



# City of Malibu

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## **MALIBU MUNICIPAL CODE (M.M.C.) DISCRETIONARY APPLICATION SUBMITTAL REQUIRMENTS**

(Conditional Use Permit, Lot Line Adjustment, Site Plan Review, Stringline Modification, Variance)

1. Uniform Application.
2. Administrative Plan Review (APR) Submittal Checklist.
3. A letter addressing each of the following findings for each specific application.

### **CONDITIONAL USE PERMIT (CUP)**

The purpose of a conditional use permit is to ensure adequate public review and input for all development projects which potentially impact the community; ensure that the proposed development does not impair the integrity of that district; and to provide the opportunity to impose reasonable and necessary conditions to assure compatibility.

### **CUP FINDINGS (M.M.C. Section 17.66.080)**

- A. That the proposed use is one conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of the Malibu Municipal Code Title 17 (Zoning).
- B. That the proposed use would not impair the integrity and character of the zone in which it is to be located.
- C. That the subject site is physically suitable for the type of land use being proposed.
- D. That the proposed use is compatible with the land uses, if any, presently on the subject property and in the surrounding neighborhood.
- E. That the proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be located.
- F. That the project would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety
- G. That the project does not affect solar access or adversely impact existing public and private views, as defined by staff.
- H. That there would be adequate provisions for public access to serve the subject proposal.
- I. That the proposed use is consistent with the goals, objectives, policies, and general land uses of the Malibu.
- J. That the proposed project complies with all applicable requirements of state and local law.
- K. That the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.
- L. If the project is located in an area determined by the city to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

### **SITE PLAN REVIEW (SPR)**

The Planning Director may approve a site plan review after consultation with all appropriate City staff and specialists and where substantial evidence supports the findings set forth in this section for new construction or reconstruction of structures. Site plan reviews can be utilized to authorize the following:



Construction, reconstruction or addition to a building on a non-beachfront lot resulting in height increases over the base 18 feet up to 24 feet in height for a flat roof or 28 feet in height for a pitched roof, as measured from finished or natural grade, whichever results in a lower building height;

- As required by the Malibu Country Estates Overlay District;
- Visually non-permeable sports court fences, not exceeding 12 feet in height;
- Wireless telecommunications antennae and facilities (pursuant to the provisions of Chapter 17.46) that comply with the Most Restrictive Design Criteria set forth in Section 17.46.070;
- Reduction of the 100 foot setback from an ESHA to no less than 50 feet;
- Reduction of setback and open space requirements by no more than 20 percent, except that front yard setbacks may be reduced by no more than 50 percent;
- Remedial grading over 5,000 cubic yards, but not exceeding a cumulative of 15,000 cubic yards per property; and
- Sea walls, bulkheads, or any other shoreline protective devices.

**SPR FINDINGS** (M.M.C. Section 17.62.040)

- A. The project is compatible with other development in the adjacent area in relation to size, bulk, and height.
- B. The project will not have a significant adverse impact on natural resources and makes suitable provisions for the preservation of natural hydrology, native plant materials, wooded areas, visually significant rock outcroppings, rough terrain, coastal bluffs and similar natural features.
- C. Remedial grading (if applicable) exceeding 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.
- D. The project does not obstruct visually impressive scenes of the Pacific Ocean, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in Section 17.40.040(A)(17) of the Malibu Municipal Code.
- E. That the project does not affect solar access, as defined by staff.
- F. The project is consistent with the city's general plan, local coastal program, municipal code, and city standards.
- G. The proposed project complies with all applicable requirements of state and local law.
- H. 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.

**STRINGLINE MODIFICATION REVIEW (SMR)**

The purpose of a stringline modification review is to permit modifications to the stringline warranted by practical difficulties, unnecessary hardships, or results that may be inconsistent with the general intent of this title or the city's land use policies and goals. The Planning Director may grant an approval for a stringline modification review that authorizes the use of an alternative stringline by selecting a stringline end point on the next upcoast or downcoast property, which the Planning Director has determined appropriate, provided the Planning Director makes the required findings.

**SMR FINDINGS** (M.M.C. Section 17.72.100)

- A. That the development will not be closer to the ocean than a structure of the same type on either adjacent property or a structure used in the stringline determination.
- B. That the development will not result in conferring a privilege not enjoyed by an adjacent structure.
- C. Strict compliance with the requirements of M.M.C. Section 17.40.040(A)(7) would deprive the property owner of reasonable use of the structure or a use which is enjoyed by one or more adjacent structures.



## **LOT LINE ADJUSTMENT (LLA)**

A lot line adjustment shall not be authorized unless it is approved in conjunction with a coastal development permit. Pursuant to M.M.C. Section 16.28.010, as authorized under the provisions of Section 66412(d) of the Subdivision Map Act, a lot line adjustment shall be approved between two or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created.

## **LOT LINE ADJUSTMENT FINDINGS (M.M.C. Section 16.28.020)**

- A. The lots proposed to be created by the lot line adjustment comply with all applicable zoning regulations, except the lot size requirement; however, the lots created shall each comply with the lot dimension requirements of the zoning ordinance.
- B. The lot line adjustment, in and of itself, will not result in the need for additional improvements and/or facilities.
- C. No additional parcels shall result from the lot line adjustment, and any land taken from one parcel shall be added to an adjacent parcel.
- D. The proposed adjustment will result in a generally continuous and straight property line extending the full length of that property's dimension.
- E. Adjacent property owner(s) directly involved in the lot line adjustment have provided written authorization to the applicant supporting the proposed action.

## **VARIANCE (VAR)**

These provisions are intended to relieve a property owner from standards or requirements which make it impractical or impossible to use their property in the same manner that other property of like character in the same vicinity and zone can be used. A variance shall not be granted which confers a special privilege or use inconsistent with the limitations placed upon other properties in the same vicinity and zone.

## **VARIANCE FINDINGS (M.M.C. Section 17.72.060)**

- A. That there are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.
- B. That the granting of such variance or modification will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.
- C. That the granting of the variance will not constitute a special privilege to the applicant or property owner.
- D. That the granting of such variance or modification will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the General Plan.
- E. That the variance or modification request is consistent with the purpose and intent of the zone(s) in which the site is located.
- F. That the subject site is physically suitable for the proposed variance or modification.
- G. That the variance or modification permit complies with all requirements of state and local law.
- H. That all or any necessary conditions have been imposed on the variance or modification as are reasonable to assure that the variance will not be detrimental to the health, safety and welfare of the City.

