection of sand with the toe of the existing rock revetment (which was temporarily authorized pursuant to the California Coastal Commission Emergency Coastal Development Permit 4-10-003-G). If the Coastal Commission requires removal, replacement, relocation, and/or reconstruction of the as-built shoreline protective device on the property pursuant to the follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the seaward boundary of the shoreline protection buffer shall be relocated accordingly to the intersection of sand with the toe of the approved shoreline protection device. If the California Coastal Commission does not authorize a shoreline protective device on the property pursuant to a follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the shoreline protection buffer shall be eliminated in its entirety.

2. PURPOSE. The easement is for the purpose of allowing public pedestrian lateral access and passive recreational use along the shoreline.

3. DECLARATION OF RESTRICTIONS. This Offer shall not be used or construed to allow anyone, prior to acceptance of the Offer, to interfere with any rights of public access acquired through use which may exist on the Property. After acceptance of the Offer, Grantor shall neither interfere with the public's use of the easement nor take any action inconsistent with such use, including, without limitation, constructing or improving the Property in a manner inconsistent with the public's use or enjoyment of the easement area. Grantor shall retain all normal rights and incidents of ownership of the underlying fee interest in the Property not inconsistent with the easement. Grantor shall not be bound to undertake any supervision or maintenance to provide for the public purposes hereunder.

4. DURATION, ACCEPTANCE AND TRANSFERABILITY. This Offer shall be irrevocable for a period of 21 years running from the date of recordation hereof. This Offer may be accepted by any public agency, a political subdivision of the State of California or a private

association acceptable to the City and the Executive Director of the Commission ("Grantee"). Such acceptance shall be effectuated by recordation by the Grantee of an acceptance of this Offer in the form attached hereto as **EXHIBIT D**. Upon such recordation of acceptance, this Offer and its terms, conditions and restrictions shall have the effect of a grant of lateral access easement in gross and in perpetuity consistent with the above terms that shall run with the land and be binding on the heirs, assigns, and successors of the Grantor. After acceptance, this easement may be transferred to and held by any entity that qualifies as a Grantee under the criteria hereinabove stated. Acceptance of this Offer is subject to a covenant that runs with the land that the Grantee may not abandon the easement unless Grantee effectively transfers said easement to an entity which qualifies as a Grantee under the criteria hereinabove stated.

5. REMEDIES. Any act, conveyance, contract, or authorization by the Grantor, whether written or oral, that uses or would cause to be used, or would permit a use of any portion of the Property that is contrary to the terms of this Offer, will be deemed a violation and a breach hereof. The Grantor, any Grantee of this easement and any offeree of this Offer may pursue any and all available legal and/or equitable remedies to enforce the terms and conditions of the Offer and easement and their respective interest in the Property. In the event of a breach, any forbearance on the part of any such party to enforce the terms and provisions hereof shall not be deemed a waiver of enforcement rights regarding any subsequent breach.

6. TAXES AND ASSESSMENTS. Grantor agrees to pay or cause to be paid all real property taxes and assessments levied or assessed against the entire Property. It is intended that this irrevocable Offer and the use restrictions contained herein shall constitute enforceable restrictions within the meaning of (a) Article XIII, §8 of the California Constitution; and (b) §402.1 of the California Revenue and Taxation Code, or successor statute. Furthermore, this Offer, easement and restrictions shall be deemed to constitute a servitude and burden upon the Property within the meaning of §3712(d) of the California Revenue and Taxation Code, or successor statute, which survives a sale of tax-deeded property.

7. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions, obligations, and reservations contained in this Offer shall be deemed to be covenants and restrictions running with the Property and shall be binding upon and inure to the benefit of the successors and assigns of both the Grantor and the Grantee, whether voluntary or involuntary.

8. SEVERABILITY. If any provision of this Offer is held to be invalid, or for any reason becomes unenforceable, no other provision shall be thereby affected or impaired.

Executed this 10th day of December, 2015, at Los Angeles, California.

(GRANTOR)

Stephen Kaplan and Jean Moran Kaplan, as Co-Trustees of the Kaplan Living Trust dated March 10, 2004.

By:

Stephen Kaplan

By:

Jean Moran Kaplan

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On Dec 10, 2015, before me, Cathy L.H. Kleineahlbrandt, a Notary Public, personally appeared Stephen Kaplan and Jean Moran Kaplan, 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.

CATHY L.H. KLEINEAHLBRANDT
Commission # 2083255
Notary Public - California
Los Angeles County
My Comm. Expires Oct 23, 2018

Signature

CERTIFICATION BY THE CITY OF MALIBU

This is to certify that the Irrevocable Offer to Dedicate Public Lateral Access Easement and Declaration of Restrictions (the "Offer to Dedicate") set forth above has been examined by the undersigned officer and has been found to be consistent with all of the terms and conditions of Coastal Development Permit Amendment No. 13-005 approved by the City of Malibu on October 7, 2013. The City of Malibu consents to the recordation of the Offer to Dedicate by its duly authorized officer.

Dated: 1/8/16

CITY OF MALIBU
Bonnie Blue, Planning Director

BBC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Angeles)

On January 8 2016, before me, Lisa Pope, City Clerk for the City of Malibu, personally appeared Bonnie Blue, Planning Director for the City of Malibu, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same executed in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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.

Lisa Pope

Lisa Pope, City Clerk
(Seal)

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 1 OF PATENTS, PAGE 407 ET SEQ., IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 OF BLOCK 3 OF TRACT NO. 12909 PER MAP RECORDED IN BOOK 263, PAGES 37 AND 38 OF MAPS, RECORDS OF SAID COUNTY, SAID POINT BEING IN A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2980.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 12° 19' 43" EAST; THENCE

1. EASTERLY ALONG SAID CURVE AND ALONG THE SOUTHERLY LINE OF BROAD BEACH ROAD, 60 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 12909, THROUGH A CENTRAL ANGLE OF 0° 56' 19" AN ARC DISTANCE OF 48.82 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED RECORDED JANUARY 16, 1953, IN BOOK 40753, PAGE 416 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE

2. RADIAL TO SAID CURVE AND ALONG SAID WESTERLY LINE AND ITS NORTHERLY EXTENSION SOUTH 13° 16' 02" WEST TO THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE

3. EASTERLY ALONG SAID TIDE LINE TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THE DEED FROM MARBLEHEAD LAND COMPANY TO FLOURNOY RECORDED NOVEMBER 13, 1944, IN BOOK 21416, PAGE 240 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY; THENCE

4. ALONG SAID EASTERLY LINE AND ITS NORTHERLY EXTENSION NORTH 14° 41' 24" EAST TO SAID SOUTHERLY LINE OF BROAD BEACH ROAD, BEING A POINT IN SAID CURVE, TO WHICH LAST SAID COURSE IS RADIAL; THENCE

5. WESTERLY ALONG SAID SOUTHERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1° 25' 22" AN ARC DISTANCE OF 74.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS SHOWN AS PARCEL B ON THE CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 15, 2008, AS INSTRUMENT NO. 20080275529, OF OFFICIAL RECORDS.

END OF LEGAL DESCRIPTION

EXHIBIT B

CITY OF MALIBU PLANNING COMMISSION RESOLUTION NO. 13-94

[ATTACHED]

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 13-94

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 13-005 TO MODIFY SCOPE OF WORK APPROVED UNDER COASTAL DEVELOPMENT PERMIT NO. 11-050 TO RECEIVE AND FILE AN UPDATED WAVE UPRUSH REPORT WITH AN UPDATED MEAN HIGH TIDE LINE, AMEND THE LANDSCAPING PLAN TO PROHIBIT ANY LANDSCAPING SEAWARD OF THE DECK STRINGLINE, ADD A CONDITION OF APPROVAL TO EFFECTUATE THE PROPERTY OWNER'S OFFER TO DEDICATE LATERAL ACCESS EASEMENT, AND TO ADD A CONDITION OF APPROVAL SPECIFYING THAT NO FUTURE SHORELINE PROTECTIVE DEVICE MAY BE PERMITTED TO PROTECT THE DECK APPROVED SEAWARD OF THE WAVE UPRUSH LINE, AT 31302 BROAD BEACH ROAD (KAPLAN LIVING TRUST)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On June 19, 2012, the Planning Commission adopted Planning Commission Resolution No. 12-56, an application for Coastal Development Permit (CDP) No. 11-050 and associated requests submitted by the applicant, Robert Ramirez, on behalf of property owner, Kaplan Living Trust.

B. On July 20, 2012, the California Coastal Commission (CCC) filed an appeal of the project.

C. On May 22, 2013, the applicant submitted Coastal Development Permit Amendment (CDPA) No. 13-005 to address the issues raised in the CCC appeal.

D. On September 16, 2013, a Notice of Application was posted on the project site.

E. On September 16, 2013, the application was deemed complete for processing.

F. On September 26, 2013, a Notice of 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.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Department has found that the proposed amendment is listed among the classes of

projects that have been determined not to have a significant adverse effect on the environment, and therefore, is exempt from the provisions of CEQA. Accordingly, a subsequent CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Sections 15305 – Minor Alterations in Land Use Limitations. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines, Section 15300.2).

Section 3. Findings for Coastal Development Permit Amendment

Based on substantial evidence contained within the record and pursuant to Sections 13.7(B) and 13.9 of the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDPA No. 13-005, an application to amend the project scope of work previously approved under CDP No. 11-050 to: 1) amend the landscaping plan to prohibit any landscaping seaward of the deck stringline; 2) add a condition of approval to effectuate the property owner's offer to dedicate a lateral access easement; 3) receive and file an updated Wave Uprush Report with an updated Mean High Tide Line (MHTL); and 4) to add a condition of approval to specifying that no future shoreline protective device may be permitted to protect the deck approved seaward of the wave uprush line. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

The proposed amendment will not lessen or negate any of the findings or specific permit conditions contained in the previously adopted Planning Commission Resolution No. 12-56; which would remain in effect. All other findings, terms and / or conditions of Planning Commission Resolution No. 08-10 shall remain in full force and effect.

Finding A1. 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 amendment has been reviewed for conformance with the LCP by the Planning Department. The proposed amendment, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required beachfront residential development standards.

Finding A2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. There are no trails located near the parcel. The project site is currently developed with an existing single-family residence which will be demolished and replaced with the two-story single-family residence approved in CDP No. 11-050. According to the LCP Public Access Map, a vertical public accessway is located approximately 360 feet to the west of the property between 31340 and 31346 Broad Beach Road. In addition, as part of

this amendment, the property owner has agreed to dedicate a lateral public access on the subject property. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

The Planning Commission found in Resolution No. 12-56 that the proposed demolition of an existing single-family residence, construction of a new single-family residence and associated development as proposed under CDP No. 11-050 would not involve significant adverse effects on the environment, within the meaning of CEQA, and no further feasible alternatives (such as major changes to the siting or footprint) were found that would further reduce any impacts on the environment. Revising the scope of work to prohibit landscaping seaward of the deck stringline, regardless of height, will not alter this finding since the structure still complies with the required setbacks and the maximum height allowance under LIP Section 3.6. No other physical changes are proposed to the approved coastal development permit. The project, as amended, is the least environmentally damaging alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

Per the Local Coastal Program (LCP) ESHA Map, the property is not designated as an ESHA; however, properties along Broad Beach Road in this area are known to contain sand dune ESHA on the beach portion of the parcels. Due to erosion, a temporary beachwide rock revetment has been installed in front of the subject property and 76 other adjacent properties under Emergency Coastal Development Permit (ECDP) No. 09-021/4-10-003-G and the impacts of the rock revetment on sand dune ESHA will be addressed under the follow-up CDP for permanent shoreline protection at Broad Beach. The findings in this report are made without the assumption that the temporary beachwide rock revetment would become permanent. The City Biologist has reviewed the project and determined that review by the Environmental Review Board is not applicable to this project.

B. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project is not anticipated to result in such impacts. The project is sited and designed to minimize risks and assure stability and structural integrity while neither creating nor contributing significantly to erosion or adverse impacts on public access. The project site is seaward of Broad Beach Road. The required findings in LIP Section 10.3 are made as follows.

Finding B1. 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 project is located on the seaward side of Broad Beach Road. The project site currently does not

offer public vertical access or lateral access; however, the property owner has offered to dedicate a lateral access easement across the beachfront portion of the subject site. The specific language of the condition of approval effectuating the property owner's offer to dedicate a lateral access easement has been reviewed by Coastal Commission staff to ensure the condition provides flexibility regarding the existing temporary beachwide rock revetment.

The CCC requested an updated wave uprush report to compare the MHTL of record as surveyed by Moffatt & Nicholl for the CCC on October 15, 2009 for the Broad Beach Road Emergency Revetment Plan with the MHTL surveyed by the Land & Air Surveying dated December 3, 2006. The April 2013 Updated Wave Uprush Report prepared by David C. Weiss Structural Engineer & Associates Inc. found that the 2009 MHTL was closer to the north property line than any of the MHTLs of record. In the previous 2006 report, the wave uprush did not reach the previously approved single-family residence but reached a portion of the deck; however, based on the new 2009 MHTL location, a portion of the house footings and the entire deck are within the wave uprush zone. Therefore, the project coastal engineer recommends that footings within the wave uprush zone be taken to a minimum of 2 feet below scour or 2 feet into bedrock whichever is higher. The City Coastal Engineer has reviewed the revised wave uprush report and concurs with the project geotechnical engineer. In addition, a condition of approval has been included this resolution clarifying that although the deck is permitted to remain within the wave uprush zone, a future shoreline protective device may not be permitted to protect an accessory structure, such as the approved deck. The approved deck is designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

The April 2013 Wave Uprush report has been included as Attachment 5. The project is not anticipated to result in any new significant adverse impacts on public access, shoreline sand supply, or other resources. All of the required findings can be made and are fully enumerated in this resolution.

The project is not anticipated to result in any new significant adverse impacts on public access, shoreline sand supply, or other resources.

Finding B2. 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 B1, the proposed amendment, as conditioned, will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding B3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed amendment does not alter the determination that the proposed project, as conditioned, is the least environmentally damaging alternative.

Finding B4. 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 discussed in Finding B1, the project will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding B5. In addition, if the development includes a shoreline protective device, that it 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, that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and that it is the least environmentally damaging alternative.

The project does not include a shoreline protective device; furthermore, all findings of facts are made without premise to the existing temporary beachwide rock revetment located south of the subject property; therefore, this finding is not applicable.

C. Public Access (LIP Chapter 12)

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, as well as trail access, and recreational access when applicable. No onsite vertical, lateral, bluff-top, recreational or trail access is currently provided on the subject parcel; however, as a condition of approval of this amendment, the property owner has offered to dedicate a lateral access easement across the beachfront portion of the subject property.

The specific language of the condition has been reviewed by Coastal Commission staff. The lateral access easement would be the area between the dripline of the deck and the ambulatory mean high tide line. The condition of approval also includes language describing the shoreline protection buffer which includes the area between the dripline of the approved deck and the ambulatory toe of the existing temporary rock revetment.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit Amendment No. 13-005, subject to the following conditions.

Section 5. Conditions of Approval.

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

2. The approved amendment includes two physical changes to the project previously approved under CDP No. 11-050:
   a. Receive and file an updated wave uprush report that includes and compares the Mean High Tide Line (MHTL) of record as surveyed by Moffatt & Nicholl for the CCC on October 15, 2009 for the Broad Beach Road Emergency Revetment Plan with the MHTL surveyed by the Land & Air Surveying dated December 3, 2006;
   b. Amend the landscaping plan to prohibit any new landscaping, regardless of height, seaward of the deck stringline;
   c. Add a condition of approval to effectuate the property owner's offer to dedicate a lateral access easement; and
   d. Add a condition of approval specifying that no future shoreline protective device may be permitted to protect the deck approved seaward of the wave uprush line.

3. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until all permittees or authorized agent(s) signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 working days of this decision.

4. Subsequent submittals for this project shall be in substantial compliance with plans on file in the Planning Department, date-stamped March 13, 2012 and the revised landscaping plan approved by the City Biologist on **July 16, 2013.**

5. The project shall comply with all conditions of approval stipulated in the referral sheets on file with the City. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

6. Pursuant to LIP Section 13.20, development pursuant to an approved CDPA shall not commence until the CDPA is effective. The CDPA is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the CDPA approved by the City is void.

7. CDP No. 11-050 as amended by CDPA No. 13-005 shall be null and void if the project has not commenced within two (2) years after issuance of the permit or October 7, 2015. Extension to the permit, as amended, may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period and shall set forth the reasons for the request.

8. This resolution (including signed and notarized Acceptance of Conditions Affidavit and Department Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheets behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).

9. The applicant shall submit three (3) complete sets of plans, which include the pages described in Condition No. 5, to the Planning Department for consistency review and approval prior to the issuance of any building or development permit.

10. Questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

11. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. and the LCP. An application with all required materials and fees may be required.

12. All structures shall conform to the City of Malibu Environmental and Building Safety Division, City Geologist, and City Coastal Engineer. Notwithstanding this review, all required permits shall be secured.

13. This CDP amendment shall run with the land and bind all future owners of the property.

14. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

15. This approval is for a revised landscape plan. Previous conditions of approval for the primary project remain in effect. In the event of conflicting conditions, the more restrictive shall apply.

16. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

17. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

18. Prior to issuance of Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

19. No landscaping shall be permitted seaward of the deck stringline, regardless of landscaping height.

20. In order to effectuate the applicant's proposal of an offer to dedicate an easement for lateral public access, prior to issuance of the permit, the property owner shall execute an record a document, in a form and content acceptable to the Coastal Commission, irrevocably offering to dedicate (or granting), free of prior liens and any other encumbrances that the Coastal

Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the Coastal Commission, granting to the public the permanent right of lateral access and passive recreation. The easement shall be located along the entire width of the property and shall extend from the ambulatory mean high tide line landward to the approved dripline of the deck, as generally illustrated on Attachment 6 of the October 7, 2013 Planning Commission agenda report. A shoreline protection buffer, where, notwithstanding the above, public access and recreation would not be allowed, shall extend from the dripline of the approved deck seaward to the intersection of sand with the toe of the existing temporary rock revetment (which was temporarily authorized pursuant to the California Coastal Commission Emergency Coastal Development Permit 4-10-003-G). If the Coastal Commission requires removal, replacement, relocation, and/or reconstruction of the as-built shoreline protective device on the property pursuant to the follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the seaward boundary of the shoreline protection buffer shall be relocated accordingly to the intersection of sand with the toe of the approved shoreline protection device. If the Coastal Commission does not authorize a new shoreline protective device, on the property pursuant to a follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the shoreline protection buffer shall be eliminated in its entirety. The recorded document shall include metes and bounds legal descriptions with corresponding graphic depiction, drawn to scale by a licensed surveyor, of both the subject parcel and easement area. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

21. Consistent with Section 10.4 M of the City of Malibu Local Coastal Program Local Implementation Plan, no shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave run-up. Accessory structures, including but not limited to, patios, stairs, recreational facilities, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

22. All other conditions of Planning Commission Resolution No. 12-56 are incorporated herein by reference.

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of October 2013.

JEFFREY D. JENNINGS, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Section 13.20.1 (Local Appeals), 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 decision 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. 13-94 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 7th day of October 2013, by the following vote:

AYES: COMMISSIONERS: MAZZA, PIERSON, AND JENNINGS
NOES:
ABSTAIN:
ABSENT: COMMISSIONERS: BROTMAN AND STACK

JESSICA BLAIR, Recording Secretary

EXHIBIT C-1

LEGAL DESCRIPTION OF EASEMENT AREA

[ATTACHED]

EXHIBIT C-1

LEGAL DESCRIPTION OF LATERAL ACCESS EASEMENT

A PARCEL OF LAND BEING A PORTION OF THE 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, IN THE OFFICE OF THE COUNTY RECORDER IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 1 OF PATENTS, PAGE 407 ET SEQ., IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 OF BLOCK 3 OF TRACT NO. 12909 PER MAP RECORDED IN BOOK 263, PAGES 37 AND 38 OF MAPS, RECORDS OF SAID COUNTY, SAID POINT BEING IN A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2980.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 12° 19' 43" EAST; THENCE EASTERLY ALONG SAID CURVE AND ALONG THE SOUTHERLY LINE OF "BROAD BEACH ROAD", 60 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 12909, THROUGH A CENTRAL ANGEL OF 0° 56' 19" AN ARC DISTANCE OF 48.82 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED RECORDERED JANUARY 16, 1953, IN BOOK 40753, PAGE 416 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, SAID POINT BEING DESIGNATED AS POINT "A"; THENCE CONTINUING ALONG SAID SOUTHERLY LINE OF "BROAD BEACH ROAD" THENCE THROUGH A CENTRAL ANGEL OF 1° 25' 22" AN ARC DISTANCE OF 74.00 FEET; THENCE LEAVING SAID SOUTHERLY LINE SOUTH 14° 41' 24" WEST, 154.30 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 76° 43' 58" WEST, 44.33 FEET; THENCE SOUTH 13° 16' 05" WEST, 2.02 FEET; THENCE NORTH 76° 43' 58" WEST, 4.02 FEET; THENCE SOUTH 13° 16' 05" WEST, 1.21 FEET; THENCE NORTH 76° 43' 58" WEST, 16.50 FEET; THENCE SOUTH 13° 16' 05" WEST, 0.59 FEET; THENCE NORTH 80° 09' 38" WEST, 5.33 FEET TO A POINT THAT IS SOUTHERLY AND RADIAL FROM SAID POINT "A", SOUTH 13° 16' 02" WEST, 159.30 FEET; THENCE ALONG SAID RADIAL LINE, SOUTH 13° 16' 02" WEST, TO THE AMBULATORY MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE EASTERLY ALONG SAID AMBULATORY TIDE LINE TO A POINT BEING ON A SOUTHERLY PROLONGATION FROM SAID TRUE POINT OF BEGINNING; THENCE ALONG SAID PROLONGATION, NORTH 14° 41' 24" EAST, TO SAID TRUE POINT OF BEGINNING.

LICENSED LAND SURVEYOR
MARK A. SANDSTROM
No. LS 6847
STATE OF CALIFORNIA

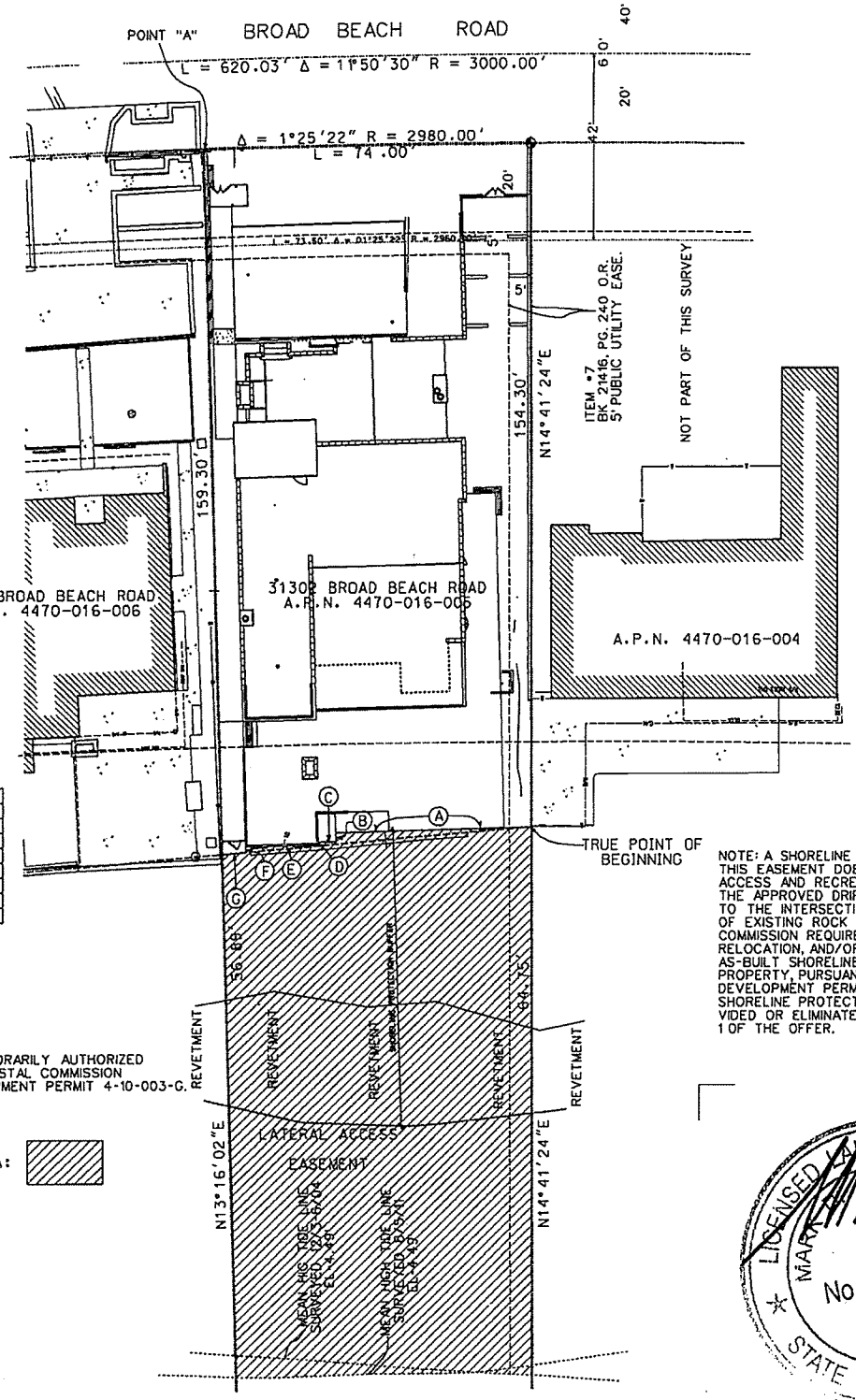
12/3/15

EXHIBIT C-2

DEPICTION OF EASEMENT AREA

[ATTACHED]

EXHIBIT "C-2"
LATERAL ACCESS EASEMENT



COURSE TABLE		
	BEARING	DIST.
A	N76°43'58"W	44.33'
B	S13°16'05"W	2.02'
C	N76°43'58"W	4.02'
D	S13°16'05"W	1.21'
E	N76°43'58"W	16.50'
F	S13°16'05"W	0.59'
G	N80°09'38"W	5.33'

NOTE: A SHORELINE PROTECTION BUFFER, WHERE THIS EASEMENT DOES NOT AUTHORIZE PUBLIC ACCESS AND RECREATION, SHALL EXTEND FROM THE APPROVED DRIPLINE OF THE DECK SEAWARD TO THE INTERSECTION OF SAND WITH THE TOE OF EXISTING ROCK REVETMENT. IF THE COASTAL COMMISSION REQUIRES REMOVAL, REPLACEMENT, RELOCATION, AND/OR RECONSTRUCTION OF THE AS-BUILT SHORELINE PROTECTION DEVICE ON THE PROPERTY, PURSUANT TO FOLLOW-UP COASTAL DEVELOPMENT PERMIT APPLICATION, THEN THE SHORELINE PROTECTION BUFFER SHALL BE PROVIDED OR ELIMINATED AS SET FORTH IN SECTION 1 OF THE OFFER.

NOTE: ROCK REVETMENT TEMPORARILY AUTHORIZED PURSUANT TO CALIFORNIA COASTAL COMMISSION EMERGENCY COASTAL DEVELOPMENT PERMIT 4-10-003-G.

LATERAL ACCESS AREA:

NOTE: THE SOUTHERLY BOUNDARY OF THE EASEMENT AREA IS AMBULATORY AND IS DEPICTED FOR ILLUSTRATIVE PURPOSES ONLY

LICENSED LAND SURVEYOR
MARK A. SANDSTROM
No. LS 6847
STATE OF CALIFORNIA

12/3/15
STAMP

40 0 40

Scale 1" = 40'

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

EXHIBIT D

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CALIFORNIA COASTAL COMMISSION
725 Front Street, Suite 300
Santa Cruz, CA 95060
Attention: Executive Director

PERMIT NO._____
ACCEPTANCE CERTIFICATE
PAGE ONE (1) OF _____ (___)

APN(s): _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Irrevocable Offer to Dedicate Public Lateral Access Easement and Declaration of Restrictions executed by _____ on _____ and recorded on _____as Instrument Number _____ in the Official Records of Los Angeles County and attached hereto as Exhibit A and incorporated herein by this reference, is hereby accepted by _____, a public agency/private association on _____, pursuant to authority conferred by resolution of the _____ adopted on _____, and the grantee consents to recordation thereof by its duly authorized officer.

By: _____

For: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, 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 _____

ACKNOWLEDGMENT BY THE CALIFORNIA COASTAL COMMISION OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that _____ is a public agency/private association acceptable to the Executive Director of the California Coastal Commission to be Grantee under the Irrevocable Offer to Dedicate Public Lateral Access Easement and Declaration of Restrictions executed by _____ on _____, and recorded on _____, in the Official Records of Los Angeles County as Instrument Number _____.

Dated: _____

CALIFORNIA COASTAL COMMISSION

_____

_____

(name and title)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, 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 _____

ACKNOWLEDGMENT BY THE CITY OF MALIBU

OF ACCEPTANCE OF OFFER TO DEDICATE

This is to certify that _____ is a public agency/private association acceptable to the City of Malibu to be Grantee under the Irrevocable Offer to Dedicate Public Lateral Access Easement and Declaration of Restrictions executed by _____ on _____, and recorded on _____, in the Official Records of Los Angeles County as Instrument Number _____.

Dated: _____

CITY OF MALIBU

_____

_____

(name and title)

_____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, before me, _____, a Notary Public, personally appeared _____, 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 _____

This page is part of your document - DO NOT DISCARD

20141371928

Pages:
0005

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

12/17/14 AT 10:41AM

FEES:	45.00
TAXES:	0.00
OTHER:	0.00
PAID:	45.00

BEACH
DEVELOPMENT
HAZARD

LEADSHEET

201412173330005

00009962014

006550362

SEQ:
04

DAR - Counter (Upfront Scan)

THIS FORM IS NOT TO BE DUPLICATED

E497023

WHEN RECORDED, RETURN TO:

City of Malibu
Attention: City Clerk
23825 Stuart Ranch Road
Malibu, California 90265

RECEIVED
JUN 30 2015
PLANNING DEPT.

12/17/2014
20141371928

Assumption of Risk, Release, Indemnification and Hold Harmless Agreement for Hazards Related to Development on a Beach or on a Bluff

THIS ASSUMPTION OF RISK AND RELEASE is made this 3rd day of October, 2014, by Stephen Kaplan and Jean Moran Kaplan (individually and collectively hereinafter referred to as "Property Owner") in favor of the City of Malibu ("City"), a municipal corporation.

RECITALS:

A. Property Owner's property consists of Assessor's Parcel Number (APN) 4470-016-005, together with all improvements household furnishings and effects, and personal property located therein and thereon, more commonly known as 31302 Broad Beach Road, Malibu, California ("the Property").

B. The Property is located on or adjacent to a beach or a bluff. Property Owner recognizes and understands that being located on a beach or a bluff means the proposed project is subject to wave action, erosion, flooding, landslides, or other hazards which pose an inherent risk to life and property. Further, the Property Owner has read and understands the Coastal Engineering Report(s) prepared by David C. Weiss Structure Engineer & Associates, Inc. and dated September 13, 2001 which (indicate)s that the Property is subject to physical hazards of a coastal nature. A copy(ies) of that/these report(s) is on file with the City. The City has made available to Property Owner all public files in its custody relative to the coastal hazards affecting the Property and the area surrounding the Property, and Property Owner acknowledges that he/she has had the opportunity to undertake any and all further coastal hazard investigation Property Owner deems necessary prior to constructing any improvements on the Property.

C. The Property relies on offsite shore protection device(s) for protection of the onsite wastewater treatment system (OWTS). The Property Owner has no authority to maintain or repair the offsite shore protection device(s). The Property Owner understands that, based on the coastal hazards affecting the site and the inability to perform maintenance and repair work to offsite structures, the onsite wastewater system is subject to direct exposure to coastal hazards and damage should the offsite shore protection device(s) fail.

D. The Property Owner understands that if shore protection utilized on adjacent properties is removed, relocated, damaged, or changes in such a way that the Property is no longer adequately protected; the Property Owner is responsible for maintaining adequate protection of the OWTS.

E. Property Owner desires to take certain actions in order to add to, repair, rehabilitate, or remodel the existing home or identified structures on the Property and acknowledges this work will require a

building permit.

F. Property Owner desires to assume all risk relating to and arising from the City's issuance of a building permit for said addition, repair, rehabilitation, or remodel work.

G. As an accommodation to the Property Owner so as to alleviate the hardship associated with relocating from Property Owner's home, City is willing to allow additions, repair, rehabilitation, and remodeling work necessary or desired to maintain the home in a habitable and convenient condition, and arising from any claim that the City acted negligently or improperly in issuing a building permit to Property Owner under the above-described circumstances.

NOW, THEREFORE, as inducement for City to grant a building permit, Property Owner agrees as follows:

1. Assumption of Risk.

Property Owner hereby assumes all risk of damages to the Property, and loss or impairment of the use and enjoyment thereof, and loss of any and all expenditures in any manner arising out of or attributable to the City issuing planning approval and building permits for the proposed work and improvements, notwithstanding that the Property is located on or adjacent to a beach or a bluff.

2. Release.

Property Owner hereby releases and discharges City, its elected and appointed officials, officers, employees and agents from any and all claims for losses, damages or liabilities of or to the Property (whether for damages to the Property, personal injury, expenses, attorney's fees or otherwise) arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from development on a beach or a bluff exists as an inherent risk to life and property. This release also extends to any and all claims, demands, damages, costs, and expenses of liability arising from or attributable to the City's issuance of the planning approval and/or building permits for the proposed development and improvement of the Property, notwithstanding that the Property is located within or adjacent to an area subject to wave action. This release also includes, but is not limited to, any claims arising from the City's negligence in issuing the permit. Property Owner hereby expressly agrees to forego the right to assert any claim or bring any action of any nature whatever against the City, its elected and appointed officials, officers, agents and employees for any damages or losses of any kind related to the issuance of a building permit and the work performed pursuant thereto.

3. Indemnification / Hold Harmless.

Property Owner agrees to indemnity, defend, and hold harmless City and its officers, officials, employees and volunteers from and against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of litigation) of every nature arising out of or in any way connected with acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project, or the performance of any work undertaken on the Property pursuant to any permit issued by the City.

4. Voluntary Agreement.

Property Owner has obtained the advice of legal counsel and has been advised of the nature and legal effect of the execution of this instrument. Property Owner executes this instrument freely and voluntarily.

5. Binding Effect.

Property Owner agrees and acknowledges that this instrument shall be recorded against the title of the subject Property in the official records of the Los Angeles County Recorder. Property Owner agrees to cause this instrument to be recorded within 10 days of its execution and further agrees to provide the City with a stamped copy of the recorded document within 7 days thereafter.

This instrument shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in or to the subject Property or any portion thereof, and shall constitute notice of the hazards from development on a beach or a bluff that may affect the Property. This instrument shall be terminated or modified only upon the express written consent of the City. In the event Property Owner sells, transfers, leases or otherwise conveys any interest or right of possession in the Property, Property Owner shall provide any such purchaser, lessee or transferee with a copy of this instrument.

6. Warranty of Authority.

Property Owner represents and warrants that he/she has the authority to execute this Agreement and to engage in the actions described herein.

SK (Property Owner's initials). I UNDERSTAND THAT THIS IS AN AGREEMENT TO FORGO MY LEGAL RIGHTS. I UNDERSTAND THAT MY PROPERTY IS LOCATED WITHIN OR ADJACENT TO AN AREA SUBJECT TO HAZARDS RELATED TO DEVELOPMENT ON A BEACH OR ON A BLUFF. I UNDERSTAND THAT THE CITY HAS AGREED TO ISSUE THE APPROVAL AND/OR PERMIT BECAUSE I HAVE RELEASED THE CITY FROM ANY LIABILITY FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM OR IN ANY MANNER RELATED TO BEACH OR BLUFF DEVELOPMENT HAZARDS, AND BECAUSE I HAVE FURTHER AGREED TO INDEMNIFY AND DEFEND THE CITY AGAINST ANY LIABILITY ARISING FROM OR IN ANY MANNER RELATED TO BEACH OR BLUFF DEVELOPMENT HAZARDS. I UNDERSTAND THAT AS A RESULT OF SIGNING THIS INSTRUMENT I DO NOT HAVE THE RIGHT TO SUE THE CITY IN CONNECTION WITH THE PLANNING APPROVAL OR ANY BUILDING PERMIT OR ANY OF THE CONSTRUCTION/IMPROVEMENTS THEY AUTHORIZE.

IN WITNESS WHEREOF, Property Owner has executed this assumption of risk, release, indemnification and hold harmless agreement on the date first written above.

(Property Owner Signature)

Stephen Kaplan
(Print Property Owner Name)

(Property Owner Signature)

Jean Moran Kaplan
(Print Property Owner Name)

ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles

This page is part of your document - DO NOT DISCARD

20141081829

Pages:
0004

Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

10/14/14 AT 02:50PM

VHFHZ
DEVELOPMENT

FEES:	0.00
TAXES:	0.00
OTHER:	0.00
PAID:	0.00

LEADSHEET

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00009729725

006443834

SEQ:
02

DAR - Counter (Upfront Scan)

THIS FORM IS NOT TO BE DUPLICATED

E475702

10/14/2014

20141081829

WHEN RECORDED, RETURN TO:

City of Malibu
Attention: City Clerk
23825 Stuart Ranch Road
Malibu, California 90265

RECEIVED
JUN 30 2015
PLANNING DEPT.

Assumption of Risk, Release, Indemnification and Hold Harmless Agreement for Development Within a Very High Fire Hazard Severity Zone

THIS ASSUMPTION OF RISK AND RELEASE is made this 3rd day of October, 2014, by Stephen and Jean Moran Kaplan (individually and collectively hereinafter referred to as "Property Owner") in favor of the City of Malibu ("City"), a municipal corporation.

RECITALS:

A. Property Owner's property consists of Assessor's Parcel Number (APN) 4470-016-005, together with all improvements household furnishings and effects, and personal property located therein and thereon, more commonly known as 31302 Broad Beach Road, Malibu, California ("the Property").

B. The Property is located within or adjacent to an area subject to high wildfire hazards. Property Owner recognizes and understands that being located within a very high fire hazard severity zone means there is an extraordinary potential for damage or destruction from wildfires and an inherent risk to life and property.

C. As a condition of approval of new development within or adjacent to an area subject to high wildfire hazards, Property Owner desires to assume all risk relating to or arising from the Property's location and to release, indemnify and hold the City harmless from and against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of litigation) of every nature arising out of or in any way connected with the wildfire hazards that affect the Property.

NOW, THEREFORE, as inducement for City to grant a building permit, Property Owner agrees as follows:

1. Assumption of Risk.

Property Owner hereby assumes all risk of damages to the Property, and loss or impairment of the use and enjoyment thereof, and loss of any and all expenditures in any manner arising out of or attributable to the City issuing planning approval and building permits for the proposed work and improvements, notwithstanding that the Property is located within or adjacent to an area subject to high wildfire hazards.

2. Release.

Property Owner hereby releases and discharges City, its elected and appointed officials, officers, employees and agents from any and all claims for losses, damages or liabilities of or to the Property (whether for damages to the Property, personal injury, expenses, attorney's fees or otherwise) arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. This release also extends to any and all claims, demands, damages, costs, and expenses of liability arising from or attributable to the City's issuance of the planning approval and/or building permits for the proposed development and improvement of the Property, notwithstanding that the Property is located within or adjacent to an area subject to high wildfire hazards. This release also includes, but is not limited to, any claims arising from the City's negligence in issuing the permit. Property Owner hereby expressly agrees to forego the right to assert any claim or bring any action of any nature whatever against the City, its elected and appointed officials, officers, agents and employees for any damages or losses of any kind attributable to the issuance of a building permit and the work performed pursuant thereto.

3. Indemnification/Hold Harmless.

Property Owner agrees to indemnity, defend, and hold harmless City and its officers, officials, employees and volunteers from and against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of litigation) of every nature arising out of or in any way connected with acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project, or the performance of any work undertaken on the Property pursuant to any permit issued by the City.

4. Voluntary Agreement.

Property Owner has obtained the advice of legal counsel and has been advised of the nature and legal effect of the execution of this instrument. Property Owner executes this instrument voluntarily with knowledge of its significance in consideration for issuance of a planning approval and/or building permit to perform certain work on the Property which is located within or adjacent to an area subject to high wildfire hazards.

5. Binding Effect.

Property Owner agrees and acknowledges that this instrument shall be recorded against the title of the subject Property in the official records of the Los Angeles County Recorder. Property Owner agrees to cause this instrument to be recorded within 10 days of its execution and further agrees to provide the City with a stamped copy of the recorded document within 7 days thereafter.

This instrument shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in or to the subject Property or any portion thereof, and shall constitute notice of the high wildfire hazard that affects the Property. This instrument shall be terminated or modified only upon the express written consent of the City. In the event Property Owner sells, transfers, leases or otherwise conveys any interest or right of possession in the Property, Property Owner shall provide any such purchaser, lessee or transferee with a copy of this instrument.

6. Warranty of Authority.

Property Owner represents and warrants that he/she has the authority to execute this Agreement and to

engage in the actions described herein.

_____ (Property Owner's initials). I UNDERSTAND THAT THIS IS AN AGREEMENT TO FORGO MY LEGAL RIGHTS. I UNDERSTAND THAT MY PROPERTY IS LOCATED WITHIN OR ADJACENT TO AN AREA SUBJECT TO HIGH WILDFIRE HAZARDS. I UNDERSTAND THAT THE CITY HAS AGREED TO ISSUE THE APPROVAL AND/OR PERMIT BECAUSE I HAVE RELEASED THE CITY FROM ANY LIABILITY FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM OR IN ANY MANNER RELATED TO WILDFIRE HAZARDS, AND BECAUSE I HAVE FURTHER AGREED TO INDEMNIFY AND DEFEND THE CITY AGAINST ANY LIABILITY ARISING FROM OR IN ANY MANNER RELATED TO WILDFIRE HAZARDS. I UNDERSTAND THAT AS A RESULT OF SIGNING THIS INSTRUMENT I DO NOT HAVE THE RIGHT TO SUE THE CITY IN CONNECTION WITH THE PLANNING APPROVAL OR ANY BUILDING PERMIT OR ANY OF THE CONSTRUCTION/IMPROVEMENTS THEY AUTHORIZE.

IN WITNESS WHEREOF, Property Owner has executed this assumption of risk, release, indemnification and hold harmless agreement on the date first written above.

(Property Owner Signature)	(Property Owner Signature)
Stephen Kaplan	Jean Moran Kaplan
(Print Property Owner and Signatory Name)	(Print Property Owner and Signatory Name)

ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles

On Oct 3, 2014 before me Cathy L.H. Kleineahlbrandt, Notary Public,

personally appeared Stephen Kaplan and Jean Kaplan 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.

CATHY L. H. KLEINEAHLBRANDT
Commission # 1910047
Notary Public - California
Los Angeles County
My Comm. Expires Oct 23, 2014

(Notary Public's signature in and for said County and State)

(Seal)

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2014137

LIGHTING COVENANT

Recorded/Filed in Of
Recorder's Office, Los
California

12/17/14 AT 10:41AM

FEES:	24.00
TAXES:	0.00
OTHER:	0.00
PAID:	24.00

LEADSHEET

201412173330005

00009962011

006550362

SEQ:
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DAR - Counter (Upfront Scan)

THIS FORM IS NOT TO BE DUPLICATED

E497023

WHEN RECORDED, RETURN TO:

City of Malibu
Attention: City Clerk
23825 Stuart Ranch Road
Malibu, California 90265

RECEIVED
JUN 30 2015
PLANNING DEPT.

12/17/2014
20141371925

COVENANT AND AGREEMENT

The undersigned hereby certifies it is the owner of the real property located in the City of Malibu, County of Los Angeles, State of California described and set forth in Exhibit "A" hereto (the "Property")

Site address: **31302 Broad Beach Road, Malibu, California, 90265**
APN: **4470-016-005**

That in consideration of the adoption by the City of Malibu Planning Commission of Resolution No. 12-56 approving Coastal Development Permit No. 11-050 and Demolition Permit No. 11-021, the undersigned does hereby promise, covenant and agree to a deed restriction on the Property for Lighting Conditions (Condition Nos. 70(a-f), 71, 72 and 73) for the benefit of the City of Malibu and the Planning Department of said City as follows:

Exterior lighting shall be minimized and restricted to low intensity features, shielded and concealed so that no light source is directly visible from public viewing areas, including Pacific Coast Highway, public beaches and/or the Pacific Ocean. Permitted lighting shall conform to the following standards:

a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height that are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to is limited to 850 lumens;
d. Lights at entrances, in accordance with the Building Code, shall be permitted provided that such lighting does not exceed 850 lumens;
e. Site perimeter lighting shall be prohibited;
f. Outdoor decorative lighting for aesthetic purposes is prohibited; and
g. Night lighting for sports courts or other private recreational facilities shall be prohibited.

No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject properties shall not produce an illumination level greater than one footcandle.

Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

This covenant and agreement shall run with the land and shall be binding upon the undersigned, its successors, heirs or assigns and shall continue in effect until the Planning Department of the City of Malibu approves its termination.

Dated this 3rd day of October, 2014

Stephen and Jean Moran Kaplan

By _____
Stephen Moran Kaplan

By _____
Jean Moran Kaplan

ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Los Angeles

On Oct 3, 2014 before me Cathy L.H. Kleineahlbrandt, Notary Public,

personally appeared Stephen Kaplan and Jean Kaplan 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.

_____
(Notary Public's signature in and for said County and State)

CATHY L. H. KLEINEAHLBRANDT
Commission # 1910047
Notary Public - California
Los Angeles County
My Comm. Expires Oct 23, 2014

(Seal)

31302 BROAD BEACH RD.
MALIBU, CA 90272

EXHIBIT "A"

ORDER NO LA 1130657

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAP RECORDED IN BOOK 1 OF PATENTS, PAGE 407 ET SEQ., IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 1 OF BLOCK 3 OF TRACT NO. 12909 PER MAP RECORDED IN BOOK 263, PAGES 37 AND 38 OF MAPS, RECORDS OF SAID COUNTY, SAID POINT BEING IN A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2980.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 12° 19' 43" EAST; THENCE

1. EASTERLY ALONG SAID CURVE AND ALONG THE SOUTHERLY LINE OF BROAD BEACH ROAD, 60 FEET WIDE, AS SHOWN ON SAID MAP OF TRACT NO. 12909, THROUGH A CENTRAL ANGLE OF 0° 56' 19" AN ARC DISTANCE OF 48.82 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED RECORDED JANUARY 16, 1953, IN BOOK 40753, PAGE 416 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, AND THE TRUE POINT OF BEGINNING; THENCE

2. RADIAL TO SAID CURVE AND ALONG SAID WESTERLY LINE AND ITS NORTHERLY EXTENSION SOUTH 13° 16' 02" WEST TO THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE

3. EASTERLY ALONG SAID TIDE LINE TO THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN THE DEED FROM MARBLEHEAD LAND COMPANY TO FLOURNOY RECORDED NOVEMBER 13, 1944, IN BOOK 21416, PAGE 240 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY; THENCE

4. ALONG SAID EASTERLY LINE AND ITS NORTHERLY EXTENSION NORTH 14° 41' 24" EAST TO SAID SOUTHERLY LINE OF BROAD BEACH ROAD, BEING A POINT IN SAID CURVE, TO WHICH LAST SAID COURSE IS RADIAL; THENCE

5. WESTERLY ALONG SAID SOUTHERLY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 1° 25' 22" AN ARC DISTANCE OF 74.00 FEET TO THE TRUE POINT OF BEGINNING. SAID LAND IS SHOWN AS PARCEL BON THE CERTIFICATE OF COMPLIANCE RECORDED FEBRUARY 15, 2008, AS INSTRUMENT NO. 20080275529, OF OFFICIAL RECORDS.

END OF LEGAL DESCRIPTION

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 12-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 11-050, AND DEMOLITION PERMIT NO. 11-021 FOR THE DEMOLITION OF AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT, CONSTRUCTION OF A NEW, 5,064 SQUARE FOOT SINGLE-FAMILY RESIDENCE, A DETACHED ACCESSORY STRUCTURE CONSISTING OF A 659 SQUARE FOOT GARAGE AND 375 SQUARE FOOT THEATER ON THE FIRST STORY AND 597 SQUARE FOOT GUEST HOUSE AND 381 SQUARE FOOT GYM ON THE SECOND STORY, A CONNECTOR BRIDGE WHICH CONNECTS THE SINGLE-FAMILY RESIDENCE TO THE ACCESSORY STRUCTURE, 1,237 SQUARE FOOT OF COVERED AREAS, NEW SPA, FIREPIT, ROOF DECK, SOLAR PANELS ON THE ROOF OF THE ACCESSORY STRUCTURE, HARDSCAPE, NEW ONSITE WASTEWATER TREATMENT SYSTEM, A NEW FOUNDATION SYSTEM CONSISTING OF GRADE BEAMS AND 37 PILES AND A 14.8 FOOT WIDE CONTIGUOUS VIEW CORRIDOR, LOCATED AT 31302 BROAD BEACH ROAD (KAPLAN)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On October 20, 2011, an application for Coastal Development Permit (CDP) No. 11-050 was submitted by the applicant, Robert Ramirez, on behalf of property owners, Stephen and Jean Moran Kaplan, to the Planning Department for processing.

B. On February 15, 2012, a site visit was conducted to document existing site conditions.

C. On March 13, 2012, a Notice of Application for the coastal development permit was posted on the subject property.

D. On May 1, 2012, story poles were installed to demonstrate the location, height, and bulk of the proposed project. The story poles were certified by a licensed surveyor.

E. On May 11, 2012, a site visit was conducted to determine visual impacts and to photograph story poles.

F. On May 22, 2012, the application was deemed complete for processing.

G. On June 7, 2012, a Notice of 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 June 19, 2012, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described. The Planning Commission has found that this project is listed among the classes of projects that have been determined to have less than significant adverse effects on the environment and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Sections 15301(l)(1) and 15303(a) and (e) – New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

Section 3. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission hereby adopts the findings in the agenda report, the findings of fact below, and approves CDP No. 11-050, and Demolition Permit (DP) No. 11-021 for the demolition of an existing, two-story single-family residence and associated development, construction of a new, 5,064 square foot single-family residence, a detached accessory structure consisting of a 659 square foot garage and 375 square foot theater on the first story and 597 square foot guest house and 381 square foot gym on the second story, a connector bridge which connects the single-family residence to the accessory structure, 1,237 square foot of covered areas, new spa, firepit, roof deck, solar panels on the roof of the accessory structure, hardscape, a new alternative onsite wastewater treatment system, new foundation system consisting of grade beams and 37 piles; and a 14.8 foot wide contiguous view corridor, at 31302 Broad Beach Road.

The proposed project has been reviewed by the City Biologist, City Coastal Engineer, City Environmental Health Administrator, City Geologist, City Public Works Department and the Los Angeles County Fire Department (LACFD). The project is consistent with the LCP zoning and grading requirements. The project site has been evaluated for potential impacts to archaeological resources per the adopted City of Malibu Cultural Resources Map and it has been determined to have a very low probability of containing cultural resources. The project is consistent with all applicable LCP codes, standards, goals and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all CDPs.

Finding A1. 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 has been reviewed for conformance with the LCP by the Planning Department,

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City Biologist, City Coastal Engineer, City Geologist, City Environmental Health Administrator, the City Public Works Department and LACFD. The proposed project, as conditioned, conforms to the certified Malibu LCP in that it meets all the beachfront residential development standards.

Finding A2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. There are no trails located near the parcel. The project site is currently developed with an existing single-family residence which will be demolished and replaced with the proposed two-story single-family residence. According to the LCP Public Access Map, a vertical public accessway is located approximately 360 feet to the west of the property between 31340 and 31346 Broad Beach Road. An inquiry to the property owner has been made as to whether the property owner is willing to offer to dedicate a lateral access easement across the beach portion of the project site. To date, the property owner has not provided a response. Nonetheless, the applicant has provided a California State Lands Commission letter asserting no claims that the proposed project will intrude onto sovereign lands. The proposed project will not affect the public's use of the beach. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA, based on CEQA Guidelines Sections 15301(l)(1) and 15303(a) and (e) – New Construction. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA and there are no further feasible alternatives that would further reduce any impacts on the environment.

Four alternatives were considered to determine the least environmentally damaging alternative.

1. No Project – The no project alternative would avoid any change to the project site. The objective of the proposed project is to demolish the existing single-family residence and construct a new single-family residence and associated development. The no project alternative would not accomplish the goals of the project.

2. Smaller Project – A smaller project could be proposed on the project site. However, the proposed single-family residence conforms to all residential development criteria. It is not anticipated that a smaller project would offer significant environmental advantages.

3. Alternative Location – An alternative location could be proposed; however, the proposed project is within the general vicinity of existing development and the proposed project is constrained by the building stringline, deck stringline, view corridor regulations and a minimum of a 10 foot setback from the mean high tide line. It is not anticipated that an alternative project would offer significant environmental advantages.

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4. Proposed Project – The proposed project consists of the demolition of an existing single-family residence and associated development, eliminating all existing nonconforming conditions on the project site. The proposed development will provide a 14.8 foot wide view corridor and be located landward of the required stringlines. The majority of the project will be located within the existing building's footprint, therefore, eliminating the need for grading in undisturbed areas. In addition, the new single-family residence with the AOWTS is environmentally superior to the existing residence with OWTS. The proposed location is proposed landward of the existing development and is the least environmentally damaging alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

Per the LCP Environmentally Sensitive Habitat Area (ESHA) Overlay Map, the property is not designated as an ESHA; however, properties along Broad Beach Road in this area are known to contain sand dune ESHA on the beach portion of the parcels. Due to erosion, a temporary beachwide rock revetment has been installed in front of the subject property and 76 other adjacent properties under ECDP No. 09-021 and CCC Permit No. 4-10-003-G and the impacts of the rock revetment on sand dune ESHA will be addressed under the follow-up CDP for permanent shoreline protection at Broad Beach. The findings in this report are made without the assumption that the temporary beachwide rock revetment would become permanent. The City Biologist has reviewed the project and determined that review by the Environmental Review Board is not applicable to this project.

B. Environmentally Sensitive Habitat Area (LIP Chapter 4)

Pursuant to LIP Section 4.4.4(C), projects that include "demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required" are not subject to a detailed biological study of the site or review by the Environmental Review Board. As discussed previously, the subject parcel is not located in an ESHA. The project will result in less than significant impacts to sensitive resources, significant loss of vegetation or wildlife, or encroachments into an ESHA. Therefore, according to LIP Section 4.7.6(C), the supplemental ESHA findings are not applicable.

C. Native Tree Protection (LIP Chapter 5)

No native trees will be removed or impacted as part of this project. Therefore, according to LIP Section 5.7, the native tree findings are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs CDP applications for 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 the beach and from Broad Beach Road (an LUP designated scenic road); therefore, the required findings are made below.

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Finding D1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

Affected public viewing areas include the beach and Broad Beach Road. The applicant installed story poles on the subject property to depict the location, height and mass of the proposed project. An analysis of the project's visual impact was conducted from public viewing areas through site reconnaissance, a review of the story poles, architectural plans and an investigation of the character of the surrounding properties. Photographs of the story poles are included as Attachment 5.

The project site contains an existing two-story single-family residence. When viewed from Broad Beach Road and the beach, the project will have no significant adverse scenic or visual impacts because an existing two-story residence is sited on the parcel. In addition, the existing nonconforming two-story deck located seaward of the deck stringline is proposed to be demolished, eliminating the massing closest to the beach. The proposed project will provide a 14.8 foot wide view corridor where no view corridor exists now. The proposed project will have no significant adverse scenic or visual impacts due to the project design and location on the site.

Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As described in Finding D1, the project will not result in significant adverse scenic or visual impacts.

Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed project, as conditioned, is the least environmentally damaging alternative.

Finding D4. 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 Findings D1 and D2, no significant adverse impacts on scenic and visual resources are expected to result from the project.

Finding D5. 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 D1 and D2, no significant adverse impacts on scenic and visual resources are expected to result from the project.

E. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2, the transfer of development credits only applies to land divisions and/or new multi-family development in specified zoning districts. The proposed coastal development permit does not involve a land division or multi-family development; therefore, LIP Chapter 7 does not apply.

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F. Hazards (LIP Chapter 9)

The project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7). No substantial risks to life and/or property are anticipated provided the recommendations of the geotechnical reports prepared for the project are followed. The applicant has submitted a Preliminary Geologic and Geotechnical Engineering Investigation Report prepared on August 23, 2011 by GeoConcepts, Inc. and a Coastal Engineering Report prepared on September 13, 2011 by David C. Weiss Structure Engineer & Associates, Inc. The required findings in LIP Chapter 9 are made as follows.

Finding F1. 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.

Based on review of the above referenced reports, City GIS and associated information, it has been determined that:

1. The project site is not located within an earthquake fault zone;
2. The project site is not located within an earthquake-induced landslide hazard zone;
3. There is a potential for inundation of the site from a tsunami event; however, the topography of the sea floor and Channel Islands may minimize the risk of a large tsunami generated from a distance offshore earthquake to impact the southern California coast;
4. The project site is located within the liquefaction zone;
5. The development site is located in a Federal Emergency Management Agency (FEMA) identified flood hazard area; and
6. The project site is located within an extreme fire hazard area.

The project will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Coastal Engineer, City Geologist, and City Public Works Department. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Final plans shall be reviewed and approved by the City Geologist and City Coastal Engineer prior to the issuance of a building permit.

Liquefaction

Based on the liquefaction analysis, liquefaction induced settlement is estimated to be 2.88 inches and differential settlement is estimated to be 1.88 inches. The project geotechnical engineer included specific recommendations for the foundation which include minimum pile diameter size and depth into bedrock. All piles will be designed to resist a lateral force as recommended by the project geotechnical engineer.

Flood

The proposed site was evaluated for flood hazards. The FEMA Flood Insurance Rate Map for the project area designates the northern 170 feet of the lot as Zone D and the southern half of the lot in Zone VE with a base floor elevation of +13 feet NAVD. The proposed structure and AOWTS are outside of the VE zone. According to the Coastal Engineering Report, the lowest recommended finished floor is 19.3 feet NAVD88. Subsequently, the proposed residence lowest finished floor on

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the beachfront portion is 19.3 feet NAVD88.

Fire Hazard

The entire city limits of Malibu are located within the fire hazard zone. 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. As such, the proposed project as conditioned will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards.

A condition of approval has been included in Section 5 of this resolution which require that the property owner indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from development on a beach and wildfire exists as an inherent risk to life and property.

Finding F2.The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As discussed in Finding G1, the proposed project, as designed, conditioned, and approved by City departments will not have any significant adverse impacts on the site stability or structural integrity.

Finding F3.The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the project, as proposed and conditioned, is the least environmentally damaging alternative.

Finding F4.There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As discussed in Finding G1, the proposed project, as conditioned and approved by City departments will not have any significant adverse impacts on the site stability or structural integrity.

Finding F5. 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 Finding G1, the proposed project, as conditioned and approved by City departments will not have any significant adverse impacts on site stability or structural integrity. Therefore, no adverse impacts are anticipated to hazards or to sensitive resource protection policies contained in the LCP.

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G. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project is not anticipated to result in such impacts. The project is sited and designed to minimize risks and assure stability and structural integrity while neither creating nor contributing significantly to erosion or adverse impacts on public access. The project site is seaward of Broad Beach Road. The required findings in LIP Section 10.3 are made as follows.

Finding G1. 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 project is located on the seaward side of Broad Beach Road. The project site currently does not offer public vertical access or lateral access and the proposed

The proposed project includes a new AOWTS located between the proposed residence and the road and associated leachfield between the proposed residence and accessory structure. Both the new AOWTS and the associated leachfield were determined to be located as far landward as feasible by the City Coastal Engineer and City Environmental Health Administrator. A Wave Uprush Report prepared on September 13, 2011 by David C. Weiss Structural Engineer & Associates, Inc. determined that the new OWTS will not be in danger of encroaching storm waves, uprush or beach scour. According to the Wave Uprush Addendum Report, all calculations assumes "a smooth unprotected beach slope. It disregards any existing or future protective shoreline device(s) for the subject property." Furthermore, "if all recommendations are adhered to within the project design and construction..., then the proposed project...will not require the construction of a shoreline protection device...". The proposed project, including the single-family residence, AOWTS, leachfield, and associated development does not necessitate a new shoreline protective device; this finding of fact was made without the assumption that the temporary beachwide rock revetment would be permanent.

The project is not anticipated to result in any new significant adverse impacts on public access, shoreline sand supply, or other resources.

Finding G2. 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 G1, the proposed amendment will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding G3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed amendment does not alter the determination that the proposed project, as conditioned, is the least environmentally damaging alternative.

Finding G4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.

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As discussed in Finding G1, the project will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding G5. In addition, if the development includes a shoreline protective device, that it 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, that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and that it is the least environmentally damaging alternative.

The project does not include a shoreline protective device; furthermore, all findings of facts are made using calculations that assume a "smooth, unprotected impermeable beach and a worst case scenario storm occurrence"; therefore, this finding is not applicable.

H. Public Access (LIP Chapter 12)

No issue of public prescriptive rights has been raised.

Bluff-Top, Trail, and Recreational Access – The project is not located on a bluff-top, adjacent to a trail or include any public access ways to existing or planned public recreational areas; therefore, no conditions or findings are required.

Lateral Access - The proposed development is located landward of the existing development and does not impact existing conditions. No potential project related or cumulative impact on lateral access is anticipated. Therefore, no conditions or findings are required. An inquiry for lateral access easement on the project site has been made to the property owner and to date, the property owner has not provided a response.

Vertical Access- Public vertical access can be obtained approximately 360 feet to the west of the property between 31340 and 31346 Broad Beach Road. Adequate vertical access is provided in the vicinity of the project site. Consistent with LIP Section 12.6, due to the ability of the public, through other reasonable means, to reach nearby coastal resources, no condition for vertical access has been required. The project, as proposed, does not block or impede access to the ocean. No legitimate governmental or public interest would be furthered by requiring vertical access at the project site because of the ability of the public to access nearby public coastal tidelands from the public beaches located east of the project site. Therefore, no conditions or findings for vertical access are required.

I. Land Division (LIP Chapter 15)

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

J. Onsite Wastewater Treatment System (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an AOWTS to serve the proposed single-family residence located between the proposed residence and the road, which has been reviewed by the City Environmental

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Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the Malibu Municipal Code (M.M.C.) and the LCP. The subject system will meet all applicable requirements and operating permits will be required. The new system will utilize a 3,436 gallon MicroSepTec with an ultraviolet disinfection unit. The new system will provide existing onsite development with secondary and tertiary treatment.

An operation and maintenance contract and recorded covenant covering such must be in compliance with City of Malibu Environmental Health requirements. Conditions of approval have been included in Section 5 of this resolution which require continued operation, maintenance and monitoring of onsite facilities.

K. Demolition Permit (M.M.C. Section 17.70.060)

Pursuant to the M.M.C., a demolition permit shall be required for the demolition of any building or structure, or for a substantial remodel, except for a demolition initiated by the City and ordered or authorized under the provisions of the Building Code. This project includes the demolition of the existing residence, spa, fire pit and other hardscape and the required findings must be made. The review and approval body shall approve a demolition permit application provided that all of the findings of fact are made in a positive manner.

Finding K1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

The project includes conditions of approval regarding Best Management Practices (BMPs) to manage the effects of the demolition on surrounding properties and to ensure that the project will not create significant adverse environmental impacts. The City Public Works Department has also conditioned the project to submit a Waste Reduction and Recycling Plan (WRRP) to indicate means and measures to meet a minimum of 50 percent recycling goal.
Finding K2. A development plan has been approved or the requirement waived by the City.

A CDP application is being processed concurrently with the demolition permit. The demolition permit will not be approved unless the associated CDP is approved.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 11-050 and Demolition Permit No. 11-021, subject to the following conditions.

Section 5. Conditions of Approval

Standard Conditions

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

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of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

Demolition:

a. Two-story single-family residence;
b. Two-story deck;
c. Spa; and
d. Removal of existing OWTS.

Construction:

e. 5,064 single-family residence;
f. Detached accessory structure consisting of a 659 square foot garage and 375 square foot theater on the first story and 597 square foot guest house and 381 square foot gym on the second story;
g. A connector bridge which connects the single-family residence with the accessory structure;
h. 1,237 square foot of covered areas;
i. Spa;
j. Firepit;
k. Roof deck over the main residence;
l. Solar panels over the accessory structure;
m. Various hardscape;
n. Landscaping;
o. 278 cubic yards of non-exempt grading;
p. New foundation system consisting of grade beams and 37 piles;
q. Installation of AOWTS; and
r. A 14.8 foot wide view corridor.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning department, dated, **March 13, 2012**. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and prior to issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted

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to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).

7. The CDP shall be null and void if the project has not commenced within two (2) years after issuance of the permit, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the coastal development permit approval shall expire after two years from the date of final planning approval if construction is not completed. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the two-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Geologist, City Environmental Health Administrator, City Biologist, City Coastal Engineer, City Public Works Department, Los Angeles County Water District No. 29 and the LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

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

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.

14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health

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and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Building Plan Check

Demolition/Solid Waste

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

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

17. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.

18. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Deputy Building Official.

19. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.

20. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

21. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.

22. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Division.

Geology

23. All recommendations of the consulting certified engineering geologist or geotechnical

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engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.

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

Onsite Wastewater Treatment System

25. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the AOWTS.

26. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

27. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final AOWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

28. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

29. The final design report shall contain the following information (in addition to the items listed above).
    a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

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b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;

c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak AOWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

d. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For AOWTS final designs, full-size plans are required for review by Building Safety and/or Planning.

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

31. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to <u>structures</u> (i.e., setbacks less than those shown in Malibu Plumbing Code Take K-1) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table K-1 setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced.

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32. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

33. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.

34. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental and Building Safety Division.

35. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

36. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.

37. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

38. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant

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shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 10). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

39. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.

40. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the AOWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.

Grading/Drainage/Hydrology

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

42. The Total Grading Yardage Verification Certificate (dated March 13, 2012) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.

43. 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 prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:
    a. Retains all non-storm water runoff on the property without discharge to the ASBS; and
    b. Maintains the natural water quality within the ASBS by treating storm runoff for the pollutants in residential storm runoff that would cause a degradation of ocean water quality is the ASBS. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediments.

44. A Grading and Drainage Plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project:
    a. Public Works Department general notes;
    b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
    c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
    d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading

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equipment beyond the limits of grading shall be included within the area delineated;

e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;

f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and

g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

h. Public storm drain modifications shown on the grading plan shall be approved by the City Public Works Department prior to issuance of the Grading Permit. The existing 30 inch CMP is shown in one place on sheet T2 and in a different place on sheet A2.1. The exact location of this City facility must be determined prior to the issuance of a Grading permit. Submit documentation on how the pipe location was determined in the field.

45. A Wet Weather Erosion and Sediment Control Plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits if grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:

a. Locations where concentrated runoff will occur;

b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;

c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and

d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.

46. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of building permits. This plan shall include:

a. Dust Control Plan for the management of fugitive dust during extended periods without rain;

b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;

c. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and

d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.

47. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.

48. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.

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49. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations 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 Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.

50. The Deputy Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

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

52. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

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

Floodplain Management

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54. The proposed improvements appear to be located outside the Special Flood Hazard Area (SFHA), and while the portion of the parcel is to found to be within the SFHA the project may be subject to the National Flood Insurance Program (NFIP) regulations. Floodplain determination for the project will be conducted during the review of construction plans in Building Plan Check and prior to final Public Works approval.

Water Quality/ Water Service

55. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve letter from Los Angeles County Waterworks District No. 29 to the Planning department indicating the ability of the property to receive adequate water service.

Shoreline Protection

56. All construction debris shall be removed from the beach daily and at the completion of development.

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

58. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.

59. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.

60. No machinery shall be placed, stored or otherwise located in the intertidal zone at any time, unless necessary for protection of life and/or property.

61. Construction equipment shall not be cleaned on the beach.

62. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

Construction / Framing

63. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.

64. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

65. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California

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Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

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

67. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

Colors and Materials

68. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.

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

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

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Lighting

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

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes is prohibited.

71. Night lighting for sports courts or other private recreational facilities shall be prohibited.

72. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

73. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

Biology/Landscaping

74. No new development, planting, or irrigation is permitted within public easements. Any new structure, plant or irrigation system occurring in the public easement shall be removed at the owner's expense.

75. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks Department, please provide landscape water use approval from that department.

76. Invasive plant species, as determined by the City of Malibu, are prohibited.

77. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

78. Vegetation forming a view impermeable condition (hedge), serving the same function as a

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fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

79. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

80. Prior to final Plan Check, a detailed irrigation plan shall be submitted to Building Safety Department for review and approval.

81. Prior to final landscape inspection, provide a signed copy of the Certificate of Completion, certifying the irrigation installation and operational efficiency is consistent with the approved plans.

82. Grading/excavation shall be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1 –March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

83. Construction fencing shall be installed within five (5) feet of the seaward limits of work prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

Fuel Modification

84. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

Spa

85. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in Malibu Municipal Code (M.M.C.) Chapter 8.24 (Noise).

86. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

87. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
    a. Ozonization systems are an acceptable alternative to chlorine. The discharge of clear water from ozonization systems is not permitted to the street;
    b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and

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c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works (POTW) facility for discharge.

88. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.

89. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per M.M.C. Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property.

90. Pursuant to M.M.C. Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Fencing and Walls

91. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

92. Any fencing across the view corridor shall be visually permeable.

Site Specific Conditions

93. For development on beachfront parcels, beach access stairs shall maintain a 3 feet setback from all property lines unless stairs are located behind the most landward point end of bulkhead, if applicable.

94. This project proposes to construct improvements within the public right-of-way. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way.

95. The applicant/property owner shall obtain all required permits, including approval for mechanized equipment to access to the beach, from Beaches and Harbor prior to commencement of construction.

View Corridor

96. Pursuant to LIP Section 6.5(E)(2)(e) and in order insure the protection of scenic and visual resources, the applicant is required to maintain:
    a. A view corridor a minimum of 14.8 feet wide adjacent to the eastern property line extending the length of the property.
    b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
    c. Any fencing across the view corridor shall be visually permeable.
    d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.

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e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

Prior to Occupancy

97. Prior to issuing a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

98. Prior to Final Building inspection, the applicant shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the final Summary Report.

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

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

Deed Restrictions

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

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

103. Prior to final planning approval, the applicant shall be required to execute and record a deed

Previously approved by Planning Commission on June 19, 2012

restriction reflecting lighting requirements set forth in Condition Nos. 70-73. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

Fixed Conditions

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

105. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Section 6. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 19th day of June 2012.

JOHN MAZZA, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to LIP Section 13.20.1 (Local Appeals), 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 374.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's decision 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.

Previously approved by Planning Commission on June 19, 2012

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 12-56 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 19th day of June 2012, by the following vote:

AYES: COMMISSIONERS: BROTMAN, PIERSON AND MAZZA
NOES:
ABSTAIN:
ABSENT: COMMISSIONERS: STACK AND JENNINGS

JESSICA BLAIR, Recording Secretary

Previously approved by Planning Commission on June 19, 2012

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 13-94

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 13-005 TO MODIFY SCOPE OF WORK APPROVED UNDER COASTAL DEVELOPMENT PERMIT NO. 11-050 TO RECEIVE AND FILE AN UPDATED WAVE UPRUSH REPORT WITH AN UPDATED MEAN HIGH TIDE LINE, AMEND THE LANDSCAPING PLAN TO PROHIBIT ANY LANDSCAPING SEAWARD OF THE DECK STRINGLINE, ADD A CONDITION OF APPROVAL TO EFFECTUATE THE PROPERTY OWNER'S OFFER TO DEDICATE LATERAL ACCESS EASEMENT, AND TO ADD A CONDITION OF APPROVAL SPECIFYING THAT NO FUTURE SHORELINE PROTECTIVE DEVICE MAY BE PERMITTED TO PROTECT THE DECK APPROVED SEAWARD OF THE WAVE UPRUSH LINE, AT 31302 BROAD BEACH ROAD (KAPLAN LIVING TRUST)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On June 19, 2012, the Planning Commission adopted Planning Commission Resolution No. 12-56, an application for Coastal Development Permit (CDP) No. 11-050 and associated requests submitted by the applicant, Robert Ramirez, on behalf of property owner, Kaplan Living Trust.

B. On July 20, 2012, the California Coastal Commission (CCC) filed an appeal of the project.

C. On May 22, 2013, the applicant submitted Coastal Development Permit Amendment (CDPA) No. 13-005 to address the issues raised in the CCC appeal.

D. On September 16, 2013, a Notice of Application was posted on the project site.

E. On September 16, 2013, the application was deemed complete for processing.

F. On September 26, 2013, a Notice of 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.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Department has found that the proposed amendment is listed among the classes of

ATTACHMENT 7

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projects that have been determined not to have a significant adverse effect on the environment, and therefore, is exempt from the provisions of CEQA. Accordingly, a subsequent CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Sections 15305 – Minor Alterations in Land Use Limitations. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines, Section 15300.2).

Section 3. Findings for Coastal Development Permit Amendment

Based on substantial evidence contained within the record and pursuant to Sections 13.7(B) and 13.9 of the City of Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDPA No. 13-005, an application to amend the project scope of work previously approved under CDP No. 11-050 to: 1) amend the landscaping plan to prohibit any landscaping seaward of the deck stringline; 2) add a condition of approval to effectuate the property owner's offer to dedicate a lateral access easement; 3) receive and file an updated Wave Uprush Report with an updated Mean High Tide Line (MHTL); and 4) to add a condition of approval to specifying that no future shoreline protective device may be permitted to protect the deck approved seaward of the wave uprush line. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

A. General Coastal Development Permit (LIP Chapter 13)

The proposed amendment will not lessen or negate any of the findings or specific permit conditions contained in the previously adopted Planning Commission Resolution No. 12-56; which would remain in effect. All other findings, terms and / or conditions of Planning Commission Resolution No. 08-10 shall remain in full force and effect.

Finding A1. 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 amendment has been reviewed for conformance with the LCP by the Planning Department. The proposed amendment, as conditioned, conforms to the certified City of Malibu LCP in that it meets all the required beachfront residential development standards.

Finding A2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea. There are no trails located near the parcel. The project site is currently developed with an existing single-family residence which will be demolished and replaced with the two-story single-family residence approved in CDP No. 11-050. According to the LCP Public Access Map, a vertical public accessway is located approximately 360 feet to the west of the property between 31340 and 31346 Broad Beach Road. In addition, as part of

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this amendment, the property owner has agreed to dedicate a lateral public access on the subject property. Therefore, the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

Finding A3. The project is the least environmentally damaging alternative.

The Planning Commission found in Resolution No. 12-56 that the proposed demolition of an existing single-family residence, construction of a new single-family residence and associated development as proposed under CDP No. 11-050 would not involve significant adverse effects on the environment, within the meaning of CEQA, and no further feasible alternatives (such as major changes to the siting or footprint) were found that would further reduce any impacts on the environment. Revising the scope of work to prohibit landscaping seaward of the deck stringline, regardless of height, will not alter this finding since the structure still complies with the required setbacks and the maximum height allowance under LIP Section 3.6. No other physical changes are proposed to the approved coastal development permit. The project, as amended, is the least environmentally damaging alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

Per the Local Coastal Program (LCP) ESHA Map, the property is not designated as an ESHA; however, properties along Broad Beach Road in this area are known to contain sand dune ESHA on the beach portion of the parcels. Due to erosion, a temporary beachwide rock revetment has been installed in front of the subject property and 76 other adjacent properties under Emergency Coastal Development Permit (ECDP) No. 09-021/4-10-003-G and the impacts of the rock revetment on sand dune ESHA will be addressed under the follow-up CDP for permanent shoreline protection at Broad Beach. The findings in this report are made without the assumption that the temporary beachwide rock revetment would become permanent. The City Biologist has reviewed the project and determined that review by the Environmental Review Board is not applicable to this project.

B. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project is not anticipated to result in such impacts. The project is sited and designed to minimize risks and assure stability and structural integrity while neither creating nor contributing significantly to erosion or adverse impacts on public access. The project site is seaward of Broad Beach Road. The required findings in LIP Section 10.3 are made as follows.

Finding B1. 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 project is located on the seaward side of Broad Beach Road. The project site currently does not

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offer public vertical access or lateral access; however, the property owner has offered to dedicate a lateral access easement across the beachfront portion of the subject site. The specific language of the condition of approval effectuating the property owner's offer to dedicate a lateral access easement has been reviewed by Coastal Commission staff to ensure the condition provides flexibility regarding the existing temporary beachwide rock revetment.

The CCC requested an updated wave uprush report to compare the MHTL of record as surveyed by Moffatt & Nicholl for the CCC on October 15, 2009 for the Broad Beach Road Emergency Revetment Plan with the MHTL surveyed by the Land & Air Surveying dated December 3, 2006. The April 2013 Updated Wave Uprush Report prepared by David C. Weiss Structural Engineer & Associates Inc. found that the 2009 MHTL was closer to the north property line than any of the MHTLs of record. In the previous 2006 report, the wave uprush did not reach the previously approved single-family residence but reached a portion of the deck; however, based on the new 2009 MHTL location, a portion of the house footings and the entire deck are within the wave uprush zone. Therefore, the project coastal engineer recommends that footings within the wave uprush zone be taken to a minimum of 2 feet below scour or 2 feet into bedrock whichever is higher. The City Coastal Engineer has reviewed the revised wave uprush report and concurs with the project geotechnical engineer. In addition, a condition of approval has been included this resolution clarifying that although the deck is permitted to remain within the wave uprush zone, a future shoreline protective device may not be permitted to protect an accessory structure, such as the approved deck. The approved deck is designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

The April 2013 Wave Uprush report has been included as Attachment 5. The project is not anticipated to result in any new significant adverse impacts on public access, shoreline sand supply, or other resources. All of the required findings can be made and are fully enumerated in this resolution.

The project is not anticipated to result in any new significant adverse impacts on public access, shoreline sand supply, or other resources.

Finding B2. 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 B1, the proposed amendment, as conditioned, will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding B3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed amendment does not alter the determination that the proposed project, as conditioned, is the least environmentally damaging alternative.

Finding B4. There are no alternatives to the proposed development that would avoid or substantially lessen impacts on public access, shoreline sand supply or other resources.

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As discussed in Finding B1, the project will not have any significant adverse impacts on public access, shoreline sand supply or other resources.

Finding B5. In addition, if the development includes a shoreline protective device, that it 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, that there are no alternatives that would avoid or lessen impacts on shoreline sand supply, public access or coastal resources and that it is the least environmentally damaging alternative.

The project does not include a shoreline protective device; furthermore, all findings of facts are made without premise to the existing temporary beachwide rock revetment located south of the subject property; therefore, this finding is not applicable.

C. Public Access (LIP Chapter 12)

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, as well as trail access, and recreational access when applicable. No onsite vertical, lateral, bluff-top, recreational or trail access is currently provided on the subject parcel; however, as a condition of approval of this amendment, the property owner has offered to dedicate a lateral access easement across the beachfront portion of the subject property.

The specific language of the condition has been reviewed by Coastal Commission staff. The lateral access easement would be the area between the dripline of the deck and the ambulatory mean high tide line. The condition of approval also includes language describing the shoreline protection buffer which includes the area between the dripline of the approved deck and the ambulatory toe of the existing temporary rock revetment.

Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit Amendment No. 13-005, subject to the following conditions.

Section 5. Conditions of Approval.

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

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2. The approved amendment includes two physical changes to the project previously approved under CDP No. 11-050:
   a. Receive and file an updated wave uprush report that includes and compares the Mean High Tide Line (MHTL) of record as surveyed by Moffatt & Nicholl for the CCC on October 15, 2009 for the Broad Beach Road Emergency Revetment Plan with the MHTL surveyed by the Land & Air Surveying dated December 3, 2006;
   b. Amend the landscaping plan to prohibit any new landscaping, regardless of height, seaward of the deck stringline;
   c. Add a condition of approval to effectuate the property owner's offer to dedicate a lateral access easement; and
   d. Add a condition of approval specifying that no future shoreline protective device may be permitted to protect the deck approved seaward of the wave uprush line.

3. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until all permittees or authorized agent(s) signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 working days of this decision.

4. Subsequent submittals for this project shall be in substantial compliance with plans on file in the Planning Department, date-stamped March 13, 2012 and the revised landscaping plan approved by the City Biologist on **July 16, 2013.**

5. The project shall comply with all conditions of approval stipulated in the referral sheets on file with the City. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

6. Pursuant to LIP Section 13.20, development pursuant to an approved CDPA shall not commence until the CDPA is effective. The CDPA is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the CDPA approved by the City is void.

7. CDP No. 11-050 as amended by CDPA No. 13-005 shall be null and void if the project has not commenced within two (2) years after issuance of the permit or October 7, 2015. Extension to the permit, as amended, may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the two-year period and shall set forth the reasons for the request.

8. This resolution (including signed and notarized Acceptance of Conditions Affidavit and Department Review Sheets) shall be copied in its entirety and placed directly onto a separate plan sheets behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).

Previously approved by Planning Commission on October 7, 2013

9. The applicant shall submit three (3) complete sets of plans, which include the pages described in Condition No. 5, to the Planning Department for consistency review and approval prior to the issuance of any building or development permit.

10. Questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

11. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the M.M.C. and the LCP. An application with all required materials and fees may be required.

12. All structures shall conform to the City of Malibu Environmental and Building Safety Division, City Geologist, and City Coastal Engineer. Notwithstanding this review, all required permits shall be secured.

13. This CDP amendment shall run with the land and bind all future owners of the property.

14. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

15. This approval is for a revised landscape plan. Previous conditions of approval for the primary project remain in effect. In the event of conflicting conditions, the more restrictive shall apply.

16. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

17. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

18. Prior to issuance of Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

19. No landscaping shall be permitted seaward of the deck stringline, regardless of landscaping height.

20. In order to effectuate the applicant's proposal of an offer to dedicate an easement for lateral public access, prior to issuance of the permit, the property owner shall execute an record a document, in a form and content acceptable to the Coastal Commission, irrevocably offering to dedicate (or granting), free of prior liens and any other encumbrances that the Coastal

Previously approved by Planning Commission on October 7, 2013

Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the Coastal Commission, granting to the public the permanent right of lateral access and passive recreation. The easement shall be located along the entire width of the property and shall extend from the ambulatory mean high tide line landward to the approved dripline of the deck, as generally illustrated on Attachment 6 of the October 7, 2013 Planning Commission agenda report. A shoreline protection buffer, where, notwithstanding the above, public access and recreation would not be allowed, shall extend from the dripline of the approved deck seaward to the intersection of sand with the toe of the existing temporary rock revetment (which was temporarily authorized pursuant to the California Coastal Commission Emergency Coastal Development Permit 4-10-003-G). If the Coastal Commission requires removal, replacement, relocation, and/or reconstruction of the as-built shoreline protective device on the property pursuant to the follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the seaward boundary of the shoreline protection buffer shall be relocated accordingly to the intersection of sand with the toe of the approved shoreline protection device. If the Coastal Commission does not authorize a new shoreline protective device, on the property pursuant to a follow-up coastal development permit application for Emergency CDP 4-10-003-G, then the shoreline protection buffer shall be eliminated in its entirety. The recorded document shall include metes and bounds legal descriptions with corresponding graphic depiction, drawn to scale by a licensed surveyor, of both the subject parcel and easement area. The offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

21. Consistent with Section 10.4 M of the City of Malibu Local Coastal Program Local Implementation Plan, no shoreline protection structure shall be permitted for the sole purpose of protecting an ancillary or accessory structure. Such accessory structures shall be removed if it is determined that the structure is in danger from erosion, flooding or wave run-up. Accessory structures, including but not limited to, patios, stairs, recreational facilities, landscaping features, and similar design elements shall be constructed and designed to be removed or relocated in the event of damage from wave action, or be reconstructed to withstand wave action.

22. All other conditions of Planning Commission Resolution No. 12-56 are incorporated herein by reference.

Previously approved by Planning Commission on October 7, 2013

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 7th day of October 2013.

JEFFREY D. JENNINGS, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Section 13.20.1 (Local Appeals), 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 decision 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. 13-94 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 7th day of October 2013, by the following vote:

AYES: COMMISSIONERS: MAZZA, PIERSON, AND JENNINGS
NOES:
ABSTAIN:
ABSENT: COMMISSIONERS: BROTMAN AND STACK

JESSICA BLAIR, Recording Secretary

Previously approved by Planning Commission on October 7, 2013

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:** 3/14/2016

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 16-010
JOB ADDRESS:	31302 BROAD BEACH RD
APPLICANT / CONTACT:	Robert Ramirez
APPLICANT ADDRESS:	1112 Montana Ave Santa Monica, CA 90403
APPLICANT PHONE #:	(310)804-3327
APPLICANT FAX #:	(310) 393-8984
APPLICANT EMAIL:	bob@ramirezstudio.com
PROJECT DESCRIPTION:	Demo ESFR, NSFR and AOWTS

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

3/23/16
DATE

Rev 120910

ATTACHMENT 8

City of Malibu
MEMORANDUM

To: Planning Department

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

Date: March 23, 2016

Re: Proposed Conditions of Approval for 31302 Broad Beach Road CDP 16-010

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

STREET IMPROVEMENTS

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

GRADING AND DRAINAGE

2. 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 disturb 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 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 singed 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.

MISCELLANOUS

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

9. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

   - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
   - There are sufficient BMPs in place to prevent soil erosion; and
   - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

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

City of Malibu

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	March 21, 2016	**Review Log #:**	**3319**
Site Address:	31302 Broad Beach Road		
Lot/Tract/PM #:		**Planning #:**	**CDP 16-010** CDPA 13-005
Applicant/Contact:	Robert Ramirez, bob@ramirezstudio.com	**BPC/GPC #:**	
Contact Phone #:	310-804-3327 **Fax#:**	**Planner:**	Stephanie Hawner
Project Type:	New single-family residence, accessory structures, grading		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold.**)*	GeoConcepts, Inc. (Sousa, CEG 1315; Haddad, RCE 69169): 3-2-12, 11-30-11 GeoConcepts, Inc. (Barrett, CEG 2088; Haddad, RCE 69169): 2-23-12, 8-23-11 **Building Plans prepared by Ramirez Design, Inc. dated May 25, 2015.** **Grading plans prepared by Ramirez Design, Inc, dated September 3, 2014.** Preliminary Onsite Wastewater Treatment System plan prepared by Ensitu Engineering, Inc. dated October 18, 2011.
Previous Reviews:	5-14-14, 3-30-12, 11-14-11, Geotechnical Review Referral Sheet dated 10-24-11

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 of the OWTS.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. 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 new building and grading plans were reviewed by the City from a geotechnical perspective. The project includes the demolition of the existing single-family residence and decks and the construction of a new 4,923 square foot two-story single-family residence with a pile and grade beam foundation system. A detached two-story 1,256 square foot garage and guest house is proposed as well as a detached 753 square foot two-story gym/theatre with pile and grade beam foundation systems. Grading is proposed, and a new onsite wastewater treatment system (OWTS) consisting of a treatment tank system and leach dispersal fields to absorb effluent will be installed on the property.

Building Plan-Check Stage Review Comments:

1. Please include a completed Total Grading Yardage Verification Certificate on the grading plan.
2. Please show the areas of cut and fill on the grading plan.
3. Is any R & R grading (removal and re-compaction, or over-excavation) proposed under the structures? If so, please depict the limits and depths of over-excavation and structural fill (R & R grading) to be placed on the grading plan, and cross-sectional view(s) of the proposed building areas.
4. Please clearly show the OWTS components on the site and grading plans.
5. Who is the engineer of record for the grading plan? No signature is provided on the plans submitted.
6. The existing OWTS to be abandoned must be clearly shown on the building and grading plans.
7. Please label the pile foundations and provide a pile schedule on the plans that indicates total depths, bearing material, and minimum depths into the bearing material as recommended by the Project Geotechnical Consultant (bedrock).
8. Please reference by date the geotechnical reports for the project by GeoConcepts, Inc. on the plans.
9. Please include recommendations on the plans to properly abandon the existing OWTS on the property.
10. Will shoring be required to install the OWTS components? Provide shoring plans for review and approval, as necessary.
11. Provide letters from the Project Geotechnical and Structural Engineering Consultants for any reduced setbacks between the OWTS components and structures, as applicable.
12. 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 the residence and accessory structures for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, depth to groundwater, and a map depicting the locations of the piles."*
13. Two sets of final grading, OWTS, garage/guest house, theatre/gym, spa, 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/Civil 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: _____ 3/21/16

Christopher Dean, C.E.G. #1751, Exp. 9-30-16 Date
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

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 OWTS plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**

2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Grading Plans.

3. The Foundation Plans for the improvements shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.

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.

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City of Malibu

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

CDP 16-010

COASTAL ENGINEERING REVIEW
REFERRAL SHEET

TO: City of Malibu Coastal Engineer Staff **DATE:** 3/14/2016

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 16-010

JOB ADDRESS: 31302 BROAD BEACH RD

APPLICANT / CONTACT: Robert Ramirez

APPLICANT ADDRESS: 1112 Montana Ave
Santa Monica, CA 90403

APPLICANT PHONE #: (310)804-3327

APPLICANT FAX #: (310) 393-8984

APPLICANT EMAIL: bob@ramirezstudio.com

PROJECT DESCRIPTION: Demo ESFR, NSFR and AOWTS

TO: Malibu Planning Division and/or Applicant

FROM: Coastal Engineering Reviewer

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

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

SIGNATURE DATE 3/18/2016

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.

* Previously reviewed and approved as CDPA 13-005 (CDP 11-050). Applicant submitted same plans. No changes.

Rev 120910 * Resubmit at Building Plan Check stage to Coastal Eng.

SH

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

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator **DATE:** 3/14/2016

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 16-010
JOB ADDRESS:	31302 BROAD BEACH RD
APPLICANT / CONTACT:	Robert Ramirez
APPLICANT ADDRESS:	1112 Montana Ave Santa Monica, CA 90403
APPLICANT PHONE #:	(310)804-3327
APPLICANT FAX #:	(310) 393-8984
APPLICANT EMAIL:	bob@ramirezstudio.com
PROJECT DESCRIPTION:	Demo ESFR, NSFR and AOWTS

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: [signature] Date: MARCH 24, 2016

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

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 307.

EH APPROVAL DATED 2-23-2016 IS STILL VALID FOR CDPA 13-005

File

City of Malibu

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

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu City Biologist **DATE:** 5/22/2013

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDPA 13-005

JOB ADDRESS: 31302 BROAD BEACH RD

APPLICANT / CONTACT: Robert Ramirez

APPLICANT ADDRESS: 428 Palisades Avenue
Santa Monica, CA 90402

APPLICANT PHONE #: (310)395-2192

APPLICANT FAX #: (310) 393-8987

APPLICANT EMAIL: bob@ramirezstudio.com

PROJECT DESCRIPTION: new landscaping and a new wave action report

---

TO: Malibu Planning Division and/or Applicant

FROM: Dave Crawford, City Biologist

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

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

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

SIGNATURE DATE 2/11/13

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

City of Malibu

23825 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

Planning Department

BIOLOGICAL REVIEW

Site Address: 31302 Broad Beach Road
Applicant/Phone: Robert Ramirez/ 310.395.2192
Project Type: New landscaping and new wave action report
Project Number: CDPA 13-005
Project Planner: Stefanie Edmonson

REFERENCES: Revised Landscape Plan

DISCUSSION:

1. Subject landscape plan is a revision based on a CCC requirement. Due to the requirement of revetment installation on the beach, the CCC will ultimately require a complete dune restoration plan consistent for the entire restored dune complex. As such, the revised plans only involve the removal of planned plantings in the future dune restoration zone.

RECOMMENDATIONS:

1. The project is **APPROVED** with the following conditions:

   A. This approval is for a revised landscape plan. Previous conditions of approval for the primary project remain in effect. In the event of conflicting conditions, the more restrictive shall apply.

   B. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

   C. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

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

Reviewed By: _____ Date: 7/16/13

Dave Crawford, City Biologist
310-456-2489 ext.277 (City of Malibu); e-mail dcrawford@malibucity.org
Available at Planning Counter Tuesdays 9:00 to 11:00 a.m.

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City of Malibu

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

BIOLOGY REVIEW
REFERRAL SHEET

TO: City of Malibu City Biologist DATE: 10/20/2011

FROM: City of Malibu Planning Department

PROJECT NUMBER: DP 11-021, CDP 11-050, CE 11-116

JOB ADDRESS: 31302 BROAD BEACH RD

APPLICANT / CONTACT: Robert Ramirez

APPLICANT ADDRESS: 428 Alta Ave.
Santa Monica, CA 90402

APPLICANT PHONE #: (310)395-2192

APPLICANT FAX #: (310) 393-8987

PROJECT DESCRIPTION: Demo site, NSFR, OWTS, garage, gym, guesthouse, & spa

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TO: Malibu Planning Division and/or Applicant

FROM: Dave Crawford, City Biologist

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

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

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

SIGNATURE DATE 4/17/12

Additonal requirements/conditions may be imposed upon review of plan revisions. City Biologist may be contacted Tuesday and Thursday between 8:00 am and 11:00 am, by leaving an email at dcrawford@malibucity.org or by leaving a detailed voice message at (310) 456-2489, extension 277.

E. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.

F. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

G. Prior to final Plan Check, a detailed irrigation plan shall be submitted to Building Safety Department for review and approval.

H. Prior to final landscape inspection, provide a signed copy of the Certificate of Completion, certifying the irrigation installation and operational efficiency is consistent with the approved plans.

I. Grading/excavation shall be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1 –March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

J. Construction fencing shall be installed within five (5) feet of the seaward limits of work prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

K. Night lighting of the beach is prohibited.

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

Reviewed By: _____ Date: 4/17/12

Dave Crawford, City Biologist

310-456-2489 ext.227 (City of Malibu); e-mail dcrawford@ci.malibu.ca.us
Available at Planning Counter Tuesdays and Thursdays 8:00 a.m. to 10:00 a.m.

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for 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/planning forms or in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval 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.

If you have questions regarding this notice, please contact **Stephanie Hawner, Associate Planner, at (310) 456-2489, extension 276.**

Date: May 26, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 9

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

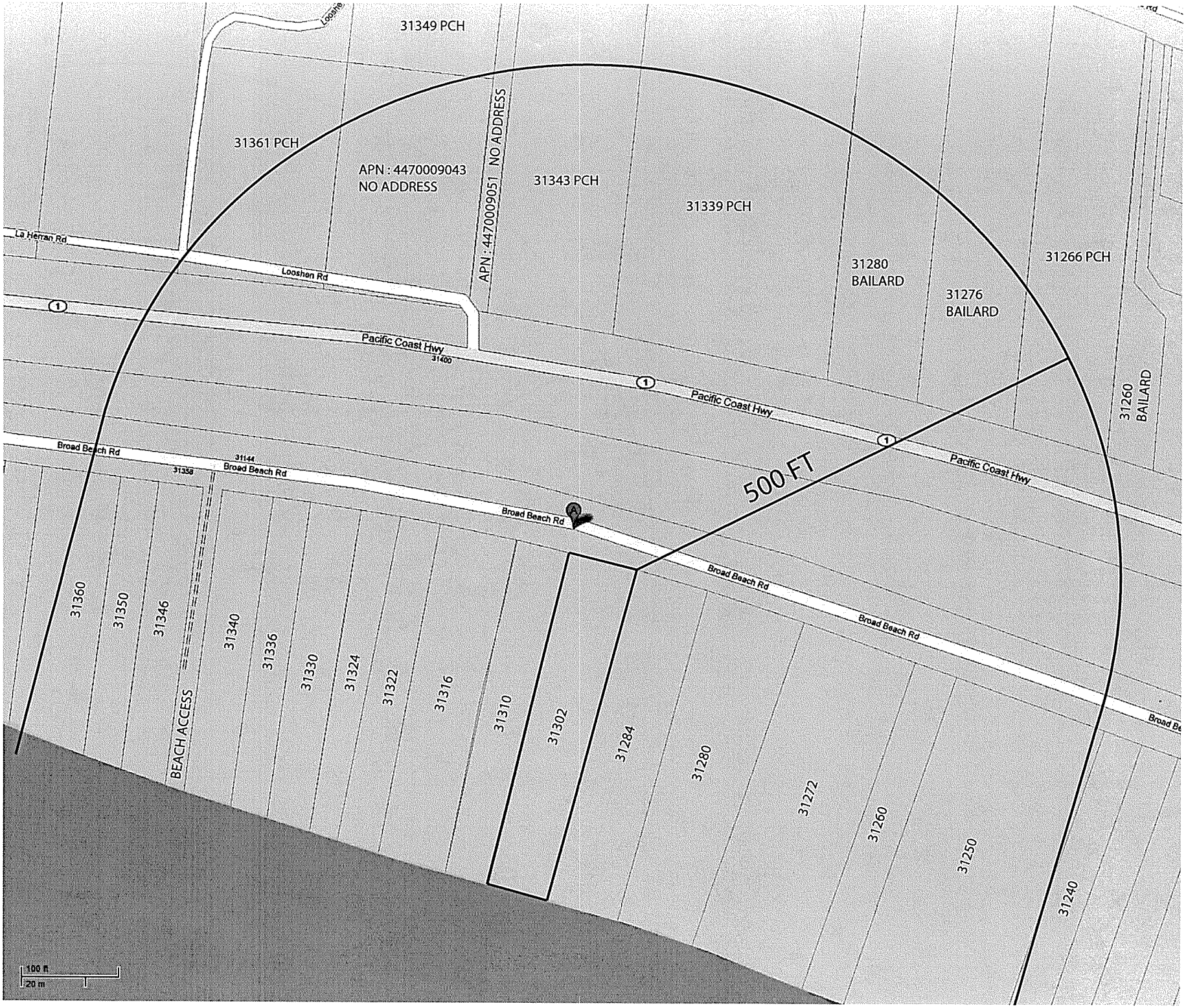
NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 16-010 AND DEMOLITION PERMIT NO. 16-014 – An application for the construction of a new 5,047 square foot single-family residence, a 2,012 square foot two-story detached accessory structure consisting of a garage, theater, second unit and gym, a bridge connecting the single-family residence to the accessory structure, 1,378 square feet of covered areas, new spa, firepit, roof deck, roof solar panels on the accessory structure, hardscape, and installation of a new alternative onsite wastewater treatment system, including a 14.8 foot wide contiguous view corridor and a demolition permit to remove the existing residence and associated development

LOCATION:	31302 Broad Beach Road, within the appealable coastal zone
APN:	4470-016-005
ZONING:	Single-Family Medium (SFM)
APPLICANT:	Robert Ramirez
OWNER:	Steve Kaplan
APPLICATION FILED:	March 14, 2016
CASE PLANNER:	Stephanie Hawner Associate Planner (310) 456-2489, ext. 276 shawner@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15303(a) and (e) - New Construction and 15301(l) – Existing Facilities. 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).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Planning Commission Meeting
06-20-16
Item 5.B.

Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Carlos Contreras, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: June 9, 2016 Meeting date: June 20, 2016

Subject: Coastal Development Permit No. 14-081 – An application to construct a new detached studio/home office and associated development

Location: 3989 Villa Costera, within the appealable coastal zone
APN: 4451-011-011
Owner: Michael Klein

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-50 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 14-081 to construct a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system, located in the Rural Residential One Acre zoning district located at 3989 Villa Costera (Klein).

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

Project Overview

The proposed project consists of constructing a new detached two-story 2,025 square foot studio/home office and new alternative onsite wastewater treatment system (AOWTS). The proposed structure will be accessory to an existing single-family residence. The property is located approximately 300 feet north of Pacific Coast Highway. The site's topography ascends from Pacific Coast Highway to the base of the hillside located at the front of the property along Rambla Vista, which then ascends toward Villa Costera (See Figure 1).

Story poles were placed on the site in May 2016 to demonstrate the location, height and bulk of the proposed development and aid the visual analysis of potential private and public view impacts (Attachment 3 – Story Pole Photos). Staff visited the property and determined that the proposed construction of a new detached studio/home office that is 18 feet in height would not be expected to obstruct any primary views of neighboring residences and have no greater public view impacts.

Figure 1 – Aerial Photo

Project Setting and Surrounding Land Uses

The subject property is located at 3989 Villa Costera, and is approximately 1.3 acres in size. This is an inland lot that is currently developed with a 2,304 square foot single-family residence and associated residential development that was built in 1957. The main residence is accessed from Villa Costera (a dead-end, private street), which bisects the parcel across the middle. The project site is located within the Appeal Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. However, the subject parcel is not designated as Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer based on the LCP ESHA and Marine Resources Map, and does not have trails on or adjacent to it according to the LCP Park Lands Map.

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

Table 1 – Property Data	
Lot Depth	318 feet 10 inches
Lot Width	221 feet 7 inches
Gross Lot Area	58,656 square feet (1.3 acres)
Net Lot Area*	40,686 square feet (.94 acres)

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

Surrounding land uses consist of residential properties located along Villa Costera and Rambla Vista to the southeast (a public street). As outlined in Table 2, the surrounding land uses consist of single-family residential homes within the Rural Residential One Acre (RR-1) and Single-Family Medium Residential (SFM) zoning districts and are predominantly two-stories.

Table 2 – Surrounding Land Uses				
Direction	**Address/ Parcel No.**	**Parcel Size**	**Zoning**	**Land Use**
East (Across Rambla Vista)	21642 Rambla Vista	26,989 sq. ft.	RR-1	Residential
North	Vacant Parcel	9,964 sq. ft.	RR-1	Residential
South	21701 Pacific Coast Highway	7,195 sq. ft.	SFM	Residential
	21663 Pacific Coast Highway	7,938 sq. ft.	SFM	Residential
	21657 Pacific Coast Highway	11,798 sq. ft.	SFM	Residential
West (Across Villa Costera)	21651 Rambla Vista	65,754 sq. ft.	RR-1	Residential

Project Description

The proposed scope of work is as follows:

- New 2,025 square foot detached two-story studio/home office;
- 664 square foot first floor deck;
- 241 square foot second floor deck area;
- 558 square foot driveway and turn-around;
- Retaining wall;
- Hardscape;
- New AOWTS; and
- 116 cubic yards of non-exempt grading.

LCP Analysis

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

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

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

For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only the following chapters and associated findings are applicable to the project: Coastal Development Permit, Scenic Visual and Hillside Resource Protection and Hazards.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Reviewer, City Public Works Department, City geotechnical staff, Los Angeles County Water District 29 (WD29), and the Los Angeles County Fire Department (LACFD) (Attachment 4 – Department Review Sheets). WD29 provided a

Will Serve Letter to the applicant stating that WD29 can serve water to the property, the project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies.

Zoning (LIP Chapter 3)

Table 3 provides a summary and indicates that the project meets the property development and design standards as set forth under LIP Chapter 3.

Table 3 – Zoning Conformance (Non-Beachfront)			
Development Requirement	**Allowed / Required**	**Proposed**	**Comments**
SETBACKS (accessory structure)			
Front Yard	63 feet, 8 inches	156 feet, 9 inches	Complies
Rear Yard	47 feet, 10 inches	62 feet, 6 inches	Complies
Side Yard (minimum)	22 feet, 2 inches	44 feet, 6 inches	Complies
Side Yard	33 feet, 3 inches	100 feet, 7 inches	Complies
ACCESSORY STRUCTURE HEIGHT	18 feet	18 feet	Complies
TOTAL DEVELOPMENT SQUARE FOOTAGE	6,746 square feet	5,098 square feet	Complies
TWO-THIRDS RULE	1,045 square feet	457 square feet	Complies
IMPERMEABLE COVERAGE	12,206 square feet	8,601 square feet	Complies
NON-EXEMPT GRADING	1,000 cubic yards	116 cubic yards	Complies

On October 11, 2012, staff determined that front lot line is that line abutting Rambla Vista because pursuant to LCP LIP Section 2.1, "lot line, front" is defined as a line separating the front yard from the parkway, highway or street upon which the yard fronts and the "yard, front" is defined as a yard extending across the full width of the lot. The subject parcel abuts Rambla Vista to the southeast and Villa Costera bisects the parcel across the middle, which is consistent with the above definitions.

Based on staff setbacks interpretation[1] and as shown in Table 3, the project conforms to the residential development standards contained in LIP Chapter 3. As discussed throughout this report, staff has determined the proposed development is consistent with all applicable LCP codes, standards, goals, and policies.

[1] On October 11, 2012, Pre-Application No. 12-036 was completed to determine lot depth and lot width to establish required setbacks at the subject site.

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. All previous grading on the site pre-dated the LCP and thus is not counted toward this limit. The total amount of grading is 1,206 cubic yards. The total amount of proposed non-exempt grading is 116 cubic yards, which is less than the maximum allowable 1,000 cubic yards of non-exempt grading. The remaining grading is exempt: 46 cubic yards of understructure and 1,044 cubic yards of removal and recompaction. The project complies with grading requirements set forth under LIP Section 8.3

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Study was prepared by Robert Wlodarski of H.E.A.R.T. in March 2016 for this property. No archaeological resources were found onsite during the Phase I investigation and the report concluded that development should have no impact on cultural resources, and no known cultural resource areas were observed on the property, or located within the immediate vicinity. Furthermore, the proposed new construction of the detached studio/home office is within an area with substantial earth grade disturbance that occurred during the construction of Villa Costera (a dead-end, private street), the existing single-family residence, and driveway. No further investigations were recommended.

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval include the preparation and approval of a Grading and Drainage Plan, and implementation of storm water management plans during construction activities and management of runoff from the proposed development storm water management plans. With the implementation of these conditions, the project conforms to the Water Quality Protection standards of LIP Chapter 17.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes an AOWTS to serve the proposed development, which has been reviewed by the City Environmental Health Reviewer and found to meet the minimum requirements of the Malibu Plumbing Code, the MMC and the LCP. The existing OWTS located at the subject site currently serves the existing residence. The new AOWTS is sized to serve the proposed studio/home office. Should the OWTS fail in the future, the new AOWTS will serve both the proposed studio/home office and existing residence. The proposed AOWTS will meet all applicable requirements and operating permits will be required. An operation and maintenance contract and recorded covenant covering such must comply with City of Malibu Environmental Health requirements. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

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

Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The project has been reviewed for conformance with the LCP by Planning Department staff, City Biologist, City Environmental Health Reviewer, City geotechnical staff, City Public Works Department, WD29 and LACFD. As discussed herein, based upon submitted reports, project plans, visual analysis and detailed site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards.

Finding A2. If the project is located between the first public road and the sea, that the project is in conformity to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

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

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no further feasible alternatives that would further reduce any impacts on the environment. The project complies with the size, location and height requirements of the LCP. The following alternatives to the proposed project were considered

No Project – The no project alternative would avoid any changes to the subject site. The project site is developed with an existing single-family residence, driveway, and Villa Costera. The project site is zoned RR-1 for residential use and the proposed accessory structure is consistent with the zone designation. The no project alternative would not accomplish any of the project objectives, and therefore, is not feasible.

Alternative Design – An alternative location could be proposed on the project site. However, the project complies with the maximum allowable Total Development Square Footage (TDSF), impermeable coverage and height limitations of the LCP. A smaller project may eliminate the second floor and/or reduce the footprint of the proposed accessory structure. As the second floor is located within the limits of the footprint of the first floor, and is significantly less than the allowable second floor area, its elimination is not expected to offer any environmental advantages. Should the footprint be reduced, the direct land disturbance as a result of construction would be reduced. However, the project's overall TDSF is significantly below the maximum allowable. Additionally, the unique shape of the lot and site constraints results in development restrictions, limiting the development to the proposed location. As designed, the proposed project complies with the requirements of both the MMC and LCP. It is not anticipated that a smaller project would offer any environmental advantages.

Proposed Project – The project consists of the construction of a new accessory detached studio/home office and a new AOWTS which is a permitted use within the RR-1 zoning designation. The selected location has been reviewed and conditionally approved by the City Biologist, City Environmental Health Reviewer, City geotechnical staff, City Public Works Department, and the LACFD, and meets the City's residential development policies of the LCP and MMC. The project is surrounded by residential development located along Villa Costera and Rambla Vista. The proposed project allows for development consistent with that existing and proposed in the neighborhood. The project as conditioned will comply with all applicable requirements of State and local law. The proposed project has been determined to be the least environmentally damaging feasible alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

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

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

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

C. Native Tree Protection (LIP Chapter 5)

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

D. 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 in the vicinity of Pacific Coast Highway, approximately 300 feet north of Pacific Coast Highway. The project site is visible from Pacific Coast Highway, which is an LUP-identified scenic area. The site's topography ascends from Pacific Coast Highway to the base of the hillside located at the front of the property along Rambla Vista, which then ascends toward Villa Costera. Since the project is located adjacent to scenic areas, the findings set forth in LIP Section 6.4 are enumerated herein.

Finding D1. The project, as proposed, will have no significant adverse scenic or visual impacts due to project design, location on the site or other reasons.

Based on the project design and location, the proposed project will have less than significant adverse scenic or visual impacts. While visible from Pacific Coast Highway, the location of the proposed construction is within an area of existing development and is sited to be located as far back from both Pacific Coast Highway and Rambla Vista as possible without impacting slopes and required rear and side yard setbacks. Additionally, there is a primary residential structure located to the southeast of the proposed structure and the retaining walls and the proposed accessory structure will

blend in with the surrounding environment. The proposed accessory structure has been conditioned to utilize colors and materials and lighting that will be compatible with the surrounding natural scenic and residential character and will be compatible with the architectural character of the surrounding neighborhood. With the implementation of these conditions, the project will not have significant adverse scenic or visual impacts.

Finding D2. The project, as conditioned, will not have significant adverse scenic or visual impacts due to required project modifications, landscaping or other conditions.

As described in Finding D1, the proposed project, as designed and conditioned, is not anticipated to have significant adverse scenic or visual impacts.

Finding D3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Finding A3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding D4. There are no feasible alternatives to development that would avoid or substantially lessen any significant adverse impacts on scenic and visual resources.

As previously discussed in Finding D1, the proposed project, as designed and conditioned, will not have any significant adverse impacts on scenic and visual resources. Furthermore, as previously discussed in Finding A3, the proposed residence is the least environmentally damaging alternative.

Finding D5. Development in a specific location on the site may have adverse scenic and visual impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified LCP.

As previously discussed Finding A3, the proposed project will not result in significant impacts to the physical environment. As previously discussed in Finding D1, no significant adverse impacts on scenic and visual resources are anticipated to result from the project.

E. Transfer of Development Credit (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credit applies to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

F. 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 Reviewer, City Public Works Department, City geotechnical staff, WD29, and LACFD. The required findings are made as follows:

Finding F1. 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.

The applicant submitted geotechnical reports and addenda prepared by SubSurface Designs, Inc. These reports are on file at City Hall. In these reports, site-specific conditions are evaluated and recommendations are provided to address any pertinent issues. Potential geologic hazards analyzed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, and tsunami. Based on review of the project plans and associated geotechnical reports by City geotechnical staff, LACFD, City Public Works Department, and the City Environmental Health Reviewer, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The project, including the new AOWTS, will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

<u>Landslide and Slope Stability</u>

The State of California has prepared Seismic Hazard Evaluation reports to generally map areas of potential increased risk of permanent ground displacement based on historic occurrence of landslide movement, local topographic expression, and geological and geotechnical subsurface conditions. The site is not located within an area subject to earthquake induced liquefaction and due to shallow bedrock conditions and absence of groundwater, liquefaction potential is unlikely; however, the site is located within an area subject to earthquake induced land sliding.

The applicant submitted geotechnical reports that indicate that the last major slope movement occurred in 2005 on the adjacent property to the west. Repair to that slope was completed from 2010 to 2012. Further, the project site is located outside of the historic path of the landslide. There are no other landslides, and the hazard from the effects of landslides is low. The project geologist concluded the project is feasible from an engineering geologic standpoint, will be free from geologic hazards such as landslides, slippage, settlement, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project geotechnical engineer are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

Fire Hazard

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

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

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

Finding F2. 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 F1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to the project design.

Finding F3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously stated in Finding A3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding F4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As previously discussed in Findings A3 and F1, there are no feasible alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

Finding F5. 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 Finding A3, the proposed project, as designed and conditioned, development is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

G. Shoreline and Bluff Development (LIP Chapter 10)

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

H. Public Access (LIP Chapter 12)

The project site is not located along or near the shore, bluff-top or recreational area, and has no trails on or adjacent to it according to the LCP Park Lands Map. Therefore, the findings of LIP Chapter 12 are not applicable.

I. Land Division (LIP Chapter 15)

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

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

construction of accessory structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: To date, staff has not received any correspondence regarding the proposed project.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on May 26, 2016 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 5).

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 16-50. The project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-50
2. Project Plans
3. Story Pole Photos
4. Department Review Sheets
5. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 14-081 TO CONSTRUCT A NEW 2,025 SQUARE FOOT DETACHED TWO-STORY ACCESSORY STRUCTURE TO SERVE AS A STUDIO, HOME OFFICE, AND WORKSHOP, AND ASSOCIATED IMPROVEMENTS THAT INCLUDE A NEW DRIVEWAY, NEW RETAINING WALL, GRADING, DECKS, HARDSCAPE, AND INSTALLATION OF A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, LOCATED IN THE RURAL RESIDENTIAL ONE ACRE ZONING DISTRICT LOCATED AT 3989 VILLA COSTERA (MICHAEL KLEIN)

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

SECTION 1. Recitals.

A. On December 16, 2014, an application for Coastal Development Permit (CDP) No. 14-081 was submitted to the Planning Department by A. Thomas Torres & Associates, on behalf of property owner, Michael Klein. The application was routed to the City geotechnical staff, City Environmental Health Reviewer, City Biologist, the City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

B. On February 26, 2015, a courtesy notice of the proposed project was mailed to all property owners and occupants within a 500-foot radius of the subject property.

C. On February 26, 2015, a Notice of CDP Application was posted on the subject property.

D. On May 13, 2016, story poles were installed on the subject property to reflect the revised project.

E. On May 13, 2016, staff conducted a site visit to document the story poles

F. On May 16, 2016, the CDP application was deemed complete for processing.

G. On May 26, 2016, 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 June 20, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

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

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP), Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, and the findings of fact below, for CDP No. 14-081 to construct a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system (AOWTS), in the Rural Residential One Acre (RR-1) zoning district located at 3989 Villa Costera.

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

A. General Coastal Development Permit (LIP Chapter 13)

A1. The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Environmental Health Reviewer, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29) and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards of the RR-1 residential zoning district.

A2. The proposed project meets the development policies of the LCP, including size, location and height requirements. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, and has been determined to be the least environmentally damaging feasible alternative given the site and topographic constraints of the parcel.

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

B1. Due to the lot dimensions and surroundings, there is no feasible alternative building site location where the development would not have the potential to be visible from a scenic area.

The proposed project as designed is in compliance with Total Development Square Footage setbacks and height limitations, as required to minimize any adverse impacts. Additionally, existing residential development and existing vegetation along the Villa Costera and Rambla Vista will visually screens most of the building from Pacific Coast Highway.

B2. The project is subject to conditions of approval, set forth in Section 5 of this resolution, pertaining to permissible exterior colors, materials and lighting restrictions. The proposed project is conditioned so that the project will not result in significant adverse scenic or visual impacts and will be compatible with the character of the surrounding neighborhood.

B3. The project as proposed and conditioned is the least environmentally damaging alternative Pursuant to CEQA, this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA, and the project complies with the LCP, and the goals and policies of the General Plan.

B4. Due to the unique shape of the lot and site constraints, there is no feasible alternative building site location where the development would not have the potential to be visible from a scenic area. The proposed project, as designed and conditioned, conforms to the residential development standards and will result in a less than significant visual impact on scenic and visual resources

C. Hazards (LIP Chapter 9)

C1. Based on review of project plans, geotechnical reports and addenda, the project geologist concluded the project is feasible from an engineering geologic standpoint, will be free from geologic hazards such as landslides, slippage, settlement, and will not have an adverse effect upon the stability of the site or adjacent properties provided their recommendations and those of the project geotechnical engineer are incorporated into the plans and implemented during construction, and the subject property and proposed structures are properly maintained.

C2. The proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

C3. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

C4. There are no feasible alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

C5. No adverse impacts to sensitive resources are expected.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 14-081, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

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

2. Approval of this application is to allow for the following:

   Construction
   a. New 2,025 square foot detached two-story studio/home office;
   b. 664 square foot first floor deck;
   c. 241 square foot second floor deck area;
   d. Driveway and turn-around;
   e. Retaining wall;
   f. Hardscape;
   g. New AOWTS and subsurface drip dispersal system; and
   a. 116 cubic yards of non-exempt grading.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **March 23, 2016**. The project shall comply with all conditions of approval stipulated in the department referral sheets. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to submittal into building plan check and again prior to the issuance of any building or development permits. These plan sets shall include the pages described in Condition No. 6.

5. This permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and/or prior to issuance of any development permits.

6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the Planning Commission agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check.

7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All structures shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City geotechnical staff, City Environmental Health Reviewer, City Public Works Department, WD29, and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.

12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.

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

Water Service

15. Prior to building permit issuance the applicant shall submit to the Planning Department an updated WD29 Will Serve letter confirming the property will receive adequate water service

Environmental Health

16. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of onsite facilities.

17. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

18. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The designer must also be a registered OWTS designer with the City of Malibu. The final AOWTS design report and drawings shall be submitted to the City Environmental Health Reviewer with the designer's wet signature, professional registration number and stamp (if applicable).

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

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

c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Provide seepage pit cap depth relative to original and finished grades. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

20. Proof of ownership of subject property shall be submitted to the City Environmental Health Reviewer.

21. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Reviewer. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.

22. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Reviewer.

23. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Reviewer and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

24. Final approval by the City geotechnical staff and Geotechnical Engineer, and City Planning Department shall be submitted to the City Environmental Health Reviewer.

25. A final planning approval shall be submitted to the City Environmental Health Reviewer.

26. In accordance with MMC Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee shall be submitted with the application and a final fee shall be paid for Environmental Health review of the OWTS design and system specifications.

Geology

27. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

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

Public Works

29. Geology and geotechnical reports shall be submitted with plan review to the Public Works Department. The consulting engineer shall sign the final plans prior to the issuance of building and grading permits

Grading and Drainage

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

31. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

32. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited pursuant to LIP Section 17.3.1 for development that is located within or adjacent to ESHA, or includes grading on slopes steeper than 4 to 1. Approved grading for development that is located within or adjacent to ESHA or on slopes steeper than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put in place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

33. Exported soils shall be taken to the County Landfill, or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be

placed on the plans to address this condition.

34. A Grading and Drainage Plan containing the following information shall be reviewed and approved by the Public Works Department, prior to issuance of grading permits for the project:
    a. Public Works Department general notes;
    b. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
    c. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
    d. The grading limits shall include the temporary cuts made for buttresses, and over-excavation for fill slopes shall be shown;
    e. Any native trees required to be protected;
    f. Any rare or endangered species as identified in the biological assessment, along with fencing of these areas if required by the City Biologist;
    g. Private storm drains, and systems greater than 12-inch diameter shall also include a plan and profile; and
    h. Public storm drain modifications shown on the grading plan shall require approval by the Public Works Department prior to the issuance of the grading permit.

Stormwater

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

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

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

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

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

Biology

37. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

Construction / Framing

38. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.

39. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation and lowest finish floor elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

40. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires will be rinsed off prior to leaving the property.

Site Specific Conditions

Colors and Materials

41. The residence shall have an exterior siding of brick, wood, stucco, metal, concrete or other similar material. Reflective glossy, polished and/or roll-formed type metal siding is prohibited.

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

43. New structures shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
    a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray with no white or light shades and no bright tones.
    b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
    c. All windows shall be comprised of non-glare glass.

Lighting

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

    a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
    b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
    c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
    d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
    e. Site perimeter lighting shall be prohibited; and
    f. Outdoor decorative lighting for aesthetic purposes and lighting of the shore are prohibited.

45. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

46. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. Up-lighting of landscaping is prohibited.

Deed Restrictions

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

48. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth previously under ***Lighting***. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

49. The detached two-story studio/home office shall be limited to accessory use as defined by the City of Malibu Local Coastal Plan (LCP). The detached two-story studio/home office cannot be converted into a dwelling unit, or guest house at any time in the future without obtaining appropriate permits for the change in use. Prior to issuance of building permits, the application is required to execute and record a deed restriction to this effect.

Prior to Occupancy

50. Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.

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

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

Fixed Conditions

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

54. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

55. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

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

PASSED, APPROVED AND ADOPTED this 20th day of June, 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to LCP 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, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov 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. 16-50 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 20th day of June, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

PROJECTS SUMMARY

CODE

2013 CBC WITH CITY OF MALIBU AMENDMENTS
CITY OF MALIBU
OCCUPANCY: R3 GARAGE: U1
TYPE OF CONSTRUCTION: V-N
FIRE ZONE 4

PROJECT STATISTICS

PROPOSED SCOPE OF WORK :
CONSTRUCTION OF NEW DETACHED STUDIO AND WORKSHOP
NEW OWTS FOR STUDIO
NO MODIFICATIONS TO EXISTING TWO STORY SINGLE FAMILY RESIDENCE OR EXISTING OWTS
NO LANDSCAPING PROPOSED.

GROSS LOT AREA = 58,656 SF
ALLOWABLE SQ. FT. OF DEVELOPMENT AREA = 6,746 SF

TOTAL DEVELOPMENT SQUARE FOOTAGE CALCULATIONS:
Gross Lot Area = 58,656 SF
Area of Lot with Slope 1:1 or Greater = 2,528.4 SF
Area of Road within Property = 15,442 SF
Adjusted Gross Lot Area = 40,685.6 SF
Lot in excess of 1 Acre (21,780 SF) 17.7% of 21,780 SF = 3,855 SF + 1000 SF = 4,855 SF
40,685.6 SF - 21,780 SF = 18,905.6 SF 10% of 18,905.6 SF = 1,891 SF
Total Allowable Development Square Footage = 4,855 SF + 1,891 SF = 6,746 SF

EXISTING HOME:
EXISTING TWO STORY HOME 2,304 SF
ATTACHED 2 CAR GARAGE 441 SF
COVERED PORCH AREA > 6' IN DEPTH 328 SF
TOTAL UNDER ROOF 3,073 SF

PROPOSED STUDIO:
FIRST FLOOR 1,568 SF
SECOND FLOOR 457 SF
TOTAL UNDER ROOF 2,025 SF
TOTAL EXISTING AND PROPOSED SQUARE FOOTAGE = 3,073 + 2,025 = 5,098 SF < 6,746 SF

MAXIMUM AMOUNT OF IMPERMEABLE COVERAGE = 30% OF ADJUSTED GROSS LOT AREA
=.3(40,685.6 SF) = 12,206 SF

EXISTING IMPERMEABLE COVERAGE
HOUSE = 2,300 SF
DECKS & DRVIEWAYS = 3,250 SF
TOTAL EXISTING IMPERMEABLE = 5,550 SF

NEW PROPOSED IMPERMEABLE COVERAGE
NEW STUDIO = 1,568 SF
DECKS & DRVIEWAYS = 1,483 SF
TOTAL NEW PROPOSED IMPERMEABLE = 3,051 SF

TOTAL EXISTING & NEW PROPOSED IMPERMEABLE = 8,601 SF < 12,206 SF

Note that the area of Villa Costera (15,442 SF) is subtracted from the Gross Lot Area to arrive at the Net Area but is not included in the overall calculations of the overall impermeable area as it is a shared access road serving multiple houses and not a private driveway enjoyed by the onwer of 3989 Villa Costera only.

LOT DEPTH AT MIDPOINT OF PROPERTY = 318.83'
LOT WIDTH AT MIDPOINT OF PROPERTY = 221.58'
MINIMUM REQUIRED FRONT YARD SETBACK = 63.8'
REQUIRED REAR YARD SETBACK = 15% OF LOT DEPTH
OR .15 X 318.83' = 47.825'
REQUIRED CUMMULATIVE SIDE YARD SETBACK = 25% OF LOT WIDTH
OR .25 X 221.58' = 55.4'
MINIMUM REQUIRED SIDE YARD SETBACK = 10% OF LOT WIDTH OR 22.16'
REMAINING REQUIRED SIDE YARD SETBACK = 15% OF LOT WIDTH OR 33.24'

LEGAL DESCRIPTION

ASSESSOR'S PARCEL NUMBER : 4451-011-011 OWNER: MICHAEL KLEIN
3989 VILLA COSTERA
MALIBU, CA. 90265

CONSULTANTS

ENGINEERING GEOLOGIST:
MARK J. TRIEBOLD CA 1796
SUBSURFACE DESIGNS INC.
12848 FOOTHILL BOULEVARD
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GEOTECHNICAL ENGINEER:
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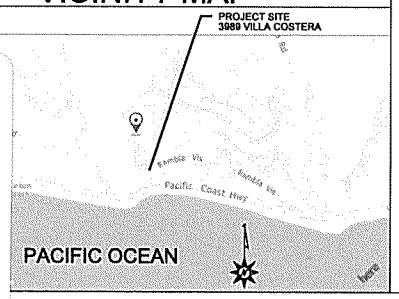
SURVEYOR:
STEVE OPDAHL
STEVE OPDAHL SURVEYING
206 DRYDEN STREET
THOUSAND OAKS, CA 91360
1-805-495-8438

VICINITY MAP



ATTACHMENT 2

INDEX TO DRAWINGS

ARCHITECTURAL

A.00.1	COVER
	SURVEY
A.00.2	SITE PLAN
A.10.1	MAIN HOUSE - EXISTING 1ST FLOOR PLAN
A.10.2	MAIN HOUSE - EXISTING 2ND FLOOR PLAN
A.11.0	PROPOSED STUDIO - FOUNDATION PLAN
A.11.1	PROPOSED STUDIO - FIRST FLOOR PLAN
A.11.2	PROPOSED STUDIO - SECOND FLOOR PLAN
A.12.1	PROPOSED STUDIO - ROOF PLAN
A.21.1	PROPOSED STUDIO - ELEVATIONS
A.21.2	PROPOSED STUDIO - ELEVATIONS
A.23.1	PROPOSED STUDIO - SECTIONS

NEW DETACHED STUDIO

3989 VILLA COSTERA
MALIBU, CA. 90265

a. thomas torres & associates

ARCHITECT
A. T. TORRES AIA
PO BOX 1181
MALIBU CA 90265
310 456 2369 T
310 456 2988 F
design@attarch.com

STATE OF CALIFORNIA
A. THOMAS TORRES
No. 10475
EXP. 6/2018
REGISTERED ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265
LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011
CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.
BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

DRAWING LOG

DRAWING	ISSUE / REVISION			
	1ST PLANNING	2ND PLANNING	3RD PLANNING	DATE
ARCH				
A.00.1	●	●	●	
A.00.2	●	●	●	
A.10.1	●	●	●	
A.10.2	●	●	●	
A.11.0	●	●	●	
A.11.1	●	●	●	
A.11.2	●	●	●	
A.12.1	●	●	●	
A.21.1	●	●	●	
A.21.2	●	●	●	
A.23.1	●	●	●	

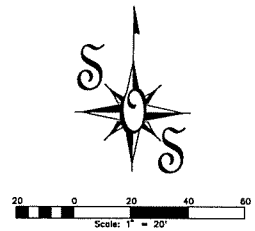
COVER

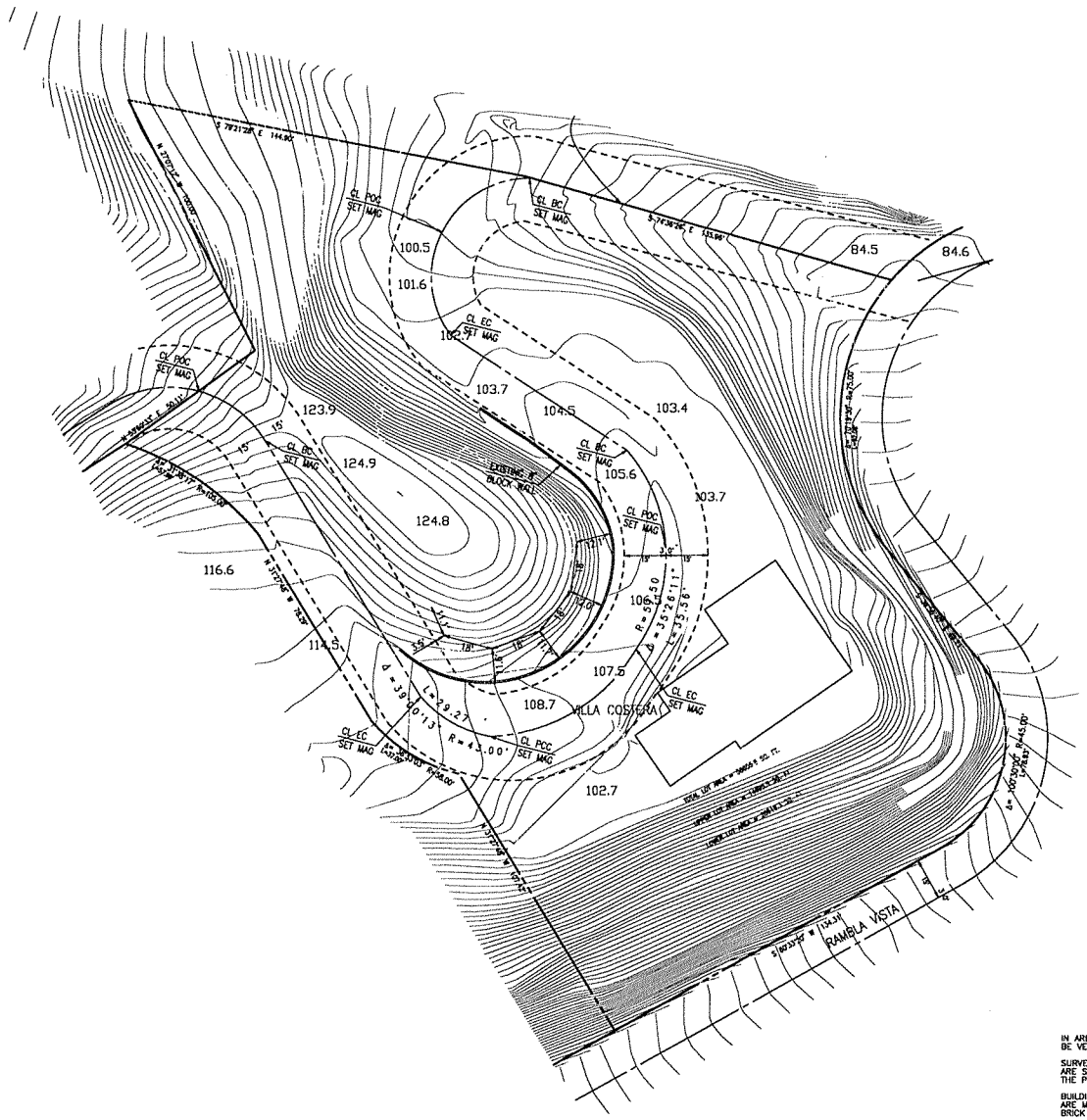
MARCH 1, 2018

A-00.1

TOPOGRAPHY – 3989 VILLA COSTERA

PREPARED BY:	PREPARED FOR:	DRAWN BY / DATE	REVISION / DATE
STEVE ORDAHL SURVEYING 2001 STORRO STREET THOUSAND OAKS, CA. 91360 (805)495-6438	3989 VILLA COSTERA MALIBU, CA 90265	SMR 3-6-12	N/A
		JOB # 1109002	SHEET 1 OF 1





ATTENTION: IF THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (ON COMPUTER DISK OR E-MAIL) AS A COURTESY TO CLIENT, THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. THE SIGNED PAPER PRINT DELIVERED WITH THIS ELECTRONIC FILE CONSTITUTES OUR PROFESSIONAL WORK PRODUCT, AND IN THE EVENT THE ELECTRONIC FILE IS ALTERED, THE PRINT MUST BE REFERRED TO, FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. WE SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATIONS MADE TO THE ELECTRONIC FILE, OR FOR ANY PRODUCTS DERIVED FROM THE ELECTRONIC FILE WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.

SITE ADDRESS/A.P.N.:

21642 RAMBLA VISTA
MALIBU, CA 90265

BENCHMARK:

BM NUMBER Y11372
ELEVATION = 17.31'

CS TAG IN S CB PACIFIC COAST HWY
12M(39.4') S/O C/L & 3M(10') E/O C/L
PROD RAMBLA VISTA
NAVD 88 DATUM

LEGEND

AD	AREA DRAIN
CATV	CABLE TELEVISION
CB	CATCH BASIN
CLF	CHAINLINK FENCE
CO	CLEANOUT
FD	FOUND
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FL	FLOWLINE
FS	FINISH SURFACE
GM	GAS METER
GV	GAS VALVE
IP	IRON PIPE
MB	MAILBOX
M&T	NAIL AND TAG
POL	POINT ON LINE
SDMH	STORM DRAIN MANHOLE
TC	TOP CURB
TG	TOP GRATE
WM	WATER METER
	BOUNDARY LINE
	CENTER LINE
—X—	FENCE LINE

IN AREA OF CRITICAL DESIGN, TOPOGRAPHICAL FEATURES SHOULD BE VERIFIED PRIOR TO FINAL DESIGN.

SURVEY MONUMENTS FOUND IN THE COURSE OF THIS SURVEY ARE SET BY OTHERS, AND HAVE BEEN USED AS REFERENCE FOR THE PLOTTING OF RECORD BOUNDARY INFORMATION.

BUILDING MEASUREMENTS ARE NOT TO FOUNDATION, UNLESS NOTED, AND ARE MEASURED TO BUILDING EXTERIOR. I.E. STUCCO, WOOD SIDING AND/OR BRICK VENEER.

TOPOGRAPHY PROVIDED BY RGF AND PREPARED BY C&C AERIAL

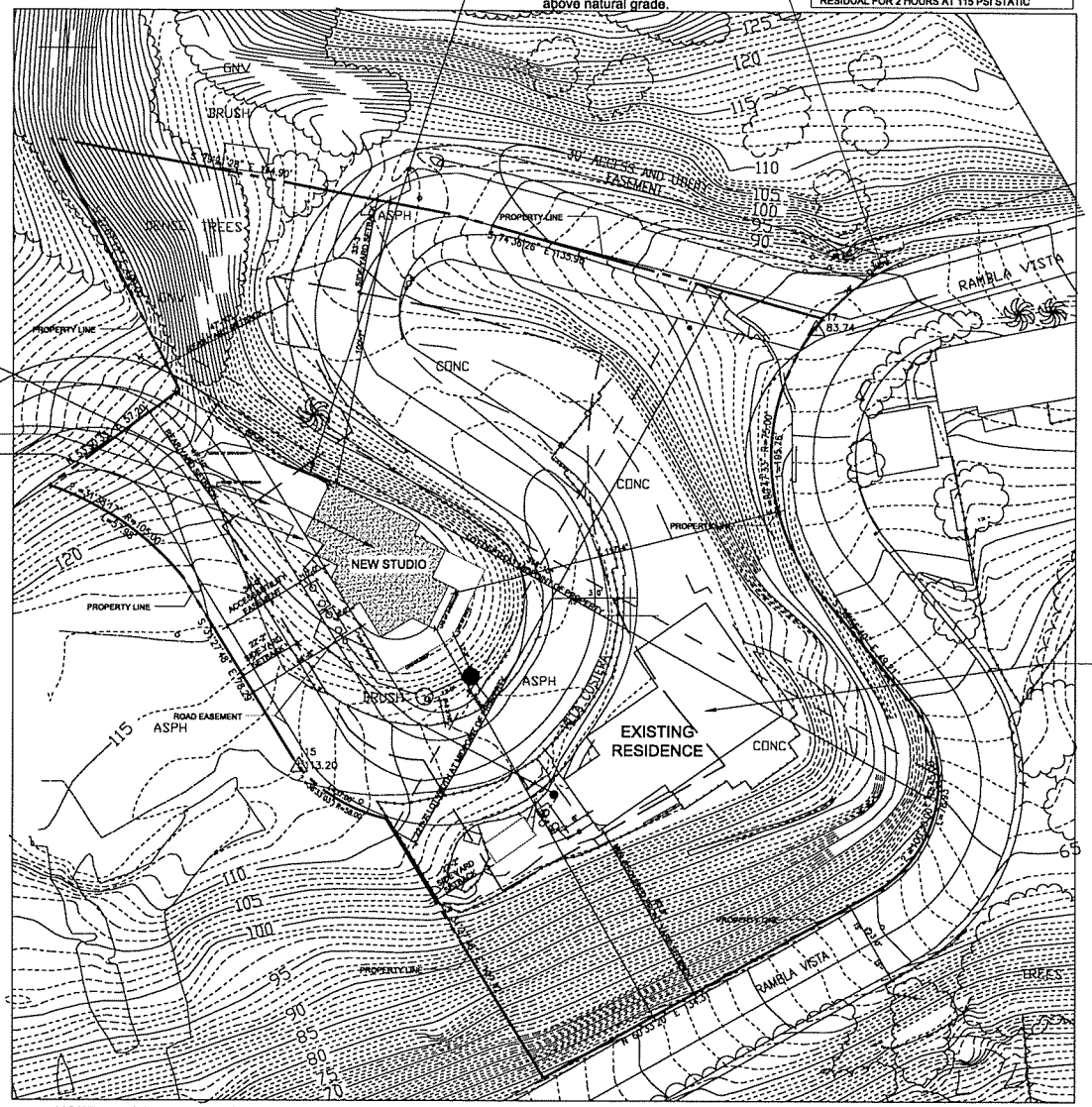
16' long retaining wall at edge of driveway. Maximum height less than 6' above natural grade.

EXISTING FIRE HYDRANT 6"X4"X2.5" CONNECTED TO 12" WATER MAIN LOCATED ON CORNER OF RAMBLA VISTA & VILLA COSTERA
FIRE FLOW AT THIS HYDRANT = 1750 GPM AT 20 PSI RESIDUAL FOR 2 HOURS AT 115 PSI STATIC

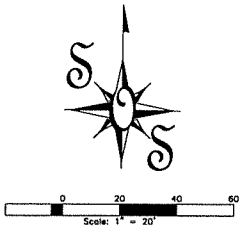
PROPOSED NEW STUDIO

Concrete Driveway

Concrete Walkway



EXISTING MAIN HOUSE NO WORK PROPOSED



NOTE: SITE PLAN BASED ON SURVEY PREPARED BY STEVE OPDAHL SURVEYING, PREPARED AUGUST 4, 2014 MINIMUM REQUIRED SETBACKS REVIEWED AND APPROVED UNDER PRE APP 12-036

LOT DEPTH AT MIDPOINT OF PROPERTY = 318.83'
LOT WIDTH AT MIDPOINT OF PROPERTY = 221.58'
MINIMUM REQUIRED FRONT YARD SETBACK = 83.8'
REQUIRED REAR YARD SETBACK = 15% OF LOT DEPTH
OR .15 X 318.83' = 47.825'
REQUIRED CUMMULATIVE SIDE YARD SETBACK = 25% OF LOT WIDTH
OR .25 X 221.58' = 55.4'
MINIMUM REQUIRED SIDE YARD SETBACK = 10% OF LOT WIDTH OR 22.16'
REMAINING REQUIRED SIDE YARD SETBACK = 15% OF LOT WIDTH OR 33.24'

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OF CALIFORNIA A.THOMAS TORRES No.10475 EXP. 9/2016 REG. ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

DRAWING LOG

DRAWG	ISSUE 1 INFORMATION	12/20/13	PLANNING	12/20/13	PLANNING	3/1/16	PLANNING					
ARC01												
A.00.1	●	●	●	●								
A.10.1	●	●	●	●								
A.10.2	●	●	●	●								
A.11.1	●	●	●	●								
A.11.1	●	●	●	●								
A.11.2	●	●	●	●								
A.12.1	●	●	●	●								
A.21.1	●	●	●	●								
A.21.2	●	●	●	●								
A.28.1	●	●	●	●								

SITE PLAN

MARCH 1, 2016

A-00.2

16' long retaining wall at edge of driveway.
Maximum height less than 6' above natural grade.

EXISTING FIRE HYDRANT 6"X4"X2.5"
CONNECTED TO 12" WATER MAIN
LOCATED ON CORNER OF RAMBLA VISTA & VILLA COSTERA
FIRE FLOW AT THIS HYDRANT = 1750 GPM AT 20 PSI
RESIDUAL FOR 2 HOURS AT 115 PSI STATIC

PROPOSED NEW STUDIO

Concrete Driveway
Concrete Walkway
Procast 1500 gal tank

Jet Inc. J-1500
Treatment Plant

Jet UV Light /Disinfection

Future: 5'x37' Seep Pit
10' cap/27' eff. depth

Present: 5'x37' Seep Pit
15' cap/22' eff. depth

Future connection to J-1500 from main house

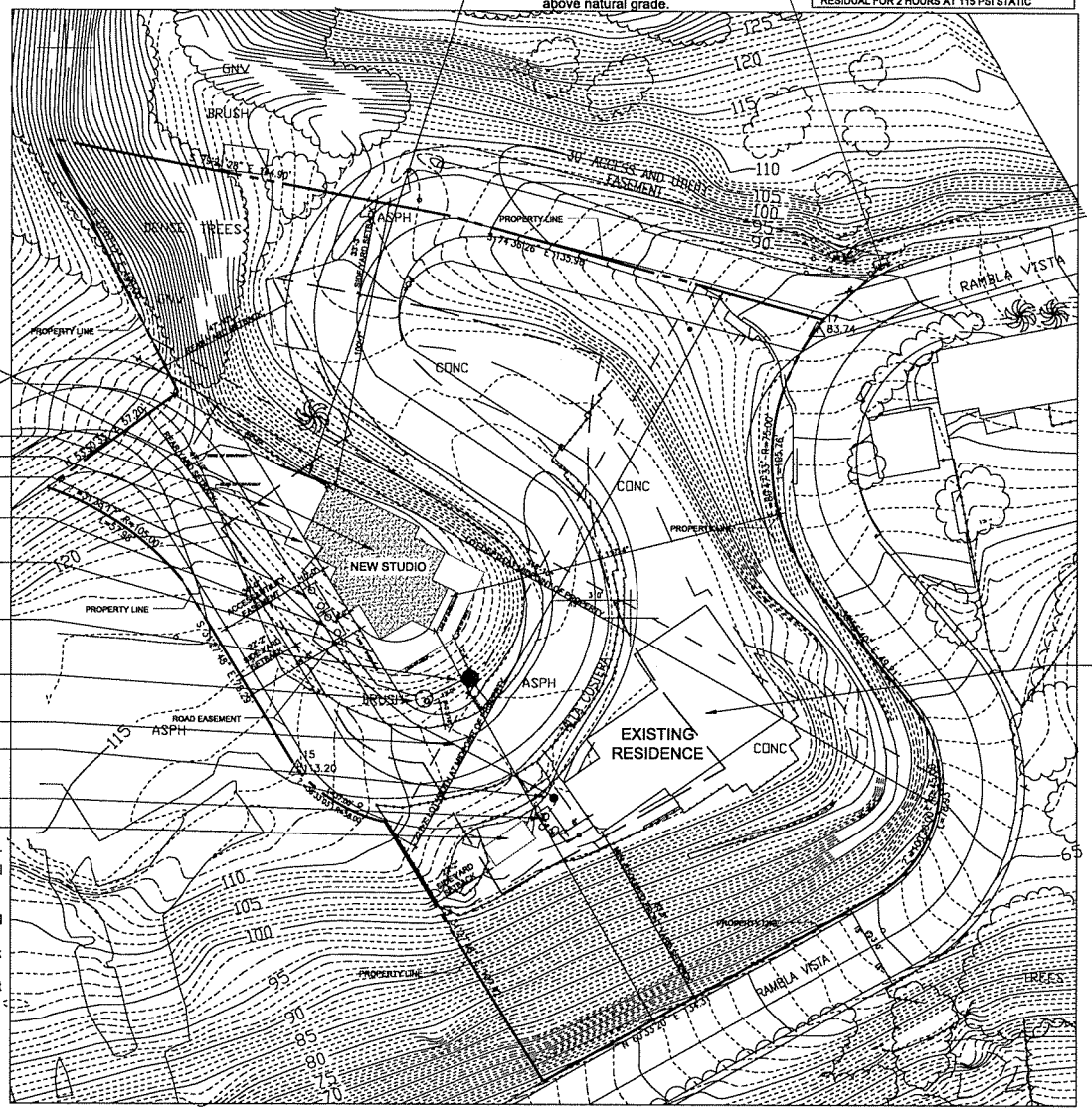
Future 80 gallon sump
with duplex pumps

Existing 1200 gallon tank

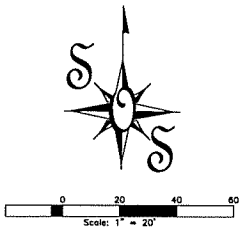
Exisiting leach bed

NOTES:When the exisintin leach line for the main house fails, the following shall occur:

1. The existing 1200 gallon tank will serve as the pretreatment tank
2. A new 80 gallon sump with a duplex pump shall be installed
3. the effluent shall be pumped to the Jet Inc. J-1500 treatment plant



EXISTING MAIN HOUSE
NO WORK PROPOSED



NOTE: SITE PLAN BASED ON SURVEY PREPARED BY STEVE OPDAHL SURVEYING, PREPARED AUGUST 4, 2014
MINIMUM REQUIRED SETBACKS REVIEWED AND APPROVED UNDER PRE APP 12-036

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OR .15 X 318.83' = 47.825'
REQUIRED CUMMULATIVE SIDE YARD SETBACK = 25% OF LOT WIDTH
OR .25 X 221.58' = 55.4'
MINIMUM REQUIRED SIDE YARD SETBACK = 10% OF LOT WIDTH OR 22.16'
REMAINING REQUIRED SIDE YARD SETBACK = 15% OF LOT WIDTH OR 33.24'

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No. 10473
EXP. 9/2015
REGD. ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265
LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011
CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.
BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

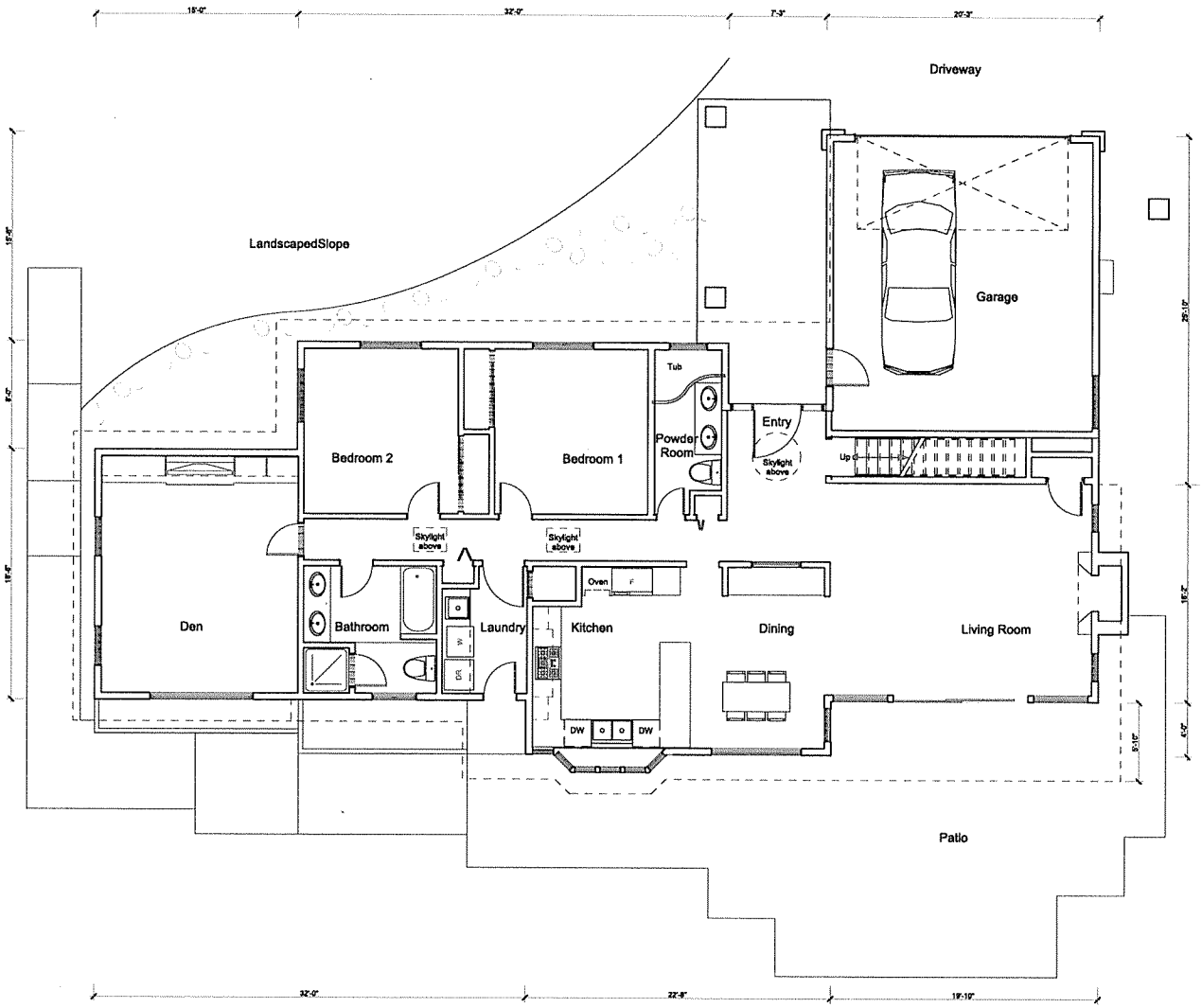
DRAWING LOG

DRAWING	ISSUE / REVISION			
ARCH	12/01/11	PLANNING	3/1/15	PLANNING
A.00.1	●	●	●	●
A.1B.1	●	●	●	●
A.1B.2	●	●	●	●
A.11.1	●	●	●	●
A.11.1	●	●	●	●
A.11.2	●	●	●	●
A.12.1	●	●	●	●
A.21.1	●	●	●	●
A.21.2	●	●	●	●
A.23.1	●	●	●	●

SITE PLAN

MARCH 1, 2015

A-00.2



MAIN HOUSE
EXISTING 1ST FLOOR PLAN

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

NOTE:NO WORK PROPOSED AT MAIN HOUSE

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REGD. ARCHITECT

PROJECT

3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

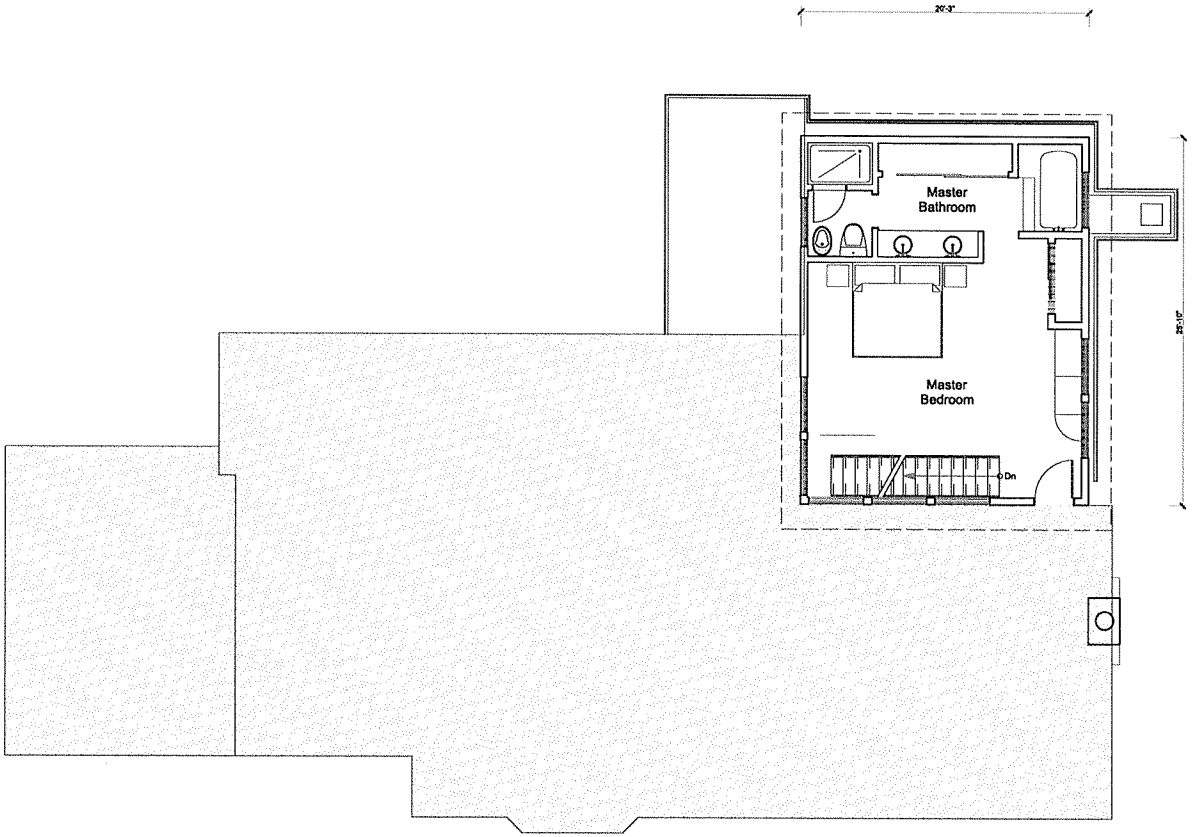
DRAWING LOG

DRWG#	ISSUE & REVISIONS			
ARCH				
A.00.1	●	●	●	
A.10.1	●	●	●	
A.10.2	●	●	●	
A.11.1	●	●	●	
A.11.1	●	●	●	
A.11.2	●	●	●	
A.12.1	●	●	●	
A.21.1	●	●	●	
A.21.2	●	●	●	
A.33.1	●	●	●	

MAIN HOUSE
EXISTING
1ST FLOOR PLAN

MARCH 1, 2019

A-10.1



MAIN HOUSE
EXISTING 2ND FLOOR PLAN

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

NOTE:NO WORK PROPOSED AT MAIN HOUSE

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EXP. 6/2019
STATE OF CALIFORNIA
REGD. ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265
LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011
CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.
BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 D/V 3/U1

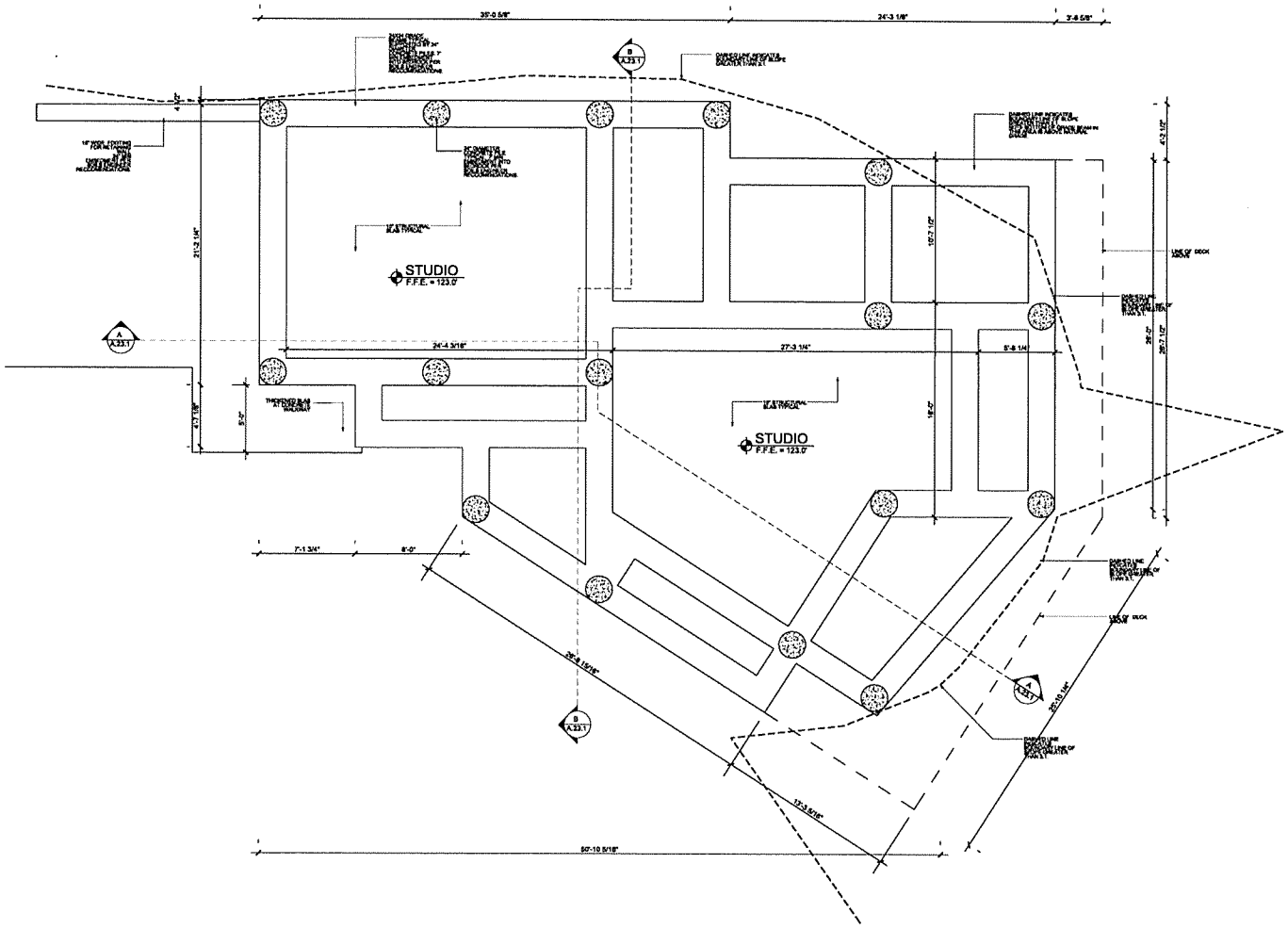
DRAWING LOG

DRAWING	100% PLANNING	100% PLANNING	100% PLANNING	DATE
ARCH				
A.00.1	●	●	●	
A.10.1	●	●	●	
A.10.2	●	●	●	
A.11.1	●	●	●	
A.11.2	●	●	●	
A.11.3	●	●	●	
A.12.1	●	●	●	
A.21.1	●	●	●	
A.21.2	●	●	●	
A.23.1	●	●	●	

MAIN HOUSE
EXISTING
2ND FLOOR PLAN

MARCH 1, 2018

A.10.2



PRELIMINARY FOUNDATION PLAN

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

NORTH

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REGISTERED ARCHITECT

PROJECT

3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 D/V 3/U1

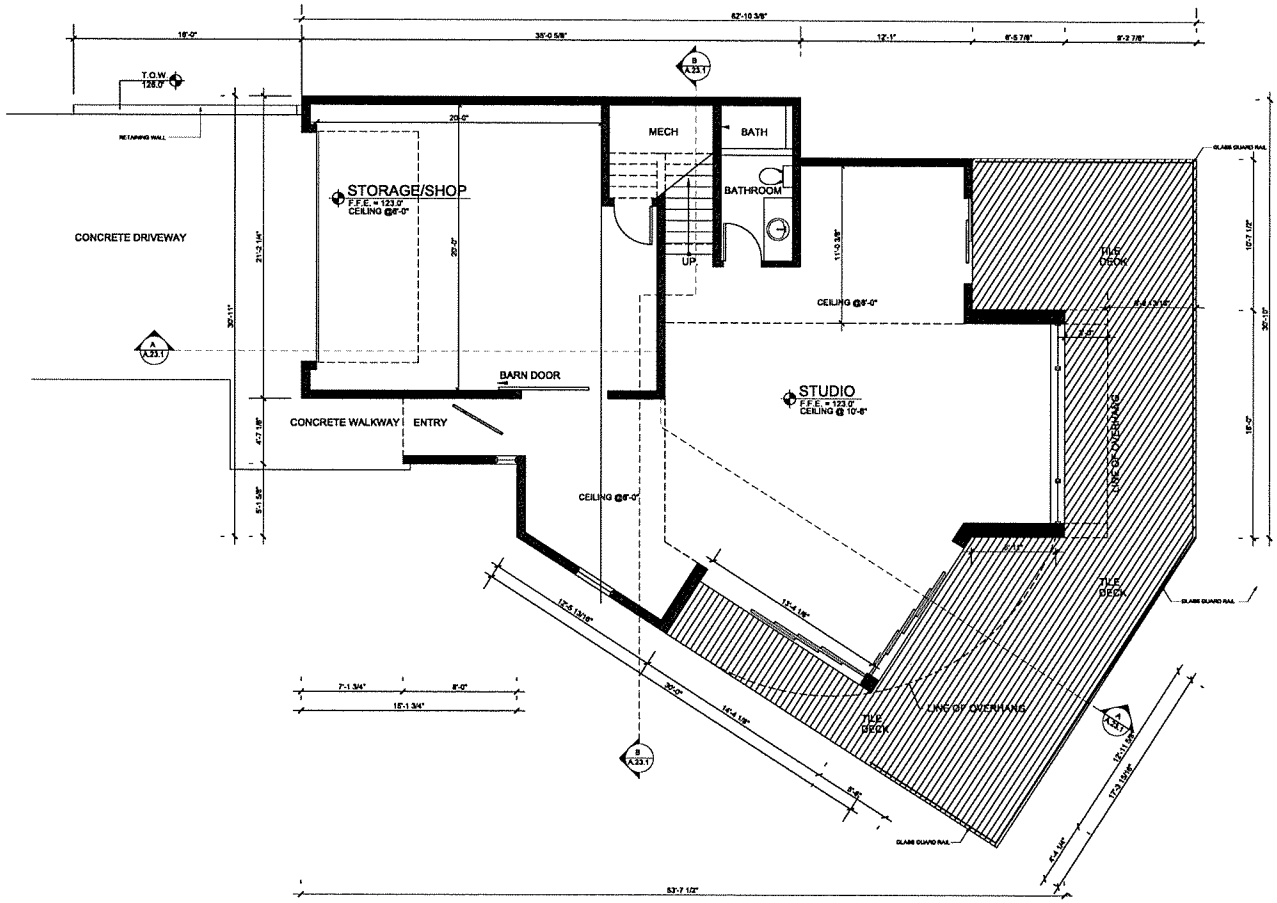
DRAWING LOG

DRAWGS	03/04/15 PLANNING	12/08/15 PLANNING	3/1/16 PLANNING					
ARCH								
A.00.1	●	●	●					
A.10.1	●	●	●					
A.10.2	●	●	●					
A.11.0	●	●	●					
A.11.1	●	●	●					
A.11.2	●	●	●					
A.12.1	●	●	●					
A.31.1	●	●	●					
A.31.2	●	●	●					
A.33.1	●	●	●					

PRELIMINARY FOUNDATION PLAN

MARCH 1, 2016

A-11.0



PROPOSED FIRST FLOOR PLAN

SCALE:1/4"=1'-0"
FIRST FLOOR : AREA = 1,568 SF
DECK AREA = 664 SF

NORTH

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REGISTERED ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU, CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

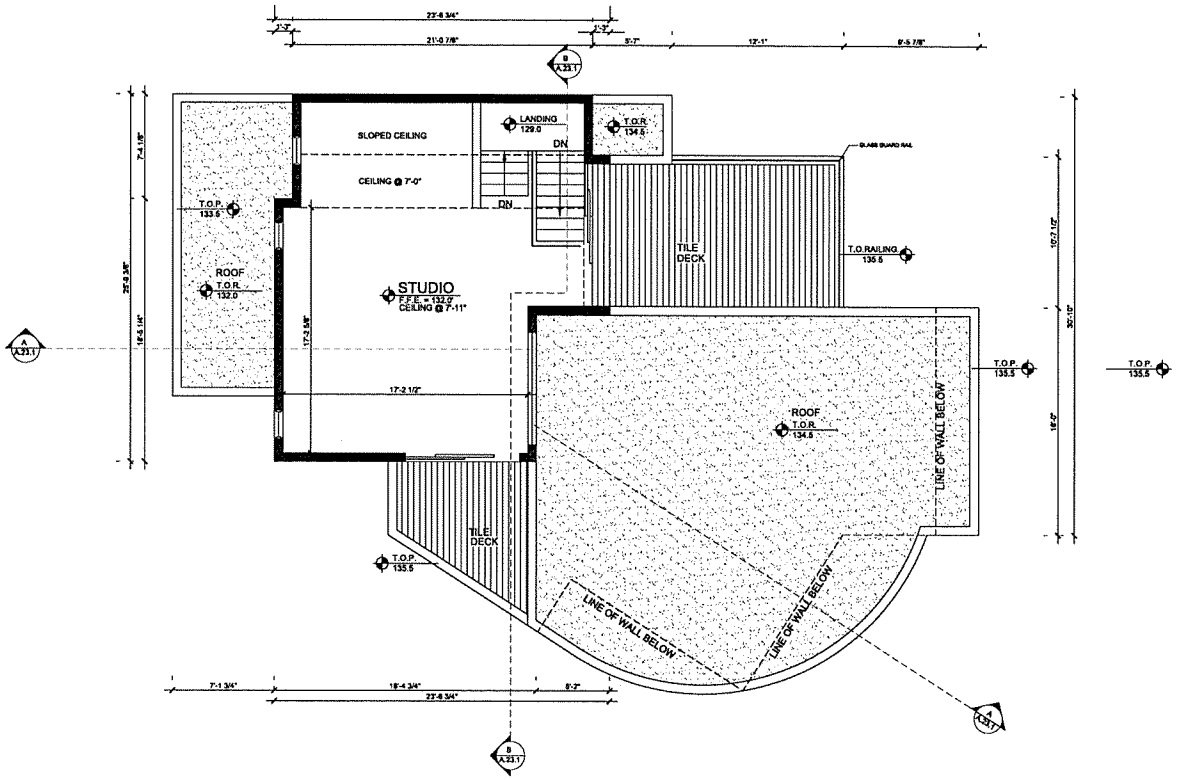
DRAWING LOG

DWG#	12/01/14 PLANNING	12/05/15 PLANNING	3/1/16 PLANNING
ARCH			
A.00.1	●	●	●
A.18.1	●	●	●
A.18.2	●	●	●
A.11.0	●	●	●
A.11.1	●	●	●
A.11.2	●	●	●
A.12.1	●	●	●
A.21.1	●	●	●
A.21.2	●	●	●
A.23.1	●	●	●

FIRST FLOOR
FLOOR PLAN

MARCH 1, 2016

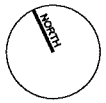
A-11.1



PROPOSED SECOND FLOOR PLAN

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

SECOND FLOOR : AREA = 457 SF
DECK AREA = 242 SF



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PROJECT

3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU, CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

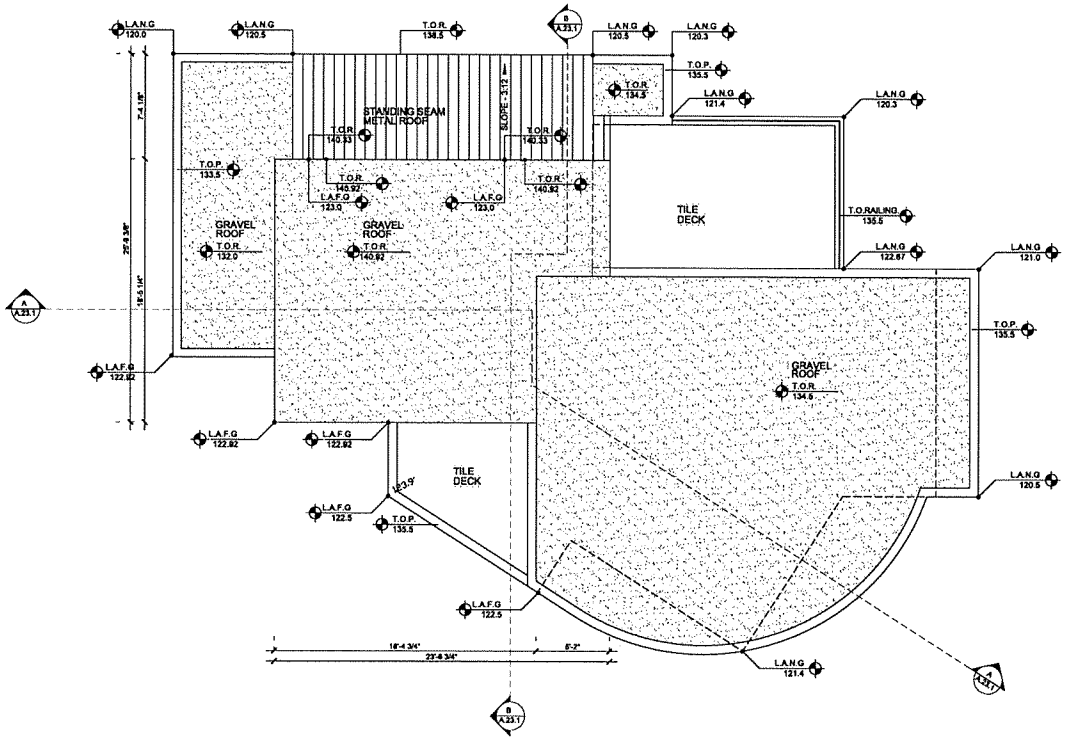
DRAWING LOG

DRAWING	12/04/14 PLANNING	1/12/15 PLANNING	3/1/16 PLANNING
ARCH			
A.00.1	●	●	●
A.10.1	●	●	●
A.10.2	●	●	●
A.11.0	●	●	●
A.11.1	●	●	●
A.11.2	●	●	●
A.12.1	●	●	●
A.21.1	●	●	●
A.21.2	●	●	●
A.23.1	●	●	●

SECOND FLOOOR
FLOOR PLAN

MARCH 1, 2016

A-11.2



PROPOSED ROOF PLAN

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

L.A.F.G. : LOWEST ADJACENT FINISH GRADE
L.A.N.G. : LOWEST ADJACENT NATURAL GRADE
MAXIMUM HEIGHT OF PROPOSED STRUCTURE < = 18' ABOVE L.A.N.G OR L.A.F.G.; WHICHEVER IS MORE RESTRICTIVE

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A THOMAS TORRES
No. 10575
EXP. 9/2016
REGISTERED ARCHITECT

PROJECT

3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU, CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

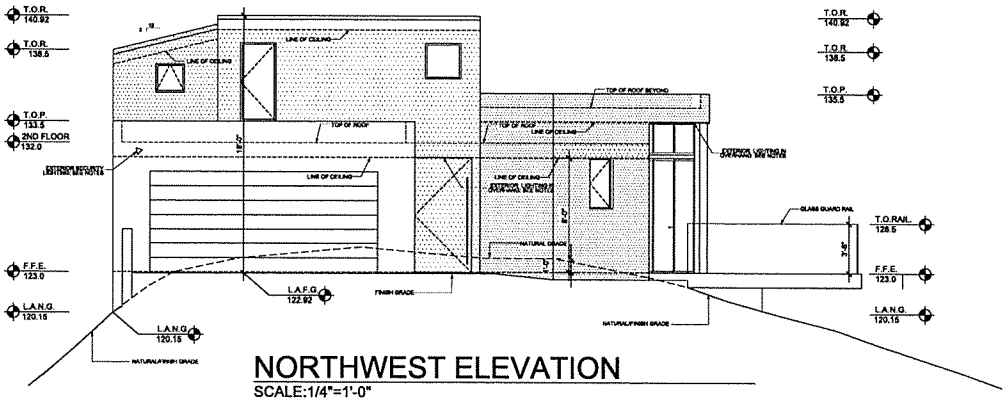
DRAWING LOG

DRWG#	12/21/14 PLANNING	1/28/15 PLANNING	3/1/16 PLANNING
ARCH			
A.00.1	●	●	●
A.10.1	●	●	●
A.10.3	●	●	●
A.11.0	●	●	●
A.11.1	●	●	●
A.11.2	●	●	●
A.12.1	●	●	●
A.20.1	●	●	●
A.21.2	●	●	●
A.25.1	●	●	●

ROOF PLAN

MARCH 1, 2016

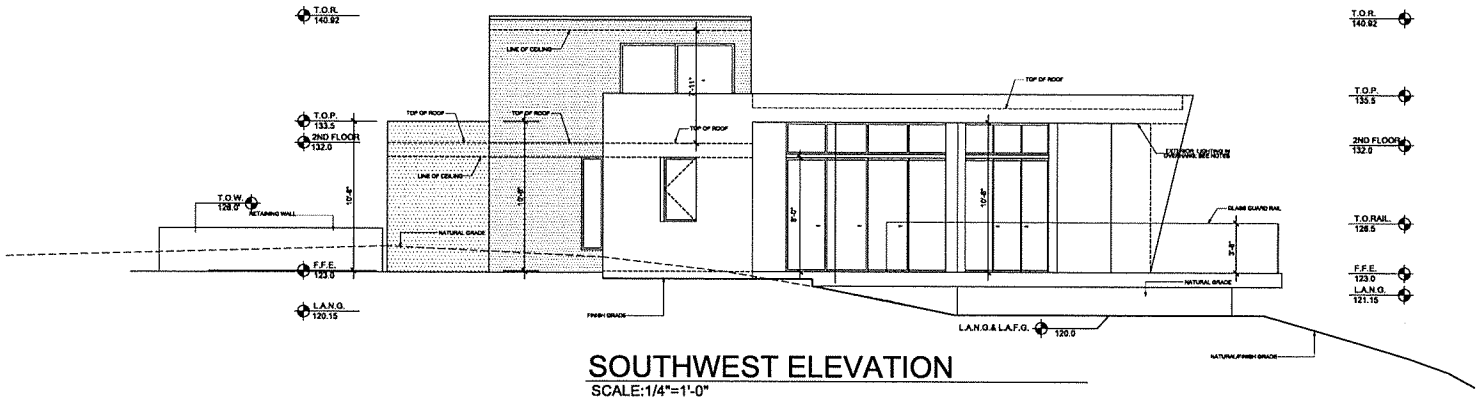
A-12.1



NORTHWEST ELEVATION

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

L.A.F.G. : LOWEST ADJACENT FINISH GRADE
L.A.N.G. : LOWEST ADJACENT NATURAL GRADE
MAXIMUM HEIGHT OF PROPOSED STRUCTURE < = 18' ABOVE L.A.N.G OR L.A.F.G.; WHICHEVER IS MORE RESTRICTIVE
ALL EXTERIOR LIGHTING SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT.
EXTERIOR LIGHTING AT WALKWAYS SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT, AND SHALL NOT EXCEED 2' IN HEIGHT..
SECURITY LIGHTING THAT IS ATTACHED TO THE BUILDING SHALL BE CONTROLLED BY MOTION DETECTORS AND LIMITED TO 60 WATTS OR THE EQUIVALENT.



SOUTHWEST ELEVATION

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

L.A.F.G. : LOWEST ADJACENT FINISH GRADE
L.A.N.G. : LOWEST ADJACENT NATURAL GRADE
MAXIMUM HEIGHT OF PROPOSED STRUCTURE < = 18' ABOVE L.A.N.G OR L.A.F.G.; WHICHEVER IS MORE RESTRICTIVE
ALL EXTERIOR LIGHTING SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT.
EXTERIOR LIGHTING AT WALKWAYS SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT, AND SHALL NOT EXCEED 2' IN HEIGHT..
SECURITY LIGHTING THAT IS ATTACHED TO THE BUILDING SHALL BE CONTROLLED BY MOTION DETECTORS AND LIMITED TO 60 WATTS OR THE EQUIVALENT.

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EXP.9/2018
REGISTERED ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265
LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011
CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.
BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

DRAWING LOG

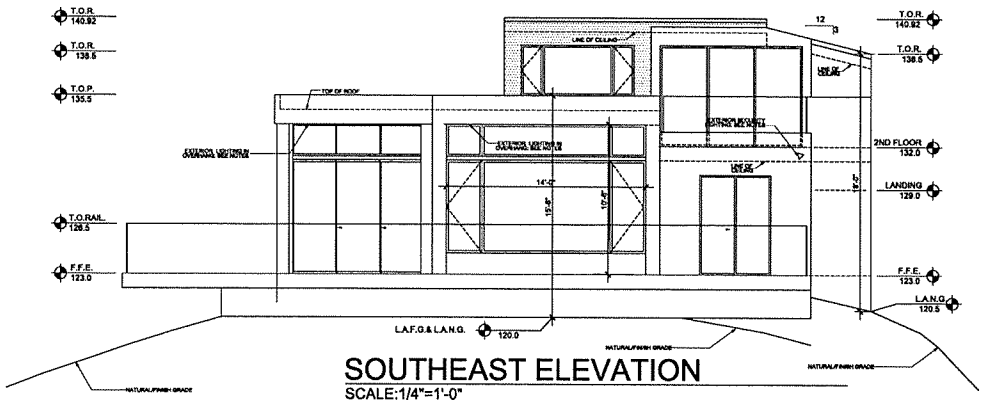
DRAWG#	12/01/14	1/08/15	8/24/16
ARCH			
A.0R.1	●	●	●
A.1R1	●	●	●
A.1R.3	●	●	●
A.1.0	●	●	●
A.1.1	●	●	●
A.1.2	●	●	●
A.1.R1	●	●	●
A.2R.1	●	●	●
A.2R.3	●	●	●
A.2R.1	●	●	●

ISSUE / REVISION
PLANNING
PLANNING

ELEVATIONS

MARCH 1, 2018

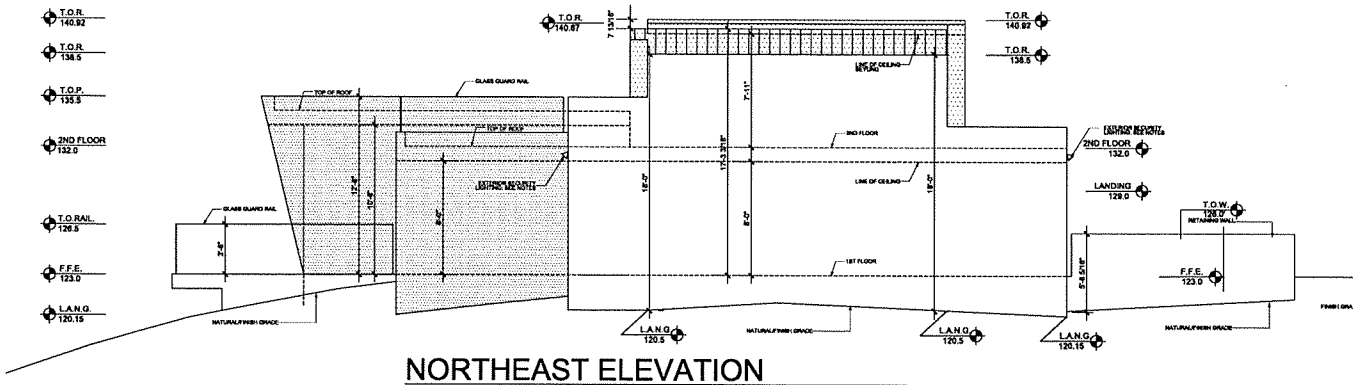
A-21.1



SOUTHEAST ELEVATION

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

L.A.F.G. : LOWEST ADJACENT FINISH GRADE
L.A.N.G. : LOWEST ADJACENT NATURAL GRADE
MAXIMUM HEIGHT OF PROPOSED STRUCTURE < = 18' ABOVE L.A.N.G OR L.A.F.G.; WHICHEVER IS MORE RESTRICTIVE
ALL EXTERIOR LIGHTING SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT.
EXTERIOR LIGHTING AT WALKWAYS SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT, AND SHALL NOT EXCEED 2' IN HEIGHT..
SECURITY LIGHTING THAT IS ATTACHED TO THE BUILDING SHALL BE CONTROLLED BY MOTION DETECTORS AND LIMITED TO 60 WATTS OR THE EQUIVALENT.



NORTHEAST ELEVATION

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

L.A.F.G. : LOWEST ADJACENT FINISH GRADE
L.A.N.G. : LOWEST ADJACENT NATURAL GRADE
MAXIMUM HEIGHT OF PROPOSED STRUCTURE < = 18' ABOVE L.A.N.G OR L.A.F.G.; WHICHEVER IS MORE RESTRICTIVE
ALL EXTERIOR LIGHTING SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT.
EXTERIOR LIGHTING AT WALKWAYS SHALL BE LIMITED TO 60 WATTS OR THE EQUIVALENT, AND SHALL NOT EXCEED 2' IN HEIGHT..
SECURITY LIGHTING THAT IS ATTACHED TO THE BUILDING SHALL BE CONTROLLED BY MOTION DETECTORS AND LIMITED TO 60 WATTS OR THE EQUIVALENT.

a. thomas torres & associates

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310 456 2355 T
310 456 7966 F
design@atarch.com

STATE OF CALIFORNIA
A THOMAS TORRES
No. 10175
EXP. 6/2018
REGISTERED ARCHITECT

PROJECT
3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90266
LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011
CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.
BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

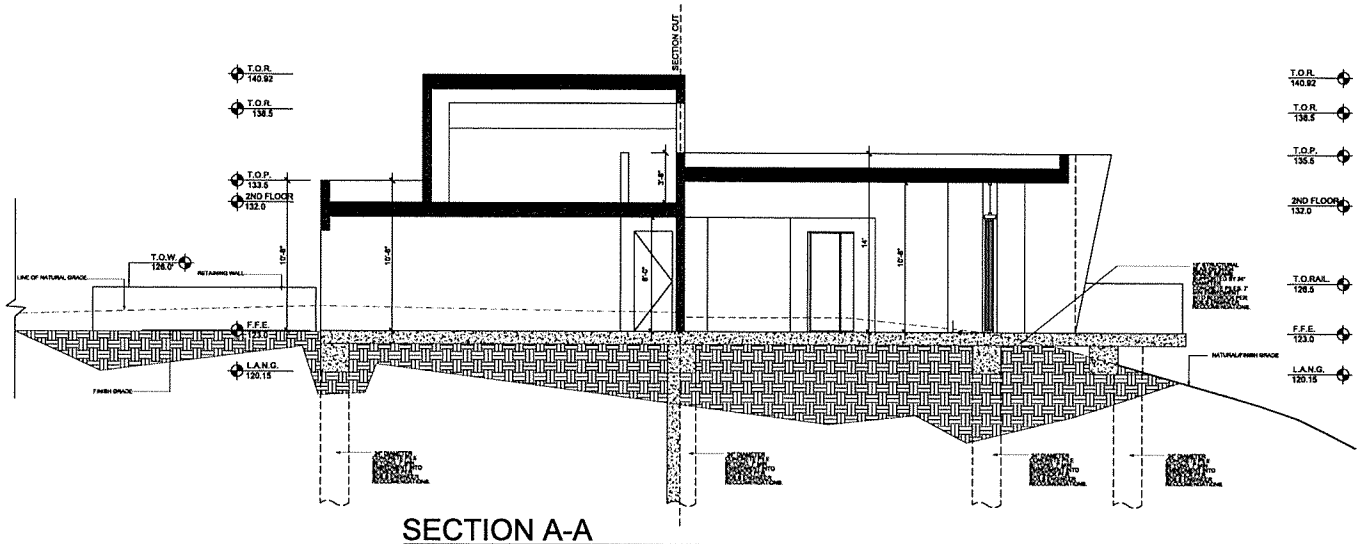
DRAWING LOG

DRAWING	12/07/14 PLANNING	12/09/15 PLANNING	3/1/16 PLANNING					
ARCH								
A.00.1	●	●	●					
A.10.1	●	●	●					
A.10.2	●	●	●					
A.11.0	●	●	●					
A.11.1	●	●	●					
A.11.2	●	●	●					
A.12.1	●	●	●					
A.21.1	●	●	●					
A.21.2	●	●	●					
A.25.1	●	●	●					

ELEVATIONS

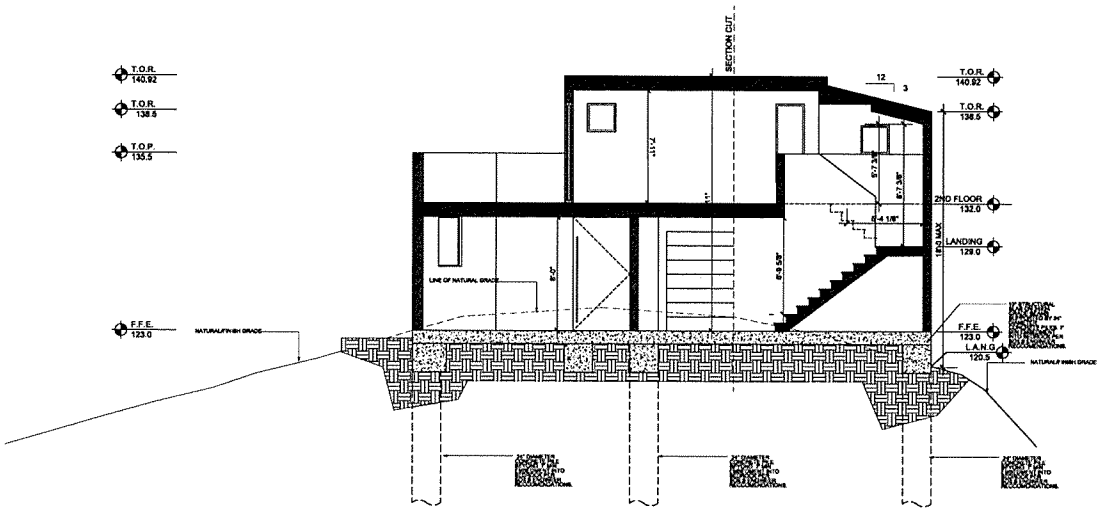
MARCH 1, 2016

A-21.2



SECTION A-A

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



SECTION B-B

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

a. thomas torres & associates

ARCHITECT

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design@atlarch.com

STATE OF CALIFORNIA
A. THOMAS TORRES
No. 10475
EXP. 6/2018
REGISTERED ARCHITECT

PROJECT

3989
VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

DRAWING LOG

DRAWING	12/01/14	12/20/15	3/1/16	ISSUE / REVISION
ARCH				
A.00.1	●	●	●	PLANNING
A.18.1	●	●	●	
A.19.3	●	●	●	
A.11.0	●	●	●	PLANNING
A.11.1	●	●	●	
A.11.2	●	●	●	
A.12.1	●	●	●	
A.21.1	●	●	●	
A.21.2	●	●	●	
A.26.1	●	●	●	

SECTIONS

MARCH 1, 2016

A-23.1

GENERAL NOTES:

1. All grading and construction shall conform to Chapters 70 and 71 (latest edition) of the Los Angeles County Building Code unless specifically noted on these plans (7013.1)
2. Any modifications of or changes to approved grading plans must be approved by the Building Official (7006.4).
3. No grading shall be started without first notifying the Building Official. A Pre-grading meeting at the site is required before the start of the grading with the following people present: Owner, grading contractor, design civil engineer, soils engineer, geologist, County grading inspector(s) or their representatives, and when required the archeologist or other jurisdictional agencies. Permittee or his agent are responsible for arranging Pre-grade meeting and must notify the Building Official at least two business days prior to proposed pre-grade meeting.
4. Approval of these plans reflect solely the review of plans in accordance with the Los Angeles County Building Code and does not reflect any position by the County of Los Angeles or the Department of Public Works regarding the status of any title issues relating to the land on which the improvements may be constructed. Any disputes relating to title are solely a private matter not involving the County of Los Angeles or the Department of Public Works.
5. All grading and construction activities shall comply with Los Angeles County Code, Title 12, Section 12.12.030 that controls and restricts noise from the use of construction and grading equipment from the hours of 8:00 PM to 6:30 AM, and on Sundays and Holidays. (More restrictive construction activity times may govern, as required by the Department of Regional Planning and should be shown on the grading plans when applicable.)
6. California Public Resources Code (section 5097.98) and Health and Safety Code (section 7050.5) address the discovery and disposition of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, the law requires that grading immediately stop and no further excavation or disturbance of the site, or any nearby area where human remains may be located, occur until:

A. The County Coroner has been informed and has determined that no investigation of the cause of death is required, and

B. If the remains are of Native American origin, the descendants from the deceased Native Americans have made a recommendation for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods.

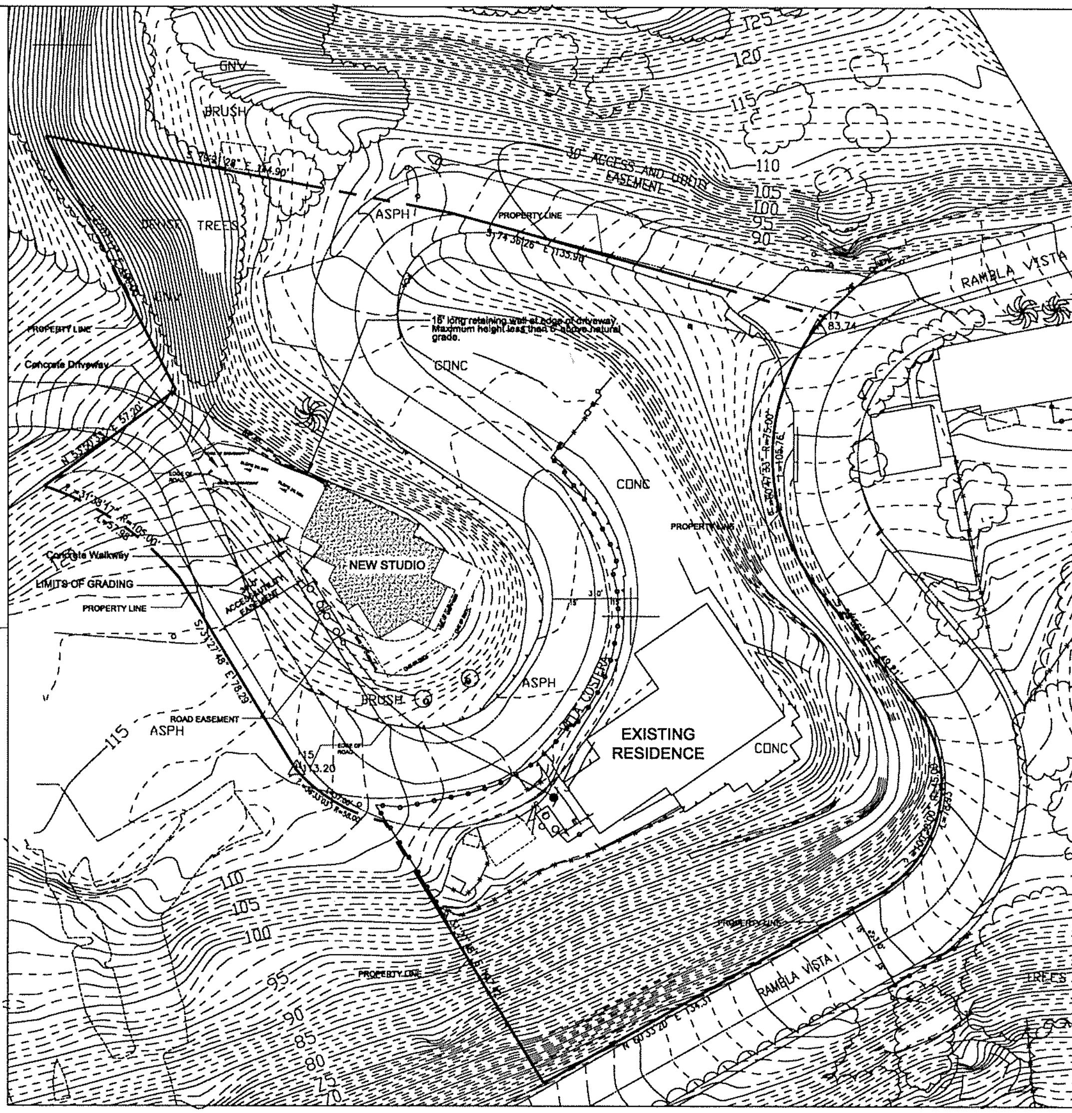
7. The location and protection of all utilities is the responsibility of the permittee.
8. All export of material from the site must go to a permitted site approved by the Building Official or a legal dump site. Receipts for acceptance of excess material by a dump site are required and must be provided to the Building Official upon request.
9. A copy of the grading permit and approved grading plans must be in the possession of a responsible person and available at the site at all times.
10. Site boundaries, easements, drainage devices, restricted use areas shall be located per construction staking by Field Engineer or licensed surveyor. Prior to grading, as requested by the Building Official, all property lines, easements, and restricted use areas shall be staked.
11. No grading or construction shall occur within the protected zone of any oak tree. (Chapter 22.56, Planning and Zoning Code) The protected zone shall mean that area within the dripline of an oak tree extending there from a point at least five feet outside the dripline, or 15 feet from the trunk(s) of a tree, whichever is greater.
If an oak tree permit is obtained. (Add the followingNote:)

All grading and construction within the protected zone of all oak trees shall be per oak tree permit no.
All recommendations in the permit and associated oak tree report must be complied with and are a part of the grading plan. A copy of the oak tree permit and associated reports shall be maintained in the possession of a responsible person and available at the site at all times.

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

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

13. A preventive program to protect the slopes from potential damage from burrowing rodents is required. Owner to inspect slopes periodically for evidence of burrowing rodents and a first evidence of their existence shall employ an exterminator for their removal. (Section 7019.3 of the Los Angeles County Building Code.)
14. If grading authorized by this plan is to extend through the rainy season, November 1 through April 15 of the following year, separate updated plans for erosion control must be submitted prior to October. (Section 7010 & 7011 of the Los Angeles County Building Code)
15. Engineer must set grade stakes for all drainage devices and the contractor shall obtain inspection before pouring.
16. 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.
17. 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 of the Malibu Building Code or describing all variances from the approved plans and requirements of the code (3318.1)
18. 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 plans. (Must be signed and stamped by the Design Engineer.)
19. Fill shall be benched into competent material per City of Malibu Standard or Soils Engineer's recommendations.
20. The Building Official shall approved stock piling of excess material prior to excavation.
21. The Field 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 stakes set at the drainage swale high point reflecting the high point elevation for Preliminary Permits.
22. All trench backfills shall be tested and approved by Soils Engineer.
23. 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.
24. The Engineer submit a Letter of Certification to the Building official stating that the grading was done in compliance with the approved grading plan.



NOTE:ELEVATIONS ARE BASED ON NGVD 1929 DATUM

0 20 40 60
Scale: 1" = 20'

City of Malibu

23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 456-7650 • www.malibucity.org

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE
PLANNING DEPARTMENT REVIEW LEVEL

PLANNING APPLICATION NUMBER: CDP 14-081

PROJECT ADDRESS: 3989 Villa Costera, Malibu CA 90265

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

	Exempt			Non-Exempt	Remedial	Total
	R&R	Understructure	Safety			
Cut	522 CY	23 CY		58 CY		603
Fill	522 CY	23 CY		58 CY		603
Total	1044 CY	46 CY		116 CY		1206
Import				0		0
Export				0		0

All quantities reflected shall be in cubic yards only.
R&R = Removal and Recompaction. R&R must be balanced.
Safety Grading is required grading for L.A. County Fire Department access requirements beyond the 100 cubic yards...
Remedial grading is grading recommended by a full site geotechnical and soils report prepared by a licensed geologist or soils engineer...
Imported means the material brought on to the site. Exported means material leaving the site. This information will be used to determine the number of truck trips required for site preparation.

PREPARED BY: A. Thomas Torres AIA

DATE: April 29,2016

NOTE: CUBIC YARDAGES ARE APPROXIMATE ESTIMATES

a. thomas torres & associates

ARCHITECT

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310 456 7968 F
design@attarch.com

OF CALIFORNIA
A.THOMAS TORRES
No.10475
EXP. 9/2016
LICENSED ARCHITECT

PROJECT

3989 VILLA COSTERA

SITE AND CLIENT INFORMATION

JOB SITE:
3989 VILLA COSTERA
MALIBU,CA 90265

LEGAL DESCRIPTION:
ASSESSOR'S PARCEL # 4451-011-011

CLIENT:
MICHAEL KLEIN
C/O A. THOMAS TORRES A.I.A.

BUILDING USE: RESIDENTIAL
BUILDING TYPE: V
OCCUPANCY: R1 DIV 3/U1

DRAWING LOG

DRAWG	PLANNING 12/01/14	PLANNING 10/28/15	PLANNING 3/1/16
ARCH			
A 00.1	●	●	●
A 10.1	●	●	●
A 10.2	●	●	●
A 11.1	●	●	●
A 11.1	●	●	●
A 11.2	●	●	●
A 18.1	●	●	●
A 21.1	●	●	●
A 21.2	●	●	●
A 23.1	●	●	●

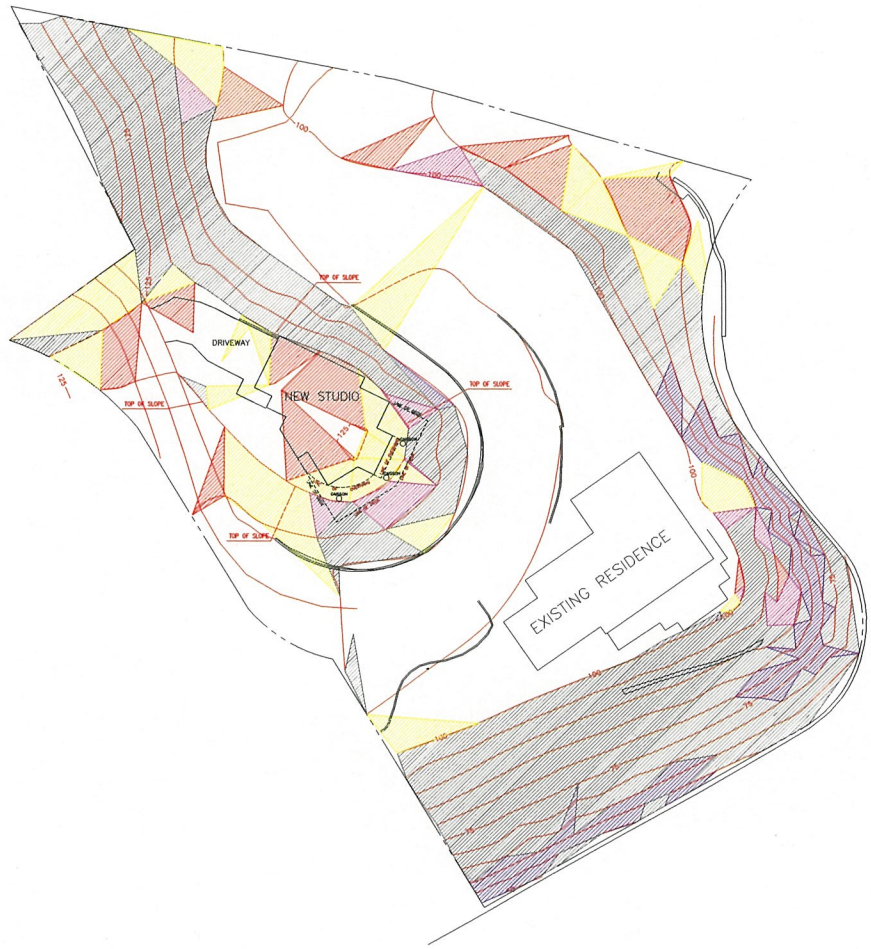
GRADING PLAN

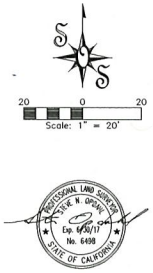
APRIL 29, 2016

G-1

SLOPE STUDY – 3989 VILLA COSTERA

PREPARED BY:	PREPARED FOR:	DRAWN BY / DATE	REVISION / DATE
STEVE OPDAHL SURVEYING 206 DRYDEN STREET THOUSAND OAKS, CA 91360 (805)495-6438	3989 VILLA COSTERA MALIBU, CA. 90265	WTL 11/3/2015	N/A
		JOB # 1109002	SHEET 1 OF 1





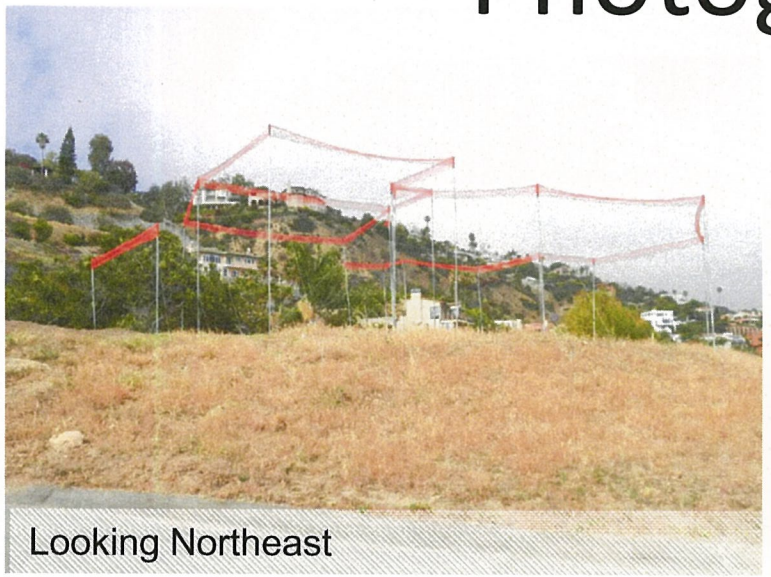
SLOPE STUDY TABLE

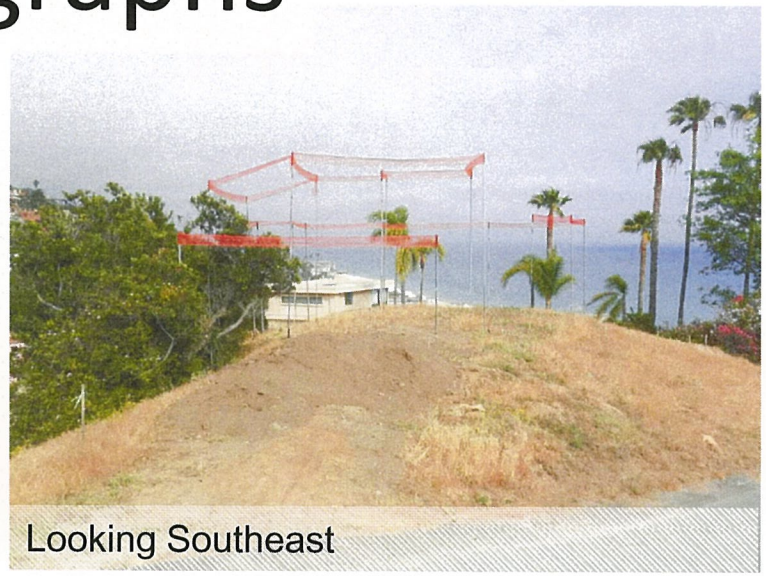
SLOPE CATEGORIES	COLOR	AREA (SQ. FT.)	PERCENTAGE
5:1 TO 4:1		3444.5	5.9%
4:1 TO 3:1		5026.16	8.6%
3:1 TO 2 1/2:1		1235.14	2.1%
2 1/2:1 TO 1:1		14937.6	25.5%
1:1 AND GREATER		2528.4	4.3%

TOTAL LOT AREA = 58655.8 SQ. FT.

NOTE: AREAS IN WHITE WITHIN PROPERTY BOUNDARY DESIGNATE AREAS WHERE SLOPE IS LESS THAN 5:1

Photographs


Looking Northeast


Looking Southeast

Looking Southwest

Looking South

ATTACHMENT 3

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1388

RECEIVED
NOV 10 2015
PLANNING DEPT.

TO:

☐ Los Angeles County
Department of Public Health
Environmental Health:
Drinking Water / Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

☐ Los Angeles County
Department of Public Works
Building & Safety Division

☐ Los Angeles County
Fire Department

☐ City of Lancaster
Building Department
44933 N. Fern Ave.
Lancaster, CA 93534

☒ City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

☐ City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

RE: **3989 VILLA COSTERA** (Address) **MALIBU** (City) **90265** (Zip Code)

APN # 4451-011-011

Los Angeles County Waterworks District No. 29

***Will serve* water to the above *single lot* property subject to the following conditions:**

☐	Annexation of the property into Los Angeles County Waterworks District is required. **Water service to this property will not be issued until the annexation is completed.**
☐	The appropriate fees must be paid to the Waterworks District and other related water agencies.
☐	The appropriate connection fees have been paid to the District for the proposed service.
☒	The appropriate connection fees have been paid to the District for the existing 1" service connection.
☒	The property has an existing 1" water meter.
☐	A water meter serving the property must be installed in accordance with District standards.
☒	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
☒	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
☐	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main.
☒	Property may experience low water pressure and / or shortage in high demand periods.
☐	The District **CAN NOT** serve water to this property at this time.
☐	Must comply with and satisfy CalTrans Encroachment Requirements in order to obtain Water Service.
☒	This Will Serve Letter is for a new 2,238 sq. ft. detached workshop and studio.

By:	Signature	Jonathan King Associate Civil Engineer Print Name	(310) 317-1388 Phone Number	10/29/2015 Date

**** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.***

Rev. 06/09

ATTACHMENT 4

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: ~~12/16/2014~~ 10/28/15

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 14-081
JOB ADDRESS:	3989 VILLA COSTERA
APPLICANT / CONTACT:	A. Thomas Torres
APPLICANT ADDRESS:	Post Office Box 1181 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-2355
APPLICANT FAX #:	(310) 456-7966
APPLICANT EMAIL:	design@attarch.com
PROJECT DESCRIPTION:	New detached studio

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: [signature] Date: NOVEMBER 9, 2015

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

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 307.

* CONDITIONS OF EH CONFORMANCE REVIEW DATED 8-20-2015 STILL APPLY.

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)	A. Thomas Torres design@attarch.com		
Project Address:	**3989 Villa Costera** Malibu, CA 90265		
Planning Case No.:	CDP 14-081		
Project Description:	New Detached Studio		
Date of Review:	August 20, 2015		
Reviewer:	Matt Janousek	Signature:	Matt Janousek
Contact Information:	Phone: 310-456-2489 ext. 307	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	ATT Plans submitted to Planning 12-16-2014
Grading Plans:	N/A
OWTS Plan:	The Friday Group: OWTS plan dated 6-5-2015
OWTS Report:	The Friday Group: OWTS design report dated 6-5-2015; Ely Jr's Pumping: OWTS Inspection Report dated 4-30-2014
Geology Report:	Subsurface Designs: Response to EH review comments dated 7-1-2015; OWTS supporting geology report dated 5-5-2014
Miscellaneous:	N/A
Previous Reviews:	2-20-2015

REVIEW FINDINGS

Planning Stage:	☒	**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.
	☐	**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:	☐	**APPROVED**
	☒	**NOT APPROVED** Please respond to the listed plan check review comments and conditions of Planning conformance review.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new studio and 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. Provide plans and section(s) showing pump station and effluent line connection up to J-1500 tank, including vertical clearances to all utilities within roadway and public easements.

   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) **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.

5) **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***.

6) **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***.

7) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval of the AOWTS plan shall be submitted.

8) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the AOWTS plan shall be obtained.

9) **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.

10) **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

3989 VILLA COSTERA (CDP 14-081)
MALIBU, CA 90265

S.F.D.:	4 Bedrooms/45 Fixture Units (E)
STUDIO:	1 Bedroom/9 Fixture Units (N)
TREATMENT TANKS:	1,200 Gallon Precast (E)
	2,750 Gallon Jet Inc. J-1500 (N)
PUMP STATION:	80 gallon Jet submersible effluent pump (N)
ACTIVE:	1 - 1,100 ft^2 drainfield (E) 1 - 6' x 37' BI w/ 15' Cap (N) (projected; DH-3)
FUTURE:	1 - 6' x 37' BI w/ 10' Cap (N) (projected; DH-4)
PERC RATE:	11,100 gpd/26.17 gpsf (projected; DH-3)
	11,700 gpd/21.93 gpsf (projected; DH-4)
DESIGNER:	Lyndon Ong Yiu, REHS (5671)
REFERENCE:	The Friday Group: OWTS design report dated 6-5-2015

NOTES:

1. This conformance review is for a new alternative onsite wastewater treatment system (OWTS) for an existing 4 bedroom (45 fixture units) single family dwelling and a new 1 bedroom (9 fixture units) studio. The alternative OWTS 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.

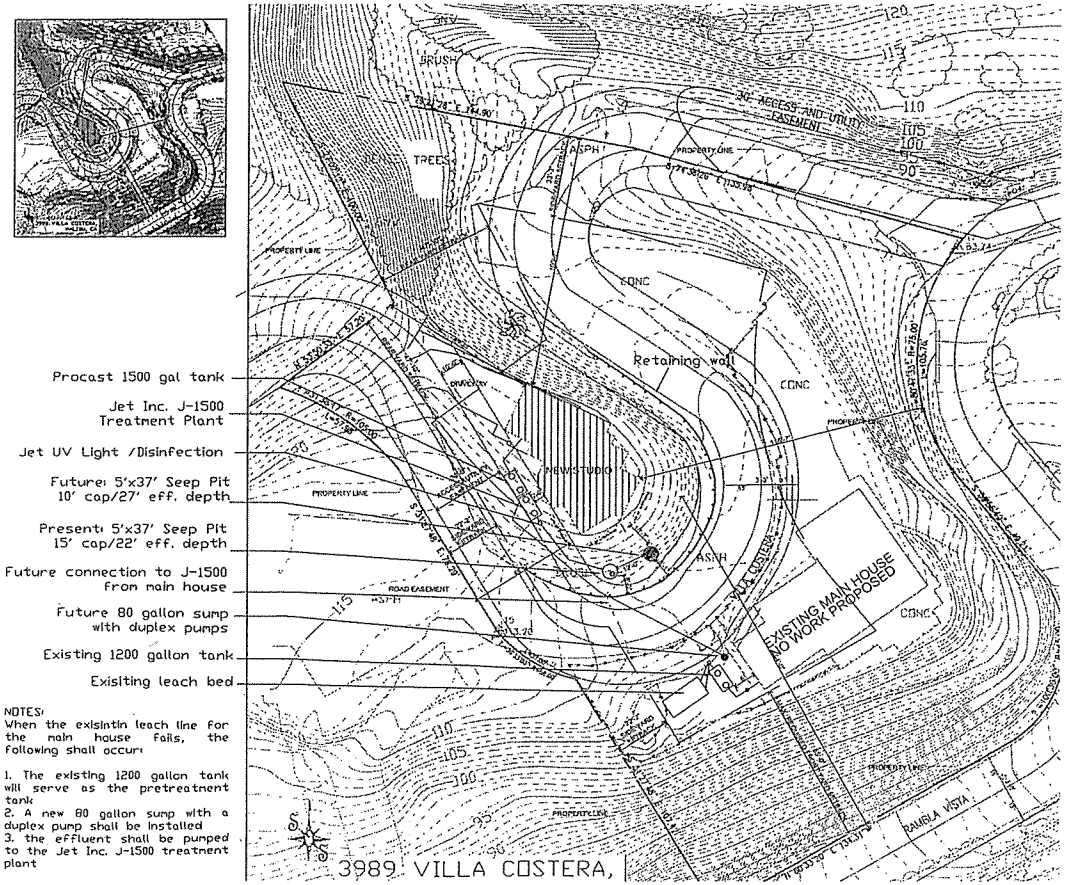
CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

AUG 29 2015

SIGNATURE:

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



cc

City of Malibu

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

GEOTECHNICAL REVIEW
REFERRAL SHEET

TO: City of Malibu Geotechnical Staf **DATE:** ~~12/16/2014~~ 10/28/15

FROM: City of Malibu Planning Department

PROJECT NUMBER:	CDP 14-081
JOB ADDRESS:	3989 VILLA COSTERA
APPLICANT / CONTACT:	A. Thomas Torres
APPLICANT ADDRESS:	Post Office Box 1181 Malibu, CA 90265
APPLICANT PHONE #:	(310) 456-2355
APPLICANT FAX #:	(310) 456-7966
APPLICANT EMAIL:	design@attarch.com
PROJECT DESCRIPTION:	New detached studio

TO: Malibu Planning Divison and/or Applicant

FROM: City Geotechnical Staff *

✓ **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 DATE 11/2/15

Determination of geotechnical feasibility for planning should not be construed as approval of building and/or grading plans which need to be submitted for Building Department approval. At that time, those plans may require approval by City Geotechnical Staff. Additional requirements/conditions may be imposed at the time building and/or grading plans are submitted for review, including geotechnical reports

City Geotechnical Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am or by calling (310) 456-2489, extension 306 or 307.

* Review sheets dated 4-3-15 and 8-25-15 (for OWTS) apply. Review plans in BPC - a fee of $910.00 is required for plan check review.

City of Malibu

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	August 25, 2015	**Review Log #:**	**3693**
Site Address:	3989 Villa Costera		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 14-081**
Applicant/Contact:	Tom Torres, design@attarch.com	**BPC/GPC #:**	
Contact Phone #:	310-456-2355 **Fax #:**	**Planner:**	Carlos Contreras
Project Type:	**New onsite wastewater treatment system (OWTS)** for detached studio/storage building		

Submittal Information

Consultant(s) / Report Date(s):
(Current submittal(s) in Bold.)

SubSurface Designs, Inc. (Triebold, CEG 1796): **7-1-15**
SubSurface Designs, Inc. (Triebold, CEG 1796; Mahn, RCE 60293): 3-6-15, 5-5-14
The Friday Group (Yiu, REHS # 5671): **6-5-15**
Building plans prepared by A. T. Torres AIA dated December 1, 2014.

Previous Reviews: Environmental Health Review Sheet dated 8-20-15, 4-3-15, 1-15-15, Geotechnical Review Referral Sheet dated 12-16-14

Review Findings

Coastal Development Permit Review

☒ The new OWTS is **APPROVED** from a geotechnical perspective, with the following conditions to be completed in plan check.

☐ The new OWTS is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. 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 OWTS reports were reviewed by the City from a geotechnical perspective. The project comprises constructing a new OWTS for the new 2,238 square foot two-story studio/storage building. The OWTS consist of a treatment tank system and one 5' diameter x 22' BI seepage pit with a 15' cap with 100% expansion.

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.

Building Plan-Check Stage Conditions:

1. The capping depths shown on the OWTS Site Plan in the Friday Group report do not match the recommendations of the Project Engineering Geologist. Please correct the capping depths on the Plan.
2. The Project Geotechnical Consultant recommends removal and re-compaction grading to support the structure on certified, compacted fill. Please provide a set of grading plans for review. Show the OWTS on the plan. The design of the seepage pits needs to be re-evaluated if grading is proposed in the area of the proposed seepage pits.
3. Two sets of final OWTS plans (**APPROVED BY ENVIRONMENTAL HEALTH**) 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.** 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

8/25/15
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

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	April 3, 2015	**Review Log #:**	**3693**
Site Address:	3989 Villa Costera		
Lot/Tract/PM #:	n/a	**Planning #:**	**CDP 14-081**
Applicant/Contact:	Tom Torres, design@attarch.com	**BPC/GPC #:**	
Contact Phone #:	310-456-2355 **Fax #:**	**Planner:**	**Veronica Ortiz-DeAnda**
Project Type:	New detached studio/storage building		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in Bold.)*	SubSurface Designs, Inc. (Triebold, CEG 1796; Mahn, RCE 60293): **3-6-15**, 5-5-14 Building plans prepared by A. T. Torres AIA dated December 1, 2014.
Previous Reviews:	1-15-15, Geotechnical Review Referral Sheet dated 12-16-14

Review Findings

Coastal Development Permit Review

☒ The project is **APPROVED** from a geotechnical perspective.

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

Building Plan-Check Stage

☒ Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.

☐ **APPROVED** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ **NOT APPROVED** from a geotechnical perspective. 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 addendum report was reviewed by the City from a geotechnical perspective. The project comprises constructing a new 2,238 square foot two-story studio/storage building. A toilet and sink are proposed in the structure. The fixtures will be added to the existing onsite wastewater treatment syster (OWTS) facilities.

NOTICE: Applicants shall be required to submit all Geotechnical reports for this project as search PDF files on a CD. At the time of Building Plan Check application, the Consultant must pr searchable PDF files on a CD to the Building Department for ALL previously submitted report have been reviewed by City Geotechnical Staff.

Building Plan-Check Stage Review Comments:

1. The Project Geotechnical Consultant recommends removal and re-compaction grading to support the structure on certified, compacted fill. Please provide a set of grading plans for review.
2. The slope stability critical failure surfaces (those with the lowest computed safety factors) for static and seismic conditions need to be plotted on the geologic cross sections in accordance with the City's geotechnical guidelines.
3. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer has recommended that the vapor barrier conform to ASTM E1746. Building plans shall reflect the Consultant's requirement.
4. The following note must appear on the grading and foundation plans: *"Tests shall be performed prior to pouring footings and slabs to evaluate the corrosivity of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary."*
5. The following note must appear on the grading and foundation plans: *"Tests shall be performed prior to pouring footings and slabs to evaluate the Expansion Index of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary."*
6. Please include the following note on the plans, as applicable: *"An as-built report documenting the pile foundation elements shall be prepared by the Project Geotechnical Consultant and submitted to City geotechnical staff for review. The report shall include the total depths of all piles, the depth into the recommended bearing material, depth below any critical setback plane, and a map depicting the location of the piles."*
7. 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.'*
8. Show the limits and depths of removal and re-compaction grading (R & R) on the grading plan.
9. The plans must show the minimum Building Code-required foundation setbacks from descending slopes.
10. Two sets of final grading, retaining wall, OWTS, and studio plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Geotechnical Engineering Review by:

Kenneth Clements, G.E. # 2010, Exp. 6-30-16
Geotechnical Engineering Reviewer (805-563-8909)
Email: kclements@fugro.com

April 3, 2015
Date

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

4/3/15
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, OWTS, and studio plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building and Grading Plans.
3. 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."*
4. The Foundation Plans for the improvements shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
5. Show the onsite wastewater treatment system on the Site Plan.
6. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

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

City of Malibu

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: 12/16/2014

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 14-081

JOB ADDRESS: 3989 VILLA COSTERA

APPLICANT / CONTACT: A. Thomas Torres

APPLICANT ADDRESS: Post Office Box 1181
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-2355

APPLICANT FAX #: (310) 456-7966

APPLICANT EMAIL: design@attarch.com

PROJECT DESCRIPTION: New detached studio

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

12.24.14
DATE

Rev 120910

VO

City of Malibu
MEMORANDUM

To: Planning Department

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

Date: December 23, 2014

Re: Proposed Conditions of Approval for 3989 Villa Costera CDP 14-081

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

GRADING AND DRAINAGE

1. Grading permits shall not be issued between November 1 and March 31 each year LCP Section 17.2.1. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1 **A note shall be placed on the project that addresses this condition.**

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 Local Implementation Plan (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 disturb for the installation of

the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.

- The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.
- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
- If the property contains rare and endangered species as identified in the Resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
- Private storm drain systems shall be shown on the Grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
- Public Storm drain modifications shown on the Grading plan shall be approved by the Public Works Department prior to the issuance of the Grading permit.

STORMWATER

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

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

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

5. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan, Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See Local Implementation Plan, Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the Grading/Building permits for this project.

MISCELLANOUS

6. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for 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/ planning forms or in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission's approval 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.

If you have questions regarding this notice, please contact **Carlos Contreras, Associate Planner, at (310) 456-2489, extension 265.**

Date: May 26, 2016

By: Bonnie Blue, Planning Director

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

NOTICE OF PUBLIC HEARING

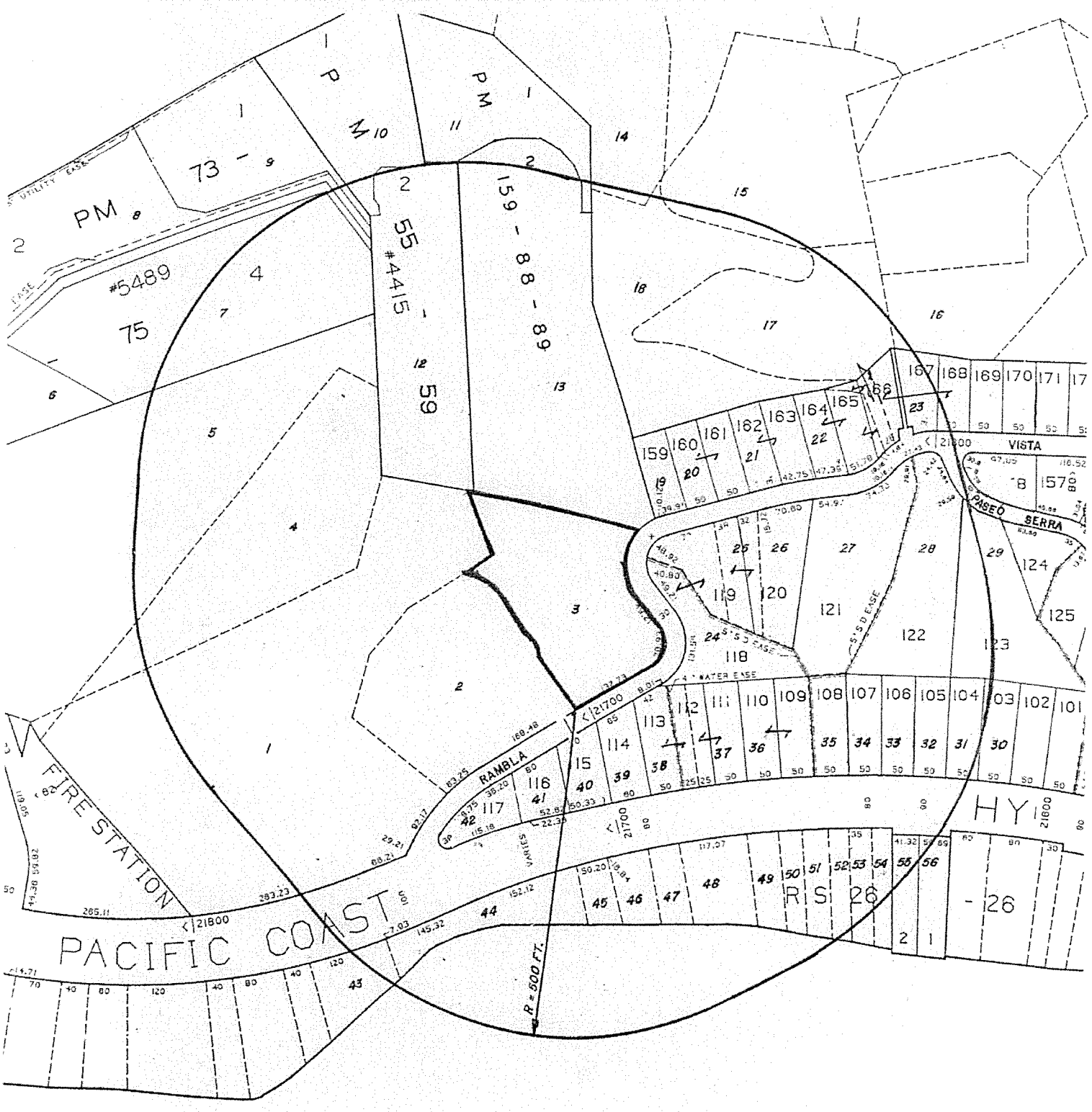
The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 14-081 – An application for the construction of a new 2,025 square foot detached two-story accessory structure to serve as a studio, home office, and workshop, and associated improvements that include a new driveway, new retaining wall, grading, decks, hardscape, and installation of a new alternative onsite wastewater treatment system

LOCATION:	3989 Villa Costera, within the appealable coastal zone
APN:	4451-011-011
ZONING:	Rural Residential-One Acre (RR-1)
APPLICANT:	A. Thomas Torres
OWNER:	Michael Klein
APPLICATION FILED:	December 16, 2014
CASE PLANNER:	Carlos Contreras Associate Planner (310) 456-2489, ext. 265 ccontreras@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(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).

ATTACHMENT 5



HERON MAPS

(310) 317 - 1515
20756 SEABOARD RD.
MALIBU CA 90265

N

1" = 200'

Commission Agenda Report

Planning Commission Meeting
06-20-16
Item 5.C.

To: Chair Stack and Members of the Planning Commission

Prepared by: Christopher M. Deleau, Planning Manager CD

Approved by: Bonnie Blue, Planning Director BB

Date prepared: June 8, 2016 Meeting Date: June 20, 2016

Subject: Coastal Development Permit No. 14-054 and Variance No. 15-001 – An application to remove existing retaining walls and construct a new, two-story, single-family residence and associated development

Location:	21106 Pacific Coast Highway, within the appealable coastal zone
APN:	4450-010-023
Owner:	Doerken 2003 Charitable Remainder Unitrust

RECOMMENDED ACTION: Continue this item to the July 18, 2016 Regular Planning Commission meeting.

Planning Commission Meeting
06-20-16
Item 5.D.

Commission Agenda Report

To: Chair Stack and Members of the Planning Commission

Prepared by: Adrian Fernandez, Senior Planner A.F.

Approved by: Bonnie Blue, Planning Director CD for BB

Date prepared: June 9, 2016 Meeting date: June 20, 2016

Subject: Wireless Telecommunications Facility No. 16-001 and Site Plan Review No. 16-026 – An application for the installation of a new wireless telecommunications facility within the public right-of-way

Location:	29970.5 Harvester Road
Nearest APN:	4469-013-021
Owner:	City of Malibu Public Right-of-Way
Applicant:	Carver Chiu of Crown Castle NG West, Inc.

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 16-59 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Wireless Telecommunications Facility (WTF) No. 16-001 and Site Plan Review (SPR) No. 16-026 to allow the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road (Crown Castle NG West, Inc.).

DISCUSSION:

Project History

On August 1, 2013, Crown Castle applied for WTF No. 13-007 and SPR No. 13-035 to install a wireless telecommunications facility at 29970.5 Harvester Road. On November 5, 2013, the Planning Department issued a Notice of Decision approving the application.

The proposed project included installation of a 2 foot tall by 7.5 inch diameter omnidirectional antenna ["antenna"] attached to a 28 foot, 8 inch tall utility pole at the same height. It also included installation of electrical support equipment ["support equipment"] attached to the same pole at a height of no less than 8 feet above adjacent grade as follows: a 3 foot, 11 inch tall by 9 inch deep equipment shroud ["equipment shroud"]; and a 1 foot wide by 1 foot tall by 6 inch deep WTR Fuse Box ["fuse box"]. The antenna and support equipment would be pole-mounted and painted brown to match the wood utility pole. The proposed equipment would provide infrastructure for T-Mobile customers. The pole already housed equipment used by Sprint PCS, with the remainder of their equipment in an underground vault.

There were two other alternatives considered. The first was to place the equipment across the street on a different pole, but the Planning Department determined that would be inconsistent with Malibu Municipal Code (MMC) Section 17.46.060(O), which the Planning Department interpreted to require the proposed facility be co-located with the Sprint PCS equipment. The other alternative was to place the equipment on the ground or in an underground vault. The Planning Department concluded that those alternatives would not be less visually intrusive.

On November 15, 2013, City residents Dana Christiaansen and Robert Kirk Odian ["appellants"] filed an appeal of the Planning Director's approval. The appeal cited multiple contentions, including that Crown Castle did not establish a significant gap in coverage exists, that Crown Castle was not a wireless carrier, the potential for a decline in property value, aesthetic concerns, and failure to comply with the MMC.

In response to the appeal, the Planning Department prepared a Commission Agenda Report and the Planning Commission deliberated on the appeal on September 2, 2014. The Commission Agenda Report recommended that the appeal be denied and project approved. The vote on whether to uphold or deny the appeal was split, resulting in the reinstatement of the Planning Director's approval of the application.

The appellants filed a second appeal of this decision. The appeal raised similar concerns as the first appeal, and added claims that Crown Castle did not provide adequate pole loading capacity calculations and the project would violate the MMC by exceeding the applicable noise threshold. The Council Agenda Report written in response to this appeal recommended that the City Council deny the appeal. The Council Agenda Report stated, among other things, that the applicant's structural calculations state that, with the antenna and proposed equipment, the pole complies with its structural capacity, that Crown Castle

submitted propagation maps showing a small area representing poor signal immediately around the proposed facility, that the proposed project was designed to minimize visual impacts, and that the applicant's noise report concluded that the combined noise with the existing Sprint PCS facility would not exceed the noise limit of 50 decibels.

The City Council held its first deliberation on April 13, 2015, in which testimony was heard from the appellants, City residents, and representatives of Crown Castle. One of the appellants testified that promotional materials on Crown Castle's website, made using data from actual customers, demonstrated that there was no gap in coverage in the area surrounding the proposed site. A representative from Crown Castle testified and distinguished marketing materials, which showed coverage in the area, from its study of the gap in coverage. A resident testified that engineering reports demonstrated that Crown Castle's pole loading capacity calculations were erroneous. The same resident, an audio engineer, testified that his measurements of Sprint's existing equipment combined with existing equipment from another Crown Castle site would exceed the applicable noise threshold. At the conclusion of the testimony, the City Attorney advised the City Council to continue the hearing to allow Crown Castle to investigate the engineering of the pole loading capacity calculations. The City Council continued the hearing to receive more information from Crown Castle regarding whether the equipment could be undergrounded, whether the pole loading capacity calculations were correct, and whether the project would exceed noise limits.

Crown Castle submitted additional information that was included in the May 21, 2015 Council Agenda Report. In this report, staff again recommended that City Council deny the appeal. Crown Castle had reported to City staff that they met with the appellants who adamantly opposed a separate vault alternative. The report recommended mounting the equipment onto the utility pole as the least visually intrusive alternative. The other alternatives including installing a new underground vault that would displace existing groundcover or placing the equipment above ground with a taller equipment shroud. The alternatives would be visible from the road and also displace groundcover. The report stated that the existing Sprint PCS facility was at capacity and could not be shared with the Crown Castle proposed facility. Crown Castle provided structural analysis concluding that the pole could support the equipment, and also agreed to replace the pole if requested to add further stability to address safety concerns. The report stated that evidence submitted by Crown Castle concluded that the combined noise levels of the existing Sprint PCS facility and the proposed facility would not exceed the noise limit of 50 decibels.

The City Council held a second hearing on June 8, 2015. At the conclusion of the public hearing, including presentations on the sound issue from a resident and Crown Castle, the City Council directed staff to prepare a resolution upholding the appeal.

On July 13, 2015, the City Council adopted Resolution No. 15-21, upholding Appeal No. 14-008, in which the Council found: 1) the project and its alternatives were not compatible with other development in the adjacent area in relation to size, bulk and height; and 2) the project was inconsistent with the City's general plan, local coastal program, MMC, and city standards. The Resolution cites evidence from the June 8, 2015, City Council meeting showing that the proposed equipment would exceed the allowable limit of 50 decibels.

On August 11, 2015, Crown Castle filed a Petition for Writ of Mandate and Complaint ("Complaint") in federal court against the City and City Council. The Complaint alleges four causes of action: 1) Unlawful Prohibition of Services pursuant to the Telecommunications Act; 2) Lack of Substantial Evidence pursuant to the Telecommunications Act; 3) violation of the Spectrum Act; and 4) Federal Preemption. The lawsuit seeks declaratory and injunctive relief.

On March 28, 2016, the City and Crown Castle participated in mediation in federal court in an attempt to resolve the litigation. The parties agreed to a conditional settlement. The settlement puts a "stay" on the litigation for 120 days, until August 8, 2016. During that time period, the parties agreed that Crown Castle will submit a new site plan review application with a revised project. If the City approves the permit application, Crown Castle will dismiss the lawsuit against the City.

THE SPECTRUM ACT

As part of the conditional settlement, the City and Crown Castle agreed to process Crown Castle's new application as an "eligible facilities request" ("EFR") under the Spectrum Act, Section 6409, if it met the conditions. The pertinent language of the Act reads as follows: "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." 47 U.S.C. § 1455(a).

The Spectrum Act defines an EFR as a request to collocate, remove or replace transmission equipment on an existing wireless tower or base station. Federal Communications Commission (FCC) regulations define "collocation" as "the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals

for communications purposes." The term "transmission equipment" encompasses almost all equipment found at facilities that transmit communication signals over air. Relevant here, the term "base station" means non-tower structure at a fixed location and the permitted or approved associated transmission equipment that enables FCC-licensed or authorized wireless communications between user equipment and a communications network.

The Spectrum Act is silent on what constitutes a substantial change in the dimensions of the base station. However, the FCC has adopted a Report and Order detailing the substantial change requirements as follows: (1) the facility increases the height of the tower by more than 10 percent; (2) if on a public right-of-way, the equipment protrudes from the edge of the structure by more than 6 feet; (3) the project requires installation of more than the standard number of new equipment, but not to exceed four cabinets; (4) the project requires excavation or deployment outside the current site of the base station; (5) the facility would defeat the existing concealment elements of the base station; and (6) it does not comply with the conditions associated with prior approval of the base station, unless the non-compliance is due to an increase in height, width, addition of cabinets, or new excavation. These are the only factors that can be considered on the issue of substantial change.

Project Overview

The issue before the Planning Commission is whether to adopt Planning Commission Resolution No. 16-56 approving WTF No. 16-001 and SPR No. 16-026 for the installation of a new wireless telecommunications facility in the City of Malibu public right-of-way. Requests for the installation of wireless telecommunications facilities in the public right-of-way are typically decided by the Planning Director. However, given the time constraints set forth in the settlement, the Planning Director chose to defer the decision for this project to the Planning Commission.

Project Description

Crown Castle submitted the subject application to provide wireless coverage for T-Mobile subscribers. The proposed project includes the installation of a new antenna attached to an existing utility pole and support equipment in a new underground vault in the public right-of-way (Attachment 2 – Project Plans). The proposed scope of work includes:

- Installation of a 2 foot tall by 7.5 inch diameter omnidirectional antenna attached to a 28 foot, 8 inch tall utility pole at the same height; and

- Installation of electrical support equipment in a new underground vault. The vault consists of 3 foot, 9 inch wide by 5 feet, 9 inch long 3 feet deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

A visual simulation of the proposed project is provided herein as Attachment 3.

Spectrum Act Compliance Analysis

As discussed above, the Spectrum Act defines an EFR as a request to collocate equipment on an existing wireless tower or base station. Here, the proposed project meets the criteria for collocation under the Spectrum Act because it will place equipment on a base station that already houses Sprint PCS equipment.

The next criteria in evaluating whether the proposed project qualifies as an EFR is whether it will substantially change the dimensions of the base station, as defined in Report and Order adopted by the FCC. The following are the only criteria that can be considered on the issue of substantial change:

1. *The facility increases the height of the tower by more than 10 percent;*

   The proposed facility will be mounted on an existing utility and the existing utility pole will not be increased in height.

2. *If on a public right-of-way, the equipment protrudes from the edge of the structure by more than 6 feet;*

   The proposed facility is on a public right-of-way and will not protrude more than 6 feet from the edge of the existing utility pole.

3. *The project requires installation of more than the standard number of new equipment, but not to exceed four cabinets;*

   The proposed support equipment will not require the installation of more than four cabinets inside a new underground vault.

4. *The project requires excavation or deployment outside the current site of the base station. The FCC defines "site" as "... for other eligible support structures, further restricted to that area in proximity to the structure and to any other transmission equipment already deployed on the ground";*

   The proposed facility includes a new antenna attached to an existing utility pole and support equipment in a new underground vault. The proposed

facility will not require any excavation or deployment outside the current site of the base station because the new underground vault is part of the current site of the base station.

5. *The facility would defeat the existing concealment elements of the base station;*

   The proposed facility will not defeat the existing concealment efforts of the base station. The proposed antenna will be pole mounted and the support equipment will be placed in an underground vault and will be painted to blend with its surrounding for concealment similar to the already existing Sprint PCS facility.

6. *It does not comply with the conditions associated with prior approval of the base station, unless the non-compliance is due to an increase in height, width, addition of cabinets, or new excavation.*

   The proposed facility complies with the conditions associated with prior approval of the base station.

Spectrum Act Findings

The proposed facility shall be approved because it meets the conditions of an EFR under the Spectrum Act. 47 U.S.C. § 1455(a). The proposed facility will be collocated and will not substantially change the dimensions of the base station.

MMC Compliance Analysis

MMC Chapter 17.46 lists regulations for wireless telecommunications facilities. As proposed, WTF No. 16-001 requires the approval of SPR No. 16-026 if the proposed project meets the general requirements and most restrictive design criteria set forth in MMC Sections 17.46.060 and 17.46.070 (MMC Section 17.46.020).

<u>General Requirements (MMC Section 17.46.060)</u>

Consistent with MMC Sections 17.46.60(B), (C) and (K), the proposed wireless telecommunications facility complies with maximum permitted exposure limits promulgated by the FCC. In accordance with MMC Sections 17.46.60(H), (I), (J), (K) and (O), the antenna is mounted on an existing utility pole, co-located with Sprint PCS, will not exceed the height of the existing utility pole, and the equipment will be placed in a new underground vault.

Most Restrictive Design Criteria (MMC Section 17.46.070)

Pursuant to MMC Sections 17.46.070(C), (D) and (J), wireless telecommunications facilities are required to be designed to minimize visual impacts to the greatest extent feasible by means of placement, screening, camouflaging, painting and texture. The proposed antenna is sited and mounted in conformance with MMC Sections 17.46.110 and 17.46.120 which encourage the use of existing utility poles and co-location. Consistent with these requirements, the proposed antenna, cross arm and conduits are conditioned to be painted brown to match the color of the existing utility pole and the latch and vents of the underground vault are conditioned to be painted a dark green to match surrounding landscaping.

Thus, the applicant has provided the required documentation to establish that the low power wireless facility will operate in full compliance with all applicable local, state and federal regulations for the approval of the proposed project.

MMC Findings

Site Plan Review for erecting a wireless telecommunications in the public right-of-way [MMC Section 17.62.040(D)]

SPR No. 16-026 is requested to allow the installation of a wireless telecommunications facility in the public right-of-way. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for erecting a wireless telecommunications facility in the public right-of-way. The Planning Commission hereby makes the required findings as indicated below:

1. *The project is compatible with other development in the adjacent area in relation to size, bulk and height.*

   The new antenna will be mounted onto an existing utility pole and will not exceed the height allowable under MMC Section 17.46.060(J). Pursuant to MMC Section 17.46.060(I), the proposed electrical support equipment will be located in a new underground vault with two above ground vents. The new antenna will be painted a dark brown color to match the existing pole and support equipment will be painted a dark green to match the surrounding landscaping. Therefore, the proposed project is compatible in size, bulk, and height to other development in the adjacent area.

2. *The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology,*

native plan materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.

The project proposes the installation of a new wireless telecommunications antenna onto an existing utility pole and support equipment in a new underground vault within the disturbed public right-of-way. The proposed project will not have a significant adverse impact on natural resources.

3. *Remedial Grading (if applicable) exceeding five thousand (5,000) cubic yards is necessary to mitigate a geotechnical hazard as identified in a certified geotechnical report prepared by a California Licensed Geologist and reviewed and approved by the City Geologist. The remedial grading will not result in a significant adverse impact on visual or biological resources.*

   No remedial grading is proposed as part of the proposed project. Therefore, this finding does not apply.

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

   On September 13, 2013, staff conducted a primary view determination for the residence located at 29979 Harvester Road. Based on the primary view determination, the proposed antenna will be mounted on a utility pole in front of an existing large tree. Given the small size of the proposed antenna and limited blue sky views through the existing large tree, the proposed antenna will have a less than significant impact on sky views from the chosen primary view location. Furthermore, sky views are not considered impressive scenes. The proposed antenna and support equipment does not appear to be in the line-of-sight of any residence's view of impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from main viewing area of the surrounding residences.

5. *The project does not affect solar access, as defined by staff.*

   The new antenna and electrical support equipment will cast a negligible shadow; therefore, less than significant adverse effects related to solar access is expected.

6. *The project is consistent with the City's General Plan, Local Coastal Program (LCP), Municipal Code and City standards.*

   The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and LCP. Wireless telecommunications facilities are permitted in the public right-of-way with a site plan review, provided such facilities comply with the general requirements set forth in MMC Section 17.46.060 and the most restrictive design standards set forth in MMC Section 17.46.070. Subject to the conditions of approval, the proposed project complies with these standards.

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

   The proposed project will comply with all applicable requirements of State and local law as required under MMC Section 17.46.060, including but not limited to, provisions of the Uniform Building Code, National Electrical Code, and Uniform Fire Code. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the FCC and California Public Utilities Commission.

8. *A sea wall, bulkhead or other shoreline protective device (if applicable) is necessary to protect an existing structure and/or an existing or new sewage disposal system as identified in a certified coastal engineering report prepared by a California licensed engineer and reviewed and approved by the City's coastal engineer.*

   No sea wall, bulkhead, or other shoreline protection devices are associated with the proposed project. Therefore, this finding does not apply.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposal as described above. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) - new construction of small structures. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

PUBLIC CORRESPONDENCE: To date, no public comments have been received regarding this project.

PUBLIC NOTICE: On May 26, 2016, a notice of 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 project site and to all interested parties (Attachment 4).

SUMMARY: The required findings can be made that the project complies with the MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 16-59. The project has been reviewed and conditionally approved for conformance with the MMC by the Planning Department.

ATTACHMENTS:

1. Planning Commission Resolution No. 16-59
2. Project Plans
3. Photo Simulations
4. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 16-59

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING WIRELESS TELECOMMUNICATIONS FACILITY NO. 16-001 AND SITE PLAN REVIEW NO. 16-026 TO ALLOW THE INSTALLATION OF A NEW WIRELESS TELECOMMUNICATIONS FACILITY, INCLUDING A NEW ANTENNA ATTACHED TO AN EXISTING UTILITY POLE AT A HEIGHT OF 28 FEET, 8 INCHES AND ELECTRICAL SUPPORT EQUIPMENT IN A NEW UNDERGROUND VAULT WITH TWO ABOVE GROUND VENTS, LOCATED IN THE PUBLIC RIGHT-OF-WAY AT 29970.5 HARVESTER ROAD (CROWN CASTLE NG WEST, INC.)

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

SECTION 1. Recitals.

A. On July 13, 2015, the City Council adopted Resolution 15-21, upholding Appeal No. 14-008 and denying Wireless Telecommunications Facility (WTF) No. 13-007 and Site Plan Review (SPR) No. 13-035 for an installation of a new antenna and electrical support equipment attached to an existing utility pole.

B. During the ensuing months, the applicant has been in litigation with the City. As part of a conditional settlement agreement, the applicant agreed to submit a new application.

C. On May 5, 2016, a new application for WTF No. 16-001 and SPR No. 16-026 was submitted by the applicant, Carver Chiu of Crown Castle NG West, Inc., on behalf of the carrier T-Mobile for installation of a new antenna attached to an existing utility pole and electrical support equipment in a new underground vault.

D. On May 26, 2016, 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 project site and to all interested parties.

E. On June 1, 2016, the application was deemed complete.

F. On June 20, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) - new

construction of small structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Wireless Telecommunications Facility Permit Findings.

Based on substantial evidence contained within the record and pursuant to Malibu Municipal Code (MMC) Chapter 17.46, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below for WTF No. 16-001 and SPR No. 16-026 for the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches mounted to the pole and electrical support equipment in a new underground vault with two above ground vents, located in the public right-of-way at 29970.5 Harvester Road, subject to the conditions in Section 5 of this resolution.

The proposed project has been reviewed and approved by the Planning Department. The project is consistent with all applicable MMC codes, standards, goals and policies. The Planning Commission hereby makes the following findings of fact as required by the MMC.

General Requirements (MMC Section 17.46.060)

Consistent with MMC Sections 17.46.60(B), (C) and (K), the proposed wireless telecommunications facility complies with maximum permitted exposure limits promulgated by the FCC. In accordance with MMC Sections 17.46.60(H), (I), (J), (K) and (O), the antenna is mounted on an existing utility pole, co-located with Sprint PCS, will not exceed the height of the existing utility pole, and the equipment will be placed in a new underground vault.

Most Restrictive Design Criteria (MMC Section 17.46.070)

Pursuant to MMC Sections 17.46.070(C), (D) and (J), wireless telecommunications facilities are required to be designed to minimize visual impacts to the greatest extent feasible by means of placement, screening, camouflaging, painting and texture. The proposed antenna is sited and mounted in conformance with MMC Sections 17.46.110 and 17.46.120 which encourage the use of existing utility poles and co-location. Consistent with these requirements, the proposed antenna, cross arm and conduits are conditioned to be painted brown to match the color of the existing utility pole and the latch and vents of the underground vault a dark green to match surrounding landscaping.

Site Plan Review for erecting a wireless telecommunications in the public right-of-way [MMC Section 17.62.040(D)]

SPR No. 16-026 will allow the installation of a wireless telecommunications facility in the public right-of-way. Pursuant to MMC Section 17.62.040(D), the City is required to make eight specific findings in the consideration and approval of a site plan review for erecting a wireless telecommunications facility in the public right-of-way. The Planning Commission hereby makes the required findings as indicated below:

1. Evidence in the record demonstrates that the proposed project is compatible in size, bulk, and height to other development in the adjacent area.

2. Evidence in the record demonstrates that the proposed project will not have a significant adverse impact on natural resources.

3. Evidence in the record demonstrates that the proposed project is not anticipated to obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from main viewing area of the surrounding residences.

4. The new antenna and electrical support equipment will cast a negligible shadow; therefore, less than significant adverse effects related to solar access is expected.

5. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan and LCP. Wireless telecommunications facilities are permitted in the public right-of-way with a site plan review, provided such facilities comply with the general requirements set forth in MMC Section 17.46.060 and the most restrictive design standards set forth in MMC Section 17.46.070. Subject to the conditions of approval, the proposed project complies with these standards.

6. The proposed project will comply with all applicable requirements of State and local law as required under MMC Section 17.46.060, including but not limited to, provisions of the Uniform Building Code, National Electrical Code, and Uniform Fire Code. The proposed project is also required to comply with all applicable regulations and standards promulgated or imposed by any State or Federal agency, including the Federal Communications Commission (FCC) and California Public Utilities Commission.

7. The proposed project meets the criteria of an "eligible facilities request ("EFR") under the Spectrum Act, Section 6409, because it meets the criteria for collocation and does not substantially change the physical dimensions of the base station. 47 U.S.C. § 1455(a).

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves WTF No. 16-001 and SPR No. 16-026, subject to the conditions set forth herein.

SECTION 5. Conditions of Approval.

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

2. Approval of this application is to allow the project as follows:
   a. Installation of a 2 foot tall by 7.5 inch diameter omnidirectional antenna attached to a 28 foot, 8 inch tall utility pole at the same height; and
   b. Installation of electrical support equipment in a new underground vault. The vault consists of 3 foot, 9 inch wide by 5 feet, 9 inch long 3 feet deep structure fully below existing grade, except for two vents with a maximum height of 2 feet, 6 inches and with a diameter of 1 foot.

   Subsequent submittals for this project shall be in substantial compliance with the plans date-stamped received by the Planning Department on **June 1, 2016**. The project shall comply with all conditions of approval stipulated in the referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence and revised plans shall be submitted and approved by the Planning Director prior to the Environmental Sustainability Department for plan check.

3. The permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 30 days of this decision or prior to issuance of building permits.

4. The applicant shall submit three complete sets of plans, including the items requested in Condition No. 5, to the Planning Department for consistency review and approval prior to the issuance of any development permit.

5. This resolution (including the signed and notarized Acceptance of Conditions Affidavit) shall be copied in its entirety and placed directly onto a separate plan sheet(s) to be included in the development plans prior to submitting for a building permit from the City of Malibu Environmental Sustainability Department and the City of Malibu Public Works Department for an encroachment permit.

6. The approved wireless telecommunications facility and site plan review shall expire three years from the date of approval, **June 20, 2019**, unless a time extension has been granted. If no building permit is required, the wireless telecommunications antennas and facilities permit approval shall expire after three years from the date of final planning approval if installation is not completed. The expiration date shall be suspended until an appeal and/or litigation regarding the subject permit is resolved.

7. The Planning Director may grant up to four one-year extensions of a wireless telecommunication facility and site plan review approval, if the Planning Director finds that the conditions, including but not limited to changes in the zoning ordinance under which the wireless telecommunications antennas and facilities permit approval was issued, have not significantly changed.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.

9. All structures shall conform to the requirements of the Environmental Sustainability Department, Public Works Department, FCC and Los Angeles County Fire Department requirements, as applicable. Notwithstanding this review, all required permits, including but not limited to an encroachment permit from the City Public Works Department, shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC. An application with all required materials and fees shall be required.

Cultural Resources

11. In the event that potentially important cultural resources are found in the course of geologic testing, 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. Where, as a result of this evaluation, the Planning Director determines that the project may have an adverse impact on cultural resources, a Phase II Evaluation of cultural resources shall be required pursuant to MMC Section 17.54.040(D)(4)(b).

12. If human bone is discovered, the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. These procedures require notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

<u>Wireless Telecommunications Antennas and Facilities Conditions</u>

13. All antennas shall meet the minimum sitting distances to habitable structures required for compliance with the FCC regulations and standards governing the environmental effects of radio frequency emissions.

14. All antennas shall be located so that any person walking adjacent to the transmitting surface of the antennas will be walking on a grade, which is a minimum of eight and one-half feet below the transmitting surface.

15. All antennas, equipment, and support structures shall be designed to prevent unauthorized climbing.

16. The wireless telecommunication facility shall be erected, operated, and maintained in compliance with the general requirements set forth in MMC Section 17.46.060 and most restrictive design criteria set forth in MMC Section 17.46.070.

17. The antenna and electrical support equipment shall, at all times, be operated in a manner that conforms to the applicable federal health and safety standards.

18. The proposed wireless telecommunications facility shall not emit a noise greater than fifty (50) decibels (dB) as measured from the base of the facility.

19. The co-location of wireless telecommunication facilities, pursuant to MMC Section 17.46.090, shall be required whenever feasible.

20. The installation of an onsite generator and or other equipment is prohibited. The Planning Director's approval is required if a generator is to be placed onsite for temporary or permanent use.

21. An operation technician is required to conduct regular quarterly maintenance visits to verify that the wireless telecommunication facility remains in compliance with the conditions of approval and safety requirements.

22. All pole mounted equipment associated with the application shall be located no lower than eight feet above grade or ground level on the utility pole.

Construction

23. Installation hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No installation activities shall be permitted on Sundays and City-designated holidays.

Site Specific Conditions

24. The proposed antenna, and all other visible pole-mounted related materials and cables shall be painted a dark brown color to match the existing wood utility pole and the above-ground vents and hatch for underground vault shall be painted a dark green color to blend as much as possible with the surrounding vegetation. Colors and materials for the facility shall be non-reflective and chosen to minimize visual impact to the greatest extent feasible.

25. All improvements, including foundations, and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation conditions within 90 days of cessation of operation or abandonment of the facility.

Prior to Operation

26. The applicant shall request a final Planning Department inspection immediately after the wireless telecommunications facility has been installed and prior to the commencement of

services and final electrical inspection by the City of Malibu Environmental Sustainability Department.

27. Within thirty (30) calendar days following the installation of any wireless telecommunication facilities, the applicant shall provide to the Planning Department with a field report prepared by a qualified engineer verifying that the unit has been inspected, tested, and is operating in compliance with FCC standards. Such documentation shall include the make and model (or other identifying information) of the unit tested, the date and time of the inspection, and a certification that the unit is properly installed and working within applicable FCC standards.

Public Works

28. The proposed project includes improvements within the City's public right-of-way. The applicant shall obtain a City of Malibu Public Works Department Encroachment Permit for the proposed work within the public right-of-way prior to installation.

Fixed Conditions

29. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

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

PASSED, APPROVED AND ADOPTED this 20th day of June 2016.

ROOHI STACK, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

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 10 days and shall be accompanied by an appeal form and filing fee. The appellant shall pay fees as specified by the City 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 16-59 was passed and adopted by the Planning Commission of the City of Malibu at the meeting thereof held on the 20th day of June 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary

CROWN CASTLE NG WEST, LLC

TMB1007CA-TTM11m1

ROW ADJACENT TO 29970.5 HARVESTER RD.
MALIBU, CA 90265

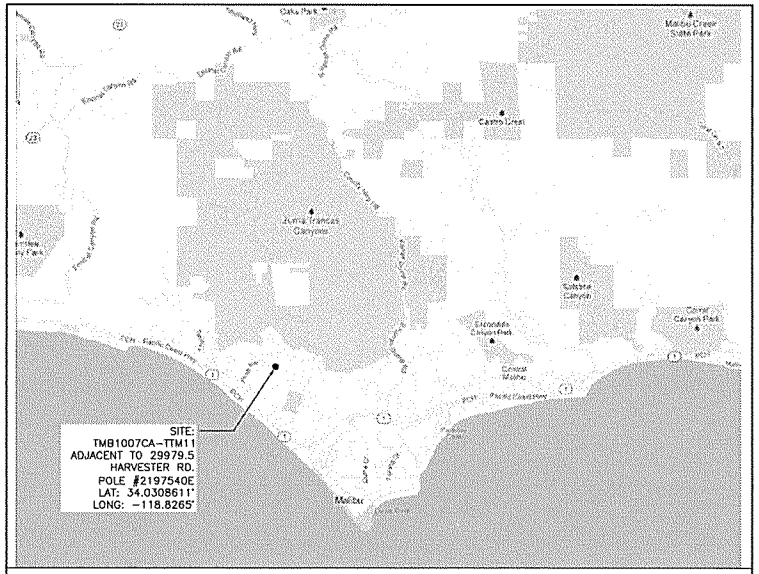
GENERAL NOTES

1. APPROVAL OF THESE PLANS BY THE CITY ENGINEER DOES NOT AUTHORIZE ANY WORK TO BE PERFORMED UNTIL A PERMIT HAS BEEN ISSUED
2. UPON ISSUANCE OF A PERMIT, NO WORK WILL BE PERMITTED ON WEEKENDS OR HOLIDAYS WITHOUT PERMISSION FROM THE ENGINEERING DEPARTMENT
3. THE APPROVAL OF THIS PLAN OR ISSUANCE OF A PERMIT BY THE CITY OF MALIBU DOES NOT AUTHORIZE THE SUBDIVIDER AND OWNER TO VIOLATE ANY FEDERAL, STATE OR CITY LAWS, ORDINANCES, REGULATIONS, OR POLICIES, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT OF 1973 AND AMENDMENTS THERETO (16 USC SECTION 1531 ET SEQ.)
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SURVEY MONUMENTS AND/OR VERTICAL CONTROL BENCHMARKS WHICH ARE DISTURBED OR DESTROYED BY CONSTRUCTION. A LAND SURVEYOR MUST FIELD LOCATE, REFERENCE, AND/OR PRESERVE ALL HISTORICAL OR CONTROLLING MONUMENTS PRIOR TO ANY EARTHWORK. IF DESTROYED, SUCH MONUMENTS SHALL BE REPLACED WITH APPROPRIATE MONUMENTS BY A LAND SURVEYOR, A CORNER RECORD OR RECORD OF SURVEY, AS APPROPRIATE, SHALL BE FILED AS REQUIRED BY THE PROFESSIONAL LAND SURVEYORS ACT. IF ANY VERTICAL CONTROL IS TO BE DISTURBED OR DESTROYED, THE CITY OF MALIBU FIELD SURVEY SECTION MUST BE NOTIFIED, IN WRITING, AT LEAST 3 DAYS PRIOR TO THE CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPLACING ANY VERTICAL CONTROL BENCHMARKS DESTROYED BY THE CONSTRUCTION
5. IMPORTANT NOTICE: SECTION 4216 OF THE GOVERNMENT CODE REQUIRES A DIG ALERT IDENTIFICATION NUMBER BE ISSUED BEFORE A "PERMIT TO EXCAVATE" WILL BE VALID. FOR YOUR DIG ALERT I.D. NUMBER, CALL UNDERGROUND SERVICE ALERT, TWO DAYS BEFORE YOU DIG.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR THE POTHOLE AND LOCATING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE AND MUST MAINTAIN 1' MINIMUM VERTICAL CLEARANCE.
7. CONTRACTOR SHALL SUBMIT TO THE LOCAL JURISDICTION, A CONSTRUCTION PLAN TO PROTECT WATER MAINS PRIOR TO COMMENCING CONSTRUCTION.
8. CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUIT, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
9. CONTRACTOR SHALL NOTIFY THE LOCAL JURISDICTION. A MINIMUM OF 48 HOURS PRIOR TO COMMENCING WORK WITHIN 10' OF ALL SEWER, WATER, AND STORMDRAIN MAIN INCLUDING ALL CROSSINGS.
10. THIS PROJECT WILL BE INSPECTED BY ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, FIELD ENGINEERING DIVISION.
11. AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY RESIDENT ENGINEER PRIOR TO THE ACCEPTANCE OF THIS PROJECT.
12. PUBLIC IMPROVEMENT SUBJECT TO DESTRUCTION OR DAMAGE." IF REPAIR OR REPLACEMENT OF SUCH PUBLIC IMPROVEMENTS IS REQUIRED, THE OWNER SHALL OBTAIN THE REQUIRED PERMITS FOR WORK IN THE PUBLIC RIGHT-OF-WAY, SATISFACTORY TO THE PERMIT - ISSUING AUTHORITY
13. PRIOR TO ANY DISTURBANCE TO THE SITE, EXCLUDING UTILITY MARKS-OUTS AND SURVEYING, THE CONTRACTOR SHALL MAKE ARRANGEMENTS FOR A PRE-CONSTRUCTION MEETING WITH THE CITY OF MALIBU FIELD ENGINEERING DIVISION.
14. PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION SHOWN ON THESE PLANS, IT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE. THE CONTRACTOR IS RESPONSIBLE TO ATTEND THE LOCAL JURISDICTIONS MONTHLY UTILITY COORDINATION COMMITTEE THE CONSTRUCTION ACTIVITIES WITH THE CITY AND ALL OTHER CONTRACTORS SO THAT NO TRENCH IS CUT WITHIN ANY OF THE CITY STREETS THAT HAVE BEEN CONSTRUCTED, REPAIRED, OR SLURRY SEALED WITHIN THREE YEARS OF THE STREET CONSTRUCTION/RESURFACING DATE.
15. MANHOLES OR COVERS SHALL BE LABELED "CROWN CASTLE".
16. CONTRACTOR SHALL IMPLEMENT AN EROSION AND SEDIMENT CONTROL PROGRAM DURING THE PROJECT CONSTRUCTION ACTIVITIES. THE PROGRAM SHALL MEET THE APPLICABLE REQUIREMENTS OF THE STATE WATER RESOURCE CONTROL BOARD.
17. THE CONTRACTOR SHALL HAVE EMERGENCY MATERIALS AND EQUIPMENT ON HAND FOR UNFORESEEN SITUATIONS, SUCH AS DAMAGE TO UNDERGROUND WATER, SEWER, AND STORM DRAIN FACILITIES WHEREBY FLOWS MAY GENERATE EROSION AND SEDIMENT POLLUTION.

SPECIAL NOTES

THE FOLLOWING NOTES ARE PROVIDED TO GIVE DIRECTIONS TO THE CONTRACTOR BY THE ENGINEER OF WORK. THE CITY ENGINEER'S SIGNATURE ON THESE PLANS DOES NOT CONSTITUTE APPROVAL OF THESE NOTES AND THE CITY WILL NOT BE RESPONSIBLE FOR THEIR ENFORCEMENT.

1. THE CONTRACTOR SHALL VERIFY THE LOCATION EXISTING UNDERGROUND UTILITIES INCLUDING SEWER LATERALS AND WATER SERVICES TO INDIVIDUAL LOTS BOTH VERTICAL AND HORIZONTAL PRIOR TO COMMENCING IMPROVEMENT OPERATIONS.
2. CONTRACTOR SHALL MAKE EXPLORATION EXCAVATIONS AND LOCATE EXISTING FACILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS OF PLANS IF REVISION IS NECESSARY BECAUSE OF LOCATION OF EXISTING UTILITIES
3. LOCATION AND ELEVATIONS OF IMPROVEMENTS, TO BE MET BY WORK, SHALL BE CONFIRMED BY FIELD MEASUREMENT PRIOR TO CONSTRUCTION OF NEW WORK.
4. GRADES SHOWN ARE FINISH GRADES, CONTRACTOR SHALL DETERMINE NECESSARY SUB GRADE ELEVATIONS AND SHALL CONSTRUCT SMOOTH TRANSITION BETWEEN FINISH GRADES SHOWN.
5. CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE RESPONSIBILITY FOR JOB SITE CONDITION DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS PROVISION SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXPECTING FOR LIABILITY ARISING FROM SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.
6. THE CONTRACTOR SHALL BE TOTALLY RESPONSIBLE FOR COMPLIANCE WITH THE PROVISIONS OF THE STATE OF CALIFORNIA SAFETY ORDERS.
7. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THESE PLANS ARE FROM EXISTING RECORDS AND CORROBORATED, WHERE POSSIBLE WITH FIELD TIES. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THE LOCATIONS SHOWN, BOTH HORIZONTALLY AND VERTICALLY, PRIOR TO CONSTRUCTION. IF EXISTING LOCATIONS VARY SUBSTANTIALLY FROM THE PLANS, THE ENGINEER SHOULD BE NOTIFIED TO MAKE ANY CONSTRUCTION CHANGES REQUIRED
8. THE CONTRACTOR SHALL PROVIDE TEMPORARY SUPPORT FOR ALL SEWER AND WATER MAIN UNDER CROSSING IN ACCORDANCE WITH PART 1 SECTION 3-2 OF THE STANDARD SPECIFICATION.
9. THE CONTRACTOR SHALL REPLACE OR REPAIR ALL TRAFFIC SIGNAL LOOPS, CONDUITS, AND LANE STRIPING DAMAGED DURING CONSTRUCTION.
10. THE CONTRACTOR SHALL SUBMIT WORK PLANS FOR ALL BORE OPERATIONS TWO WEEKS PRIOR TO COMMENCING WORK.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR THE POTHOLE AND LOCATING OF ALL EXISTING UTILITIES THAT CROSS THE PROPOSED TRENCH LINE AND MUST MAINTAIN 1' MINIMUM VERTICAL CLEARANCE.
12. AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE CITY ENGINEER PRIOR TO ACCEPTANCE OF THIS PROJECT.



VICINITY MAP – N.T.S.

GROUND BUS BAR	LIGHT POLE	ELEVATION REF.	ELECT. CONDUIT
MECH. GRND. CONN.	FOUNDATION	SECTION REF.	COAXIAL CABLE
CADWELD	SPOT ELEV.	PROP./LEASE LINE	MYERS PEDESTAL
ELECTRIC BOX	SET POINT	MATCH LINE	VAULT STANDARD 2'X3'
TELEPHONE BOX	REVISION	WORK POINT	STEEL POLE
EXISTING SERVICE POLE		TELE. CONDUIT	
SIDEWALK FLAG		CENTERLINE	
EX. MANHOLE	DETAIL REF.		

SYMBOLS, LINETYPES AND HATCH PATTERNS

EROSION AND SEDIMENT CONTROL NOTES

TEMPORARY EROSION/SEDIMENT CONTROL, PRIOR TO COMPLETION OF FINAL IMPROVEMENTS, SHALL BE PERFORMED BY THE CONTRACTOR OR QUALIFIED PERSON AS INDICATED BELOW

1. ALL REQUIREMENTS OF THE CITY OF MALIBU "LAND DEVELOPMENT MANUAL, STORM WATER STANDARDS" MUST BE INCORPORATED INTO THE DESIGN AND CONSTRUCTION OF THE PROPOSED GRADING/IMPROVEMENTS CONSISTENT WITH THE APPROVED STORM WATER AND/OR WATER POLLUTION CONTROL PLAN (WPCP)
2. FOR STORM DRAIN INLETS, PROVIDE A GRAVEL BAG SILT BASIN IMMEDIATELY UPSTREAM OF INLET AS INDICATED ON DETAILS
3. FOR INLETS LOCATED AT SUMPS ADJACENT TO TOP OF SLOPES, THE CONTRACTOR SHALL ENSURE THAT WATER DRAINING TO THE SUMP IS DIRECTED INTO THE INLET AND THAT A MINIMUM OF 1.00" FREEBOARD EXISTS AND IS MAINTAINED ABOVE THE TOP OF THE INLET. IF FREEBOARD IS NOT PROVIDED BY GRADING SHOWN ON THESE PLANS, THE CONTRACTOR SHALL PROVIDE IT VIA TEMPORARY MEASURES, I.E. GRAVEL BAGS OR DIKES
4. THE CONTRACTOR OR QUALIFIED PERSON SHALL BE RESPONSIBLE FOR CLEANUP OF SILT AND MUD ON ADJACENT STREET(S) AND STORM DRAIN SYSTEM DUE TO CONSTRUCTION ACTIVITY.
5. THE CONTRACTOR OR QUALIFIED PERSON SHALL CHECK AND MAINTAIN ALL LINED AND UNLINED DITCHES AFTER EACH RAINFALL.
6. THE CONTRACTOR SHALL REMOVE SILT AND DEBRIS AFTER EACH MAJOR RAINFALL.
7. EQUIPMENT AND WORKERS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON. ALL NECESSARY MATERIALS SHALL BE STOCKPILED ON SITE AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF TEMPORARY DEVICES WHEN RAIN IS IMMINENT
8. THE CONTRACTOR SHALL RESTORE ALL EROSION/SEDIMENT CONTROL MEASURES TO WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER OR RESIDENT ENGINEER AFTER EACH RUN-OFF PRODUCING RAINFALL.
9. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED BY THE RESIDENT ENGINEER DUE TO UNCOMPLETED GRADING OPERATIONS OR UNFORESEEN CIRCUMSTANCES, WHICH MAY ARISE
10. THE CONTRACTOR SHALL BE RESPONSIBLE AND SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS ONTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION
11. ALL EROSION/SEDIMENT CONTROL MEASURES PROVIDED PER THE APPROVED GRADING PLAN SHALL BE INCORPORATED HEREON. ALL EROSION/SEDIMENT CONTROL FOR INTERIM CONDITIONS SHALL BE DONE TO THE SATISFACTION OF THE RESIDENT ENGINEER.
12. GRADED AREAS AROUND THE PROJECT PERIMETER MUST DRAIN AWAY FROM THE FACE OF THE SLOPE AT THE CONCLUSION OF EACH WORKING DAY.
13. ALL REMOVABLE PROTECTIVE DEVICES SHOWN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN RAIN IS IMMINENT
14. THE CONTRACTOR SHALL ONLY GRADE, INCLUDING CLEARING AND GRUBBING FOR THE AREAS FOR WHICH THE CONTRACTOR OR QUALIFIED PERSON CAN PROVIDE EROSION/SEDIMENT CONTROL MEASURES.
15. THE CONTRACTOR SHALL ARRANGE FOR WEEKLY MEETINGS DURING OCTOBER 1ST TO APRIL 30TH FOR PROJECT TEAM (GENERAL CONTRACTOR, QUALIFIED PERSON, EROSION CONTROL SUBCONTRACTOR IF ANY, ENGINEER OF WORK, OWNER AND THE RESIDENT ENGINEER) TO EVALUATE THE ADEQUACY OF THE EROSION/SEDIMENT CONTROL MEASURES AND OTHER RELATED CONSTRUCTION ACTIVITIES

TRAFFIC CONTROL NOTES

THE CONTRACTOR SHALL SUBMIT A TRAFFIC CONTROL PLAN (11" X 17") FOR APPROVAL PRIOR TO STARTING WORK. THE PLAN SHOULD BE SUBMITTED TO THE TRAFFIC CONTROL PERMIT COUNTER. CONTRACTOR SHALL OBTAIN A TRAFFIC CONTROL PERMIT A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO STARTING WORK, AND A MINIMUM FIVE (5) DAYS IF WORK WILL AFFECT A BUS STOP OR AN EXISTING TRAFFIC SIGNAL, OR IF WORK WILL REQUIRE A ROAD OR ALLEY CLOSURE.

FOOTAGE TOTALS	
ASPHALT CUT	-
DIRT TRENCH	-
PUNCH THRU	-
BORE	-
TOTAL	-
RIGHT SWF TOTAL	-

PROJECT DICTIONARY

SITE ADDRESS: R.O.W. ADJACENT TO 29979.5 HARVESTER RD. MALIBU, CA 90265

APPLICANT: CROWN CASTLE NG WEST, LLC
300 SPECTRUM CENTER DR, SUITE 1200
IRVINE, CA 92618
CONTACT: HEIDI PAYNE
PHONE: (949) 310-8233

CIVIL ENGINEER: CONNELL DESIGN GROUP, LLC
26455 RANCHO PARKWAY SOUTH
LAKE FOREST, CA 92630
CONTACT: FRANK CARTER
(949) 310-8233 PHONE
(949) 753-8833 FAX

CONSTRUCTION CHANGE TABLE

	DATE	EFFECTED OR ADDED SHEET NUMBERS

APPLICABLE CODES

ALL WORK SHALL COMPLY WITH THE FOLLOWING APPLICABLE CODES:

*2010 CALIFORNIA BUILDING CODE
*2010 CALIFORNIA MECHANICAL CODE
*2010 CALIFORNIA PLUMBING CODE
*2010 CALIFORNIA ELECTRICAL CODE

IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT CABINETS FOR CROWN CASTLE. THE INSTALLATION OF EQUIPMENT CABINETS INSIDE PROPOSED VAULT, AND ANTENNAS ON AN EXISTING WOOD UTILITY POLE

SHEET INDEX:

TITLE SHEET	T-1 - SHEET 1 OF 8
SURVEY	C-1 - SHEET 2 OF 8
SITE PLAN	A-1 - SHEET 3 OF 8
PROPOSED ELEVATIONS	A-2 - SHEET 4 OF 8
EQUIPMENT PLAN & (E) ELEVATIONS	A-3 - SHEET 5 OF 8
DETAILS	D-1 - SHEET 6 OF 8
DETAILS	D-2 - SHEET 7 OF 8
DETAILS	D-3 - SHEET 8 OF 8

REV:	DATE/BY:	REVISION DESCRIPTION:
1	FC 10/22/2013	ISSUED FOR FINAL
2	FC 04/20/2014	ISSUED FOR FINAL
3	FC 04/14/2016	ISSUED FOR FINAL
4	FC 04/27/2016	ISSUED FOR FINAL
5	FC 05/31/2016	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

CONNELL DESIGN GROUP, LLC
CONSULTING CIVIL ENGINEERS
26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8307 OFFICE · (949) 753-8833 FAX

CLIENT:

CROWN CASTLE

STAMP:

SITE INFO:

SITE NAME:
TTM11m1
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.
MALIBU, CA 90265
LAT: 34.0308611°
LONG: -118.8265°

SHEET TITLE:

TITLE SHEET

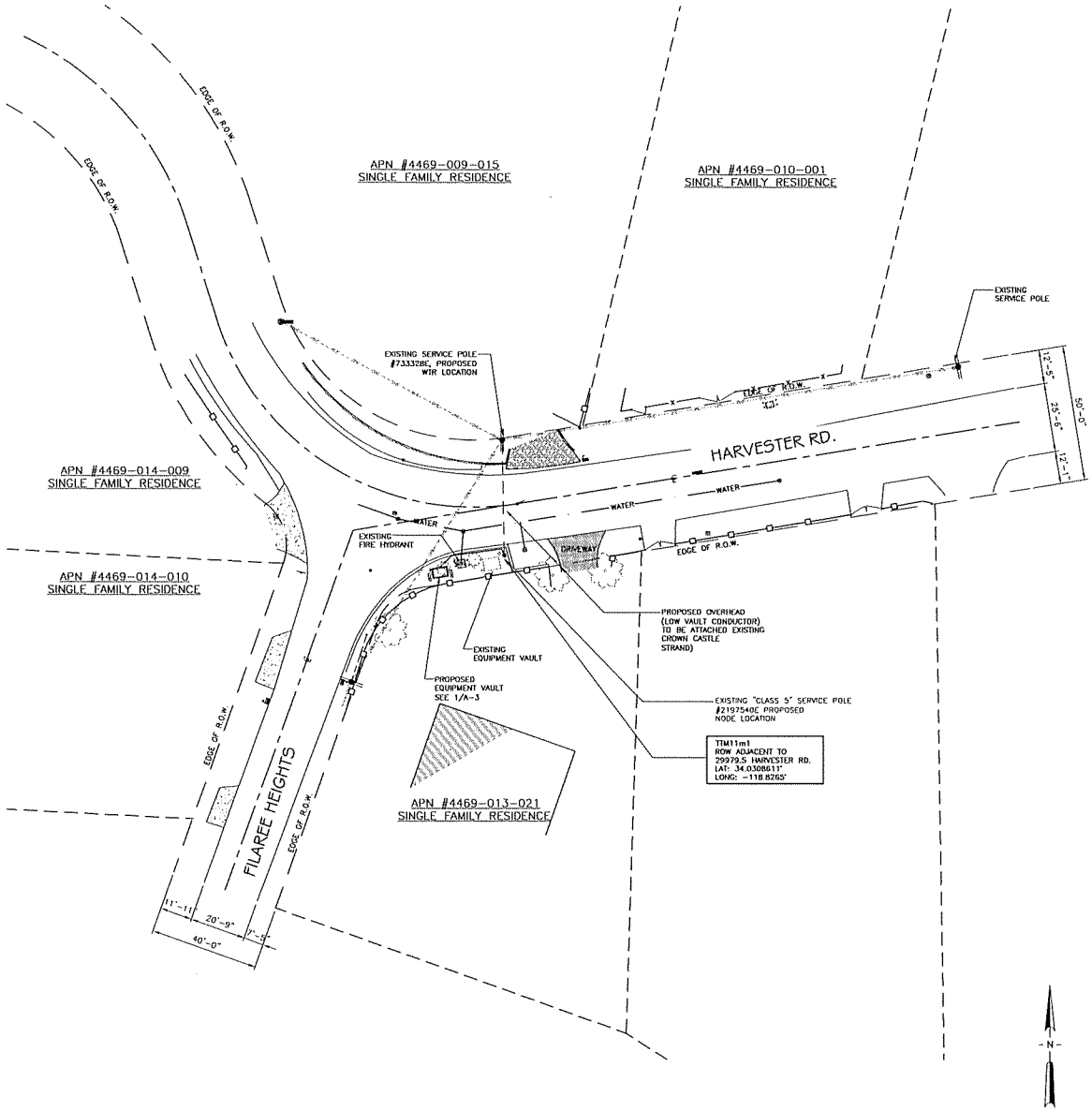
DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	05/31/2015

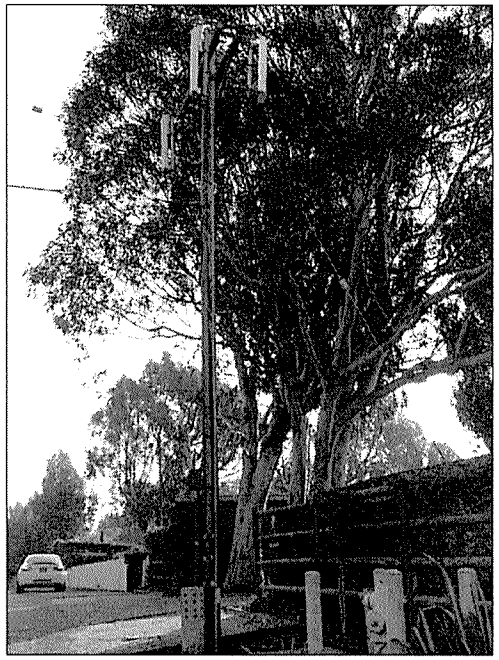
SHEET NUMBER:

T-1

ATTACHMENT 2



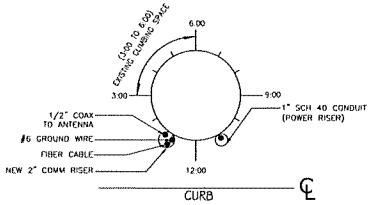
SITE PLAN | SCALE: 1"=20'-0" | 1



EXISTING PHOTO | SCALE: N.T.S. | 2

POLE WILL BE STEPPED IN
ACCORDANCE TO G095 STANDARDS
IN RESPECT TO CLIMBING SPACE.

1-2" CROWN CASTLE RISER @ 10:00
1-1" POWER RISER @ 8:00



RISER PROFILE | SCALE: N.T.S. | 3

REV:	DATE/BY:	REVISION DESCRIPTION:
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ENGINEER/CONSULTANT:

Civil Engineer

CDG

CONNELL DESIGN GROUP, LLC
CONSULTING CIVIL ENGINEERS
24615 RANCHO LAKEREAL SOUTH, LAKE FOREST, CA 92630
(949) 733-5597 OFFICE (949) 751-9331 FAX

CLIENT:

CROWN CASTLE

STAMP:

SITE INFO:

SITE NAME:
TTM11m1
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.
MALIBU, CA 90265
LAT: 34.0308611°
LONG: -118.8265°

SHEET TITLE:

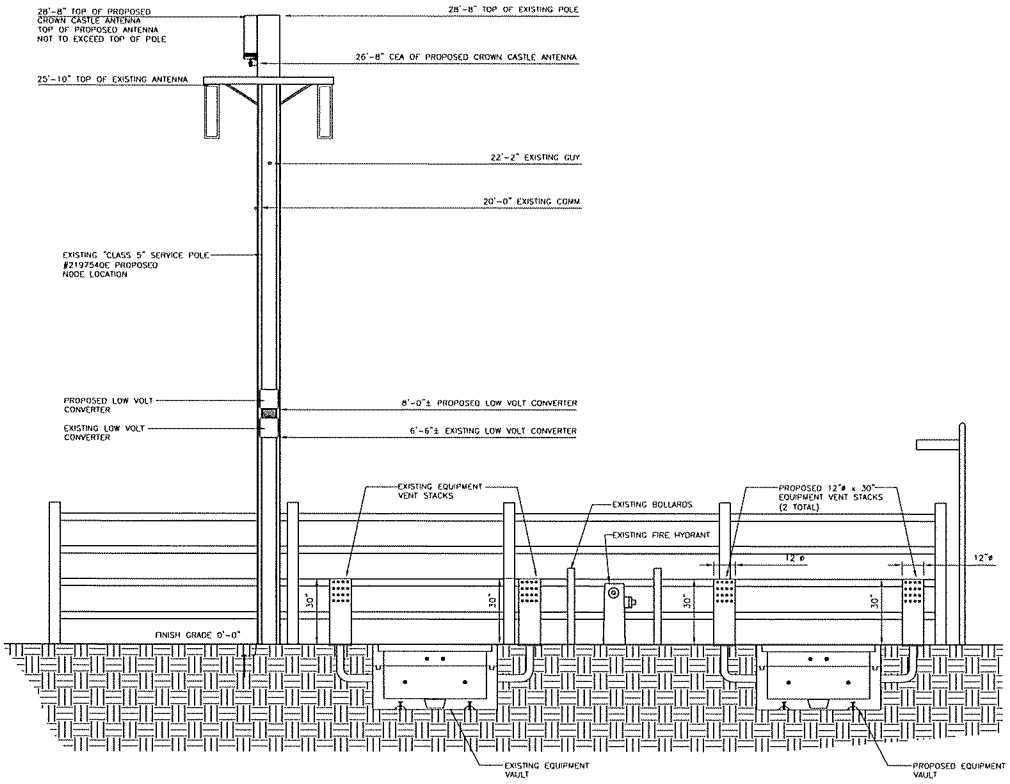
SITE PLAN / DETAILS

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	05/31/2015

SHEET NUMBER:

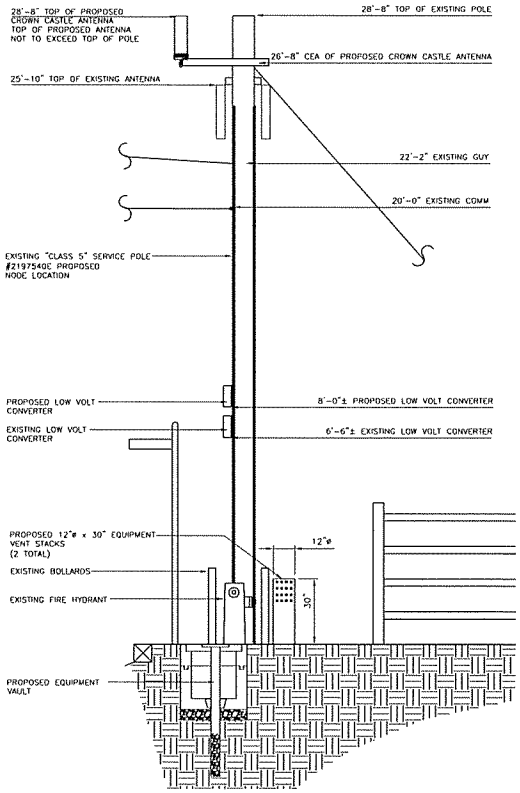
A-1



PROPOSED POLE #2197540E ELEVATION LOOKING SOUTH

SCALE: 3/8"=1'-0" 0 1' 2' 3'

1



PROPOSED POLE #2197540E ELEVATION LOOKING EAST

SCALE: 3/8"=1'-0" 0 1' 2' 3'

2

REV:	DATE/BY:	REVISION DESCRIPTION:
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5	FC 05/31/2016	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

CDG

CONNELL DESIGN GROUP, LLC

CONSULTING CIVIL ENGINEERS

24033 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630

(949) 753-8097 OFFICE - (949) 753-8033 FAX

CLIENT:

CROWN CASTLE

STAMP:

SITE INFO:

SITE NAME:

TTM11m1

TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1

R.O.W. ADJACENT TO 29970.5 HARVESTER RD.

MALIBU, CA 90265

LAT: 34.0308611°

LONG: -118.8265°

SHEET TITLE:

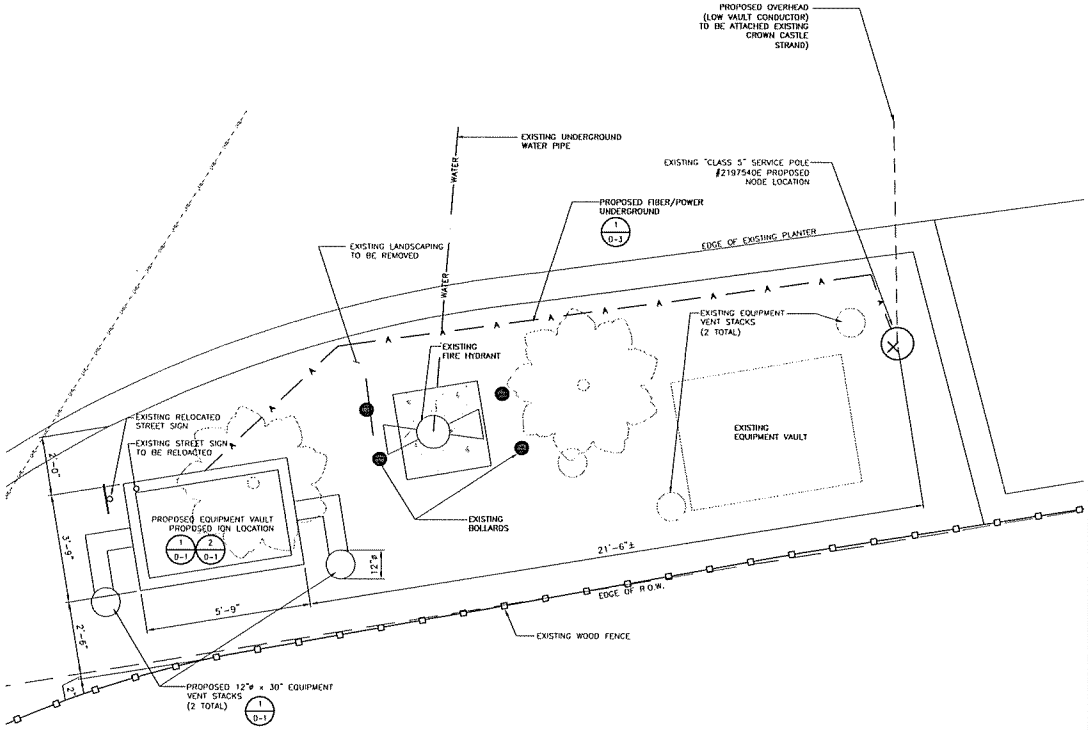
ELEVATIONS

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	05/31/2015

SHEET NUMBER:

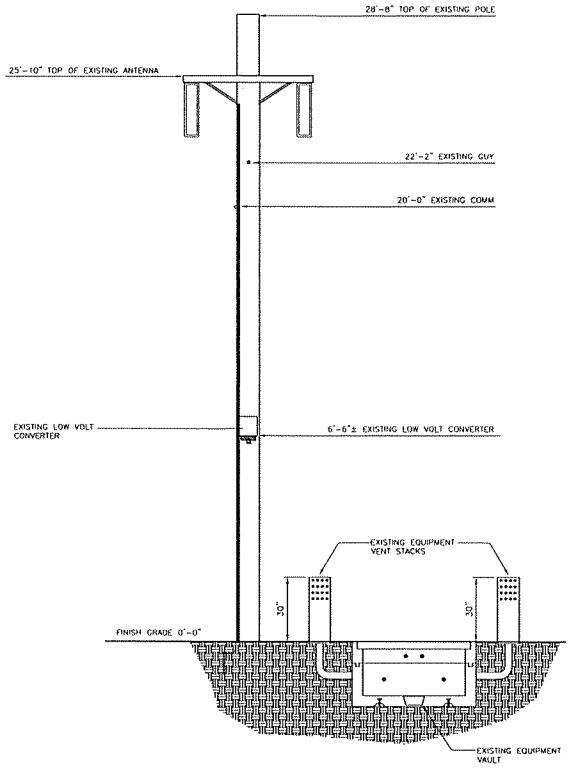
A-2



NOTE:

1. EXISTING LANDSCAPING TO REMAIN UN-CHANGED ANY LANDSCAPING THAT IS DISTURBED IS TO BE REPLACED TO MATCH ORIGINAL

ENLARGED EQUIPMENT AREA — SCALE: 1/2"=1'-0" — 1



EXISTING POLE #2197540E ELEVATION LOOKING SOUTH — SCALE: 3/8"=1'-0" — 2

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ENGINEER/CONSULTANT:

Civil Engineer

CDG

CONNELL DESIGN GROUP, LLC
CONSULTING CIVIL ENGINEERS
24635 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8607 OFFICE - (949) 753-8633 FAX

CLIENT:

CROWN CASTLE

STAMP:

SITE INFO:

SITE NAME:
TTM11m1
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.
MALIBU, CA 90265
LAT: 34.0308611°
LONG: -118.8265°

SHEET TITLE:

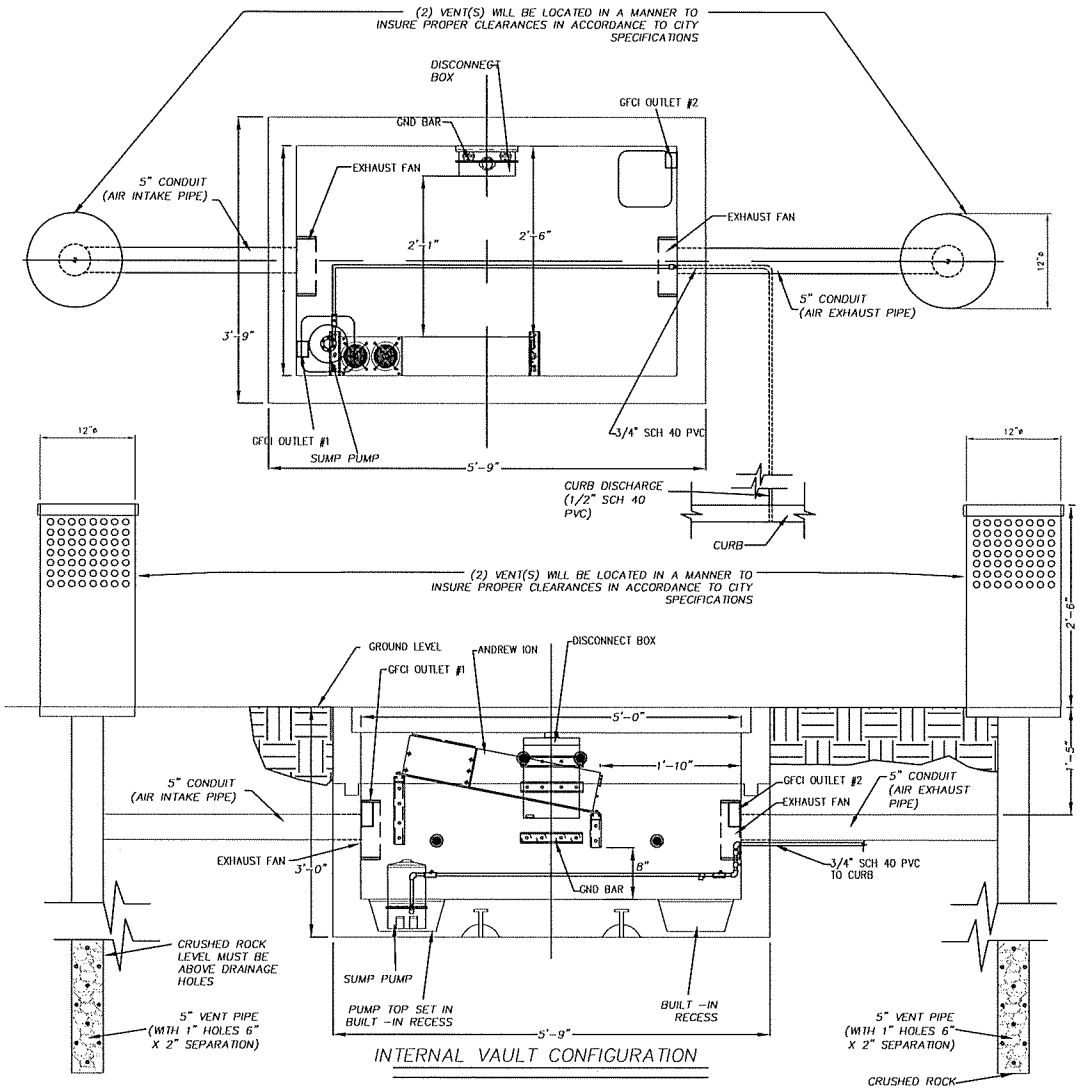
EQUIPMENT PLAN AND EXISTING ELEVATIONS

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	05/31/2015

SHEET NUMBER:

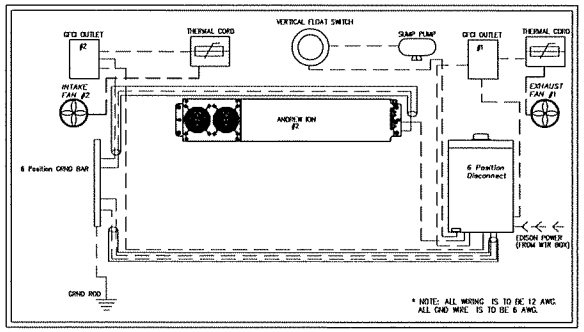
A-3



INTERNAL VAULT CONFIGURATION

* VENTS CAN BE FIELD CONFIGURED TO REDUCE OVER ALL FOOT PRINT AND AID REDUCING THE IMPACT ON THE SURROUNDING ENVIRONMENT.

WIRING SCHEMATIC



— — — GROUND WIRE (6 AWG)
— — — POWER WIRE (12 AWG)
1/2" LIQUIDTIGHT FLEX

VAULT DETAIL | N.T.S. | 1

REV:	DATE/BY:	REVISION DESCRIPTION:
1	FC 10/22/2013	ISSUED FOR FINAL
2	FC 04/20/2014	ISSUED FOR FINAL
3	FC 04/14/2016	ISSUED FOR FINAL
4	FC 04/27/2016	ISSUED FOR FINAL
5	FC 05/31/2016	ISSUED FOR CITY COMMENTS

ENGINEER/CONSULTANT:

Civil Engineer

CDG

CONNELL DESIGN GROUP, LLC
CONSULTING CIVIL ENGINEERS
26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 733 2507 OFFICE (949) 733 3011 FAX

CLIENT:

CROWN CASTLE

STAMP:

SITE INFO:

SITE NAME:
TTM11m1
TMB1007CA-TTM11m1

SITE ADDRESS: THOMAS BROS PAGE 667 GRID C1
R.O.W. ADJACENT TO 29970.5 HARVESTER RD.
MALIBU, CA 90265
LAT: 34.030811°
LONG: -118.8265°

SHEET TITLE:

DETAILS

DRAWING INFO:

DWG. NAME:	DRAWN BY:	DATE:
	FC	05/31/2015

SHEET NUMBER:

D-1

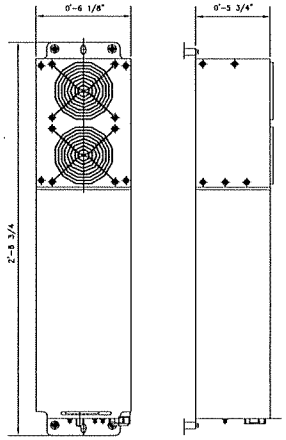
ION-M17P/19P

ANDREW ION-M17P/19P IS A MULTI-BAND MULTI-OPERATOR REMOTE UNIT WITH VARIOUS EXTENSION UNITS. IT IS USED IN CONJUNCTION WITH A MASTER UNIT IN THE ION OPTICAL DISTRIBUTION SYSTEM. THIS SYSTEM TRANSPORTS MULTIPLE FREQUENCY BANDS SIMULTANEOUSLY (1900 MHZ AND 1700/2100 MHZ), PROVIDING A COST-EFFECTIVE SOLUTION FOR DISTRIBUTING CAPACITY FROM ONE OR MORE BASE STATIONS.

ELECTRICAL	
POWER SUPPLY	
MAINS POWER, VAC	85 TO 264 115 OR 230
POWER CONSUMPTION, WATTS	520
OPTICAL	
CONNECTORS	E2000/APC ® 45 MINIMUM
OPTICAL RETURN LOSS, DB	
FIBER TYPE, MM	SINGLE MODE E9/125
OPTICAL LINK BUDGET, DB	0 TO 10
COMPOSITE INPUT POWER @ OTDC MASTER SIDE, DBM	
1900MHZ	+3 COMPOSITE
1700/2100 MHZ	+3 COMPOSITE
INTERFACE	
BTS SIDE	
NUMBER OF CONNECTORS	
1900MHZ	4
1700/2100 MHZ	4
SYSTEM OPTIMIZED FOR BTS POWER, DBM	33 43
ANTENNA PORT	
CONNECTOR	N FEMALE
OUTPUT POWER	SEE BAND SPECIFICATION
1900 MHZ	
FREQUENCY RANGE, MHZ	
UPLINK	1850 TO 1915
DOWNLINK	1930 TO 1995
OUTPUT POWER PER CARRIER*, DBM	1 2 4 8
NUMBER OF CARRIERS	
GSM	43 40 37 34
TDMA/ EDGE	43 40 37 34
CDMA/EV-DO	43 40 37 34
WCDMA/HSDPA	43 39 36 33
SPURIOUS EMISSION	<-13 DBM. / 1MHZ
DL OUTPUT TOLERANCE OVER FREQUENCY, DB	±1
DL OUTPUT TOLERANCE OVER TEMPERATURE, DB	±0.5

INPUT IOP3, dbm	
IOP3 OPTIMIZED	-12
NOISE FIGURE OPTIMIZED	-18
NOISE FIGURE, DB	
IOP3 OPTIMIZED	11
NOISE FIGURE OPTIMIZED	6
1700/2100 MHZ (IN EXTENSION UNIT)	
FREQUENCY RANGE, MHZ	
UPLINK	1710 TO 1755
DOWNLINK	2110 TO 2155
OUTPUT POWER PER CARRIER*, DBM	
CDMA/EV-DO	WCDMA/UMTS/HSDPA
+43	+43 @ 1 CARRIER
+40	+40 @ 2 CARRIERS
+37	+37 @ 4 CARRIERS
+34	+34 @ 8 CARRIERS
SPURIOUS EMISSION	<- 13 DBM / 1 MHZ
ADJACENT CHANNEL POWER, DBC	-48
DL OUTPUT TOLERANCE OVER FREQ., DB	±1
DL OUTPUT TOLERANCE OVER TEMP, DB	±0.5
INPUT IOP3, DBM	
IOP3 OPTIMIZED	-12
NOISE FIGURED OPTIMIZED	-18

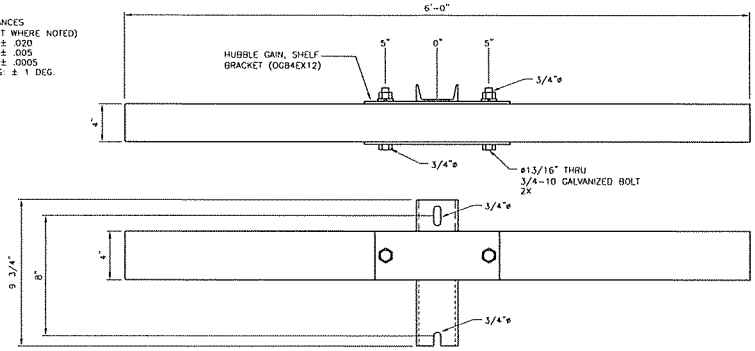
* APPLICABLE TO SINGLE MODULATION MODE ONLY
** WITH ACTIVE COOLING



ION-M17P/19P MULTI-BAND, MULTI-OPERATOR REMOTE OPTICAL SYSTEM

ION EQUIPMENT DETAIL N.T.S. 1

TOLERANCES
(EXCEPT WHERE NOTED)
2 PL: ± .020
3 PL: ± .005
4 PL: ± .0005
ANGLES: ± 1 DEG.



BRACELESS ARM N.T.S. 3

Amphenol Antel Inc.

1710–2170 MHz
X–Pol | TRI–SECT OR | 80 Az. | 13.5 dBi

WB3X080X06F x 50

Ordering Information and Features
tri–sector with fixedTelectrical tilt
Replace x with the desired electrical downtilt

Mechanical Characteristics

Length	610mm	24.0in
Diameter	191mm	7.5in
Weight 8.6	kg	13.0lbs
Max Wind Survivability	200km/hr125mph	
Wind Load Measured @ 100 mph (160 km/hr)		
Wind Load Front	62N	13.9bf

Mounting Options
Pole Mounting Kit WB3X–MKS–01

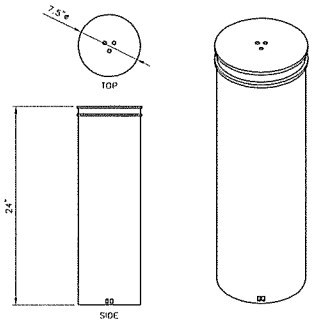
Please Note
Quoted performance parameters are provided to offer typical or range values only and may vary as a result of normal manufacturing and operational conditions.

Extreme operational conditions and/or stress on structural supports is beyond our control. Such conditions may result in damage to this product.

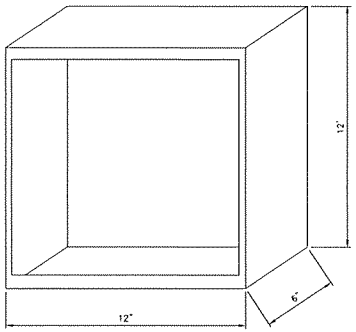
Improvements to product may be made without notice.

Electrical Characteristics

Operating Frequency	1710-2170 MHz		
Frequency	1710–1880 MHz	1850–1990 MHz	1900–2170 MHz
Gain in dBd	10.7 dBd	11.1 dBd	11.4 dBd
Gain in dBi	12.8 dBi	13.2 dBi	13.5 dBi
Omni Gain	4.9 dBd / 7.0 dBi		
Azimuth	74	78	80
Elevation	22	20	18
Electrical Tilt Degrees (±)	2.4		
Input Impedance	50 ohms		
Connector	7/16 DIN Female		
Connector Location	6 ports / Radial		
VSWR	< 1.4:1		
Polarization	X–Pol		
Input Power	6 x 300W		
1st Upper Side Lobe	< –16 dB		
Front–to–Back	> 18 dB		
Intermodulation	< –147 dBc 3rd order for 20W carriers		
Operatiegtfeerature	–40 to +60		



ANTENNA SPECIFICATION N.T.S. 2



12" X 12" LOW VOLT CONVERTER BOX N.T.S. 4

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26455 RANCHO PARKWAY SOUTH, LAKE FOREST, CA 92630
(949) 753-8307 OFFICE (949) 753-5833 FAX

CLIENT:

CROWN CASTLE

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SITE INFO:

SITE NAME:
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TMB1007CA–TTM11m1

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LAT: 34.038611°
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DETAILS

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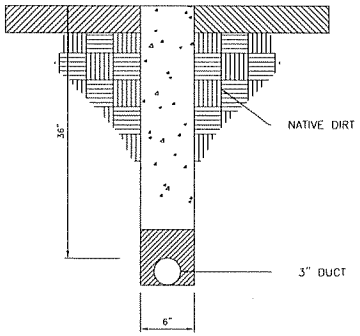
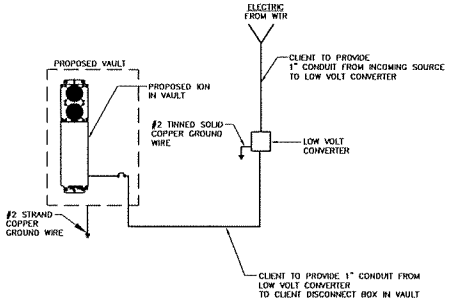
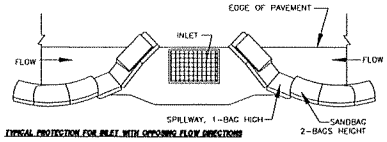


* TRENCH TO BE BACK FILL WITH NATIVE MATERIAL & COMPACTED TO 90% OR BETTER & REPLACE LANDSCAPING IN KIND.

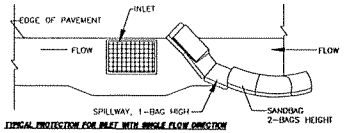
TRENCH DETAIL N.T.S. 1



SINGLE LINE DIAGRAM N.T.S. 3



TYPICAL PROTECTION FOR INLET WITH OPPOSING FLOW DIRECTIONS



TYPICAL PROTECTION FOR INLET WITH SINGLE FLOW DIRECTION

NOTES:

1. INTENDED FOR SHORT-TERM USE.
2. USE TO INHIBIT NON-STORM WATER FLOW.
3. ALLOW FOR PROPER MAINTENANCE AND CLEANUP.
4. BAGS MUST BE REMOVED AFTER ADJACENT OPERATION IS COMPLETED.
5. NOT APPLICABLE IN AREAS WITH HIGH SILTS AND CLAYS WITHOUT FILTER FABRIC.

STORM DRAIN INLET PROTECTION N.T.S. 2

NOT USED N.T.S. 4

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24655 RANCHO PARK WAY SOUTH, LAKE FOREST CA 92630
(949) 733-3307 OFFICE (949) 733-3633 FAX

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SHEET NUMBER:

D-3

EXISTING

PROPOSED

Photo simulation accuracy is based on information provided to Blue Water Design by the applicant.

Completed April 21, 2015

TTM11m1

TMB1007CA-TTM11m1

Row Adjacent to
29979.5 Harvester RD.
Malibu, CA 90265

VIEW 1

APPLICANT

CROWN CASTLE

CONTACT

CDG

Connell Design Group, LLC
26455 Rancho Parkway South
Lake Forest, CA 92630
p 949.753.8807

PREPARED BY

Blue Water DESIGN

BlueWater-Design.net
michelle@bluewater-design.net
p 714.473.2942

ATTACHMENT 3

Notice Continued...

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Commission regarding this matter will be afforded an opportunity in accordance with the Commission's procedures.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the beginning of the public hearing.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days (fifteen days for tentative parcel maps) following the date of action for 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/planning forms or in person at City Hall, or by calling (310) 456-2489, extension 245.

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.

If you have questions regarding this notice, please contact **Adrian Fernandez, Senior Planner, at (310) 456-2489, extension 482.**

Date: May 26, 2016

By: Bonnie Blue, Planning Director

ATTACHMENT 4

Notice of Public Hearing

City of Malibu Planning Department
23825 Stuart Ranch Road
Malibu, CA 90265

Planning Department

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489 Fax (310) 456-7650

NOTICE OF PUBLIC HEARING

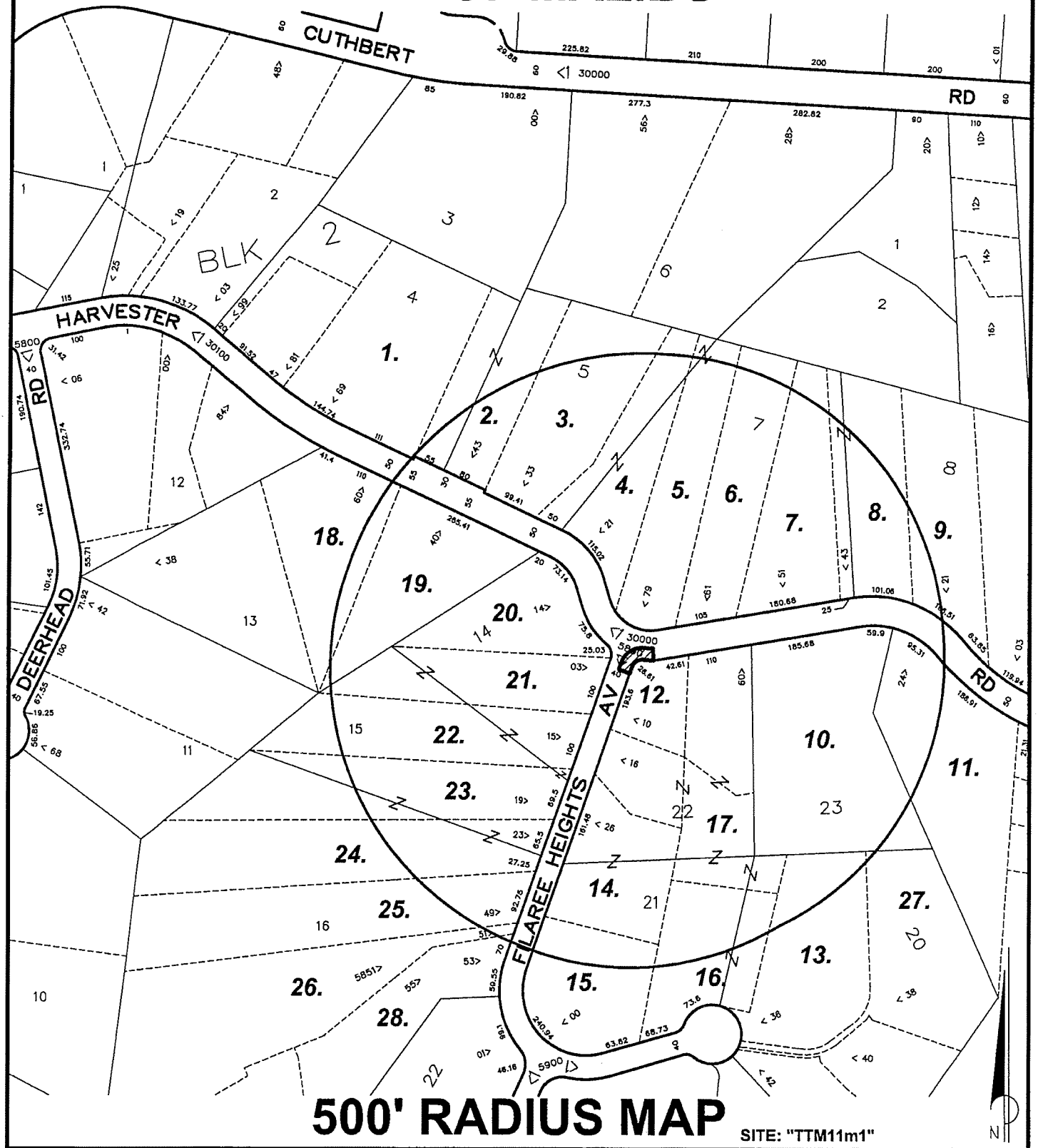
The Malibu Planning Commission will hold a public hearing on **MONDAY, June 20, 2016, at 6:30 p.m. in the Council Chambers, Malibu City Hall,** 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

WIRELESS TELECOMMUNICATIONS FACILITY NO. 16-001 AND SITE PLAN REVIEW NO. 16-026 – An application for the installation of a new wireless telecommunications facility, including a new antenna attached to an existing utility pole at a height of 28 feet, 8 inches and electrical support equipment in a new underground vault, located in the public right-of-way at 29970.5 Harvester Road

LOCATION:	29970.5 Harvester Road, Public Right-of-Way
NEAREST APN:	4469-013-021
NEAREST ZONING:	Rural Residential-Two Acre (RR-2)
APPLICANT:	Carver Chiu of Crown Castle NG West, Inc.
OWNER:	City of Malibu
APPLICATION FILED:	May 5, 2016
CASE PLANNER:	Adrian Fernandez Senior Planner (310) 456-2489, ext. 482 afernandez@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Director has analyzed the proposed project. The Planning Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15303(d) New Construction or Conversion of Small Structures. 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).

CITY OF MALIBU



500' RADIUS MAP

SITE: "TTM11m1"

L.A. MAPPING SERVICE
71 DEER CREEK ROAD
POMONA, CA 91766
(909) 595-0903

LEGEND

12.	OWNERSHIP NO.
Z	OWNERSHIP HOOK

CASE NO.

DATE: 5 - 02 - 16

SCALE: 0 100' 200' 300' 400'