

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Appeal Filed: 9/27/2010
49th Day: 11/15/2010
Staff: S. Hudson
Staff Report: 9/29/2010
Hearing Date: 10/13/2010



Item W4.5a

STAFF REPORT: APPEAL **SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Malibu

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-MAL-10-074

APPLICANT: William Harper, Fernhill Trust

APPELLANT: Adam Hall

PROJECT LOCATION: 6737 Wildlife Road, Malibu, Los Angeles County
(APN: 4466-007-008)

PROJECT DESCRIPTION: Partial demolition of an existing single family residence and conversion of the remaining structure into an 896 sq. ft. second residential unit with a 388 sq. ft. garage and separate attached 191 sq. ft. office; construction of a new 2-story, 28 ft. high 5,199 sq. ft. single family residence with a 792 sq. ft. basements, 483 sq. ft. detached garage with a 308 sq. ft. studio above; swimming pool and spa; landscaping; various hardscape including pool equipment enclosure; entry gate; outdoor barbeque area with trellis; fire department turnaround; and a new alternative onsite wastewater treatment system.

SUBSTANTIVE FILE DOCUMENTS: Staff Report for City of Malibu Coastal Development Permit No. 10-009; Site Plan Review No. 10-006; and Demolition Permit No. 10-011; and City of Malibu Planning Commission Resolution No. 10-80.

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE EXISTS

Staff recommends that the Commission determine that **no substantial issue exists** with respect to the appellant's assertion that the project is not consistent with the policies of the City's certified LCP regarding: (1) non-compliance with CEQA requirements in due to possible presence of asbestos in flooring and roofing material in structure to be demolished and (2) impacts to an environmentally sensitive habitat area (ESHA). Staff believes that the City's record adequately supports its position that the proposed project is consistent with all applicable LCP policies.

The project site is a relatively small lot that has been previously developed (prior to the effective date of the Coastal Act) with residential development and associated

landscaping, including several non-native and invasive tree species. The site is fronted on two sides by City streets and is surrounded by other residentially developed properties in all directions. There are no environmentally sensitive habitat areas, wetlands, or streams on, or immediately adjacent to, the site and the approved project will not result in the removal of any native vegetation or native trees. Thus, the proposed project will not impact ESHA and will comply with all ESHA protection policies of the LCP.

In addition, the grounds for appeal of a local government approval of development is limited to whether the development does not conform to the standards of the certified Local Coastal Program or the public access policies of the Coastal Act. Thus, the allegation that the City's decision is not in compliance with CEQA requirements is not a valid grounds for appeal of a coastal permit. Further, staff notes that the project is categorically exempt from CEQA requirements. Regardless, in respect to the removal and adequate disposal of asbestos containing materials, the City's approval of the permit for this project includes Condition No. 19 which specifically requires that the applicant retain licensed subcontractors to properly dispose of all materials containing asbestos and/or lead paint that may result from demolition activities in compliance with all federal, state, and local regulations.

Further, in this case, the development is relatively minor in scope, does not have a significant adverse effect on significant coastal resources, has little precedential value, and does not raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the LCP. The motion and resolution for no substantial issue begin on **Page 4**.

I. APPEAL PROCEDURES

The Coastal Act provides that after certification of Local Coastal Programs (LCPs), a local government's actions on Coastal Development Permit applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their coastal development permit actions. During a period of ten working days following Commission receipt of a notice of local permit action for an appealable development, an appeal of the action may be filed with the Commission.

1. Appeal Areas

Approvals of CDPs by cities or counties may be appealed if the development authorized is to be located within the appealable areas, which include the areas between the sea and the first public road paralleling the sea, within 300 feet of the inland extent of any beach or of the mean high-tide line of the sea where there is no beach, whichever is greater, on state tidelands, or along or within 100 feet of natural watercourses and lands within 300 feet of the top of the seaward face of a coastal bluff. (Coastal Act Section

30603[a]). Any development approved by a County that is not designated as a principal permitted use within a zoning district may also be appealed to the Commission irrespective of its geographic location within the Coastal Zone. (Coastal Act Section 30603[a][4]). Finally, developments which constitute major public works or major energy facilities may be appealed to the Commission. (Coastal Act Section 30603[a][5]).

In this case, the project site is located on Wildlife Road in the City of Malibu (Exhibit 1). The Post LCP Certification Permit and Appeal Jurisdiction map certified for the City of Malibu (Adopted September 13, 2002) indicates that the appeal jurisdiction for this area extends between the first public road and the sea, which includes the subject property. Thus, the subject parcel is located within the Commission's appeal jurisdiction.

2. Grounds for Appeal

The grounds for appeal of a local government approval of development shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in Division 20 of the Public Resources Code. (Coastal Act Section 30603[b][1])

3. Substantial Issue Determination

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which the appeal was filed. When Commission staff recommends that no substantial issue exists with respect to the grounds of the appeal, the Commission will hear arguments and vote on the "substantial issue" question. A majority vote of the members of the Commission is required to determine that the Commission will not hear an appeal. If the Commission determines that no substantial issue exists, then the local government's coastal development permit action will be considered final.

4. De Novo Permit Hearing

Should the Commission determine that a substantial issue does exist, the Commission will consider the CDP application de novo. The applicable test for the Commission to consider in a de novo review of the project is whether the entire proposed development is in conformity with the certified Local Coastal Program. Thus, the Commission's review at the de novo hearing is *not* limited to the appealable development as defined in the first paragraph of this Section I. If a de novo hearing is held, testimony may be taken from all interested persons.

A. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL

On September 7, 2010, the City of Malibu Planning Commission approved Coastal Development Permit No. 10-009; Site Plan Review No. 10-006; and Demolition Permit No. 10-011 for this residential project. The Notice of Final Action for the project was

received by Commission staff on September 22, 2010. Notice was provided of the ten working day appeal period, which began September 23, 2010.

The subject appeal was filed during the appeal period, on September 27, 2010. Commission staff notified the City, the applicant, and all interested parties that were listed on the appeal and requested that the City provide its administrative record for the permit.

II. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

MOTION: *I move that the Commission determine that Appeal No. A-4-MAL-10-074 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds **No Substantial Issue**, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No.. A-4-MAL-10-074 raises **No Substantial Issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified LCP and/or the public access and recreation policies of the Coastal Act.

III. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The City of Malibu Planning Commission approved Coastal Development Permit (CDP) No. 10-009, Site Plan Review No. 10-006, and Demolition Permit No. 10-011 for the Partial demolition of an existing single family residence and conversion of the structure into an 896 sq. ft. second residential unit with a 388 sq. ft. garage and separate attached 191 sq. ft. office; construction of a new 2-story, 28 ft. high 5,199 sq. ft. single

family residence with a 792 sq. ft. basements, 483 sq. ft. detached garage with a 308 sq. ft. studio above; swimming pool and spa; landscaping; various hardscape including pool equipment enclosure; entry gate; outdoor barbeque area with trellis; fire department turnaround; and a new alternative onsite wastewater treatment system. The project also includes 726 cu. yds. of grading, 566 cu. yds. of understructure grading/excavation, and 320 cu. yds. of grading for removal and recompaction.

The City Site Plan Review was for construction over 18 feet in height. In addition, the understructure grading/excavation and grading for removal and recompaction are excluded from the 1,000 cu. yds. of maximum grading allowed for new development pursuant to LIP Section 3.6, thus, the approved 726 cu. yds. of grading is consistent with the provisions of the LCP.

The project site is a 1.42 acre parcel within a residentially developed neighborhood in the Point Dume area in the City of Malibu which is zoned "RR-1" (Rural-Residential, 1 unit/acre). The surrounding area is developed with residential structures, including all adjacent properties. The subject parcel is a long rectangular shaped lot located between Fernhill Drive and Wildlife Road, with street frontage on two sides of the lot. The site is currently developed with a one-story single-family residence and detached garage. Topography on site is relative flat with the majority of slopes on site at a gradient of 5 to 1 or flatter. The applicant proposes to retain a large portion of the existing single-family residence on site and to convert it to an accessory structure which consists of an 896 square foot second residential unit, 388 square foot garage, and 191 square foot office. No interior access is provided between the second residential unit and attached office.

The subject site is not located within any area that has been mapped as environmentally sensitive habitat area pursuant to the City's adopted LCP. Moreover, in its staff report, the City staff confirmed that no native vegetation will be removed as part of the approved development. Further, no trees, with the exception of several non-native, invasive eucalyptus trees, primarily along the property line between the subject site and the appellant's property on the adjacent lot, will be removed as part of this project.

B. APPELLANT'S CONTENTIONS

The City's action was appealed by Adam Hall. The appeal is attached as **Exhibit 7**. The contentions of the appeal do not relate to any specific Land Use Plan policies or any particular development standards required by the Local Implementation Plan but instead raises two general issues: (1) that the project is not consistent with the California Environmental Quality Act (CEQA) and (2) that the project would impact an environmentally sensitive habitat area. The appeal by Adam Hall asserts the following:

- 1. Not consistent with CEQU [sic]. The project calls for demolition of a portion of existing home and garage. Asbestos in flooring and roof necessitates proper**

removal and abatement. This could have adverse impact on the physical environment of the immediate area and the surrounding neighborhood. A report should be required and the necessary steps should be taken for safe and proper removal.

2. *The City of Malibu has violated yet again the Local Coastal Program in granting this approval. The biologist claims it does not impact ESHA Overlay. However, the overlay excludes many sensitive habitats, including the southern portion of the subject property. The applicant intends to demolish dozens of trees and move dirt at the expense of the numerous birds, animals, and plants that call this environment home.*

C. ANALYSIS OF SUBSTANTIAL ISSUE

Pursuant to Sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for the subject appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally-approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In this case, the appellant did not cite the public access policies of the Coastal Act as a ground for appeal or raise any public access-related issues. Thus, the only legitimate grounds for this appeal are allegations that the "appealable development" is not consistent with the standards in the certified LCP.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;
- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

In this case, for the reasons discussed further below, the Commission determines that the appeal raises no substantial issue with regard to the grounds on which the appeal has been filed, as discussed below.

LUP Policies 3.1, 3.4, 3.63, 3.64, and 3.65 state that:

- 3.1 ***Areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments are Environmentally Sensitive Habitat Areas (ESHAs) and are generally shown on the LUP ESHA Map. The ESHAs in the City of Malibu are riparian areas, streams, native woodlands, native grasslands/savannas, chaparral, coastal sage scrub, dunes, bluffs, and wetlands, unless there is site-specific evidence that establishes that a habitat area is not especially valuable because of its special nature or role in the ecosystem. Regardless of whether streams and wetlands are designated as ESHA, the policies and standards in the LCP applicable to streams and wetlands shall apply. Existing, legally established agricultural uses, confined animal facilities, and fuel modification areas required by the Los Angeles County Fire Department for existing, legal structures do not meet the definition of ESHA.***
- 3.4 ***Any area not designated on the LUP ESHA Map that meets the ESHA criteria is ESHA and shall be accorded all the protection provided for ESHA in the LCP. The following areas shall be considered ESHA, unless there is compelling site-specific evidence to the contrary:***
- a. ***Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.***
 - b. ***Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.***
 - c. ***Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.***
 - d. ***Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.***
- 3.63 ***New development shall be sited and designed to preserve oak, walnut, sycamore, alder, toyon, or other native trees that are not otherwise protected as ESHA. Removal of native trees shall be prohibited except where no other feasible alternative exists. Structures, including roads or driveways, shall be sited to prevent any encroachment into the root zone and to provide an adequate buffer outside of the root zone of individual native trees in order to allow for future growth.***
- 3.64 ***New development on sites containing oak, walnut, sycamore, alder, toyon, or other native trees shall include a tree protection plan.***
- 3.65 ***Where the removal of native trees cannot be avoided through the implementation of project alternatives or where development encroachments into the protected zone of native trees result in the loss or worsened health of the trees, mitigation measures shall include, at a minimum, the planting of replacement trees on-site, if suitable area exists on the project site, at a ratio of 10 replacement trees for every 1 tree removed. Where on-site mitigation is not feasible, off-site mitigation shall be provided through planting replacement trees or by providing an in-lieu fee. based on the type, size and age of the tree(s) removed.***

The first factor in evaluating the issue of whether the appeal raises a substantial issue, is the degree of factual and legal support for the local government's decision that the development is consistent with the subject provisions of the certified LCP. The appellant did not specify any particular policy or provision of the either the City's LUP or

LIP in regards to how he believes the project is inconsistent with the LCP; however, the appellant does make a general assertion that the project is: (1) not consistent with CEQA due to potential presence of asbestos in the portions of the structure to be demolished and (2) the project will impact ESHA on site due to grading and removal of trees.

The appellant's first issue is that the City's approval of this project is inconsistent with CEQA due to possible presence of asbestos in flooring and roofing material in the structure to be demolished which may be released into surrounding areas. However, the grounds for appeal of a local government approval of development is limited to whether the development does not conform to the standards of the certified Local Coastal Program or the public access policies of the Coastal Act. Thus, the allegation that the City's decision is not in compliance with CEQA requirements is not a valid grounds for appeal of a coastal permit. Further, staff notes that the project is categorically exempt from CEQA requirements, as stated in the City's staff report. Regardless, staff notes that the City adequately addressed the issue of disposing of potential hazardous materials resulting from demolition activities pursuant to the required conditions of approval of the coastal permit. Specifically, Condition Number 19 of the coastal permit for this project specifically requires that applicant "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."

The second issue raised by the appellant is that the approved development would adversely impact ESHA. As discussed in the City's staff report, no portion of the subject site there are no native trees located on the project site. Although the appellant does not cite any specific policy or provision of the LCP that the project would raise substantial issue with, the appellant states that although the subject site is not designated as ESHA pursuant to the ESHA Overlay within the certified LCP, it is possible that the Overlay may exclude some sensitive habitat areas. The appellant further contends that the subject site contains ESHA and that the proposed development would impact ESHA on site as a result of tree removal and grading.

As an initial matter, Commission staff has confirmed the subject site is not located within any area that has been mapped as environmentally sensitive habitat area pursuant to the City's adopted LCP. This is not dispositive, though, as the appellant's statement that a site may contain ESHA regardless of whether the site is specifically mapped as such pursuant to the adopted LCP is correct. Policy 3.1 of the LUP provides that areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem constitute ESHA. Moreover, Policy 3.4 of the LUP provides that any area not designated on the LUP ESHA Map that meets the ESHA criteria is ESHA and shall be accorded all the protection provided for ESHA in the LCP.

However, in this case, no evidence has been presented by the appellant that any area on the subject site meets the above referenced ESHA criteria. Moreover, in its staff

report, the City staff confirmed that no native vegetation will be removed as part of the approved development. Further, pursuant to the approved CDP, no trees, with the exception of several non-native, invasive eucalyptus trees, primarily along the property line between the subject site and the appellant's property on the adjacent lot, will be removed. Moreover, the project site is a relatively small lot that has been previously developed with residential development and associated landscaping, including several non-native and invasive tree species. The site is fronted on two sides by City streets and is surrounded by other residentially developed properties in all directions. There are no environmentally sensitive habitat areas, wetlands, or streams on, or immediately adjacent to, the site. Thus, there is adequate factual evidence and legal support for the City's analysis and decision that the subject site does not contain ESHA and that the approved development will not result in any adverse impacts to ESHA. Moreover, there is adequate factual evidence and legal support for the City's approval of this project. Thus, the City's approval of this project does not raise any substantial issue with any of the ESHA provisions of the City's LCP.

The second factor in evaluating the issue of whether the appeals raise a substantial issue is the extent and scope of the development as approved. As described above, the subject project is for a single family residence with residential accessory structures on a lot that has been previously been developed with residential development and which is located within a residentially developed area within the City of Malibu. As such, the extent and scope of the development is not large.

The third factor in evaluating the issue of whether the appeal raises a substantial issue is the significance of coastal resources affected by the decision. In this case, there would be no significant coastal resources affected by the decision. As previously discussed, the project site is a residentially developed lot, within a built-out residential neighborhood. In addition, the development will not result in the removal of any native vegetation or native trees on site and there is no environmentally sensitive habitat area (ESHA) or other significant coastal resources on the site that would be negatively affected by the project. Thus, no significant coastal resources would be affected by the decision.

The fourth factor in evaluating the issue of whether the appeal raises a substantial issue is the precedential value of the local government's decision for future interpretation of its LCP. In this case, the permit approved for the project is consistent with the policies and provisions of the LCP and will not result in any adverse impacts to an ESHA. As such, the City's decision will have no adverse precedential value for future CDP decisions.

The final factor in evaluating the issue of whether the appeal raises a substantial issue is whether the appeal raises only local issues, or those of regional or statewide significance. In this case, the permit approved for the project is consistent with the policies and provisions of the LCP, will not result in any adverse impacts to an ESHA, and does not have any regional or statewide significance.

In conclusion, the Commission finds that the approved project conforms to the resource protection policies and provisions of the LCP, that the extent and scope of the subject project is minor, and that no significant coastal resources would be affected. The project approval will not be a precedent for future residential developments and the ESHA resource issues raised by the appeal relate only to local issues. Therefore, the Commission finds that the assertion of the appeal that the approved project does not conform to ESHA protection provisions of the LCP does not raise a substantial issue.

D. CONCLUSION

For the reasons discussed above, no substantial issue is raised with respect to the consistency of the approved development with the policies of the City's adopted LCP. Applying the five factors identified above, the Commission finds the City's record adequately supports its position that the proposed project is consistent with the applicable LCP policies. In addition, the development is relatively minor in scope, doesn't have a significant adverse effect on significant coastal resources, has little precedential value, and doesn't raise issues of regional or statewide significance. Therefore, the Commission finds that the appeal does not raise a substantial issue as to the City's application of the cited policies of the LCP.

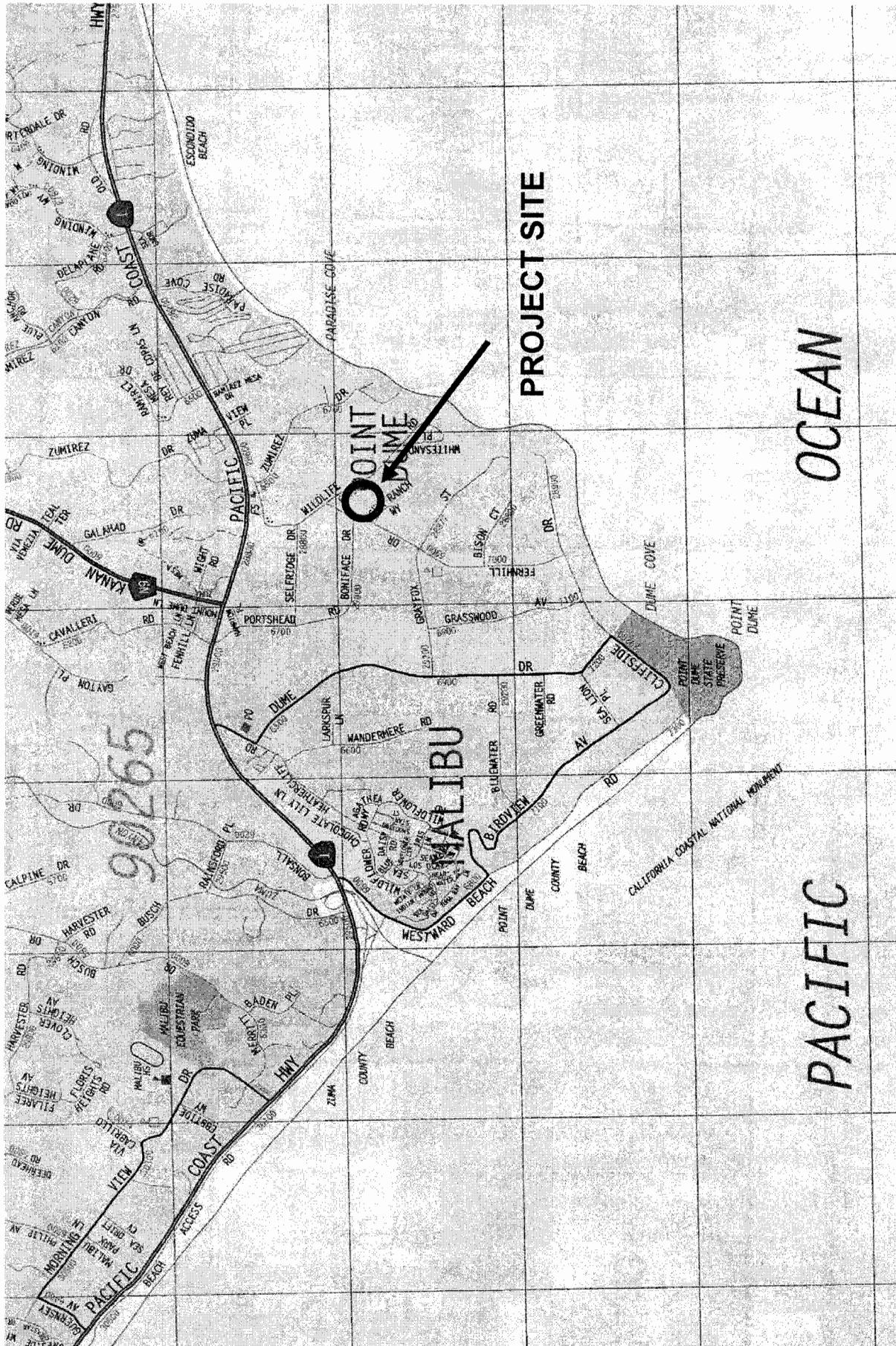


EXHIBIT 1
Permit A-4-MAL-10-074
Vicinity Map

4466 7
SCALE 1" = 150'

1992

PARCEL MAP
P.M. 131-27

TRACT NO 28041
M.B. 849-83-84

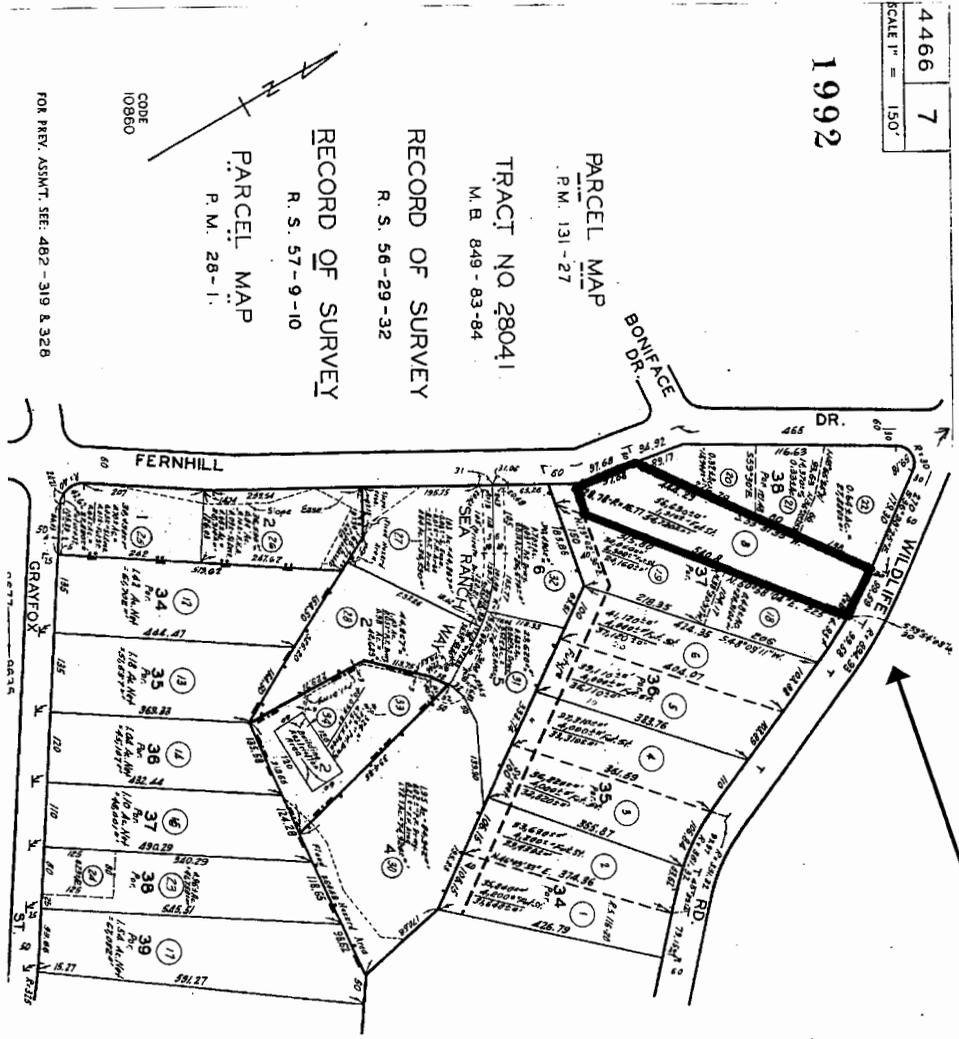
RECORD OF SURVEY
R. S. 56-29-32

RECORD OF SURVEY
R. S. 57-9-10

PARCEL MAP
P. M. 26-1

CODE
10860

FOR PREV. ASMT. SEE: 482-319 & 328



Project Site

5-26-42
681004
700600
702029
74116001
772114
793114
826292-46
81020201

ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT 2
Permit A-4-MAL-10-074
Parcel Map



RAMIREZ
DESIGN, INC.
428 ALTA AVE.
SANTA MONICA, CA 90402
P: (310) 395-9184
F: (310) 395-9182
info@ramirezdesign.com

DATE: 06/27/10
REVISIONS:

WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

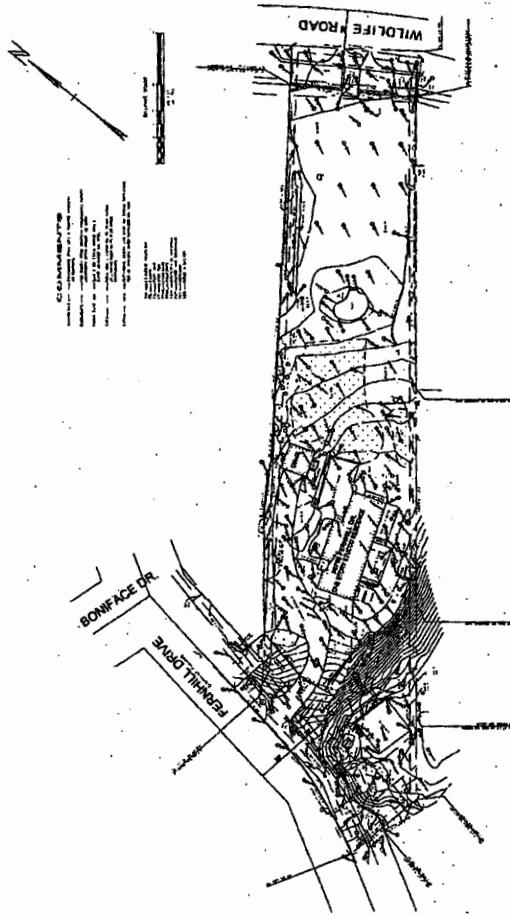
SURVEY

SHEET
T3

RECEIVED

AUG 23 2010

PLANNING DIV.



COMMENTS:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.
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WILDLIFE ROAD
FERNHILL DRIVE
BONIFACE DR

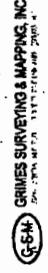


SEE ABOVE

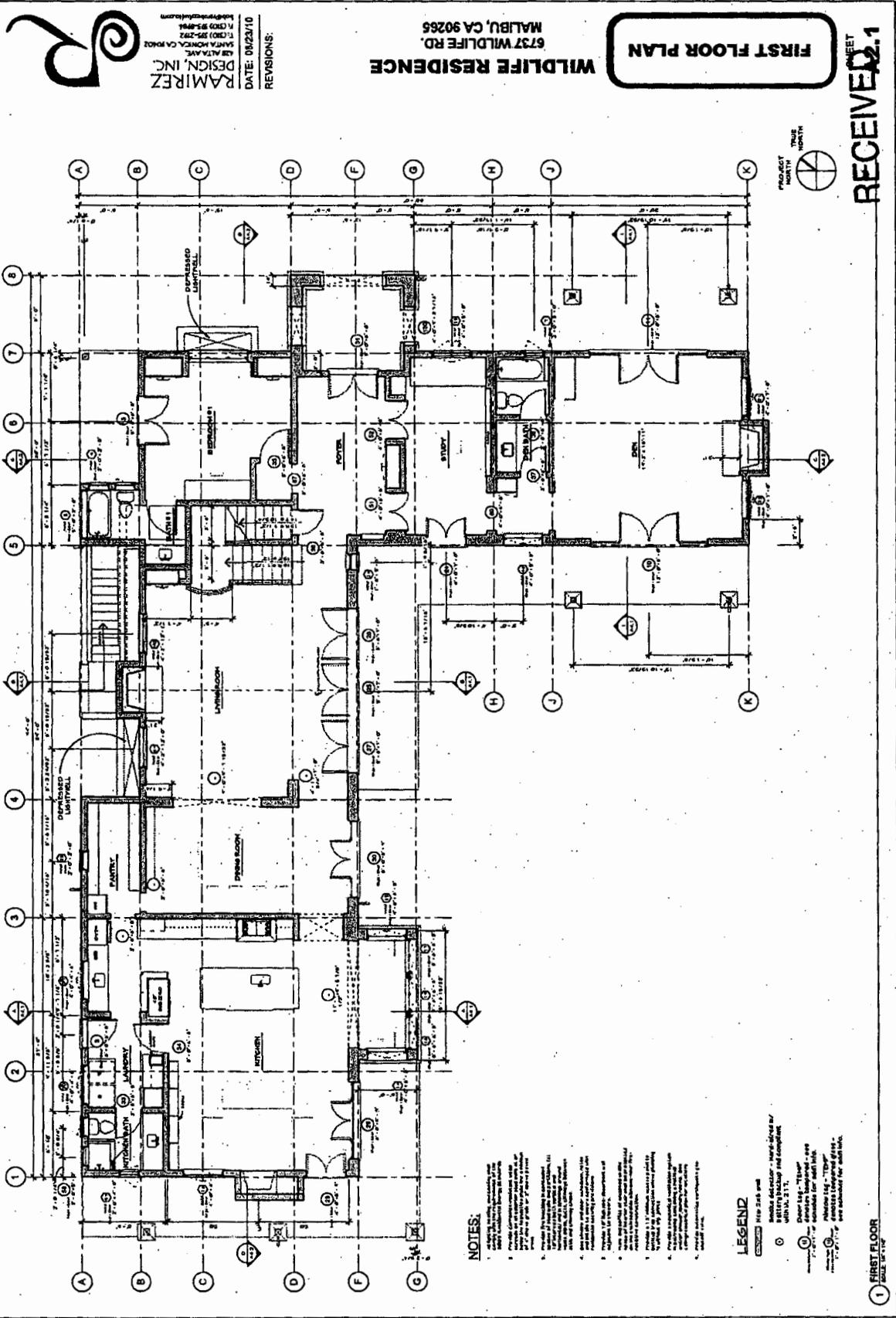
SEE ABOVE

SEE ABOVE

CRIMES SURVEYING & MAPPING, INC.
#26768 FERNHILL 2DRIVE



1 SURVEY
SCALE 1" = 10'




RAMIREZ DESIGN, INC.
 128 ALTA AVENUE, CA 90265
 TEL: (310) 558-8888
 info@ramirezdesign.com

WILDLIFE RESIDENCE
 6737 WILDLIFE RD.
 MALIBU, CA 90265

FIRST FLOOR PLAN

DATE: 08/23/10
 REVISIONS:



RECEIVED.1
 SHEET

AUG 23 2010

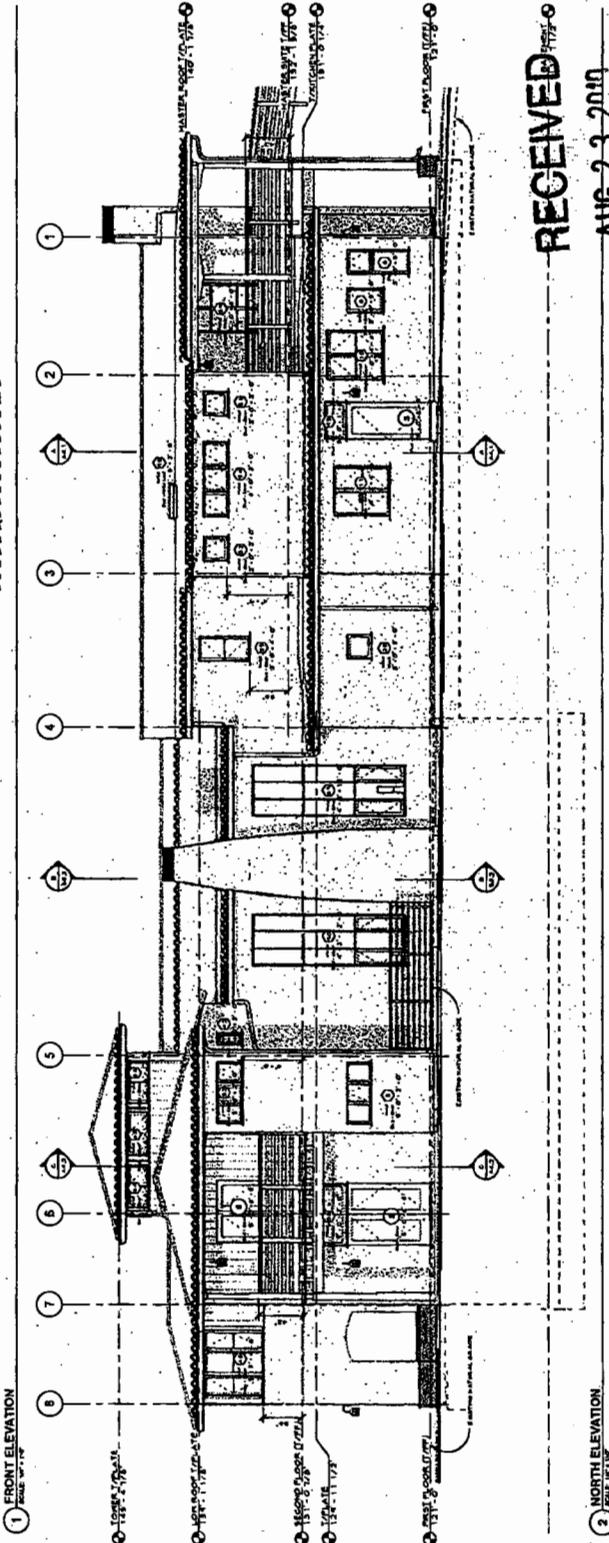
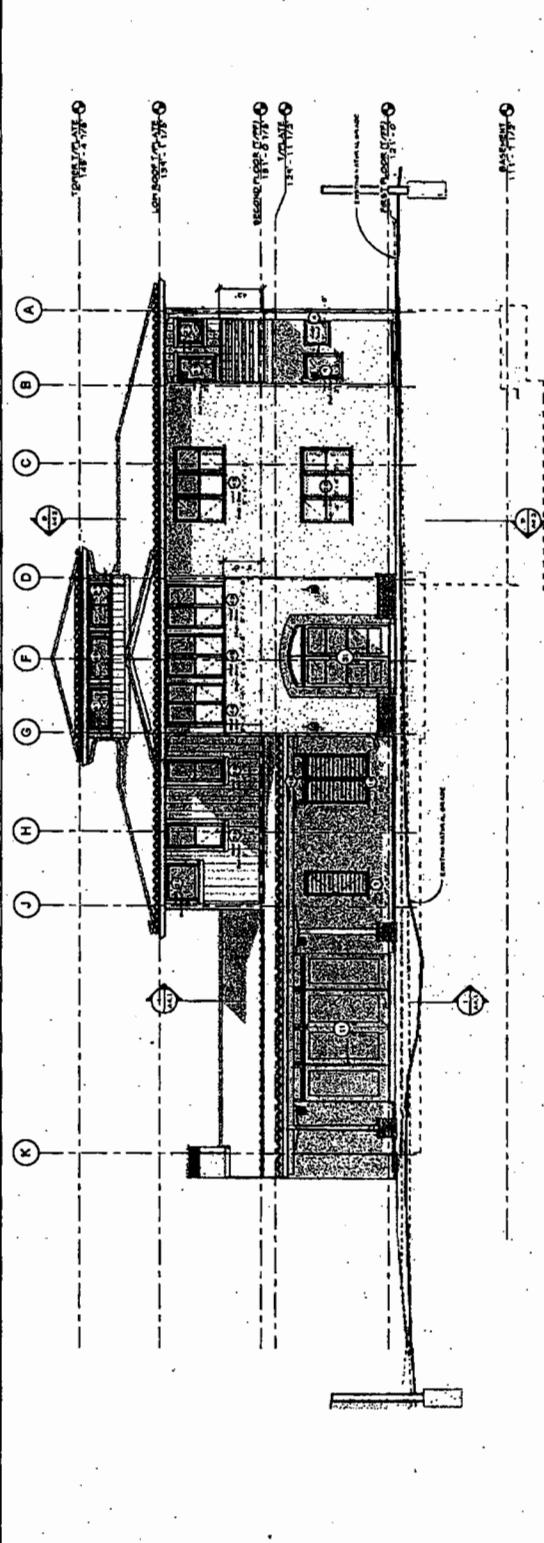
PLANNING DIV

NOTES:

1. Provide a minimum of 2" of finished floor above the subfloor.
2. Provide a minimum of 1/2" of finished floor above the subfloor.
3. Provide a minimum of 1/4" of finished floor above the subfloor.
4. Provide a minimum of 1/8" of finished floor above the subfloor.
5. Provide a minimum of 1/16" of finished floor above the subfloor.
6. Provide a minimum of 1/32" of finished floor above the subfloor.
7. Provide a minimum of 1/64" of finished floor above the subfloor.
8. Provide a minimum of 1/128" of finished floor above the subfloor.
9. Provide a minimum of 1/256" of finished floor above the subfloor.
10. Provide a minimum of 1/512" of finished floor above the subfloor.
11. Provide a minimum of 1/1024" of finished floor above the subfloor.
12. Provide a minimum of 1/2048" of finished floor above the subfloor.
13. Provide a minimum of 1/4096" of finished floor above the subfloor.
14. Provide a minimum of 1/8192" of finished floor above the subfloor.
15. Provide a minimum of 1/16384" of finished floor above the subfloor.
16. Provide a minimum of 1/32768" of finished floor above the subfloor.
17. Provide a minimum of 1/65536" of finished floor above the subfloor.
18. Provide a minimum of 1/131072" of finished floor above the subfloor.
19. Provide a minimum of 1/262144" of finished floor above the subfloor.
20. Provide a minimum of 1/524288" of finished floor above the subfloor.
21. Provide a minimum of 1/1048576" of finished floor above the subfloor.
22. Provide a minimum of 1/2097152" of finished floor above the subfloor.
23. Provide a minimum of 1/4194304" of finished floor above the subfloor.
24. Provide a minimum of 1/8388608" of finished floor above the subfloor.
25. Provide a minimum of 1/16777216" of finished floor above the subfloor.
26. Provide a minimum of 1/33554432" of finished floor above the subfloor.
27. Provide a minimum of 1/67108864" of finished floor above the subfloor.
28. Provide a minimum of 1/134217728" of finished floor above the subfloor.
29. Provide a minimum of 1/268435456" of finished floor above the subfloor.
30. Provide a minimum of 1/536870912" of finished floor above the subfloor.
31. Provide a minimum of 1/1073741824" of finished floor above the subfloor.
32. Provide a minimum of 1/2147483648" of finished floor above the subfloor.
33. Provide a minimum of 1/4294967296" of finished floor above the subfloor.
34. Provide a minimum of 1/8589934592" of finished floor above the subfloor.
35. Provide a minimum of 1/17179869184" of finished floor above the subfloor.
36. Provide a minimum of 1/34359738368" of finished floor above the subfloor.
37. Provide a minimum of 1/68719476736" of finished floor above the subfloor.
38. Provide a minimum of 1/137438953472" of finished floor above the subfloor.
39. Provide a minimum of 1/274877906944" of finished floor above the subfloor.
40. Provide a minimum of 1/549755813888" of finished floor above the subfloor.
41. Provide a minimum of 1/1099511627776" of finished floor above the subfloor.
42. Provide a minimum of 1/2199023255552" of finished floor above the subfloor.
43. Provide a minimum of 1/4398046511104" of finished floor above the subfloor.
44. Provide a minimum of 1/8796093022208" of finished floor above the subfloor.
45. Provide a minimum of 1/17592186044416" of finished floor above the subfloor.
46. Provide a minimum of 1/35184372088832" of finished floor above the subfloor.
47. Provide a minimum of 1/70368744177664" of finished floor above the subfloor.
48. Provide a minimum of 1/140737488355328" of finished floor above the subfloor.
49. Provide a minimum of 1/281474976710656" of finished floor above the subfloor.
50. Provide a minimum of 1/562949953421312" of finished floor above the subfloor.
51. Provide a minimum of 1/1125899906842624" of finished floor above the subfloor.
52. Provide a minimum of 1/2251799813685248" of finished floor above the subfloor.
53. Provide a minimum of 1/4503599627370496" of finished floor above the subfloor.
54. Provide a minimum of 1/9007199254740992" of finished floor above the subfloor.
55. Provide a minimum of 1/18014398509481984" of finished floor above the subfloor.
56. Provide a minimum of 1/36028797018963968" of finished floor above the subfloor.
57. Provide a minimum of 1/72057594037927936" of finished floor above the subfloor.
58. Provide a minimum of 1/144115188075855872" of finished floor above the subfloor.
59. Provide a minimum of 1/288230376151711744" of finished floor above the subfloor.
60. Provide a minimum of 1/576460752303423488" of finished floor above the subfloor.
61. Provide a minimum of 1/1152921504606846976" of finished floor above the subfloor.
62. Provide a minimum of 1/2305843009213693952" of finished floor above the subfloor.
63. Provide a minimum of 1/4611686018427387904" of finished floor above the subfloor.
64. Provide a minimum of 1/9223372036854775808" of finished floor above the subfloor.
65. Provide a minimum of 1/18446744073709551616" of finished floor above the subfloor.
66. Provide a minimum of 1/36893488147419103232" of finished floor above the subfloor.
67. Provide a minimum of 1/73786976294838206464" of finished floor above the subfloor.
68. Provide a minimum of 1/147573952589676412928" of finished floor above the subfloor.
69. Provide a minimum of 1/295147905179352825856" of finished floor above the subfloor.
70. Provide a minimum of 1/590295810358705651712" of finished floor above the subfloor.
71. Provide a minimum of 1/1180591620717411303424" of finished floor above the subfloor.
72. Provide a minimum of 1/2361183241434822606848" of finished floor above the subfloor.
73. Provide a minimum of 1/4722366482869645213696" of finished floor above the subfloor.
74. Provide a minimum of 1/9444732965739290427392" of finished floor above the subfloor.
75. Provide a minimum of 1/18889465931478580854784" of finished floor above the subfloor.
76. Provide a minimum of 1/37778931862957161709568" of finished floor above the subfloor.
77. Provide a minimum of 1/75557863725914323419136" of finished floor above the subfloor.
78. Provide a minimum of 1/151115727451828646838272" of finished floor above the subfloor.
79. Provide a minimum of 1/302231454903657293676544" of finished floor above the subfloor.
80. Provide a minimum of 1/604462909807314587353088" of finished floor above the subfloor.
81. Provide a minimum of 1/1208925819614629174706176" of finished floor above the subfloor.
82. Provide a minimum of 1/2417851639229258349412352" of finished floor above the subfloor.
83. Provide a minimum of 1/4835703278458516698824704" of finished floor above the subfloor.
84. Provide a minimum of 1/9671406556917033397649408" of finished floor above the subfloor.
85. Provide a minimum of 1/19342813113834066795298816" of finished floor above the subfloor.
86. Provide a minimum of 1/38685626227668133590597632" of finished floor above the subfloor.
87. Provide a minimum of 1/77371252455336267181195264" of finished floor above the subfloor.
88. Provide a minimum of 1/154742504910672534362390528" of finished floor above the subfloor.
89. Provide a minimum of 1/309485009821345068724781056" of finished floor above the subfloor.
90. Provide a minimum of 1/618970019642690137449562112" of finished floor above the subfloor.
91. Provide a minimum of 1/1237940039285380274899124224" of finished floor above the subfloor.
92. Provide a minimum of 1/2475880078570760549798248448" of finished floor above the subfloor.
93. Provide a minimum of 1/4951760157141521099596488896" of finished floor above the subfloor.
94. Provide a minimum of 1/9903520314283042199193977792" of finished floor above the subfloor.
95. Provide a minimum of 1/19807040628566084398387955584" of finished floor above the subfloor.
96. Provide a minimum of 1/39614081257132168796775911168" of finished floor above the subfloor.
97. Provide a minimum of 1/79228162514264337593551822336" of finished floor above the subfloor.
98. Provide a minimum of 1/158456325028528675187103644672" of finished floor above the subfloor.
99. Provide a minimum of 1/316912650057057350374207289344" of finished floor above the subfloor.
100. Provide a minimum of 1/633825300114114700748414578688" of finished floor above the subfloor.

LEGEND

- 1. Note 208 and 209
- 2. Note 210 and 211
- 3. Note 212 and 213
- 4. Note 214 and 215
- 5. Note 216 and 217
- 6. Note 218 and 219
- 7. Note 220 and 221
- 8. Note 222 and 223
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- 383. Note 972 and 973
- 384. Note 974 and 975
- 385. Note 976 and 977
- 386. Note 978 and 979



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 PLANNING DIV

EXHIBIT 5
Permit A-4-MAL-10-074
Structural Elevations

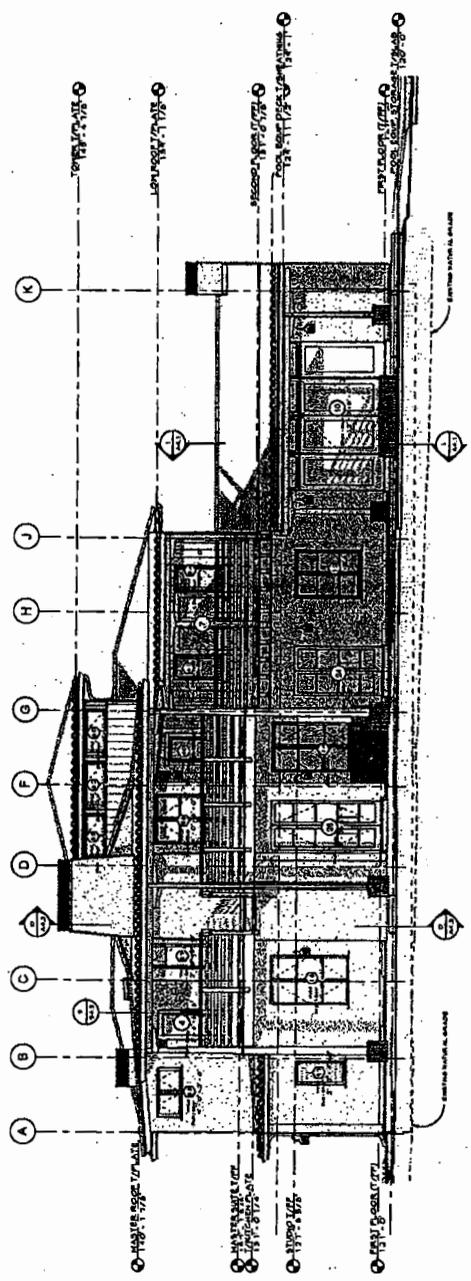


RAMIREZ
DESIGN, INC.
1000 WILSON BLVD
SAN ANTONIO, TX 78202
TEL: (214) 343-8844
FAX: (214) 343-8844
DATE: 08/23/10
REVISIONS:

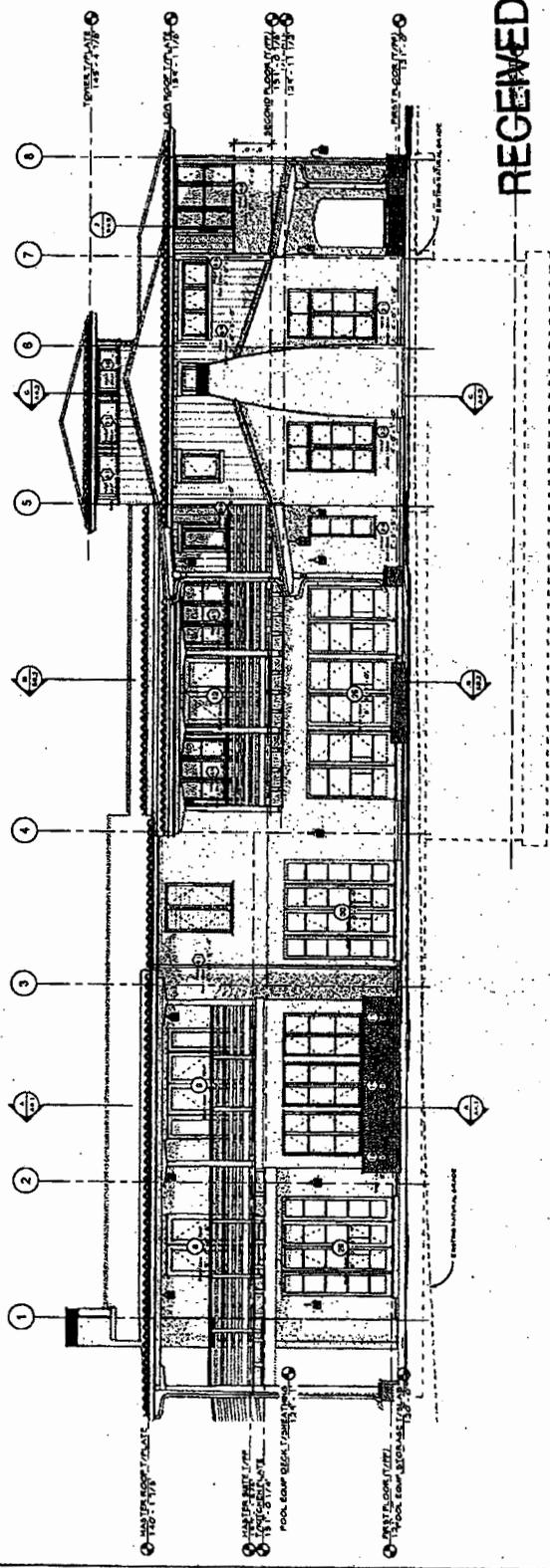
WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

HOUSE ELEVATIONS

SHEET
A3.2



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



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

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AUG 23 2010

ANNING DIV



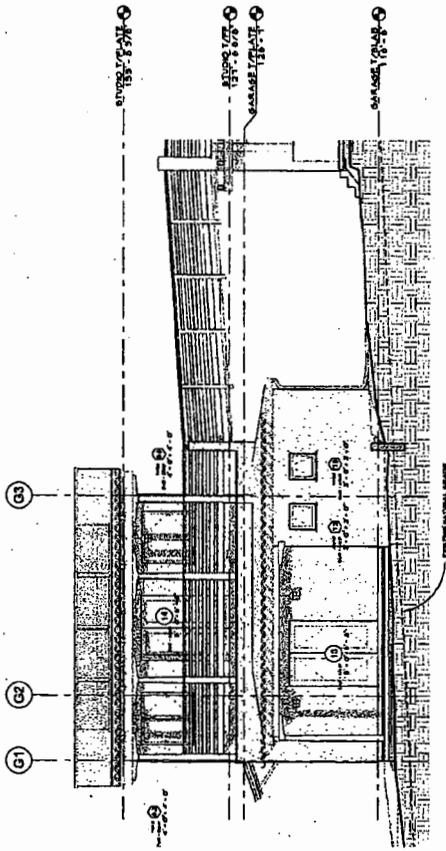
RAMIREZ
DESIGN, INC.
428 ALTA AVE.
SANTA MONICA, CA 90404
P: (310) 393-0944
F: (310) 393-0942
info@ramirezdesign.com

DATE: 06/21/10
REVISIONS:

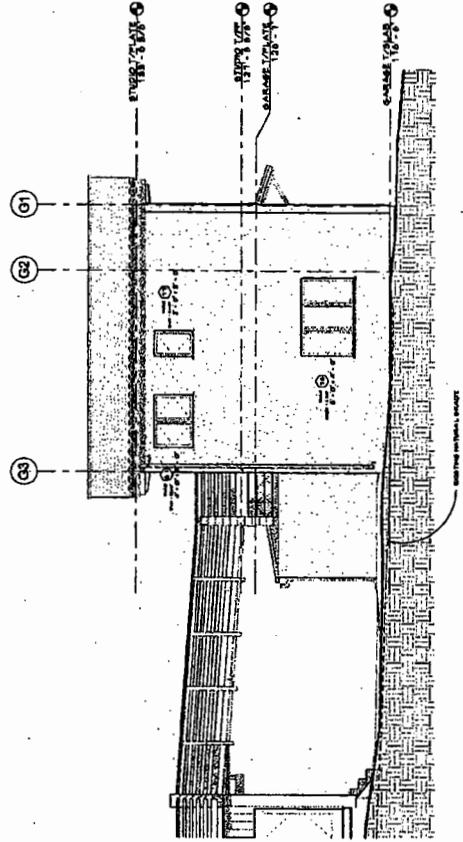
WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

GARAGE ELEVATIONS

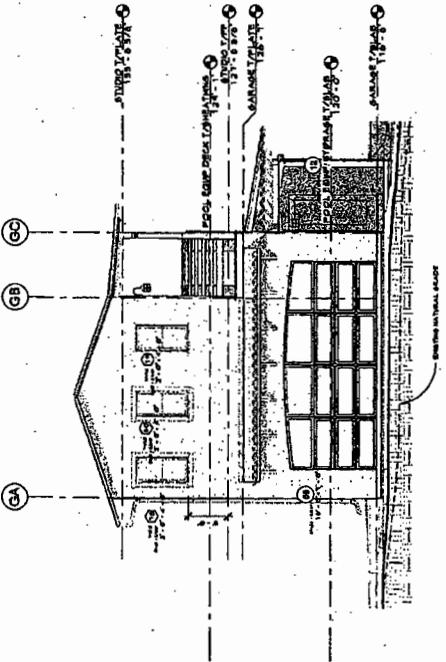
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A3.3



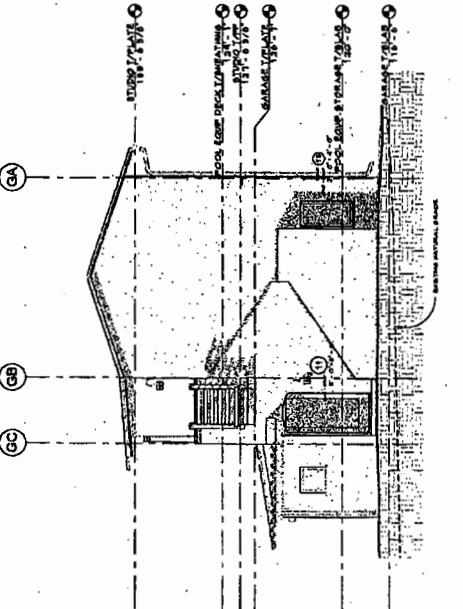
2 GARAGE SOUTH ELEVATION
SCALE 1/4" = 1'-0"



4 GARAGE NORTH ELEVATION
SCALE 1/4" = 1'-0"



1 GARAGE FRONT ELEVATION
SCALE 1/4" = 1'-0"



3 GARAGE REAR ELEVATION
SCALE 1/4" = 1'-0"



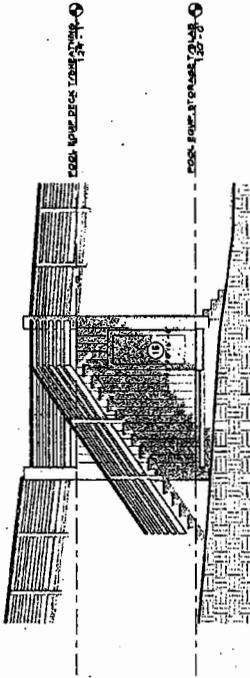
RAMIREZ
DESIGN, INC.
429 ALTA AVE.
SAN FRANCISCO, CA 94102
P (415) 551-8944
F (415) 551-8944
info@ramirezdesign.com

DATE: 06/21/10
REVISIONS:

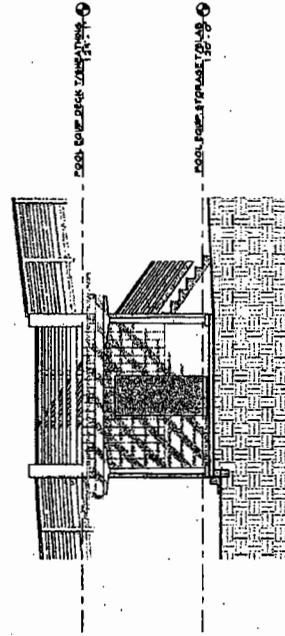
WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

**POOL EQUIPMENT
ELEVATIONS**

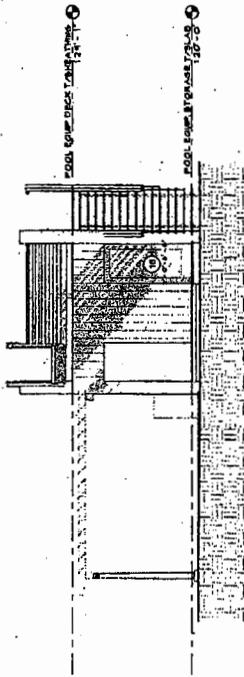
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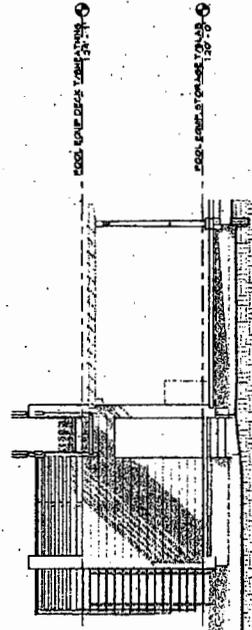
2 POOL EQUIPMENT - NORTH ELEVATION
SCALE 1/4" = 1'-0"



4 POOL EQUIPMENT - SOUTH ELEVATION
SCALE 1/4" = 1'-0"



1 POOL EQUIPMENT - EAST ELEVATION
SCALE 1/4" = 1'-0"



3 POOL EQUIPMENT - WEST ELEVATION
SCALE 1/4" = 1'-0"



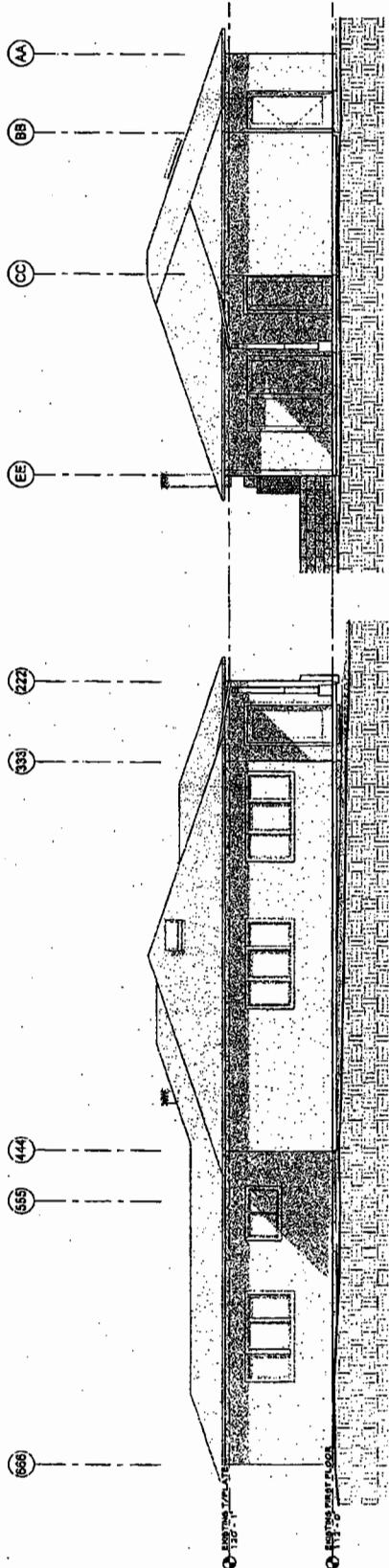
RAMIREZ
DESIGN, INC.
428 ALTA AVE.
SANTA MONICA, CA 90402
T: (310) 393-2192
F: (310) 393-2184
info@ramirezdesign.com

DATE: 08/21/10
REVISIONS:

WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

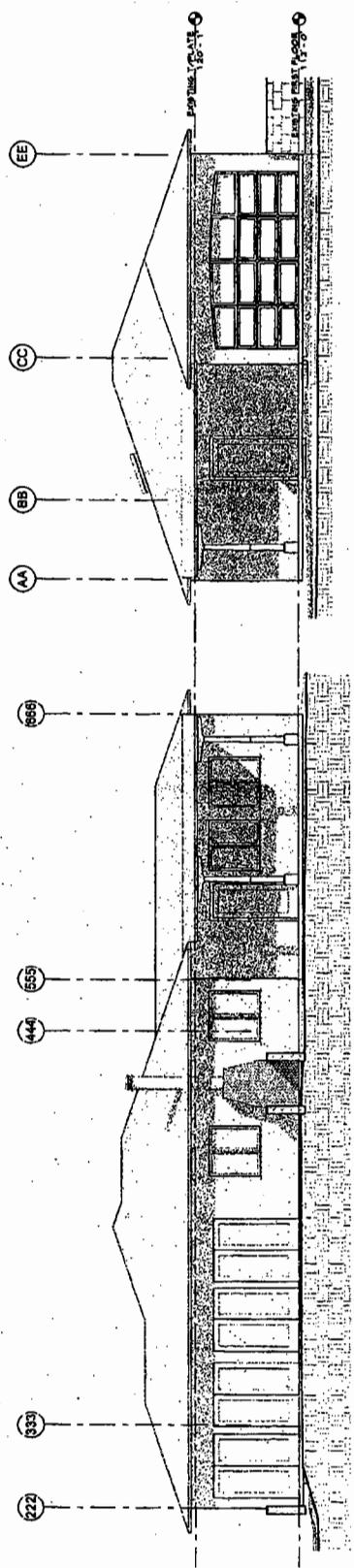
**GUEST HOUSE
ELEVATIONS**

SHEET
A3.5



1 GUEST HOUSE - NORTH ELEVATION
SCALE 1/4" = 1'-0"

2 GUEST HOUSE - EAST ELEVATION
SCALE 1/4" = 1'-0"



3 GUEST HOUSE - SOUTH ELEVATION
SCALE 1/4" = 1'-0"

4 GUEST HOUSE - WEST ELEVATION
SCALE 1/4" = 1'-0"



RAMIREZ
DESIGN, INC.
433 ATYFAYE
SANTA MONICA, CA 90402
P: (310) 393-2792
F: (310) 393-0954
info@ramirezdesign.com

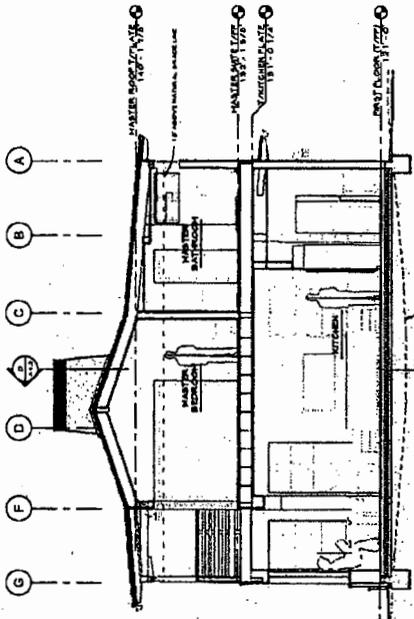
DATE: 08/23/10
REVISIONS:

WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALibu, CA 90265

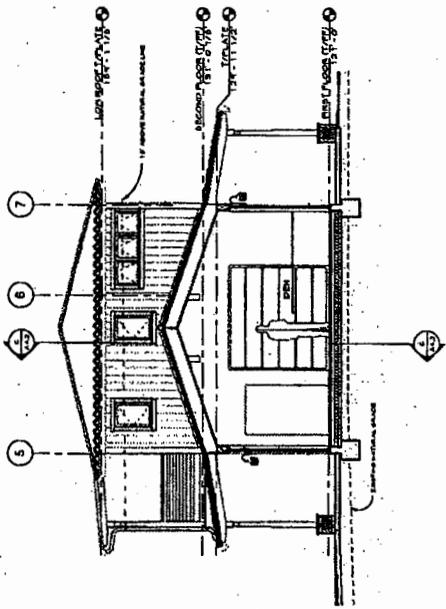
HOUSE ARCH.
SECTIONS

RECEIVED
AUG 23 2010
SHEET
A4.1

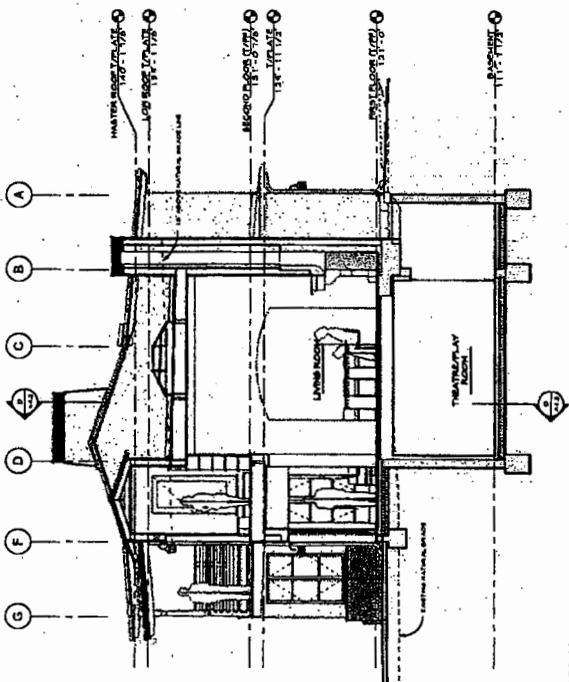
PLANNING DIV.



SECTION A
SCALE 1/8" = 1'-0"



SECTION 1
SCALE 1/8" = 1'-0"



SECTION B
SCALE 1/8" = 1'-0"



EXHIBIT 6
Permit A-4-MAL-10-074
Aerial Photograph of Subject Site

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STRET, SUITE 200
VENTURA, CA 93001-4508
VOICE (805) 585-1800 FAX (805) 641-1732

RECEIVED
SEP 27 2010



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Adam C. Hall

Mailing Address: 6750 Fernwood Drive

City: Malibu

Zip Code: 90265

Phone: 310-899-3070

SECTION II. Decision Being Appealed

1. Name of local/port government:

Malibu

2. Brief description of development being appealed:

Demolition and development of SFR

3. Development's location (street address, assessor's parcel no., cross street, etc.):

6737 Wildlife, Malibu CA 90260 (APN 4466 007 008)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-4-MAL-10-074

DATE FILED: 9/27/10

DISTRICT: So. Central Coast

EXHIBIT 7

Permit A-4-MAL-10-074

Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 9/27/2010

7. Local government's file number (if any): 10-009 Site Plan 10-006

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Robert Ramirez, 428 Alta Avenue, Santa Monica, CA 90402

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The project does not conform with the LCP for the following reasons:

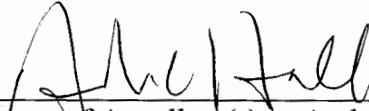
1. Not consistent with CEQU. The project calls for demolition of a portion of existing home and garage. Asbestos in flooring and roof necessitates proper removal and abatement. This could have adverse impact on the physical environment of the immediate area and the surrounding neighborhood. A report should be required and the necessary steps be taken for safe and proper removal.
2. The City of Malibu has violated yet again the Local Coastal Program in granting this approval. The biologist claims it does not impact ESHA overlay. However, the overlay excludes many sensitive habitats, including the southern portion of the subject property. The applicant intends to demolish dozens of trees and move dirt at the expense of the numerous birds, animals and plants that call this environment home.

Applicants have every right to build a home, but no right to affect the homes (ESHA) and the integrity of the neighborhood.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 9/22/2010

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____



4 MAL-10-104

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

RECEIVED
SEP 22 2010

Date of Notice: September 20, 2010

Notice Sent to (US. Certified Priority Mail):

California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001

Contact: *HL*
Ha Ly
Associate Planner
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265
(310) 456-2489, ext. 250

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Please note the following **Final City of Malibu Action** on a coastal development permit application (all local appeals have been exhausted for this matter):

Project Information

Coastal Development Permit No. 10-009, Site Plan Review No. 10-006, and Demolition Permit No. 10-011 – An application for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into a 896 square foot second residential unit with a 388 square foot garage and separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 792 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet

Application Filing Date: March 10, 2010
Applicant: Robert Ramirez
428 Alta Avenue, Santa Monica, CA 90402
Owner: William Harper, Fernhill Trust
Location: ~~6737 Wildlife Road / APN 4466-007-008~~

Final Action Information

Final Local Action: Approved Approved with Conditions Denied
Final Action Body: Approved on September 7, 2010 by the Planning Commission

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report: September 7, 2010 Item 6.G. Planning Commission Agenda Report		August 26, 2010
Adopted Findings and Conditions: Planning Commission Resolution No. 10-80	X	
Site Plans and Elevations		August 26, 2010

California Coastal Commission Appeal Information

This Final Action is:

NOT appealable to the California Coastal Commission (CCC). The Final City of Malibu Action is now effective.

Appealable to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this final action. The final action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission South Central Coast District Office in Ventura, California; there is no fee for such an appeal. Should you have any questions regarding the California Coastal Commission appeal period or process, please contact the CCC South Central Coast District Office at 89 South California Street, Suite 200, Ventura, California, 93001 or by calling (805) 585-1800.

Copies of this notice have also been sent via first-class mail to:

- Property Owner/Applicant

Prepared

EXHIBIT 8
Permit A-4-MAL-10-074
Final Local Action Notice



Planning Commission
Meeting
09-07-10
**Item
6.G.**

Commission Agenda Report

To: Chair Mazza and Members of the Planning Commission
Prepared by: Ha Ly, Associate Planner *HL*
Reviewed by: Joyce Parker-Bozylinski, AICP, Planning Manager *JPB*
Approved by: Victor Peterson, Community Development Director *VP*
Date prepared: August 26, 2010 Meeting Date: September 7, 2010

Subject: Coastal Development Permit No. 10-009, Site Plan Review No. 10-006 and Demolition Permit No. 10-011 - An application for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit with a 388 square foot garage and separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 834 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet

Application Filing Date: March 10, 2010
Applicant: Robert Ramirez
Owner: William Harper, Fernhill Trust
Location: 6737 Wildlife Road, within the appealable coastal zone
APN: 4466-007-008
Zoning: Rural Residential – One Acre (RR-1)

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 10-80 (Attachment 1) approving Coastal Development Permit (CDP) No. 10-009, Site Plan Review (SPR) No. 10-006 and Demolition Permit (DP) No. 10-011, an application for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit, 388 square foot garage with a separate attached 191 square foot office; construction of a new, two-story,

EXHIBIT 9
Permit A-4-MAL-10-074

28 foot tall 5,199 square foot single-family residence with an 792 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet in the RR-1 zoning district located at 6737 Wildlife Road.

DISCUSSION: The subject parcel is currently developed with a one-story single-family residence and detached garage. According to the Los Angeles County Assessor's information, the property was developed in 1957. The subject property is a roughly rectangular parcel that has frontage on both Fernhill Drive and Wildlife Road. The project site was formerly addressed 6768 Fernhill Drive and vehicular access is currently provided through a driveway off Fernhill Drive. The project proposes to retain a large portion of the existing single-family residence and proposes to convert it to an accessory structure which consists of an 896 square foot second residential unit, 388 square foot garage, and 191 square foot office. No interior access is provided between the second residential unit and attached office. The proposed project includes a new driveway gate and driveway off Wildlife Road. The applicant has obtained the fire department and City approval for the address change.

Property Data

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

Table 1 – Property Data	
Lot Depth	550 feet
Lot Width	106.90 feet
Gross Lot Area	61,923 square feet (1.42 acres)
Easement Area	7,683 square feet
1 to 1 Slope Area	0 square feet
Net Lot Area*	54,240 square feet (1.24 acres)

* Excludes slopes greater than 1:1 (LIP §3.6(F)(4)) and access easements for purposes of calculating yards (LIP Chapter 2)

Surrounding Land Use and Setting

The project site is located within the Point Dume neighborhood. The subject property is a long lot that extends from Wildlife Road to Fernhill Drive. The project site is currently developed with a single-family residence with detached garage, sports court, landscaping, and various hardscape. The subject property is generally characterized with 5 to 1 or flatter slopes with a small portion of the parcel site dominated by 2½ to 1 and steeper slopes.

Surrounding land uses consist of one- and two-story single-family residences in the RR-1 zoning designation. The subject property lies within the Appealable Jurisdiction as

depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map. The project area is not designated Environmentally Sensitive Habitat Area (ESHA) as shown on the LCP ESHA Overlay Map. According to City Trails Master Plan Map and LCP Park Lands Map, no trails are located within the project vicinity. Attachment 2 is an aerial photograph of the project site.

Table 2 provides a summary of surrounding land uses.

Table 2 – Adjacent Land Uses				
	Address	Size	Zone	Land Use
North	6750 Fernhill Drive	.32 acre	RR-1	Single-Family Residence
	6738 Fernhill Drive	.33 acre	RR-1	Single-Family Residence
	6722 Fernhill Drive	.64 acre	RR-1	Single-Family Residence
East	6744 Wildlife Road	.32 acre	RR-1	Single-Family Residence
West	6785 Fernhill Drive	1.21 acres	RR-1	Single-Family Residence
South	4466-007-019	.69 acre	RR-1	Vacant
	6749 Wildlife Road	.48 acre	RR-1	Single-Family Residence

Project Description

The proposed project has a total development square footage (TDSF) of 7,564 square feet. The project consists of:

Demolition of:

- 899 square feet of the existing single-family residence; and conversion of the structure into a second unit, attached garage, and separate attached office;
- Detached garage; and
- OWTS.

Construction of a:

- 5,199 square foot single-family residence (3,146 square foot first floor, 2,053 square foot second floor);
- 792 square foot basement (exempt from TDSF)¹;
- Detached 483 square foot garage with 308 square foot studio above;
- Connector bridge from the garage/studio to the new single-family residence;
- Hardscape; including a new entry gate, pool decking, pool equipment and enclosure, gazebo, and outdoor barbeque area
- Swimming pool and spa;
- Landscaping; and
- Alternative onsite wastewater treatment system.

¹ Local Implementation Plan Section 3.6(K)(6) states, the initial 1,000 square feet of a combination of basement and cellar shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at the rate of one square foot of TDSF for every two square feet of proposed basement/cellar square footage.

The project also includes the following discretionary requests:

- SPR No. 10-006 for construction in excess of 18 feet in height, 28 feet is requested.
- DP No. 10-011 for partial demolition of an existing single-family residence and complete demolition of the detached garage.

The project plans are included as Attachment 3.

Project Chronology

On March 10, 2010, the subject application was submitted to the City for review. The application was routed to appropriate City and County agencies for LCP conformance review.

On April 16, 2010, a Courtesy Notice of Application was mailed to all property owners and occupants within a 500 foot radius of the subject property.

On June 29, 2010, a Notice of Coastal Development Permit Application was posted at the site.

On July 7, 2010, staff visited the subject property to inspect existing site conditions and to photograph story poles and evaluate potential scenic and visual impacts.

On August 16, 2010, the subject application was deemed complete.

On August 26, 2010, 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 (Attachment 6).

Local Coastal Program

The LCP consists of a Land Use Plan (LUP) and an 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 CDP must adhere.

There are 13 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 13, three are for conformance review only and require no findings. These three sections, which include Zoning, Grading and Archaeological / Cultural Resources, are discussed under the *Conformance Analysis* section.

There are ten remaining sections that potentially require specific findings to be made. These findings are found in the following sections: 1) Coastal Development Permit, including SPR 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; 9) Land Division; and 10) Onsite Wastewater Treatment Systems of the LIP. Of these ten, for the reasons discussed below, only one (General Coastal Development Permit, including SPR findings) applies and warrants further discussion.

Additionally, Malibu Municipal Code (M.M.C.) Section 17.70.060 regarding demolition permits applies to this project and conformance with the associated requirements is detailed as follows.

Conformance Analysis

Zoning (LIP Chapter 3)

As shown in Table 3, the proposed project complies with LIP Section 3.6 concerning residential non-beachfront development standards.

Table 3 – LCP Zoning Conformance (Non-Beachfront)			
Development Requirement	Allowed	Proposed	Comments
SETBACKS			
Front Yard	65 feet	658.5 feet	Complies
Rear Yard	83 feet	347.2 feet	Complies
Side Yard (minimum)	10.69 feet	10.69 feet	Complies
Side Yard (cumulative)	26.73 feet	30.69 feet	Complies
HEIGHT	<i>18 feet</i>	<i>28 feet</i>	<i>SPR</i>
TWO-THIRDS CALCULATION			
Main Structure ²	3,146 (2/3) = 2,097.3 square feet	2,053 square feet	Complies
Detached garage and studio above ³	483 (2/3) = 322 square feet	308 square feet	Complies
TDSF	7,567 square feet	7,564 square feet	Complies
SECOND RESIDENTIAL UNIT SIZE	900 square foot and 400 square foot garage	896 square foot and 388 square foot garage	Complies
BASEMENT	1,000 square feet	792 square feet	Complies

2 Allowed two-thirds calculation includes all areas less than 18 feet in height: first floor (3,146 sq. ft.)

Proposed two-thirds calculation includes all areas over 18 feet in height: second floor (2,053 sq. ft.)

3 Allowed two-thirds calculation includes all areas less than 18 feet in height: first floor (483 sq. ft.)

Proposed two-thirds calculation includes all areas over 18 feet in height: second floor (308 sq. ft.)

Table 3 – LCP Zoning Conformance (Non-Beachfront)			
Development Requirement	Allowed	Proposed	Comments
	exempt		
PARKING			
Main Structure	2 enclosed 2 unenclosed	2 enclosed 2 unenclosed	Complies
Second Residential Unit	1 enclosed or unenclosed	1 enclosed	
NON-EXEMPT GRADING	1,000 cubic yards	726 cubic yards	Complies
IMPERMEABLE COVERAGE	16,272 square feet	16,139 square feet	Complies
CONSTRUCTION ON SLOPES	3 to 1 or less	3 to 1 or less	Complies

As shown in Table 3, the project conforms to residential standards in LIP Section 3.6. The maximum height of the proposed residence is 28 feet with a pitched roof, which is permitted with the approval of an SPR. The area above 18 feet for both structures is two-thirds of the area below 18 feet and has been sited to avoid visual impacts on adjacent properties. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

Grading (LIP Chapter 8)

The project includes 726 cubic yards of non-exempt grading, less than the 1,000 cubic yards maximum permitted in LIP Section 8.3. The project includes 566 cubic yards of understructure grading and 320 cubic yards of removal and recompaction. The project also includes 244 cubic yards of earth material proposed to be imported onsite. The proposed project is in conformance with the 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 of Malibu Archaeological Cultural Resources Map, a survey was previously conducted on site and no archaeological resources were found within property boundaries; therefore, no further studies are required at this time.

However, conditions of approval have been included in Planning Commission Resolution No. 10-27 pertaining to the protection of cultural resources. Should any potentially important cultural resources be found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Manager can review this information.

permitted uses within the rural residential zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

1. No Project – The no project alternative would avoid any change to the project site, and hence, any change to visual resources. The project site is zoned RR-1 which allows for single-family residential development. The no project alternative would not accomplish any of the project objectives; and therefore, is not viable. Furthermore, the existing conventional OWTS would continue servicing the parcel without providing secondary and tertiary treatment.
2. Complete Demolition – Existing onsite development could be completely demolished, however, a complete demolition would result in more landform alteration and construction than needed. The project proposes to retain a large portion of the existing single-family residence and proposes to convert it to a second residential unit, garage, and office. It is not anticipated that a complete demolition would offer any environmental advantages over the proposed project as the proposed project will not result in significant impacts on the environment.
3. Proposed Project – The project consists of the partial demolition of an existing single-family residence and complete demolition of a detached garage and construction of a new single-family residence and associated development, which are all permitted uses within the RR zoning classification of the subject property. The proposed project conforms to all non-beachfront development criteria with the inclusion of an SPR for construction over 18 feet in height. The project includes a new AOWTS to replace the conventional OWTS, which will provide secondary and tertiary treatment.

The selected location has been reviewed and conditionally approved by the City Environmental Health Administrator, City Biologist, City Geologist, City Public Works Department and the LACFD, and meets the City's residential development policies. Therefore, the project, as proposed, is the least 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.

The subject parcel is not located in ESHA, an ESHA buffer zone or adjacent to any streams as designated in the LCP and does not require review by the Environmental Review Board (ERB).

Findings

The project has been reviewed for conformance with the LCP and M.M.C. by the Planning Division, City Environmental Health Administrator, City Geologist, City Public Works Department, City Biologist, and the Los Angeles County Fire Department (LACFD). Departmental review sheets are included as Attachment 5. The project, as proposed and conditioned, is consistent with all applicable M.M.C. and LCP codes, standards, goals and policies. The required findings are made below.

A. General Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings 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 Division, City Environmental Health Administrator, City Geologist, City Public Works Department, City Biologist, and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all residential development standards as demonstrated by Table 3.

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 project is located between the first public road and the sea but will not impact public access or recreation because the project site is located inland and not located along the shoreline. The project will not result in significant impacts on public access or recreation. The project conforms to the public access and recreation policies of the Coastal Act of 1976.

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

Pursuant to the California Environmentally Quality Act (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 feasible alternatives that would further reduce any impacts on the environment. The proposed project allows for demolition of a portion of the existing single-family residence and detached garage and construction of a new single-family residence and other associated development, all of which are

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

A site plan review is proposed to allow the construction of a new single-family residence over 18 feet in height, up to a maximum height of 28 feet for a pitched roof (28 feet pitched proposed). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to M.M.C. Section 17.62.050. Based on the evidence contained within the record, the required findings for SPR No. 10-006 are made as follows.

Finding B1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the LCP by Planning staff, the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and LACFD. Based on site visits, inspections and review of the visual analysis, it has been determined that the project is consistent with all LCP policies and provisions.

Finding B2. The project does not adversely affect neighborhood character.

Story poles were placed on the subject property to demonstrate the project's potential for aesthetic changes to the site relative to neighboring properties. On July 7, 2010, staff visited the site to inspect the story poles. Based on the site visit and aerial photographs, the proposed project's mass, bulk and height is similar to neighboring properties of similar size. The project does not adversely affect neighborhood character.

Finding B3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

On July 7, 2010, staff visited the site to document the story poles with photographs. These photographs are in the project file and included as Attachment 4. The project is not visible from any scenic areas, including the beach and Pacific Coast Highway (PCH) due to the distance the project site is from the shoreline and PCH. Based on the site visit, inspections and review of the visual analysis, it has been determined that the subject site provides the maximum feasible protection to significant public views and has no significant adverse visual impact.

Finding B4. The proposed project complies with all applicable requirements of state and local law.

The proposed project has received LCP conformance review by Planning Division staff, the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. Prior to issuance of building permits, the project

must have final approval by the City Building and Safety Division. The proposed project complies with all applicable requirements of state and local law.

Finding B5. The project is consistent with the City's general plan and local coastal program.

Parcels in the immediate vicinity are zoned for residential use. The project is consistent with the rural residential designation for the site as noted in the General Plan and LCP.

Finding B6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17).

The maximum height of the proposed project is 28 feet with a pitched roof. A courtesy notice was mailed to properties within a 500 foot radius and staff did not receive any comments regarding view obstruction caused by the proposed structure. Based on staff's evaluation and site inspections, it was determined that the proposed project will 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 M.M.C. Section 17.40.040(A)(17).

C. Environmentally Sensitive Habitat Area (LIP Chapter 4)

As discussed in Finding A4, the subject parcel is not located in ESHA or ESHA buffer as depicted on the LCP ESHA Overlay Map. Accordingly, the supplemental ESHA findings are not applicable.

D. Native Tree Protection (LIP Chapter 5)

No native trees are proposed to be removed as part of the project scope of work; therefore, the findings in LIP Chapter 5 are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP 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 not visible from any scenic area or public viewing area, therefore, the findings in LIP Chapter 6 are not applicable.

F. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2 the regulations requiring a transfer of development credit apply to any action to authorize a CDP for a land division or multi-family development. This CDP does not involve a land division or construction of multi-family development. Therefore, LIP Chapter 7 does not apply.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard 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 project was analyzed by staff for the hazards listed in LIP Section 9.2(A)(1-7).

The applicant submitted a Geologic and Soils Engineering report prepared by GeoConcepts, Inc. dated March 4, 2010. These reports are on file at City Hall. In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues.

Based on staff's 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 property is not located within the landslide zone;
3. The property is not located within the liquefaction zone;
4. Due to the topography of the sea floor and the location of the Channel island, the project site has a minimal risk of being impacted by tsunamis;
5. The development site is not 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.

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.

Nonetheless, a condition of approval has been included in Planning Commission Resolution No. 10-80 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.

The City Geologist, City Public Works Department, and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design.

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; therefore, the findings in LIP Chapter 9 are not applicable.

H. 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 located along the shoreline or on a bluff; therefore, is not anticipated to result in such impacts. The findings in LIP Chapter 10 are not applicable.

I. 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. The project site is located inland, away from the ocean. The proposed project will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources. The findings in LIP Chapter 12 are not applicable.

J. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings in LIP Chapter 15 do not apply.

K. 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 replace an existing OWTS, which has been reviewed by the City Environmental Health Administrator and

found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The existing OWTS will be properly abandoned and removed. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 3,000 gallon concrete tank with 2,000 gallon tank with SeptiTech M1200 processor and ultraviolet disinfection unit. The new system will provide the proposed 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 Planning Commission Resolution No. 10-80 which require continued operation, maintenance and monitoring of onsite facilities.

L. Demolition Permit (M.M.C. Section 17.70.060)

M.M.C. Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes the partial demolition of an existing single-family residence and complete demolition of the existing detached garage. The findings for DP No. 10-011 are made as follows.

Finding L1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in Planning Commission Resolution No. 10-80 will ensure that the project will not create significant adverse environmental impacts.

Finding L2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 10-011. Therefore, approval of the DP is subject to the approval of CDP No. 10-009.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Division has analyzed the proposal as described above. The Planning Division has found this project listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines 15301(l)(1) – Existing Facilities and 15303(a) – New Construction or Conversion of Small Structures. The Planning Division further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: Staff has sent out a courtesy notice to owners and occupants within 500 feet of the project site. To date, staff has not received any written correspondence regarding this project. However, staff has spoken to the adjacent

neighbor to the east. The adjacent neighbor has been an occupant at 6750 Fernhill Drive for the past three years and he is concerned about privacy due to the proximity and height of the detached accessory structure that consists of a garage and studio above. The proposed accessory structure is located 10.69 feet from side property line and is 24 feet measured from existing natural grade. The main residence is located away from the neighbor's property. Staff discussed the project scope of work and explained to the neighbor that the City does not have a privacy ordinance and encouraged the neighbor to speak to the applicant regarding his concerns. The concerned neighbor has confirmed that the applicant had a meeting with him to discuss his concerns; however, no resolution was reached. The neighbor and applicant are scheduling another meeting to further discuss the issues.

PUBLIC NOTICE: Staff published a Public Hearing Notice in a newspaper of general circulation within the City of Malibu on August 26, 2010 and mailed the notice to all property owners and occupants within a 500 foot radius of the subject property (Attachment 6).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Division'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. 10-80. The project has been reviewed and conditionally approved for conformance with the LCP and M.M.C. by staff and appropriate City and County agencies.

ATTACHMENTS

1. Planning Commission Resolution No. 10-80
2. Aerial Photograph
3. Project Plans
4. Story Pole Photographs
5. Department Review Sheets
6. Public Hearing Notice / Mailer

**CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 10-80**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 10-009, SITE PLAN REVIEW NO. 10-006 AND DEMOLITION PERMIT NO. 10-011 FOR THE PARTIAL DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONVERSION OF THE EXISTING SINGLE-FAMILY RESIDENCE INTO AN 896 SQUARE FOOT SECOND RESIDENTIAL UNIT, 388 SQUARE FOOT GARAGE WITH A SEPARATE 191 SQUARE FOOT ATTACHED OFFICE; CONSTRUCTION OF A NEW, TWO-STORY, 28 FOOT TALL, 5,199 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN 834 SQUARE FOOT BASEMENT, 484 SQUARE FOOT DETACHED GARAGE WITH 308 SQUARE FOOT STUDIO ABOVE, SWIMMING POOL AND SPA, LANDSCAPING, VARIOUS HARDSCAPE INCLUDING POOL EQUIPMENT AND ENCLOSURE, ENTRY GATE, OUTDOOR BARBEQUE AREA WITH TRELIS, FIRE DEPARTMENT TURNAROUND AND A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING A SITE PLAN REVIEW FOR HEIGHT IN EXCESS OF 18 FEET, LOCATED AT 6737 WILDLIFE ROAD (HARPER, FERNHILL TRUST)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On March 10, 2010, Coastal Development Permit (CDP) No. 10-009, Site Plan Review (SPR) No. 10-006 and Demolition Permit (DP) No. 10-011 was submitted to the City for review. The application was routed to appropriate City and County agencies for Local Coastal Program (LCP) conformance review.
- B. On April 16, 2010, a Courtesy Notice of Application was mailed to all property owners and occupants within a 500 foot radius of the subject property.
- C. On June 29, 2010, a Notice of Coastal Development Permit Application was posted at the site.
- D. On July 7, 2010, a site visit to the subject property was conducted to inspect existing site conditions and to photograph story poles and evaluate potential scenic and visual impacts.
- E. On August 16, 2010, the subject application was deemed complete.
- F. On August 26, 2010, 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 September 7, 2010, the Planning Commission held a duly noticed public hearing on the

subject applications, 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 proposal as described above. The Planning Commission has also found that the proposed project 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 CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Sections 15301(1)(1) – Existing Facilities and 15303(a) – New Construction or Conversion 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. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to Sections 13.7.B and 13.9 of the LCP Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 10-009, Site Plan Review (SPR) No. 10-006 and Demolition Permit (DP) No. 10-011 to allow for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit, 388 square foot garage with a separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 834 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet in the RR-1 zoning district located at 6737 Wildlife Road.

The proposed project has been reviewed by the City Geologist, City Environmental Health Administrator, City Biologist, City Public Works Department, and the Los Angeles County Fire Department (LACFD). The project is consistent with the LCP's zoning, grading, water quality, and onsite wastewater treatment requirements. 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)

As discussed, the proposed project, as conditioned, conforms to the LCP in that it meets the required beachfront residential development standards.

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 Division, City Environmental Health Administrator, City Geologist, City Public Works Department, City

Biologist, and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all residential development standards.

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 project is located between the first public road and the sea but will not impact public access or recreation because the project site is located inland and not located along the shoreline. The project will not result in significant impacts on public access or recreation. The project conforms to the public access and recreation policies of the Coastal Act of 1976.

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

Pursuant to the California Environmentally Quality Act (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 feasible alternatives that would further reduce any impacts on the environment. The proposed project allows for demolition of a portion of the existing single-family residence and detached garage and construction of a new single-family residence and other associated development, all of which are permitted uses within the rural residential zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

1. No Project – The no project alternative would avoid any change to the project site, and hence, any change to visual resources. The project site is zoned RR-1 which allows for single-family residential development. The no project alternative would not accomplish any of the project objectives; and therefore, is not viable. Furthermore, the existing conventional OWTS would continue servicing the parcel without providing secondary and tertiary treatment.
2. Complete Demolition – Existing onsite development could be completely demolished, however, a complete demolition would result in more landform alteration and construction than needed. The project proposes to retain a large portion of the existing single-family residence and proposes to convert it to a second residential unit, garage, and office. It is not anticipated that a complete demolition would offer any environmental advantages over the proposed project as the proposed project will not result in significant impacts on the environment.
3. Proposed Project – The project consists of the partial demolition of an existing single-family residence and complete demolition of a detached garage and construction of a new single-family residence and associated development, which are all permitted uses within the RR zoning classification of the subject property. The proposed project conforms to all non-beachfront development criteria with the inclusion of an SPR for construction over 18 feet in height. The project includes a new AOWTS to replace the conventional OWTS, which will provide secondary and tertiary treatment.

The selected location has been reviewed and conditionally approved by the City Environmental Health Administrator, City Biologist, City Geologist, City Public Works Department and the LACFD, and meets the City's residential development policies. Therefore, the project, as proposed, is the least 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.

The subject parcel is not located in ESHA, an ESHA buffer zone or adjacent to any streams as designated in the LCP and does not require review by the Environmental Review Board (ERB).

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

A site plan review is proposed to allow the construction of a new single-family residence over 18 feet in height, up to a maximum height of 28 feet for a pitched roof (28 feet pitched proposed). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to M.M.C. Section 17.62.050. Based on the evidence contained within the record, the required findings for SPR No. 10-006 are made as follows.

Finding B1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the LCP by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and LACFD. Based on site visits, inspections and review of the visual analysis, it has been determined that the project is consistent with all LCP policies and provisions.

Finding B2. The project does not adversely affect neighborhood character.

Story poles were placed on the subject property to demonstrate the project's potential for aesthetic changes to the site relative to neighboring properties. On July 7, 2010, the site was visited to inspect the story poles. Based on the site visit and aerial photographs, the proposed project's mass, bulk and height is similar to neighboring properties of similar size. The project does not adversely affect neighborhood character.

Finding B3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

On July 7, 2010, the site was visited to document the story poles with photographs. These photographs are in the project file. The project is not visible from any scenic areas, including the beach and Pacific Coast Highway (PCH) due to the distance the project site is from the shoreline and PCH. Based on the site visit, inspections and review of the visual analysis, it has been determined that the subject site provides the maximum feasible protection to significant public views and has no significant adverse visual impact.

Finding B4. The proposed project complies with all applicable requirements of state and local law.

The proposed project has received LCP conformance review by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. Prior to issuance of building permits, the project must have final approval by the City Building and Safety Division. The proposed project complies with all applicable requirements of state and local law.

Finding B5. The project is consistent with the City's general plan and local coastal program.

Parcels in the immediate vicinity are zoned for residential use. The project is consistent with the rural residential designation for the site as noted in the General Plan and LCP.

Finding B6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17).

The maximum height of the proposed project is 28 feet with a pitched roof. A courtesy notice was mailed to properties within a 500 foot radius and no comments regarding view obstruction caused by the proposed structure were received. Based on evaluation and site inspections, it was determined that the proposed project will 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 M.M.C. Section 17.40.040(A)(17).

C. Environmentally Sensitive Habitat Area (LIP Chapter 4)

As discussed in Finding A4, the subject parcel is not located in ESHA or ESHA buffer as depicted on the LCP ESHA Overlay Map. Accordingly, the supplemental ESHA findings are not applicable.

D. Native Tree Protection (LIP Chapter 5)

No native trees are proposed to be removed as part of the project scope of work; therefore, the findings in LIP Chapter 5 are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP 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 not visible from any scenic area or public viewing area, therefore, the findings in LIP Chapter 6 are not applicable.

F. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2 the regulations requiring a transfer of development credit apply to any action to authorize a CDP for a land division or multi-family development. This CDP does not involve a land division or construction of multi-family development. Therefore, LIP Chapter 7 does

not apply.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard 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 project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7).

The applicant submitted a Geologic and Soils Engineering report prepared by GeoConcepts, Inc. dated March 4, 2010. These reports are on file at City Hall. In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues.

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 property is not located within the landslide zone;
3. The property is not located within the liquefaction zone;
4. Due to the topography of the sea floor and the location of the Channel island, the project site has a minimal risk of being impacted by tsunamis;
5. The development site is not 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.

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.

Nonetheless, a condition of approval has been included in 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.

The City Geologist, City Public Works Department, and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design.

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; therefore, the findings in LIP Chapter 9 are not applicable.

H. 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 located along the shoreline or on a bluff; therefore, is not anticipated to result in such impacts. The findings in LIP Chapter 10 are not applicable.

I. 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. The project site is located inland, away from the ocean. The proposed project will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources. The findings in LIP Chapter 12 are not applicable.

J. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings in LIP Chapter 15 do not apply.

K. 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 replace an existing OWTS, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The existing OWTS will be properly abandoned and removed. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 3,000 gallon concrete tank with 2,000 gallon tank with SeptiTech M1200 processor and ultraviolet disinfection unit. The new system will provide the proposed 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 this resolution which require continued operation, maintenance and monitoring of onsite facilities.

L. Demolition Permit (M.M.C. Section 17.70.060)

M.M.C. Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes the partial demolition of an existing single-family residence and complete demolition of the existing detached garage. The findings for DP No. 10-011 are made as follows.

Finding L1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in this resolution which will ensure that the project will not create significant adverse environmental impacts.

Finding L2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 10-011. Therefore, approval of the DP is subject to the approval of CDP No. 10-009.

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. 10-009, Site Plan Review No. 10-006 and Demolition Permit No. 10-011, subject to the following conditions.

Section 5. Conditions of Approval.

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

Demolition of:

- a. 899 square feet of the existing single-family residence; and conversion of the structure into a second unit, attached garage, and separate attached office;
- b. Detached garage; and
- c. OWTS.

Construction of a:

- d. 5,199 square foot single-family residence (3,146 square foot first floor, 2,053 square foot second floor);
- e. 834 square foot basement (exempt from TDSF)¹;
- f. Detached 483 square foot garage with 308 square foot studio above;
- g. Connector bridge from the garage/studio to the new single-family residence;

¹ Local Implementation Plan Section 3.6(K)(6) states, the initial 1,000 square feet of a combination of basement and cellar shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at the rate of one square foot of TDSF for every two square feet of proposed basement/cellar square footage.

- h. Hardscape; including a new entry gate, pool decking, pool equipment and enclosure, gazebo, and outdoor barbeque area
 - i. Swimming pool and spa;
 - j. Landscaping; and
 - k. Alternative onsite wastewater treatment system.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Division, dated, **May 10, 2010**. 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 Division 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 Division 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 to the City of Malibu Environmental and Building Safety Division 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 Manager upon written request of such interpretation.
9. All structures shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, 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 Manager, 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.

Cultural Resources

12. 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 Manager 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.
13. 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.

Building Plan Check

Demolition/Solid Waste

14. Prior to demolition activities, the applicant shall receive Planning Division approval for compliance with conditions of approval.
15. 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.
16. 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. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
17. 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.
18. 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.

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.
20. 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.
21. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Division.

Geology

22. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.
23. 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

24. 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.
25. 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).
26. 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).

27. 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;
 - 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.
28. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
29. 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.
30. 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.

31. 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 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.
32. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator. Prior to final approval, use of the existing seepage pits must be justified by the project geologist with respect to separation to groundwater and path of fluent/daylighting issues.
33. 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

34. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
35. The Total Grading Yardage Verification Certificate (dated April 21, 2010) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.
36. 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.
37. 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. If the property contains trees that are to be protected, they shall be highlighted on the grading plan;
 - e. 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 the grading plan.
38. 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. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - b. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - c. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
39. 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.
40. 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 17.4.2(B)(2).
41. 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 Manager or Deputy Building Official determines that completion of grading would be more protective of resources.

42. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.
43. 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 LIP Section 8.3.
44. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
45. 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.
46. 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-vegetation 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.

Water Quality/ Water Service

47. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

48. 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 Division indicating the ability of the property to receive adequate water service.

Construction / Framing

49. 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.
50. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
51. 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.
52. 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 Division for review and sign off on framing.

Lighting

53. 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. 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 use bulbs that do not exceed 60 watts or the equivalent;
 - b. Security lighting controlled by motion detectors may be attached to the residence

- c. provided it is directed downward and is limited to 60 watts or the equivalent;
 - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 60 watts or the equivalent;
 - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 60 watts or the equivalent;
 - e. Site perimeter lighting shall be prohibited;
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited;
 - g. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited;
54. 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.
55. 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

56. The proposed landscaping totals less than 5,000 square feet as submitted. As such, the Landscape Water Conservation Ordinance does not apply. If the applicant intends to plant any area beyond that which is approved, the entire new landscape area will require compliance with the LWCO.
57. Invasive plant species, as determined by the City of Malibu, are prohibited.
58. Vegetation with a mature height of six (6) feet or greater shall be situated on the property so as not to significantly obstruct the primary view from neighboring principal residence at any given time (given consideration of its future growth).
59. The use of building materials treated with toxic compounds such as copper arsenates is prohibited.

Fuel Modification

60. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits. The plan shall balance the Department's landscape and fuel modification requirements with the need to preserve native vegetation on slopes and in sensitive resource areas. The fuel modification notes for any areas of native vegetation should be site-specific and appropriate to the plant species present on site. Fuel load shall be reduced by removing or thinning non-native species prior to impacting native species.

Swimming Pool / Spa / Water Feature

61. On-site 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).
62. The 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.
63. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
64. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool/spa is prohibited unless it is discharged to a sanitary sewer system. Provide information on the plans regarding the type of sanitation proposed for pool.
 - a. Ozonization systems are an acceptable alternative to chlorine. The release of clear water from ozonization system is permitted to the street or sewer;
 - b. Salt water sanitation is an acceptable alternative, but the discharge of salt water is prohibited to the street and sewer;
 - c. Highly chlorinated water from pools or spa shall be discharged to a sanitary sewer system or may be trucked to a publicly owned treatment works (POTW) for discharge.
65. The discharge of chlorinated pool water shall be prohibited.
66. The discharge of non-chlorinated pool water into streets, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters shall be prohibited.
67. Pursuant to M.M.C. Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Fencing and Walls

68. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
69. 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.

Site Specific Conditions

70. 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.

71. The maximum ceiling height of the mechanical room directly adjacent to the basement shall not exceed six feet.

Prior to Occupancy

72. 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.
73. Prior to Final Building inspection, the applicant shall provide the Public Works 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 Public Works Department shall approve the final Summary Report.
74. 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 Division 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 Manager, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
75. 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

76. 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 Division staff prior to final planning approval.
77. The property owner is required to execute and record a deed restriction against the title of the property. The studio and garage structure may not be converted into a second residential unit, nor can an interior kitchen or kitchenette be added at any time in the future as long a second residential unit or guest house exists on the property. The deed restriction shall state that no more than one 900 square foot second residential unit is permitted and at no time shall it be combined into one connected structure to the office using any method, including but not limited to a doorway, hallway, or stairway. Said document shall include the definitions of a second residential unit and guest house as defined by LIP Section 2.1 and shall be recorded with the Los Angeles County Recorder's Office. The applicant shall submit a copy of the recorded document to Planning Division staff.

Fixed Conditions

- 78. This coastal development permit shall run with the land and bind all future owners of the property.
- 79. 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 7th day of September 2010.

JOHN MAZZA, Planning Commission Chair

ATTEST:

JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.ci.malibu.ca.us, 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 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. 10-80 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 7th day of September 2010, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

JESSICA BLAIR, Recording Secretary

Aerial Photograph





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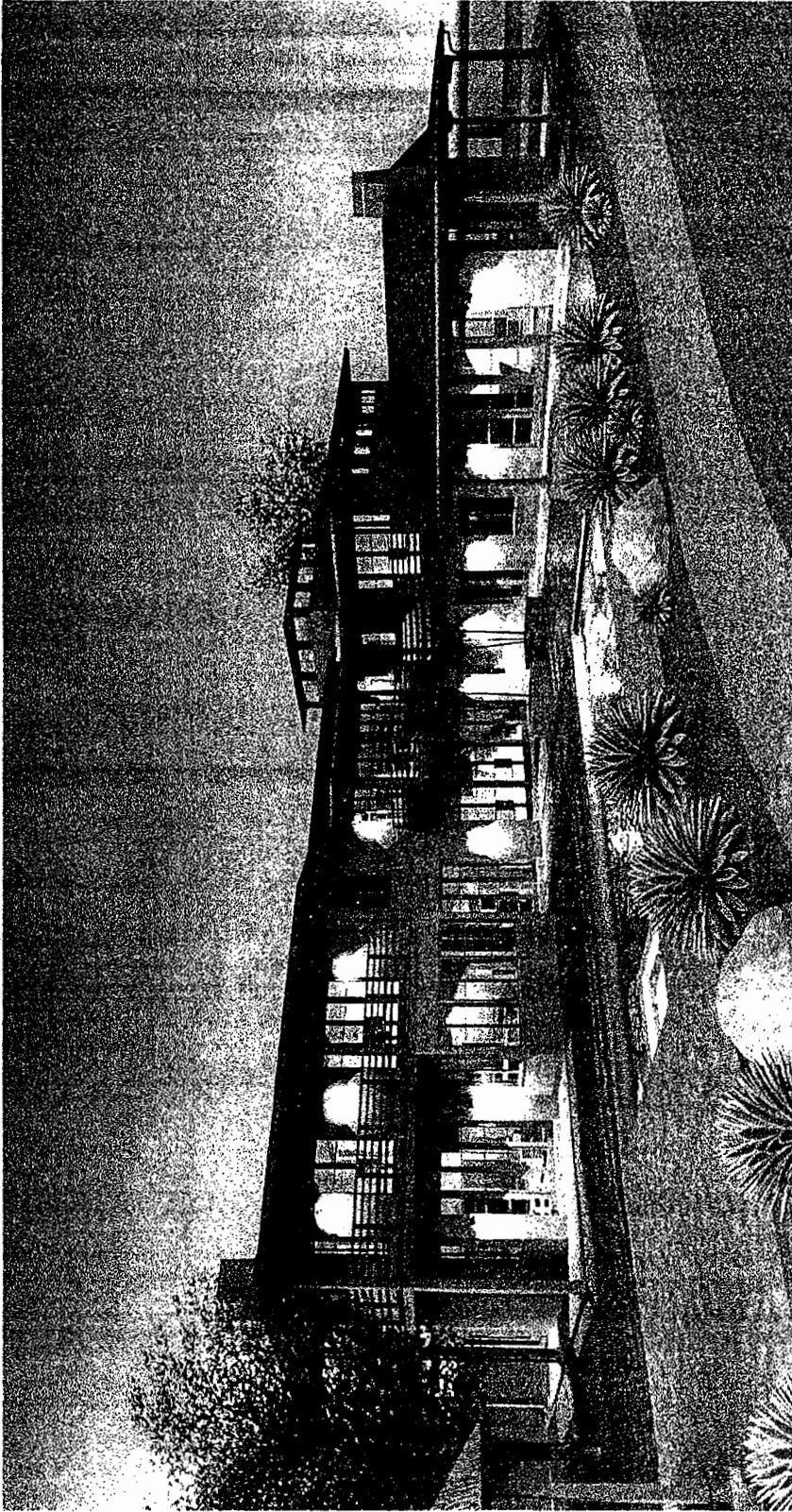
DATE: 06/21/10

REVISIONS

WILDLIFE RESIDENCE
6737 WILDLIFE RD
MALIBU, CA 90265

COVER SHEET

SHEET
T1



WILDLIFE RESIDENCE

RECEIVED

JUN 29 2010
PLANNING DIV.

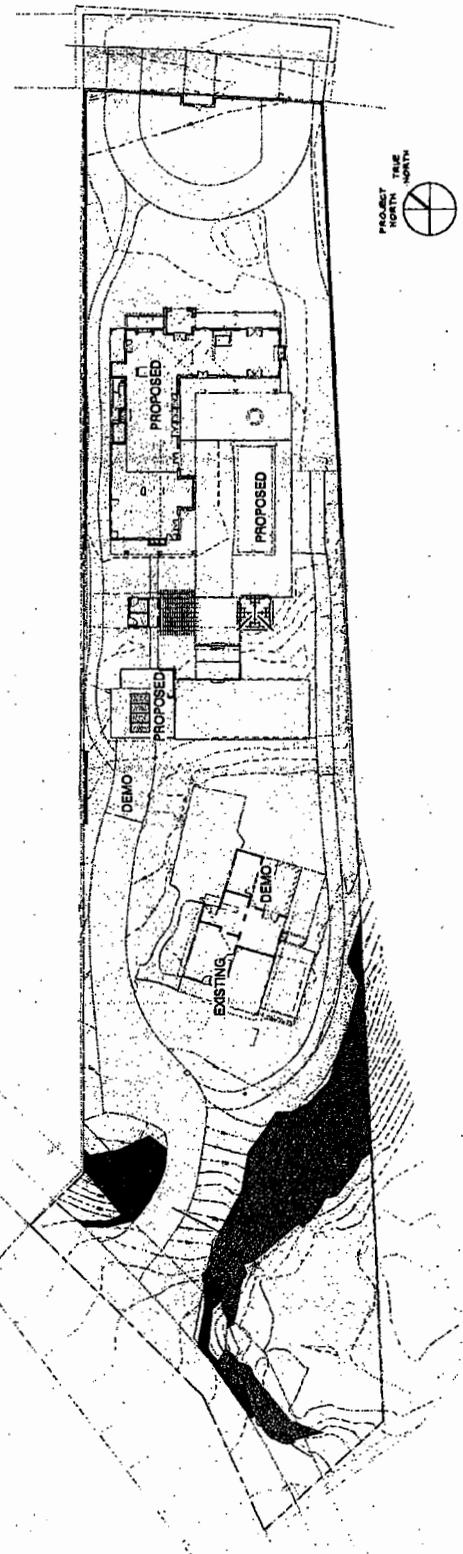


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WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

SLOPE ANALYSIS

SHEET
T5



SLOPE	AREA	MIN	MAX	SF
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99:1 to 100:1	0.00	0.00	0.00	0.00

1 SLOPE ANALYSIS
DATE: 08/27/10



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info@ramirezdesign.com

DATE: 08/21/10
REVISIONS:

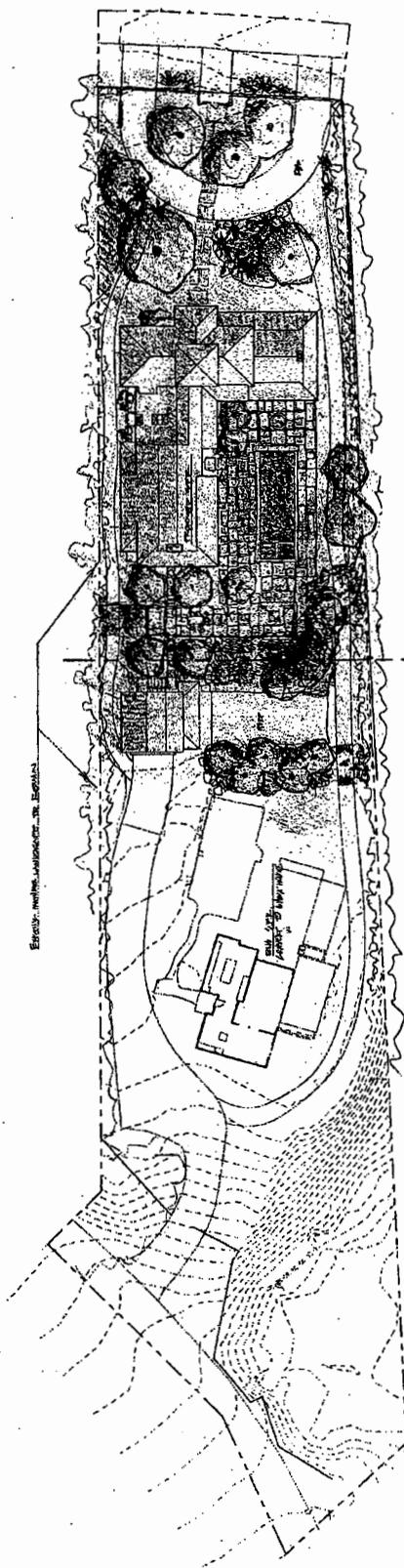
WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

LANDSCAPE PLAN -
OVERVIEW

SHEET
L1

LANDSCAPE NOTES

1. Irrigation system, as determined by the City of Malibu, are to be installed.
2. Plantings with a mature height of 10' (10' tall or greater) shall be situated on the property as an act to significantly obstruct the primary view from neighboring principal residences as any given time (given consideration of its future growth).
3. Native species of the Santa Monica mountains, over-stands of the Malibu area, shall be preserved. Plantings shall be selected for fire protection. Plants shall be selected to have a variety of rooting systems to stabilize the soil. Plantings shall be selected for their ability to be recommended by the Fire Department. Lawns are prohibited on slopes > 15%.
4. Slope planting measures such as contour planting and terracing or other techniques shall be incorporated on slopes to safeguard the fire safety of the landscape. For protection of the site, the landscape shall include comprehensive fire safety measures.



SEE SHEET L2 FOR MORE DETAIL

SEE SHEET L3 FOR MORE DETAIL

1 LANDSCAPE PLAN - OVERVIEW
SCALE: 3/4" = 1'-0"



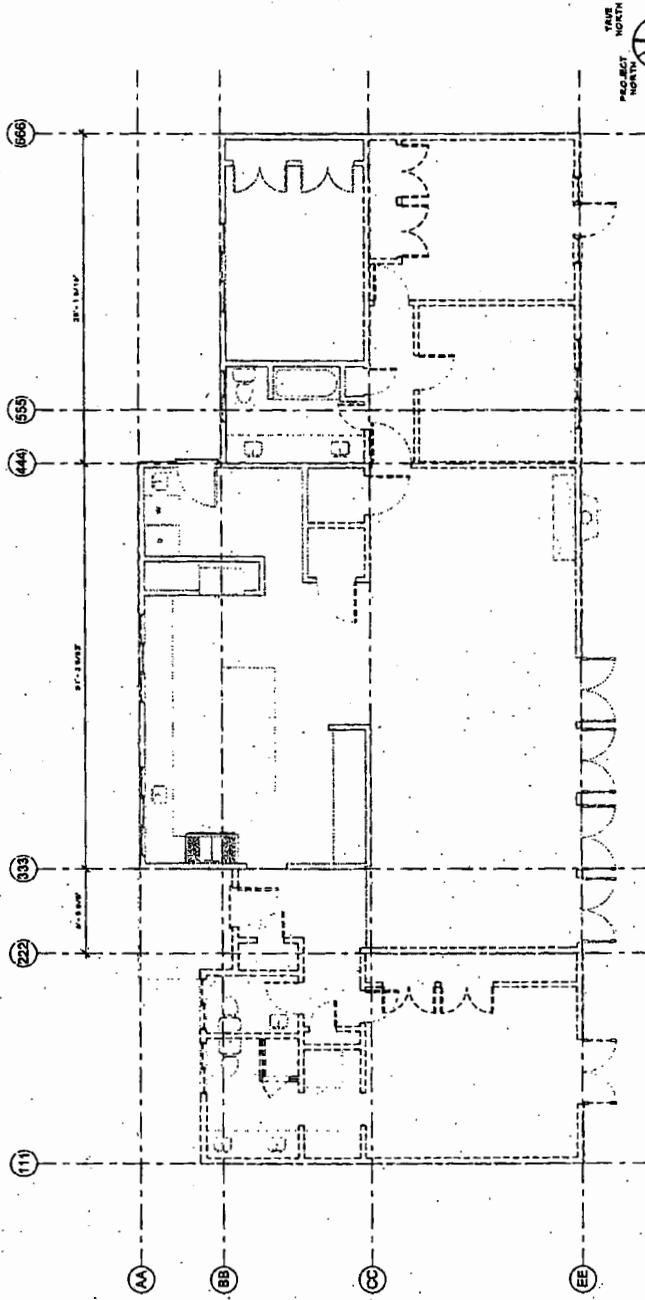
RAMIREZ
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FAX: 310.395.2194
info@ramirezdesign.com

DATE: 08/21/10
REVISIONS:

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MALIBU, CA 90265

**EXISTING HOUSE
DEMO PLAN**

SHEET
A1.0



LEGEND
 Existing wall to remain
 Wall to be demolished

1 EXISTING HOUSE DEMO PLAN
SCALE 3/4\"/>

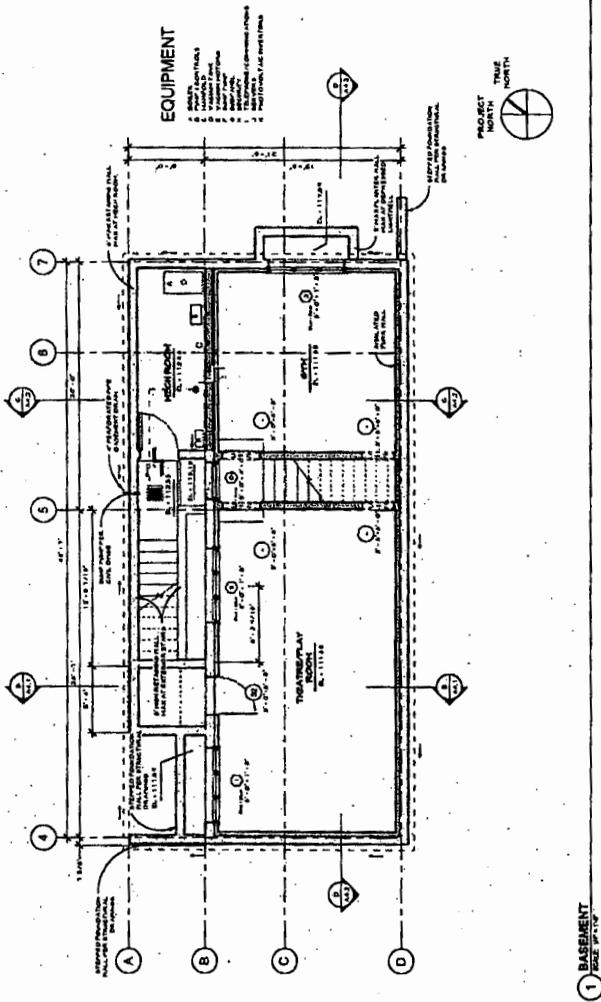


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BASEMENT

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A2.0
PLANNING DIV



NOTES:
1. SEE OTHER SHEETS FOR ALL DIMENSIONS AND FINISHES.
2. REFER TO ALL SHEETS FOR ALL DIMENSIONS AND FINISHES.



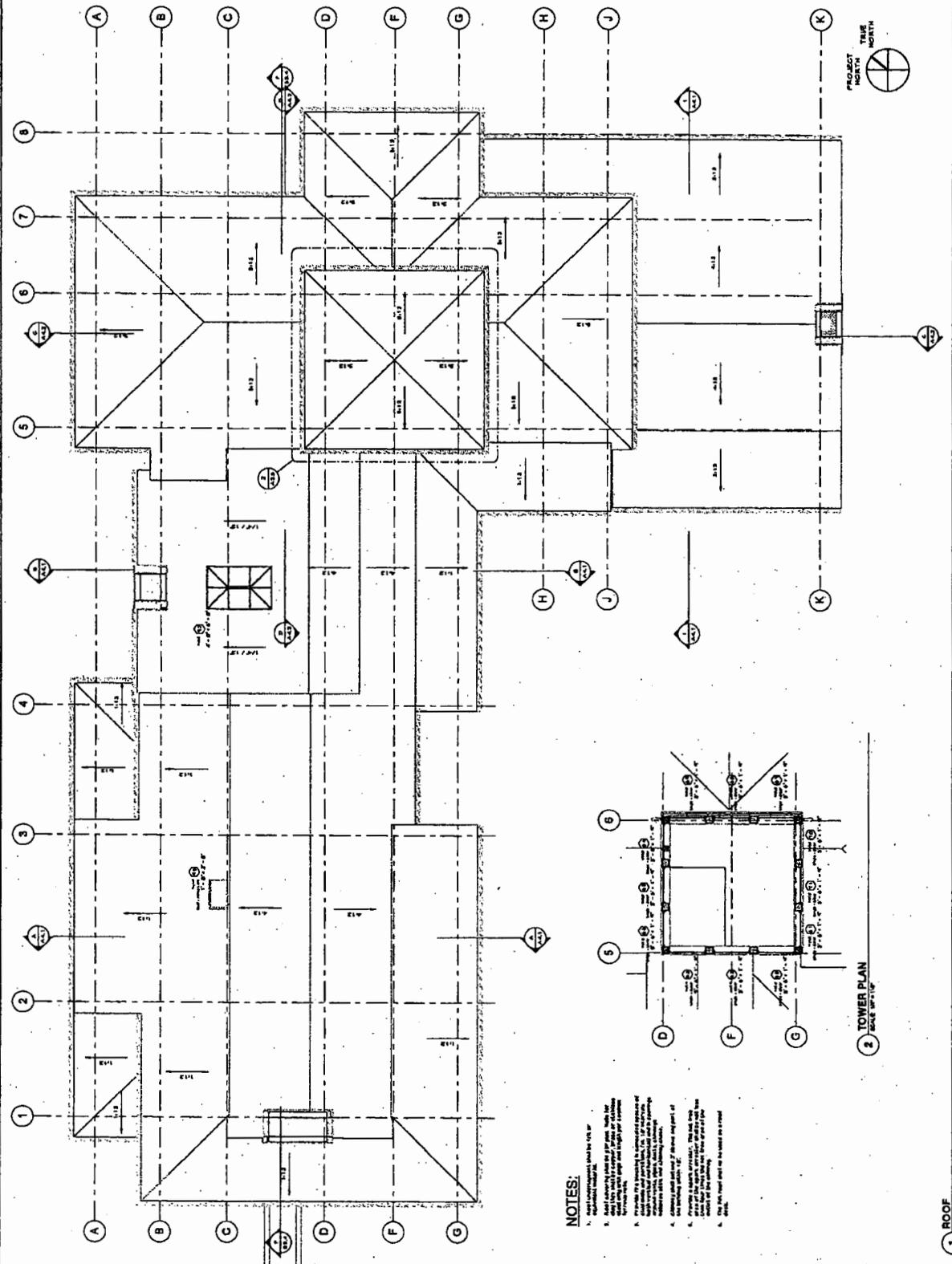
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6737 WILDLIFE RD.
MALIBU, CA 90265

ROOF PLAN

SHEET
A2.3



- NOTES:**
1. ROOF JOISTS SHALL BE 16\"/>
 - 2. ROOF TRUSSES SHALL BE 16\"/>
 - 3. ROOF TRUSSES SHALL BE 16\"/>
 - 4. ROOF TRUSSES SHALL BE 16\"/>
 - 5. ROOF TRUSSES SHALL BE 16\"/>
 - 6. ROOF TRUSSES SHALL BE 16\"/>
 - 7. ROOF TRUSSES SHALL BE 16\"/>
 - 8. ROOF TRUSSES SHALL BE 16\"/>

1 ROOF
SCALE 1/4\"/>



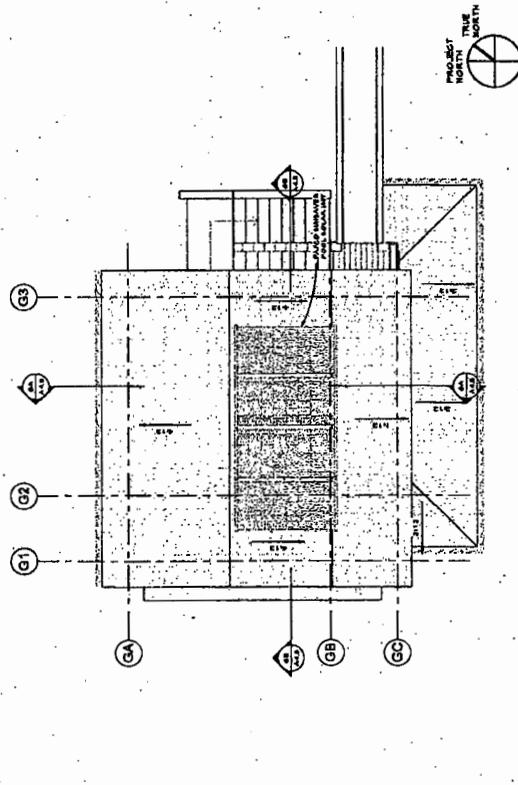
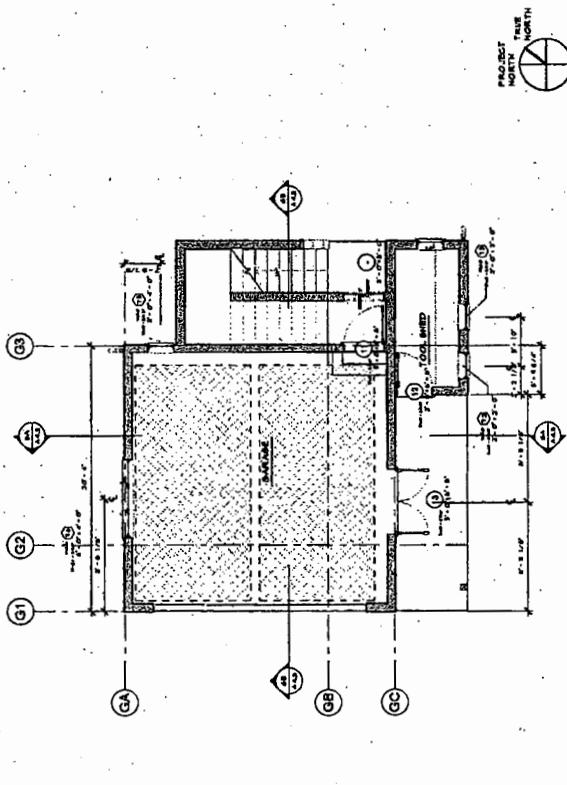
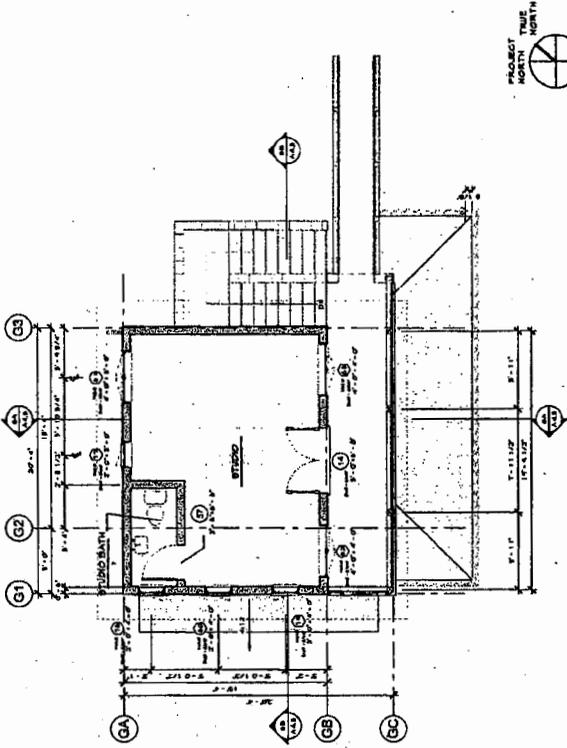
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MALIBU, CA 90265

GARAGE / STUDIO
PLAN

SHEET
A2.4





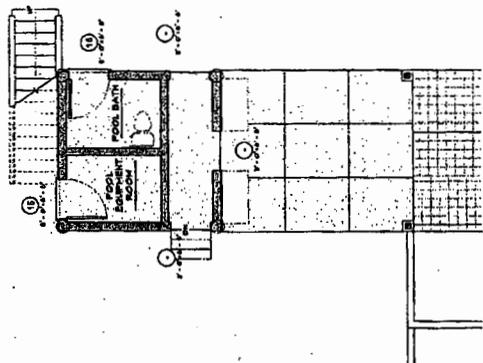
RAMIREZ
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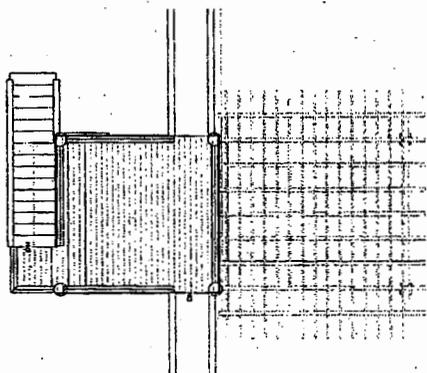
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6737 WILDLIFE RD.
MALIBU, CA 90265

**POOL EQUIPMENT
PLANS**

SHEET
A2.5



2 POOL EQUIPMENT ROOM PLAN
SCALE: 1/4" = 1'-0"



1 POOL EQUIPMENT DECK PLAN
SCALE: 1/4" = 1'-0"



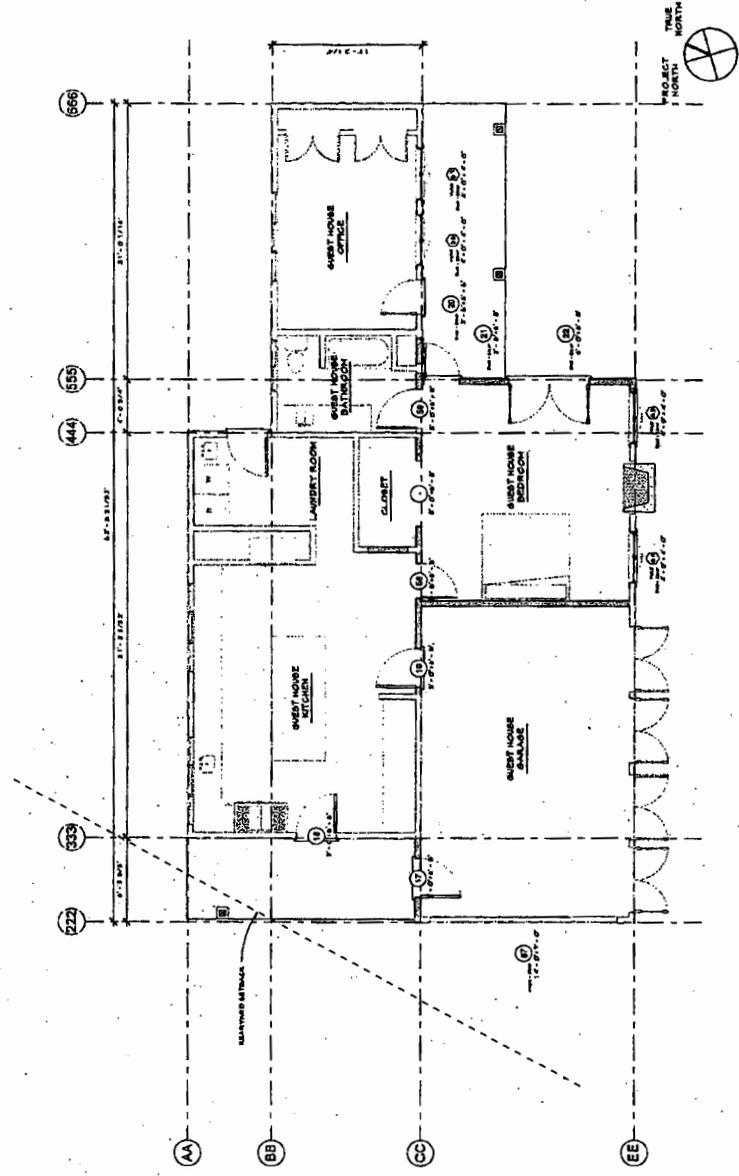
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DATE: 08/21/10
REVISIONS:

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MALIBU, CA 90265

GUEST HOUSE PLAN

SHEET
A2.6



LEGEND

① New 200 wall
② Existing wall - perpendicular
③ Existing wall - parallel
④ Door 14' - 0" x 8' 0" - see schedule for details
⑤ Door 14' - 0" x 6' 0" - see schedule for details
⑥ Window 14' - 0" x 8' 0" - see schedule for details
⑦ Window 14' - 0" x 6' 0" - see schedule for details

1 GUEST HOUSE PLAN
DATE: 08/21/10

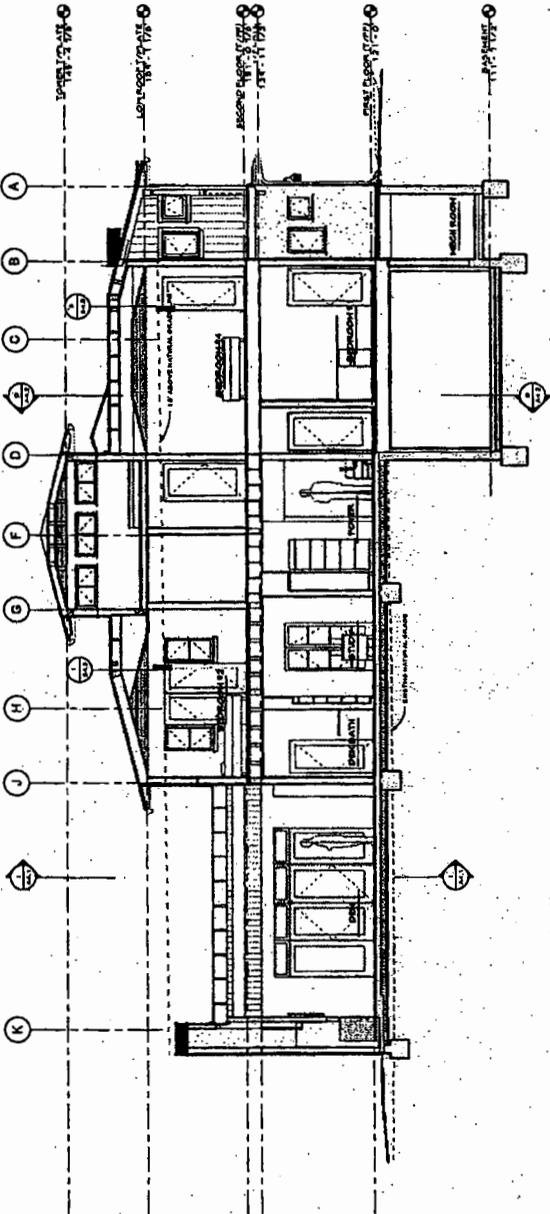


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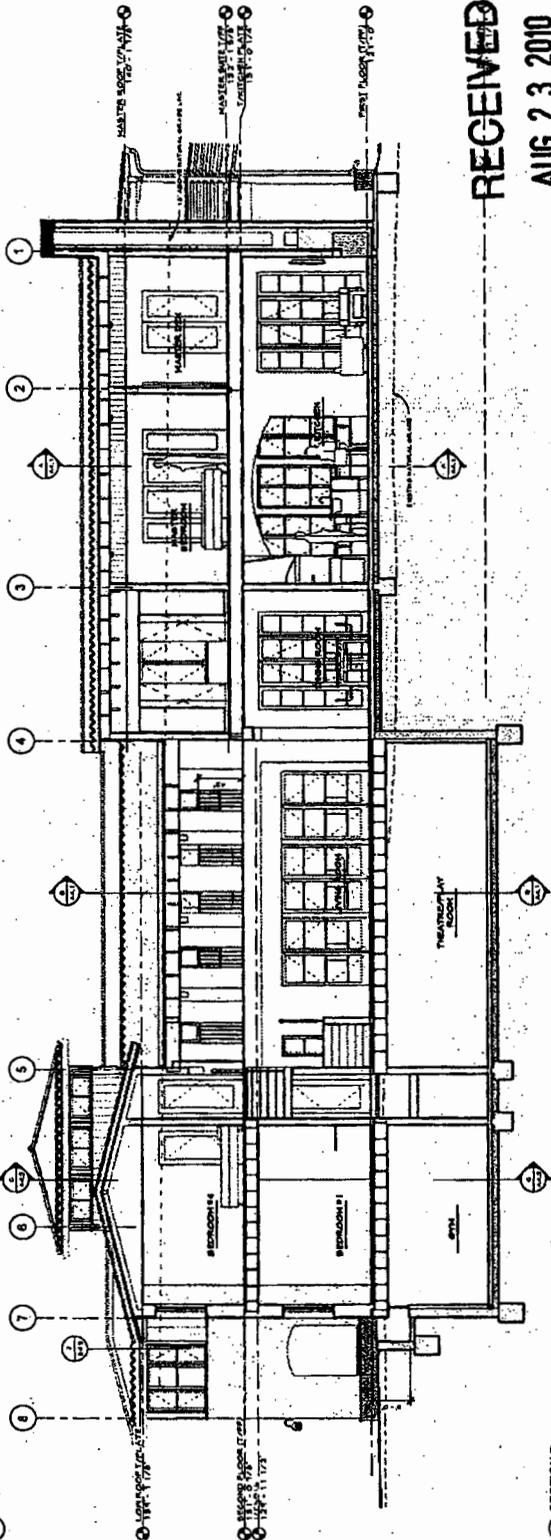
WILDLIFE RESIDENCE
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MALIBU, CA 90265

HOUSE ARCH
SECTIONS

SHEET
A4.2



SECTION C
SCALE 1/8" = 1'-0"



SECTION D
SCALE 1/8" = 1'-0"

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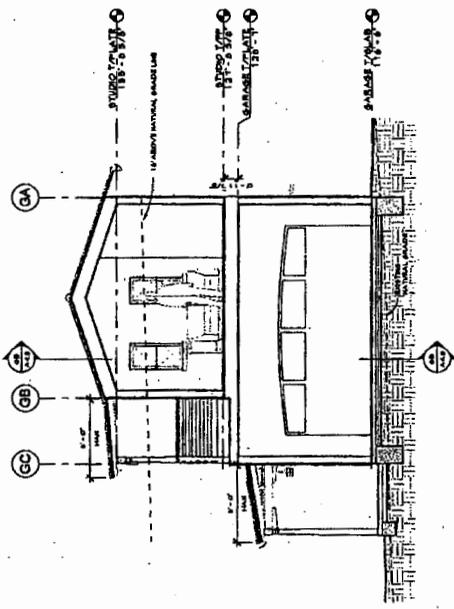
RAMIREZ
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38 SANTA MONICA, CA 90403
TEL: (310) 395-2822
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DATE: 08/21/10
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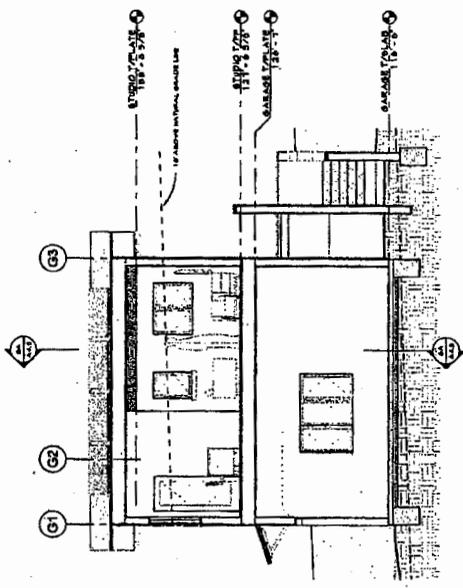
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GARAGE ARCH.
SECTIONS

SHEET
A4.3



SECTION 0A
SCALE 1/8" = 1'-0"



SECTION 0B
SCALE 1/8" = 1'-0"



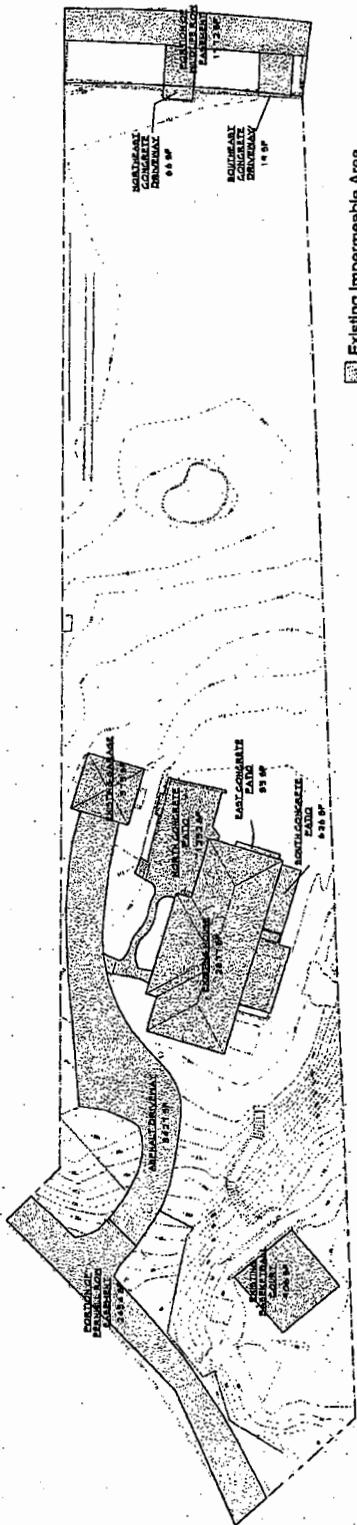
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REVISIONS:

WILDLIFE RESIDENCE
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IMPERMEABLE AREAS & HYDROLOGY

SHEET
C2

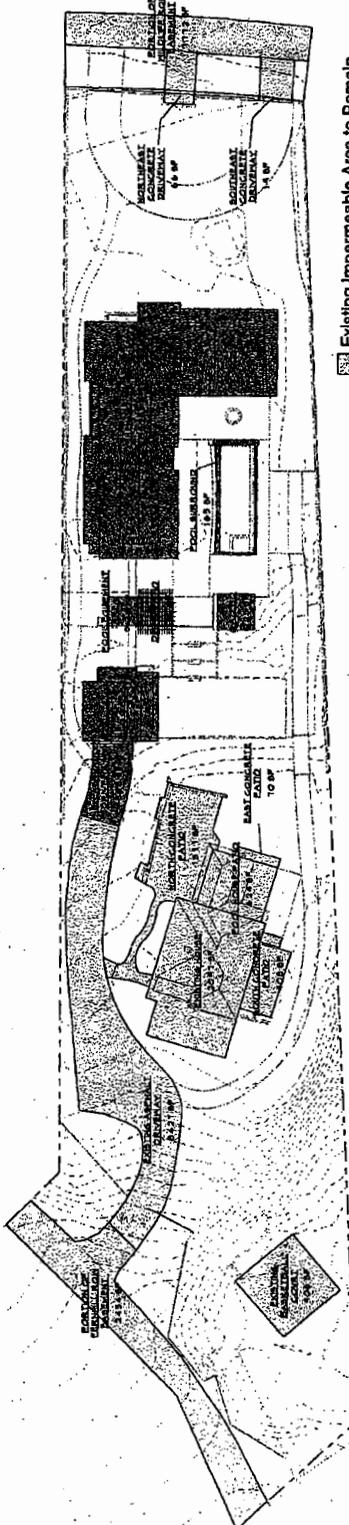


Existing Impermeable Area

1 EXISTING IMPERMEABLE AREAS
SCALE: 3/4" = 1'-0"

IMPERMEABLE AREAS - EXISTING (NET)		IMPERMEABLE AREAS - PROPOSED (NET)	
ASPHALT DRIVEWAY	927 SF	ASPHALT DRIVEWAY	927 SF
EXISTING HOUSE	207 SF	EXISTING HOUSE	207 SF
NORTH CONCRETE PATIO	153 SF	NORTH CONCRETE PATIO	153 SF
EXISTING BASKETBALL COURT	68 SF	EXISTING BASKETBALL COURT	68 SF
EXISTING GARAGE	57 SF	EXISTING GARAGE	57 SF
NORTH-EAST CONCRETE DRIVEWAY	86 SF	NORTH-EAST CONCRETE DRIVEWAY	86 SF
EAST CONCRETE PATIO	35 SF	EAST CONCRETE PATIO	35 SF
SOUTH CONCRETE DRIVEWAY	18 SF	SOUTH CONCRETE DRIVEWAY	18 SF
TOTAL	1,601 SF	TOTAL	1,601 SF
	(14.0% OF NET LOT AREA)		(14.0% OF NET LOT AREA)

HYDROLOGY CALCULATIONS:
REFERENCES: Los Angeles County Department of Public Works Hydrology Manual
 Los Angeles County Department of Public Works Reclamation Manual
 Hydrology Manual Part One - 1.41, 1.4
 100 Year Average S.F. = 1.722 = 7.28 in (per 1998 S.F. of Hydrology Manual)
 100 Year Average S.F. = 1.722 = 7.28 in (per 1998 S.F. of Hydrology Manual)
 Soil Number: 34
 Silt Number: 10
 Bedrock: None - 1.37
 Data Production Date: 4-11-08
 Percent Impervious: 20% (based on development)
 Percent Impervious: 10% (based on development)
 Let to greater than 10% imperviousness and therefore does not require storm calculations per Hydrology Manual Pt. 8.
 CDD = 3.85 in (Imperviousness)
 CDD = 4.0 in (non-development)
 Q100 = 4.43 cfs (Imperviousness)
 Q100 = 4.81 cfs (non-development)



Existing Impermeable Area to Remain
New Impermeable Area

2 PROPOSED IMPERMEABLE AREAS
SCALE: 3/4" = 1'-0"



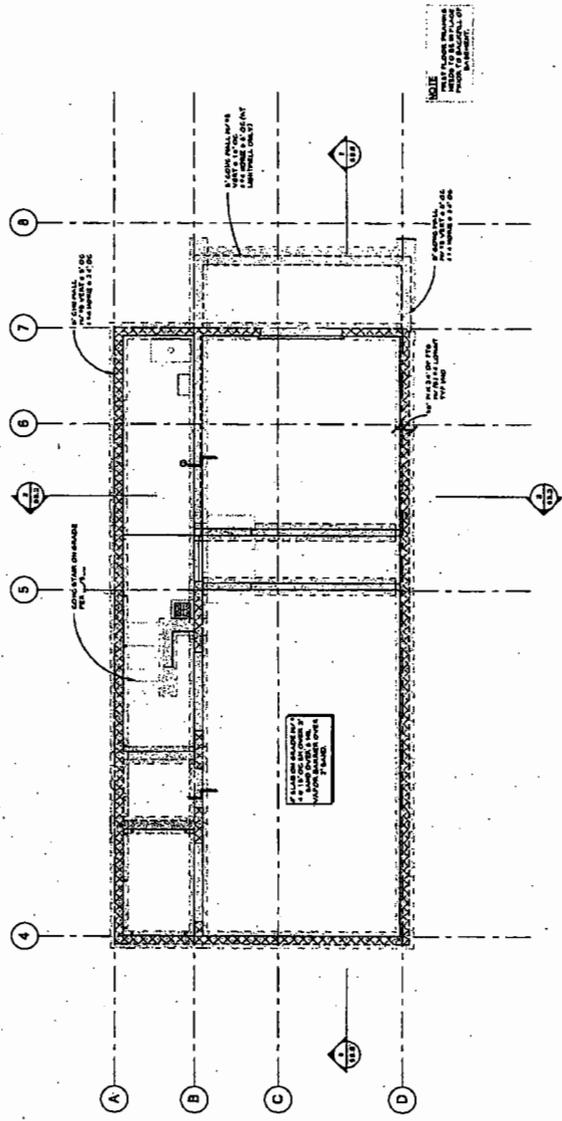
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42 ALTA AVE.
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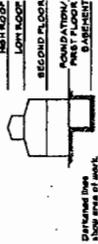
WILDLIFE RESIDENCE
6737 WILDLIFE RD.
MALIBU, CA 90265

**STRUCTURAL
BASEMENT
FOUNDATION PLAN**

SHEET
S2.0



1 BASEMENT FOUNDATION PLAN
SCALE: 3/8" = 1'-0"



FOUNDATION NOTES

1. Verify all dimensions and elevations with the architect prior to construction.
2. All foundation walls shall be constructed with 12" thick concrete with #4 rebar. All foundation walls shall be finished with a 1/2" thick concrete finish.
3. All foundation walls shall be finished with a 1/2" thick concrete finish.
4. All foundation walls shall be finished with a 1/2" thick concrete finish.
5. All foundation walls shall be finished with a 1/2" thick concrete finish.
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20. All foundation walls shall be finished with a 1/2" thick concrete finish.



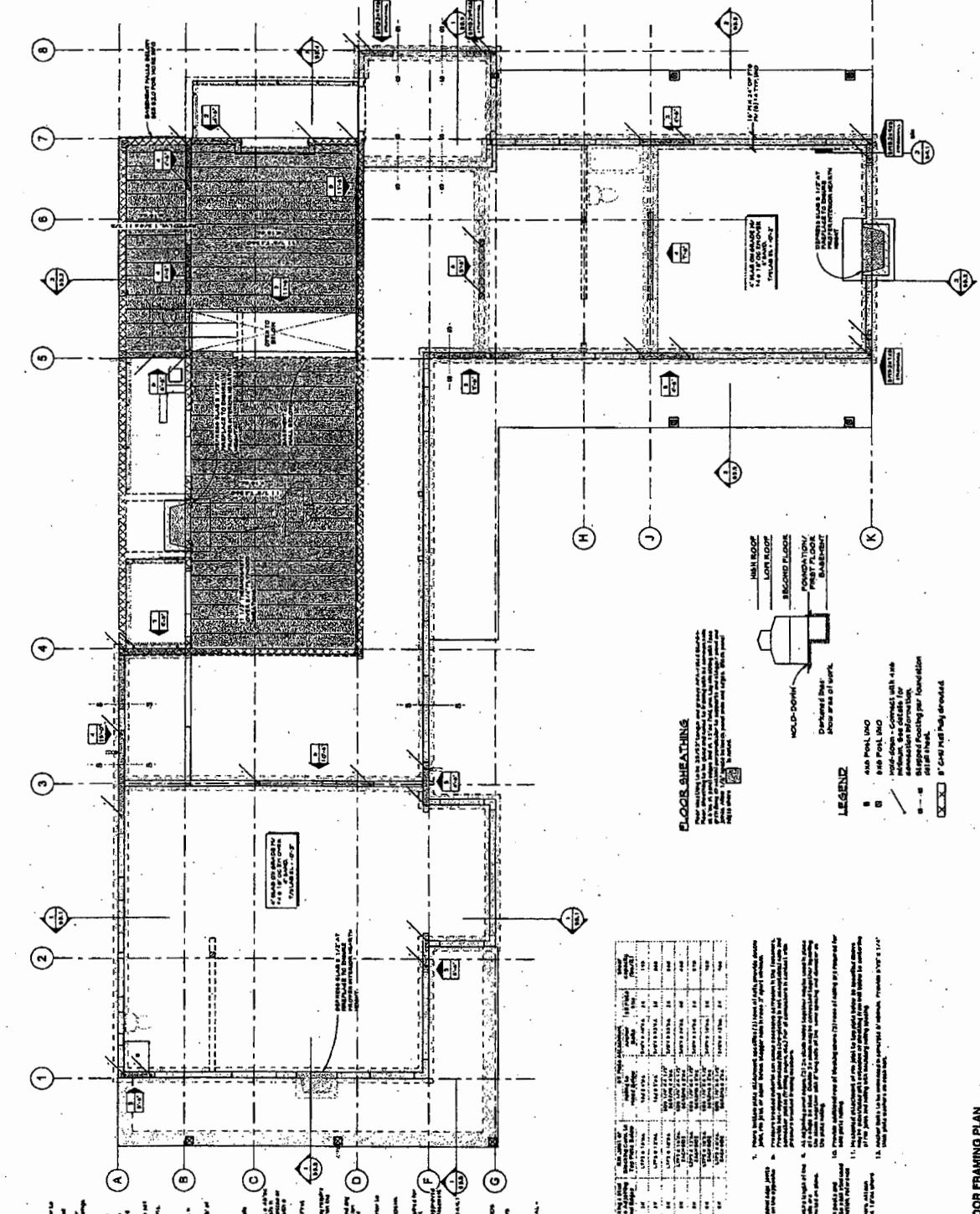
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 Email: ramirez@ramirezdesign.com

DATE: 06/21/10
 REVISIONS:

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 6737 WILDLIFE RD.
 MALIBU, CA 90265

STRUCTURAL FIRST FLOOR FRAMING / FOUNDATION PLAN

SHEET
S2.1



FOUNDATION NOTES

1. Verify all dimensions and elevations with the contractor.
2. All foundation walls shall be constructed with 12" concrete masonry units (CMU) with a minimum compressive strength of 1500 psi. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
3. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
4. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
5. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
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27. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
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29. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.
30. All foundation walls shall be finished with a minimum 1/2" thick concrete finish.

SEPAR WALL SCHEDULE

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	12" CMU WALL	100	LF	10.00	1000.00
2	12" CMU WALL	200	LF	10.00	2000.00
3	12" CMU WALL	300	LF	10.00	3000.00
4	12" CMU WALL	400	LF	10.00	4000.00
5	12" CMU WALL	500	LF	10.00	5000.00
6	12" CMU WALL	600	LF	10.00	6000.00
7	12" CMU WALL	700	LF	10.00	7000.00
8	12" CMU WALL	800	LF	10.00	8000.00
9	12" CMU WALL	900	LF	10.00	9000.00
10	12" CMU WALL	1000	LF	10.00	10000.00

LEGEND

- 1. 4" x 8" FLOOR JOIST
- 2. 8" x 8" FLOOR JOIST
- 3. 12" x 12" FLOOR JOIST
- 4. 16" x 16" FLOOR JOIST
- 5. 20" x 20" FLOOR JOIST
- 6. 24" x 24" FLOOR JOIST
- 7. 30" x 30" FLOOR JOIST
- 8. 36" x 36" FLOOR JOIST
- 9. 42" x 42" FLOOR JOIST
- 10. 48" x 48" FLOOR JOIST
- 11. 54" x 54" FLOOR JOIST
- 12. 60" x 60" FLOOR JOIST
- 13. 66" x 66" FLOOR JOIST
- 14. 72" x 72" FLOOR JOIST
- 15. 78" x 78" FLOOR JOIST
- 16. 84" x 84" FLOOR JOIST
- 17. 90" x 90" FLOOR JOIST
- 18. 96" x 96" FLOOR JOIST
- 19. 102" x 102" FLOOR JOIST
- 20. 108" x 108" FLOOR JOIST
- 21. 114" x 114" FLOOR JOIST
- 22. 120" x 120" FLOOR JOIST
- 23. 126" x 126" FLOOR JOIST
- 24. 132" x 132" FLOOR JOIST
- 25. 138" x 138" FLOOR JOIST
- 26. 144" x 144" FLOOR JOIST
- 27. 150" x 150" FLOOR JOIST
- 28. 156" x 156" FLOOR JOIST
- 29. 162" x 162" FLOOR JOIST
- 30. 168" x 168" FLOOR JOIST
- 31. 174" x 174" FLOOR JOIST
- 32. 180" x 180" FLOOR JOIST
- 33. 186" x 186" FLOOR JOIST
- 34. 192" x 192" FLOOR JOIST
- 35. 198" x 198" FLOOR JOIST
- 36. 204" x 204" FLOOR JOIST
- 37. 210" x 210" FLOOR JOIST
- 38. 216" x 216" FLOOR JOIST
- 39. 222" x 222" FLOOR JOIST
- 40. 228" x 228" FLOOR JOIST
- 41. 234" x 234" FLOOR JOIST
- 42. 240" x 240" FLOOR JOIST
- 43. 246" x 246" FLOOR JOIST
- 44. 252" x 252" FLOOR JOIST
- 45. 258" x 258" FLOOR JOIST
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- 47. 270" x 270" FLOOR JOIST
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- 50. 288" x 288" FLOOR JOIST
- 51. 294" x 294" FLOOR JOIST
- 52. 300" x 300" FLOOR JOIST
- 53. 306" x 306" FLOOR JOIST
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- 55. 318" x 318" FLOOR JOIST
- 56. 324" x 324" FLOOR JOIST
- 57. 330" x 330" FLOOR JOIST
- 58. 336" x 336" FLOOR JOIST
- 59. 342" x 342" FLOOR JOIST
- 60. 348" x 348" FLOOR JOIST
- 61. 354" x 354" FLOOR JOIST
- 62. 360" x 360" FLOOR JOIST
- 63. 366" x 366" FLOOR JOIST
- 64. 372" x 372" FLOOR JOIST
- 65. 378" x 378" FLOOR JOIST
- 66. 384" x 384" FLOOR JOIST
- 67. 390" x 390" FLOOR JOIST
- 68. 396" x 396" FLOOR JOIST
- 69. 402" x 402" FLOOR JOIST
- 70. 408" x 408" FLOOR JOIST
- 71. 414" x 414" FLOOR JOIST
- 72. 420" x 420" FLOOR JOIST
- 73. 426" x 426" FLOOR JOIST
- 74. 432" x 432" FLOOR JOIST
- 75. 438" x 438" FLOOR JOIST
- 76. 444" x 444" FLOOR JOIST
- 77. 450" x 450" FLOOR JOIST
- 78. 456" x 456" FLOOR JOIST
- 79. 462" x 462" FLOOR JOIST
- 80. 468" x 468" FLOOR JOIST
- 81. 474" x 474" FLOOR JOIST
- 82. 480" x 480" FLOOR JOIST
- 83. 486" x 486" FLOOR JOIST
- 84. 492" x 492" FLOOR JOIST
- 85. 498" x 498" FLOOR JOIST
- 86. 504" x 504" FLOOR JOIST
- 87. 510" x 510" FLOOR JOIST
- 88. 516" x 516" FLOOR JOIST
- 89. 522" x 522" FLOOR JOIST
- 90. 528" x 528" FLOOR JOIST
- 91. 534" x 534" FLOOR JOIST
- 92. 540" x 540" FLOOR JOIST
- 93. 546" x 546" FLOOR JOIST
- 94. 552" x 552" FLOOR JOIST
- 95. 558" x 558" FLOOR JOIST
- 96. 564" x 564" FLOOR JOIST
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- 99. 582" x 582" FLOOR JOIST
- 100. 588" x 588" FLOOR JOIST
- 101. 594" x 594" FLOOR JOIST
- 102. 600" x 600" FLOOR JOIST
- 103. 606" x 606" FLOOR JOIST
- 104. 612" x 612" FLOOR JOIST
- 105. 618" x 618" FLOOR JOIST
- 106. 624" x 624" FLOOR JOIST
- 107. 630" x 630" FLOOR JOIST
- 108. 636" x 636" FLOOR JOIST
- 109. 642" x 642" FLOOR JOIST
- 110. 648" x 648" FLOOR JOIST
- 111. 654" x 654" FLOOR JOIST
- 112. 660" x 660" FLOOR JOIST
- 113. 666" x 666" FLOOR JOIST
- 114. 672" x 672" FLOOR JOIST
- 115. 678" x 678" FLOOR JOIST
- 116. 684" x 684" FLOOR JOIST
- 117. 690" x 690" FLOOR JOIST
- 118. 696" x 696" FLOOR JOIST
- 119. 702" x 702" FLOOR JOIST
- 120. 708" x 708" FLOOR JOIST
- 121. 714" x 714" FLOOR JOIST
- 122. 720" x 720" FLOOR JOIST
- 123. 726" x 726" FLOOR JOIST
- 124. 732" x 732" FLOOR JOIST
- 125. 738" x 738" FLOOR JOIST
- 126. 744" x 744" FLOOR JOIST
- 127. 750" x 750" FLOOR JOIST
- 128. 756" x 756" FLOOR JOIST
- 129. 762" x 762" FLOOR JOIST
- 130. 768" x 768" FLOOR JOIST
- 131. 774" x 774" FLOOR JOIST
- 132. 780" x 780" FLOOR JOIST
- 133. 786" x 786" FLOOR JOIST
- 134. 792" x 792" FLOOR JOIST
- 135. 798" x 798" FLOOR JOIST
- 136. 804" x 804" FLOOR JOIST
- 137. 810" x 810" FLOOR JOIST
- 138. 816" x 816" FLOOR JOIST
- 139. 822" x 822" FLOOR JOIST
- 140. 828" x 828" FLOOR JOIST
- 141. 834" x 834" FLOOR JOIST
- 142. 840" x 840" FLOOR JOIST
- 143. 846" x 846" FLOOR JOIST
- 144. 852" x 852" FLOOR JOIST
- 145. 858" x 858" FLOOR JOIST
- 146. 864" x 864" FLOOR JOIST
- 147. 870" x 870" FLOOR JOIST
- 148. 876" x 876" FLOOR JOIST
- 149. 882" x 882" FLOOR JOIST
- 150. 888" x 888" FLOOR JOIST
- 151. 894" x 894" FLOOR JOIST
- 152. 900" x 900" FLOOR JOIST
- 153. 906" x 906" FLOOR JOIST
- 154. 912" x 912" FLOOR JOIST
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- 394. 2352

Story Pole Photographs



Taken onsite



View from Wildlife Road



FILE

City of Malibu

23815 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 317-1950

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu City Biologist DATE: 3/10/2010

FROM: City of Malibu Planning Department

PROJECT NUMBER: SPR 10-006, DP 10-011, CDP 10-009

JOB ADDRESS: 6768 FERNHILL DR

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 Part of ESFR, NSFR, NOWTS, Npool

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 5/06/10

Additional requirements/conditions may be imposed upon review of plan revisions.
Dave Crawford City Biologist, may be contacted Monday and Thursday between 8:00 am and 12:30 pm at the City Hall Annex counter, by leaving an e-mail at dcrawford@ci.malibu.ca.us, or by leaving a detailed voice message at (310) 456-2489, extension 277

City of Malibu

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

Planning Department

BIOLOGICAL REVIEW

Site Address: 6768 Fernhill Drive
Applicant/Phone: Robert Ramirez/(310)395-2192
Project Type: Demo part of ESRF, NSFR, NOWTS, Npool
Project Number: CDP 10-009
Project Planner: Ha Ly

RECOMMENDATIONS:

1. The project is **APPROVED** with the following conditions:
 - A. The proposed landscaping totals less than 5,000 square feet as submitted. As such, the Landscape Water Conservation Ordinance does not apply. If the applicant intends to plant any area beyond that which is approved, the entire new landscape area will require compliance with the LWCO.
 - B. Invasive plant species, as determined by the City of Malibu, are prohibited.
 - C. Vegetation with a mature height of six (6) feet or greater shall be situated on the property so as not to significantly obstruct the primary view from neighboring principal residence at any given time (given consideration of its future growth).
 - D. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.
 - E. Prior to final Planning Approval, please provide final Fuel Modification Plan Approval from the Los Angeles County Fire Department. The plan shall balance the Department's landscape and fuel modification requirements with the need to preserve native vegetation on slopes and in sensitive resource areas. The fuel modification notes for any areas of native vegetation should be site-specific and appropriate to the plant species present on site. Fuel load shall be reduced by removing or thinning non-native species prior to impacting native species.

Reviewed By: _____

Dave Crawford, City Biologist

310-456-2489 ext.277 (City of Malibu); e-mail dcrawford@ci.malibu.ca.us

Available at Planning Counter Mondays and Thursdays 8:30 a.m. to 12:30 p.m.

Date: 5/06/10



HL

City of Malibu

23815 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: 3/10/2010

FROM: Planning Division

PROJECT NUMBER: SPR 10-006, DP 10-011, CDP 10-009

JOB ADDRESS: ~~6768 FERNHILL DR~~ 6737 WILDLIFE

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 Part of ESRF, NSFR, NOWTS, Npool

To: Malibu Planning Division

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.

Ely L. King
SIGNATURE

3/23/10
DATE



City of Malibu

MEMORANDUM

To: Planning Division

From: Public Works Department
Elroy Kiepke, Plan Reviewer

Date: March 23, 2010

Re: Proposed Conditions of Approval for 6768 Fernhill Dr., CDP 10-009

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 and the City's Municipal Code can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

- 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 storm water runoff directly to the ASBS. The applicant shall provide a drainage system that accomplishes the following:
 - Retains all non-storm water runoff on the property without discharge to the ASBS.
 - Maintains the natural water quality within the ASBS by treating storm runoff for pollutants in residential storm runoff that would cause a degradation of Ocean water quality in the ASBS. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
- This project proposes to construct improvements within the Public Street 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.
- 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

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- 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.
- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
 - 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.
- A Wet Weather Erosion and Sediment control plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
 - Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures.
 - Location and sizing criteria for silt basins, sandbag barriers, and silt fencing.
 - Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.
 - A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading permits for the project. This plan shall include:
 - Dust Control Plan for the management of fugitive dust during extended periods without rain.
 - Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff.
 - Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset.
 - 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.
 - Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within section 17.3.2.B.2.
 - A Water Quality Mitigation Plan (WQMP) is required for this project. This document is also commonly known as a Standard Urban Storm water Management Plan (SUSMP). 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 following elements shall be included within the WQMP:
 - Site Design Best Management Practices (BMP's) Page 286-7 LCP
 - Source Control BMP's Page 287 LCP
 - Treatment Control BMP's Page 287-8 LCP
 - Drainage Improvements
 - Methods for on-site percolation, site re-vegetation and an analysis for off-site project impacts.
 - Measures to treat and infiltrate runoff from impervious areas.
 - A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.



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- 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 (SUSMP) shall be submitted to the Building and Safety Public Counter 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. 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 the Building plans for the project.
- A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.
 - Geology and Geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.
 - **POOLS, SPAS OR DECORATIVE WATER FEATURES**
The discharge of the water contained in a Pool, spa and decorative water feature such as a fountain or fish pond is an illegal discharge unless it is discharged to a sanitary sewer system. Malibu has limited sewers available so it is likely that your property cannot legally discharge the contents of the proposed pool or spa to the street without violating the Clean Water Act or the Malibu Water Quality Ordinance. Provide information on the plans regarding the type of sanitation that you propose to use for this installation. A 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)"** shall be posted in the filtration and/or pumping equipment area for the property.
 - Ozonization systems are an acceptable alternative to Chlorine. The release of clear water from this system is permitted to either landscaping or sanitary sewer.
 - Salt water sanitation is an acceptable alternative, but the discharge of the salt water is prohibited to both sewer systems and landscape.
 - Highly chlorinated water from pools or spas shall be discharged to a public sewer or may be trucked to a POTW for discharge.

WASTE MANAGEMENT FOR CONSTRUCTION SITES

The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. The following projects shall comply with the following conditions:

1. All new construction (residential and nonresidential)
2. Demolition (non-residential and apartment houses with 3 or more units)
3. Addition/Alteration with construction valuation of \$50,000 or more.



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- 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. Prior to the issuance of a building/demolition permit, a Waste Reduction and Recycling Plan (WRRP) shall be submitted to the Public Works Department for review and approval. The WRRP shall indicate means and measures for a minimum of 50% diversion Goal.
- Prior to the issuance of the Certificate of Occupancy, the applicant shall provide the Public Works 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 Public Works Department shall approve the final Summary Report.

PUBLIC WORKS DEPARTMENT GENERAL NOTES

1. All work within public streets or public easements shown on these plans shall be constructed in accordance with the current Edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book."
2. Contractors shall comply with all applicable Division of Industrial Regulations (Cal-OSHA) safety standards. If requested by the Inspector, the Contractor shall provide proof of a permit from said division.
3. Contractor shall call the Public Works Inspector at (310) 456-2489, ext. 235 for Pre-Construction Meeting prior to the commencement of any construction or grading operations. Contractor shall notify the City Public Works Inspector 48 hours prior to commencing any construction and 24 hours in advance of specific inspection needs during the course of the work.
4. Storage of any construction materials, construction trailer, and/or parking and any work within the City public right of way shall require a City Encroachment Permit. Call the Public Works Inspector at (310) 456-2489, ext. 235 to apply for a permit.
5. Storage of any construction materials, construction trailer, and/or parking and any work within the Caltrans public right of way shall require a Caltrans Encroachment Permit. Submit a copy of the Caltrans Encroachment Permit to the Public Works Department.
6. All work shall be performed during City working hours and in compliance with these plans.
7. Contractor shall verify all conditions and dimensions and shall report any discrepancies to the Engineer prior to the commencement of any work.
8. Contractor shall locate, protect, and save any and all survey monuments that will be or may be damaged or destroyed by their operations. Once found, the Contractor



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shall then notify both the developer's supervising Civil Engineer and the Public Works Inspector. The supervising Civil Engineer shall reset all said monuments per the requirements of the Professional Land Surveyor's Act.

9. The Contractor shall be responsible for protecting all public and private property insofar as it may be affected by these operations.
10. Existing traffic signs are not to be removed without prior notification and approval of the City Engineer. As a minimum, construction work zone traffic signs and striping shall be furnished, installed, and maintained in accordance with the "Work Area Traffic Control Handbook" (the "WATCH Manual"), published by BNI Building News, Inc. The City may require a Traffic Control Plan, prepared by the developer.
11. Dust control shall be maintained at all times.
12. Erosion Control Plans shall be provided for all projects. Grading and clearing is prohibited from November 1 to March 31 for all developments within or adjacent to ESHA and/or including grading on slopes greater than 4:1.
13. All underground utilities and service laterals shall be installed prior to construction of curbs, gutters, sidewalks, and paving unless otherwise permitted by the City Engineer.
14. The Developer shall comply with NPDES requirements. The Storm Water Pollution Prevention Plan (SWPPP) shall be available at the construction site at all times and shall be kept updated.
15. All recommendations made by the Geotechnical/Soils Engineer (and Engineering Geologist, where employed), and contained in the reports referenced hereon, as approved or conditioned by the City, shall be considered a part of the Grading Plan.
16. All storm drain pipe within the public right-of-way and easements shall be reinforced concrete pipe (RCP).
17. Terrace drains, interceptor drains, and down drains shall be constructed of 3" P.C.C. reinforced with 6"x6" x #10 W.W.M. and shall be either semicircular or triangular cross section. Concrete color shall be "Omaha Tan" or approved equivalent.
18. Grading Quantities:
Cut _____ cu.yd. Fill _____ cu.yd.
Export _____ cu.yd. Import _____ cu.yd.
19. Total Disturbed Area _____ acres
(including grading, clearing, and landscaping area)
Total Existing Impervious Surface Area _____ sq. ft.
Total Proposed Impervious Surface Area _____ sq. ft.
Flood Zone on FIRM: _____ Base Flood Elevation: _____ ft.



September 1, 2009

20. All slopes on private property adjoining streets, drainage channels, or other public facilities shall be graded not steeper than 2:1 for cut and fill unless specifically approved by the City Engineer on recommendation of the project's geotechnical/soils consultant.

21. All catch basins and drainage inlets shall be stenciled with the City of Malibu storm drain logo.





City of Malibu

PLANNING REVIEW

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

GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>			
Date:	March 31, 2010	Review Log #:	3152
Site Address:	6768 Fernhill Drive 6737 WILDLIFE	Planning #:	CDP 10-009
Lot/Tract/PM #:	n/a	BPC/GPC #:	
Applicant/Contact:	Robert Ramirez, bob@ramirezstudio.com	Planner:	Ha Ly
Contact Phone #:	310-395-2192	Fax #:	310-393-8987
Project Type:	New single-family residential development		

<u>Submittal Information</u>	
Consultant(s) / Report Date(s):	GeoConcepts, Inc. (Sousa, CEG 1315; Haddad, RCE 69169): 3-4-10 <i>(Current submittal(s) in Bold.)</i> Plans prepared by Ramirez Design, Inc., dated March 10, 2010.
Previous Reviews:	Geotechnical Review Referral Sheet dated 3-11-10

<u>Review Findings</u>	
<u>Coastal Development Permit Review</u>	
<input checked="" type="checkbox"/>	APPROVED from a geotechnical perspective.
<input type="checkbox"/>	NOT APPROVED from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.
<u>Building Plan-Check Stage Review</u>	
<input checked="" type="checkbox"/>	Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
<input type="checkbox"/>	APPROVED from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
<input type="checkbox"/>	NOT APPROVED from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The report and plans were reviewed by the City from a geotechnical perspective. Based upon the submitted information and a site reconnaissance, the project includes demolishing 1,092 square feet of the existing 2,780 square foot one-story single-family residence and detached garage and converting the structure to accessory status (guest house/pool house). A new 5,200 square foot two-story single-family residence with a 864 square foot basement and detached 772 square foot two-story garage/studio will be constructed on the northern portion of the property, including a new swimming pool and spa, pool equipment area and outdoor bathroom, retaining walls, grading, and a new onsite wastewater treatment system (OWTS).

The City of Malibu Building and Safety Department implemented the policy of requiring geotechnical consultants to submit electronic geotechnical reports (on CD Rom) for review beginning January 1,

Guidelines for geotechnical reports (dated February 2002) are available on the City of Malibu web site:
<http://www.ci.malibu.ca.us/index.cfm?fuseaction=nav&navid=30>.

Fugro Project #: 3399.001

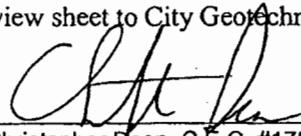
2006. Geotechnical responses shall conform to this policy, which can be viewed on the City's website: <http://www.malibu-ca.gov/index.cfm?fuseaction=detail&navid=82&cid=7247>.

Building Plan-Check Stage Review Comments:

1. Please revise the site location on the Magnitude and Fault Maps to reflect the correct site.
2. Please provide the direct shear displacement plots per the City's Geotechnical Guidelines, Section 6.2.1.
3. Calculations for passive resistance appeared to use a cohesion of 300 psf from the Q_{tm} direct shears. Section 7.1.1 of the City's geotechnical guidelines concerning lateral resistance requires performing direct shear tests at low effective overburden pressures when cohesion is used for passive resistance. The Project Geotechnical should review the City's geotechnical guidelines concerning lateral resistance and provide recommendations with appropriate supporting data that are consistent with the guidelines for foundations on compacted fill.
4. It appears that the soil parameters, i.e. phi, cohesion, and density, do not match the submitted direct shear test results in some of the submitted calculations. The resulting values appear OK for design. Please confirm that the parameters that were used are for the current project.
5. Please clarify the statement on page 12 of the report regarding seismic on walls in the County of Los Angeles. The project falls under jurisdiction of the City of Malibu. In accordance with Section 1802.2.7 of the 2007 CBC, the design of all retaining walls need to consider lateral pressures due to earthquake motions.
6. Please provide recommendations for swimming pools per the City's geotechnical guidelines.
7. The City's Guidelines require slab-on-grade vapor barrier thicknesses to be a minimum of 10 mil. Building plans shall reflect this requirement.
8. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross-sectional view of the proposed building area. Grading yardages shall be depicted on the grading plans.
9. Please clearly identify on the plans where the materials from the swimming pool spa excavation will be taken (landfill?).
10. Two sets of grading, retaining wall, swimming pool and spa, OWTS, garage/studio, and residence plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall on Mondays through Thursdays between 8 AM and 10 AM.

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

Engineering Geology Review by:

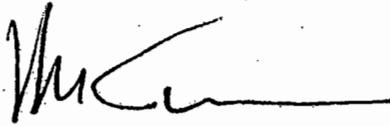


Christopher Dean, C.E.G. #1751, Exp. 9-30-10
Engineering Geology Reviewer (x306)

Date

3/31/10

Geotechnical Engineering Review by:



Kenneth Clements, G. E. # 2010, Exp. 6-30-10
Geotechnical Engineering Reviewer (805-963-4450)

March 31, 2010

Date

*This review sheet was prepared by City Geotechnical Staff
contracted with Fugro as an agent of the City of Malibu.*

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

Grading Plans (as Applicable)

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

depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the 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.

Guidelines for geotechnical reports (dated February 2002) are available on the City of Malibu web site:
<http://www.ci.malibu.ca.us/index.cfm?fuseaction=nav&navid=30>.

Fugro Project #: 3399.001



City of Malibu

23815 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED
JUN 04 2010
PLANNING DIV.

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department DATE: 3/10/2010
 FROM: City of Malibu Planning Department
 PROJECT NUMBER: SPR 10-006, DP 10-011, CDP 10-009
 JOB ADDRESS: ~~6768 FERNHILL DR~~ 6737 WILDLIFE
 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 Part of ESFR, NSFR, NOWTS, Npool

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

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

The project DOES require Fire Department Plan Review and Developer Fee payment	<u>MB</u>
The project DOES NOT require Fire Department Plan Review	_____
The required fire flow for this project is <u>2000</u> gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)	<u>MB</u>
The project is required to have an interior automatic fire sprinkler system.	<u>MB</u>
Final Fuel Modification Plan Approval is required prior to Fire Department Approval	<u>MB</u>

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

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

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

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

[Signature]
 SIGNATURE

5/27/10
 DATE



City of Malibu

23555 Civic Center Way, Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356

HL
001797

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 3/10/2010
FROM: City of Malibu Planning Department

PROJECT NUMBER: SPR 10-006, DP 10-011, CDP 10-009
JOB ADDRESS: ~~6768 FERNHILL DR~~ 6737 WILDLIFE
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 Part of ESFR, NSFR, NOWTS, Npool
 New Construction Remodel Fire Damage

TO: Malibu Planning Department and/or Applicant
FROM: Andrew Sheldon, City Environmental Health Administrator

An Onsite Wastewater Treatment System (OWTS) Plot Plan approval **IS NOT REQUIRED** for the project.
 An OWTS Plot Plan approval **IS REQUIRED** for the project. **DO NOT** grant your approval until an approved Plot Plan is received.

A Sheldon
SIGNATURE

5-17-2010
DATE

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not a Private Sewage Disposal System Plot Plan approval is required.

Andrew Sheldon, Environmental Health Administrator, may be contacted at the City Hall Annex counter Monday through Thursday from 8:00 am to 10:00 am, or by calling (310) 456-2489 x364



City of Malibu

Environmental Health · Environmental and Building Safety Division
23815 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.ci.malibu.ca.us

May 17, 2010

Robert Ramirez
Ramirez Design, Inc.
428 Alta Avenue
Santa Monica, California 90402

Subject: Environmental Health Conformance Review for a New Single Family Residence, Guest Unit, Studio, Gazebo, Pool, and New Onsite Wastewater Treatment System (CDP 10-009)

Dear Mr. Ramirez

On May 17, 2010, a **Conformance Review** was completed for the alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment needs of the subject development project. 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, 2007 Edition, and the City of Malibu Ordinance No. 318 Amendments (MPC), and the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP). The following items shall be submitted prior to final approval:

- 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 OWTS Plot Plan shall show essential features of the AOWTS and 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) **AOWTS Design Report and System Specifications:** A final design report, plan drawings, and system specifications shall be submitted as to OWTS design basis and all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed alternative onsite wastewater disposal system. 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 report and drawings shall be submitted with the designer's wet signature, professional registration number, and stamp (if applicable).

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 (gpd), 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. 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 OWTS 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.
- d. All final 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/or Planning.]

3) Proof of Ownership: Proof of ownership of subject property shall be submitted.

- 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 onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Specialist. *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 shall be submitted. *Prior to final approval, use of the existing seepage pits must be justified by the project geologist with respect to separation to groundwater and path of effluent/daylighting issues.*
- 8) **Coastal Development Permit:** Contact the City of Malibu Department of Environmental and Community Development, Planning Division, and obtain a Coastal Development Permit for subject project.
- 9) **Environmental Health Final Review Fee:** A final fee of \$475 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 Section 103.5.2.1 of the MPC, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee of \$300 shall be submitted with the application.

-o0o-

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

Robert Ramirez
May 17, 2010
Page 4 of 4

Sincerely,

City of Malibu

A handwritten signature in black ink, appearing to read "A Sheldon", with a long horizontal flourish extending to the right.

Andrew Sheldon
Environmental Health Administrator

cc: Environmental Health main file
Environmental Health reference file
Planning Division

6768. FERNHILL DRIVE
MALIBU, CA 90265

(CDP 10-005)

S.F.D.:	6 Bedroom/65 Fixture Units (N)
GUEST UNIT:	1 Bedroom/26 Fixture Units (N)
STUDIO:	7 Fixture Units (N)
GAZEBO:	7 Fixture Units (N)
SEPTIC TANK:	3000 Gallon Concrete Tank (N)
TREATMENT TANK:	2000 Gallon Concrete Tank with SeptiTech M1200 UV Processor (N) and UV Disinfection Unit (N)
ACTIVE:	2 - 6' x 30' BI w/ 11' Cap (N) 1 - 5' x 10' BI w/ 3' Cap (E) 1 - 5' x 51' BI w/ 5' Cap (E)
FUTURE:	100%
PERC RATE:	7392 gpd/13.1 gsf (projected; per pit)
DESIGNER:	Kevin Poffenbarger RCE 69089
REFERENCE:	EFD Consultants: preliminary engineering report dated 3-9-2010

NOTES:

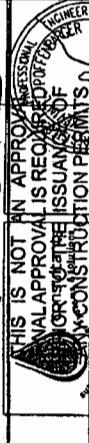
- This conformance review is for a new single family residence, studio, guest unit, gazebo, and pool. A new alternative onsite wastewater treatment system shall be installed, as shown. The new alternative onsite wastewater treatment system shown conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan. (LCP).
- Prior to final approval, use of the existing seepage pits must be justified by the project geologist with respect to separation to groundwater and path of effluent/daylighting issues.
- The 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 wastewater treatment.
- This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it non-comply with the City of Malibu.

CONFORMANCE REVIEW

ENVIRONMENTAL HEALTH

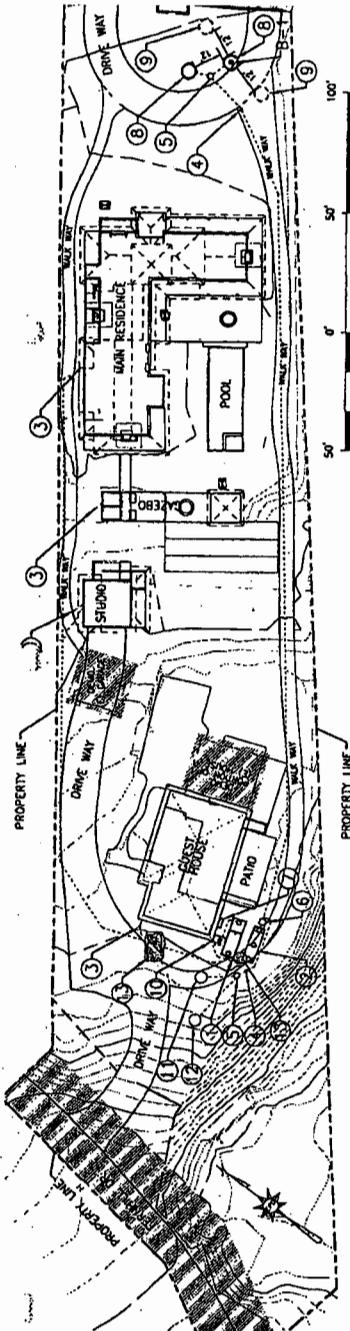
MAY 17 2010

SIGNATURE



THIS IS NOT AN APPROVAL
FINAL APPROVAL IS REQUIRED FROM THE
CITY OF MALIBU FOR THE ISSUANCE OF
CONSTRUCTION PERMITS

411 W. MAJORS BLVD., STE. 304
MALIBU, CA 90265
PHONE: (310) 214-4300
FAX: (310) 214-4306

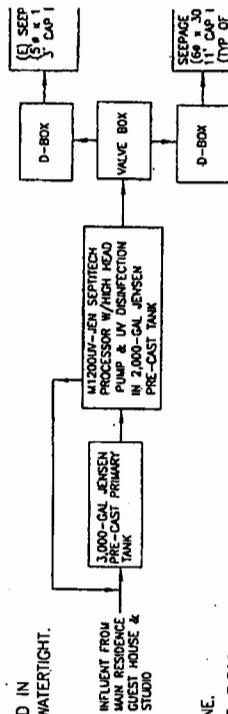


1 SEPTIC SITE PLAN

SCALE: 1" = 10'

KEYNOTES:

- (N) 3,000-GAL. JENSEN PRE-CAST CONCRETE 2-CHAMBERED PRIMARY TANK, LIDS/RISER, WATERTIGHT. VENT TO ROOF PER MPC.
- (N) SEPTITECH M1200UV-JEN-DEP2 PROCESSOR W/HIGH HEAD PUMP HOUSED IN 2,000-GAL JENSEN PRE-CAST CONCRETE 2-CHAMBERED TANK, LIDS/RISER, WATERTIGHT. VENT TO ROOF PER MPC.
- (N) CLEANOUT TO GRADE (COTG).
- (N) PRESSURE-GRAVITY CLEANOUT.
- (N) DISTRIBUTION BOX.
- (N) VALVE BOX (TYP. OF 2 BALL VALVE).
- (N) SEPTITECH TELEMETRY CONTROL PANEL-REQUIRES SHARED TELEPHONE LINE.
- (N) PRESENT 2 X 6"Ø, 30-FT BI SEEPAGE PIT W/ 11'-FT CAP (13.1 GPD/SF, 7,392 GPD/PIT PER B-1 GEOCONCEPTS MARCH 04, 2010 PRELIMINARY GEOLOGY REPORT).
- (N) FUTURE 2 X 6"Ø, 30-FT BI SEEPAGE PIT W/ 11'-FT CAP (13.1 GPD/SF, 7,392 GPD/PIT PER B-1 GEOCONCEPTS MARCH 04, 2010 PRELIMINARY GEOLOGY REPORT).
- (N) VENT TO ROOF
- (E) PRESENT 5"Ø, 10-FT BI SEEPAGE PIT W/ 3'-FT CAP (PER CITY OF MALIBU AUGUST 31, 1989 SEPTIC PERMIT).
- (E) PRESENT 5"Ø, 51-FT BI SEEPAGE PIT W/ 5'-FT CAP (PER CITY OF MALIBU AUGUST 31, 1989 SEPTIC PERMIT).
- (E) SEPTIC TANK/SEEPAGE PIT TO BE ABANDONED PER MPC.
- B-1 PERCOLATION TEST PIT PER GEOCONCEPTS, INC. MARCH 04, 2010 PRELIMINARY GEOLOGY REPORT.
- TP-X GEOLOGIC TEST PIT PER GEOCONCEPTS, INC. MARCH 04, 2010 PRELIMINARY GEOLOGY REPORT.



NOTES:

- THESE PLANS ACCURATE FOR ONSITE WASTEWATER TREATMENT SYSTEM
- CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF PROJECT FINAL FULL SIZE PLANS & SPECIFICATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE FINAL FULL SIZE PLANS & SPECIFICATIONS FROM THE SYSTEM ENGINEER PRIOR TO PROCEEDING WITH WORK.

NO.	REVISIONS:	DATE:	BY:

ADDRESS:	6768 FERNHILL DRIVE MALIBU, CA 90265
DATE:	03/08/10
SCALE:	AS SHOWN
DRAWN BY:	SI

SHEET TITLE: SEPTIC SITE PLAN
PROJECT: ONSITE WASTEWATER SYSTEM

PROJECT NO.: L104
DRAWING NO.: W0.0

SHEET 1 OF 1 B18

PRELIMINARY - NOT FOR CONSTRUCTION

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
PLANNING COMMISSION**

The Malibu Planning Commission will hold a public hearing on **Tuesday, September 7, 2010, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23815 Stuart Ranch Road, Malibu, CA**, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 10-009, SITE PLAN REVIEW NO. 10-006 AND DEMOLITION PERMIT NO. 10-011 - An application for the partial demolition of an

existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit with a 388 square foot garage and separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 834 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet.

APPLICATION FILING DATE:	March 10, 2010
APPLICANT:	Robert Ramirez
PROPERTY OWNER:	William Harper, Fernhill Trust
LOCATION:	6737 Wildlife Road, within the appealable coastal zone
APN:	4466-007-008
ZONING:	Rural Residential – One Acre (RR-1)
CITY PLANNER:	Ha Ly, Associate Planner (310) 456-2489, extension 250

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Division has analyzed the proposal as described above. The Planning Division has found this project listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines 15301(l)(1) – Existing Facilities and 15303(a) – New Construction or Conversion of Small Structures. The Planning Division further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

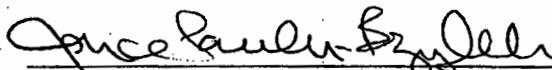
Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the close of the public hearing.

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.ci.malibu.ca.us or 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.

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 there are any questions regarding this notice, please contact Ha Ly, Associate Planner, at (310) 456-2489, extension 250.



JOYCE PARKER-BOZYLINSKI, AICP
Planning Manager

Publish Date: August 26, 2010

Planning Division

City of Malibu

23815 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 Tuesday, September 7, 2010, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23815 Stuart Ranch Road, Malibu, CA, for the project identified below.

COASTAL DEVELOPMENT PERMIT NO. 10-009, SITE PLAN REVIEW NO. 10-006 AND DEMOLITION PERMIT NO. 10-011 - An application for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit with a 388 square foot garage and separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 834 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet.

APPLICATION FILING DATE: March 10, 2010
APPLICANT: Robert Ramirez
PROPERTY OWNER: William Harper, Fernhill Trust
LOCATION: 6737 Wildlife Road, within the appealable coastal zone
APN: 4466-007-008
ZONING: Rural Residential - One Acre (RR-1)
CITY PLANNER: Ha Ly, Associate Planner (310) 456-2489, ext. 250 hly@ci.malibu.ca.us

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Division has analyzed the proposal as described above. The Planning Division has found this project listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines 15301(i)(1) - Existing Facilities and 15303(a) - New Construction or Conversion of Small Structures. 



City of Malibu Planning Division
23815 Stuart Ranch Road
Malibu, CA 90265

Notice of Public Hearing

Notice Continued...

The Planning Division further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

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 close 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.ci.malibu.ca.us or in person at City Hall, or by calling (310) 456-2489, extension 374.

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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 there are any questions regarding this notice, please contact Ha Ly, Associate Planner, at (310) 456-2489, extension 250, or at hly@ci.malibu.ca.us.

Date: August 26, 2010

By: Joyce Parker-Bozyjnski, AICP, Planning Manager

**CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 10-80**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 10-009, SITE PLAN REVIEW NO. 10-006 AND DEMOLITION PERMIT NO. 10-011 FOR THE PARTIAL DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND CONVERSION OF THE EXISTING SINGLE-FAMILY RESIDENCE INTO AN 896 SQUARE FOOT SECOND RESIDENTIAL UNIT, 388 SQUARE FOOT GARAGE WITH A SEPARATE 191 SQUARE FOOT ATTACHED OFFICE; CONSTRUCTION OF A NEW, TWO-STORY, 28 FOOT TALL, 5,199 SQUARE FOOT SINGLE-FAMILY RESIDENCE WITH AN 834 SQUARE FOOT BASEMENT, 484 SQUARE FOOT DETACHED GARAGE WITH 308 SQUARE FOOT STUDIO ABOVE, SWIMMING POOL AND SPA, LANDSCAPING, VARIOUS HARDSCAPE INCLUDING POOL EQUIPMENT AND ENCLOSURE, ENTRY GATE, OUTDOOR BARBEQUE AREA WITH TRELIS, FIRE DEPARTMENT TURNAROUND AND A NEW ALTERNATIVE ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING A SITE PLAN REVIEW FOR HEIGHT IN EXCESS OF 18 FEET, LOCATED AT 6737 WILDLIFE ROAD (HARPER, FERNHILL TRUST)

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On March 10, 2010, Coastal Development Permit (CDP) No. 10-009, Site Plan Review (SPR) No. 10-006 and Demolition Permit (DP) No. 10-011 was submitted to the City for review. The application was routed to appropriate City and County agencies for Local Coastal Program (LCP) conformance review.
- B. On April 16, 2010, a Courtesy Notice of Application was mailed to all property owners and occupants within a 500 foot radius of the subject property.
- C. On June 29, 2010, a Notice of Coastal Development Permit Application was posted at the site.
- D. On July 7, 2010, a site visit to the subject property was conducted to inspect existing site conditions and to photograph story poles and evaluate potential scenic and visual impacts.
- E. On August 16, 2010, the subject application was deemed complete.
- F. On August 26, 2010, 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 September 7, 2010, the Planning Commission held a duly noticed public hearing on the

subject applications, 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 proposal as described above. The Planning Commission has also found that the proposed project 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 CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Sections 15301(l)(1) – Existing Facilities and 15303(a) – New Construction or Conversion 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. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to Sections 13.7.B and 13.9 of the LCP Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 10-009, Site Plan Review (SPR) No. 10-006 and Demolition Permit (DP) No. 10-011 to allow for the partial demolition of an existing single-family residence and conversion of the existing single-family residence into an 896 square foot second residential unit, 388 square foot garage with a separate attached 191 square foot office; construction of a new, two-story, 28 foot tall 5,199 square foot single-family residence with an 834 square foot basement, 483 square foot detached garage with 308 square foot studio above, swimming pool and spa, landscaping, various hardscape including pool equipment and enclosure, entry gate, outdoor barbeque area with trellis, fire department turnaround and a new alternative onsite wastewater treatment system, including a site plan review for height in excess of 18 feet in the RR-1 zoning district located at 6737 Wildlife Road.

The proposed project has been reviewed by the City Geologist, City Environmental Health Administrator, City Biologist, City Public Works Department, and the Los Angeles County Fire Department (LACFD). The project is consistent with the LCP's zoning, grading, water quality, and onsite wastewater treatment requirements. 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)

As discussed, the proposed project, as conditioned, conforms to the LCP in that it meets the required beachfront residential development standards.

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 Division, City Environmental Health Administrator, City Geologist, City Public Works Department, City

Biologist, and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all residential development standards.

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 project is located between the first public road and the sea but will not impact public access or recreation because the project site is located inland and not located along the shoreline. The project will not result in significant impacts on public access or recreation. The project conforms to the public access and recreation policies of the Coastal Act of 1976.

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

Pursuant to the California Environmentally Quality Act (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 feasible alternatives that would further reduce any impacts on the environment. The proposed project allows for demolition of a portion of the existing single-family residence and detached garage and construction of a new single-family residence and other associated development, all of which are permitted uses within the rural residential zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

1. No Project – The no project alternative would avoid any change to the project site, and hence, any change to visual resources. The project site is zoned RR-1 which allows for single-family residential development. The no project alternative would not accomplish any of the project objectives; and therefore, is not viable. Furthermore, the existing conventional OWTS would continue servicing the parcel without providing secondary and tertiary treatment.
2. Complete Demolition – Existing onsite development could be completely demolished, however, a complete demolition would result in more landform alteration and construction than needed. The project proposes to retain a large portion of the existing single-family residence and proposes to convert it to a second residential unit, garage, and office. It is not anticipated that a complete demolition would offer any environmental advantages over the proposed project as the proposed project will not result in significant impacts on the environment.
3. Proposed Project – The project consists of the partial demolition of an existing single-family residence and complete demolition of a detached garage and construction of a new single-family residence and associated development, which are all permitted uses within the RR zoning classification of the subject property. The proposed project conforms to all non-beachfront development criteria with the inclusion of an SPR for construction over 18 feet in height. The project includes a new AOWTS to replace the conventional OWTS, which will provide secondary and tertiary treatment.

The selected location has been reviewed and conditionally approved by the City Environmental Health Administrator, City Biologist, City Geologist, City Public Works Department and the LACFD, and meets the City's residential development policies. Therefore, the project, as proposed, is the least 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.

The subject parcel is not located in ESHA, an ESHA buffer zone or adjacent to any streams as designated in the LCP and does not require review by the Environmental Review Board (ERB).

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

A site plan review is proposed to allow the construction of a new single-family residence over 18 feet in height, up to a maximum height of 28 feet for a pitched roof (28 feet pitched proposed). LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review. Two additional findings are required pursuant to M.M.C. Section 17.62.050. Based on the evidence contained within the record, the required findings for SPR No. 10-006 are made as follows.

Finding B1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for all relevant policies and provisions of the LCP by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and LACFD. Based on site visits, inspections and review of the visual analysis, it has been determined that the project is consistent with all LCP policies and provisions.

Finding B2. The project does not adversely affect neighborhood character.

Story poles were placed on the subject property to demonstrate the project's potential for aesthetic changes to the site relative to neighboring properties. On July 7, 2010, the site was visited to inspect the story poles. Based on the site visit and aerial photographs, the proposed project's mass, bulk and height is similar to neighboring properties of similar size. The project does not adversely affect neighborhood character.

Finding B3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

On July 7, 2010, the site was visited to document the story poles with photographs. These photographs are in the project file. The project is not visible from any scenic areas, including the beach and Pacific Coast Highway (PCH) due to the distance the project site is from the shoreline and PCH. Based on the site visit, inspections and review of the visual analysis, it has been determined that the subject site provides the maximum feasible protection to significant public views and has no significant adverse visual impact.

Finding B4. The proposed project complies with all applicable requirements of state and local law.

The proposed project has received LCP conformance review by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. Prior to issuance of building permits, the project must have final approval by the City Building and Safety Division. The proposed project complies with all applicable requirements of state and local law.

Finding B5. The project is consistent with the City's general plan and local coastal program.

Parcels in the immediate vicinity are zoned for residential use. The project is consistent with the rural residential designation for the site as noted in the General Plan and LCP.

Finding B6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17).

The maximum height of the proposed project is 28 feet with a pitched roof. A courtesy notice was mailed to properties within a 500 foot radius and no comments regarding view obstruction caused by the proposed structure were received. Based on evaluation and site inspections, it was determined that the proposed project will 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 M.M.C. Section 17.40.040(A)(17).

C. Environmentally Sensitive Habitat Area (LIP Chapter 4)

As discussed in Finding A4, the subject parcel is not located in ESHA or ESHA buffer as depicted on the LCP ESHA Overlay Map. Accordingly, the supplemental ESHA findings are not applicable.

D. Native Tree Protection (LIP Chapter 5)

No native trees are proposed to be removed as part of the project scope of work; therefore, the findings in LIP Chapter 5 are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP 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 not visible from any scenic area or public viewing area, therefore, the findings in LIP Chapter 6 are not applicable.

F. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2 the regulations requiring a transfer of development credit apply to any action to authorize a CDP for a land division or multi-family development. This CDP does not involve a land division or construction of multi-family development. Therefore, LIP Chapter 7 does

not apply.

G. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard 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 project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7).

The applicant submitted a Geologic and Soils Engineering report prepared by GeoConcepts, Inc. dated March 4, 2010. These reports are on file at City Hall. In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues.

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 property is not located within the landslide zone;
3. The property is not located within the liquefaction zone;
4. Due to the topography of the sea floor and the location of the Channel island, the project site has a minimal risk of being impacted by tsunamis;
5. The development site is not 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.

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.

Nonetheless, a condition of approval has been included in 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.

The City Geologist, City Public Works Department, and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design.

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; therefore, the findings in LIP Chapter 9 are not applicable.

H. 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 located along the shoreline or on a bluff; therefore, is not anticipated to result in such impacts. The findings in LIP Chapter 10 are not applicable.

I. 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. The project site is located inland, away from the ocean. The proposed project will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources. The findings in LIP Chapter 12 are not applicable.

J. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings in LIP Chapter 15 do not apply.

K. 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 replace an existing OWTS, which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The existing OWTS will be properly abandoned and removed. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 3,000 gallon concrete tank with 2,000 gallon tank with SeptiTech M1200 processor and ultraviolet disinfection unit. The new system will provide the proposed 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 this resolution which require continued operation, maintenance and monitoring of onsite facilities.

L. Demolition Permit (M.M.C. Section 17.70.060)

M.M.C. Section 17.70.060 requires that a demolition permit be issued for projects that result in the demolition of any building or structure. The project proposes the partial demolition of an existing single-family residence and complete demolition of the existing detached garage. The findings for DP No. 10-011 are made as follows.

Finding L1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in this resolution which will ensure that the project will not create significant adverse environmental impacts.

Finding L2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 10-011. Therefore, approval of the DP is subject to the approval of CDP No. 10-009.

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. 10-009, Site Plan Review No. 10-006 and Demolition Permit No. 10-011, subject to the following conditions.

Section 5. Conditions of Approval.

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

Demolition of:

- a. 899 square feet of the existing single-family residence; and conversion of the structure into a second unit, attached garage, and separate attached office;
- b. Detached garage; and
- c. OWTS.

Construction of a:

- d. 5,199 square foot single-family residence (3,146 square foot first floor, 2,053 square foot second floor);
- e. 834 square foot basement (exempt from TDSF)¹;
- f. Detached 483 square foot garage with 308 square foot studio above;
- g. Connector bridge from the garage/studio to the new single-family residence;

¹ Local Implementation Plan Section 3.6(K)(6) states, the initial 1,000 square feet of a combination of basement and cellar shall not count toward TDSF; additional area in excess of one-thousand (1,000) square feet shall be included in the calculation of TDSF at the rate of one square foot of TDSF for every two square feet of proposed basement/cellar square footage.

- h. Hardscape; including a new entry gate, pool decking, pool equipment and enclosure, gazebo, and outdoor barbeque area
 - i. Swimming pool and spa;
 - j. Landscaping; and
 - k. Alternative onsite wastewater treatment system.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Division, dated, **May 10, 2010**. 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 Division 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 Division 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 to the City of Malibu Environmental and Building Safety Division 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 Manager upon written request of such interpretation.
9. All structures shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, 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 Manager, 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.

Cultural Resources

12. 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 Manager 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.
13. 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.

Building Plan Check

Demolition/Solid Waste

14. Prior to demolition activities, the applicant shall receive Planning Division approval for compliance with conditions of approval.
15. 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.
16. 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. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
17. 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.
18. 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.

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.
20. 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.
21. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Division.

Geology

22. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.
23. 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

24. 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.
25. 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).
26. 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).

27. 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;
 - 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.
28. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
29. 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.
30. 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.

31. 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 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.
32. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator. Prior to final approval, use of the existing seepage pits must be justified by the project geologist with respect to separation to groundwater and path of fluent/daylighting issues.
33. 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

34. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
35. The Total Grading Yardage Verification Certificate (dated April 21, 2010) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.
36. 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.
37. 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. If the property contains trees that are to be protected, they shall be highlighted on the grading plan;
 - e. 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 the grading plan.
38. 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. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - b. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - c. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
39. 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.
40. 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 17.4.2(B)(2).
41. 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 Manager or Deputy Building Official determines that completion of grading would be more protective of resources.

42. Grading during the rainy season may be permitted to remediate hazardous geologic conditions that endanger public health and safety.
43. 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 LIP Section 8.3.
44. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.
45. 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.
46. 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-vegetation 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.

Water Quality/ Water Service

47. A State Construction activity permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

48. 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 Division indicating the ability of the property to receive adequate water service.

Construction / Framing

49. 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.
50. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
51. 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.
52. 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 Division for review and sign off on framing.

Lighting

53. 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. 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 use bulbs that do not exceed 60 watts or the equivalent;
 - b. Security lighting controlled by motion detectors may be attached to the residence

- c. provided it is directed downward and is limited to 60 watts or the equivalent;
 - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 60 watts or the equivalent;
 - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 60 watts or the equivalent;
 - e. Site perimeter lighting shall be prohibited;
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited;
 - g. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited;
54. 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.
55. 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

56. The proposed landscaping totals less than 5,000 square feet as submitted. As such, the Landscape Water Conservation Ordinance does not apply. If the applicant intends to plant any area beyond that which is approved, the entire new landscape area will require compliance with the LWCO.
57. Invasive plant species, as determined by the City of Malibu, are prohibited.
58. Vegetation with a mature height of six (6) feet or greater shall be situated on the property so as not to significantly obstruct the primary view from neighboring principal residence at any given time (given consideration of its future growth).
59. The use of building materials treated with toxic compounds such as copper arsenates is prohibited.

Fuel Modification

60. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits. The plan shall balance the Department's landscape and fuel modification requirements with the need to preserve native vegetation on slopes and in sensitive resource areas. The fuel modification notes for any areas of native vegetation should be site-specific and appropriate to the plant species present on site. Fuel load shall be reduced by removing or thinning non-native species prior to impacting native species.

Swimming Pool / Spa / Water Feature

61. On-site 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).
62. The 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.
63. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
64. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool/spa is prohibited unless it is discharged to a sanitary sewer system. Provide information on the plans regarding the type of sanitation proposed for pool.
 - a. Ozonization systems are an acceptable alternative to chlorine. The release of clear water from ozonization system is permitted to the street or sewer;
 - b. Salt water sanitation is an acceptable alternative, but the discharge of salt water is prohibited to the street and sewer;
 - c. Highly chlorinated water from pools or spa shall be discharged to a sanitary sewer system or may be trucked to a publicly owned treatment works (POTW) for discharge.
65. The discharge of chlorinated pool water shall be prohibited.
66. The discharge of non-chlorinated pool water into streets, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters shall be prohibited.
67. Pursuant to M.M.C. Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Fencing and Walls

68. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
69. 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.

Site Specific Conditions

70. 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.

71. The maximum ceiling height of the mechanical room directly adjacent to the basement shall not exceed six feet.

Prior to Occupancy

72. 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.
73. Prior to Final Building inspection, the applicant shall provide the Public Works 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 Public Works Department shall approve the final Summary Report.
74. 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 Division 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 Manager, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
75. 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

76. 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 Division staff prior to final planning approval.
77. The property owner is required to execute and record a deed restriction against the title of the property. The studio and garage structure may not be converted into a second residential unit, nor can an interior kitchen or kitchenette be added at any time in the future as long as a second residential unit or guest house exists on the property. The deed restriction shall state that no more than one 900 square foot second residential unit is permitted and at no time shall it be combined into one connected structure to the office using any method, including but not limited to a doorway, hallway, or stairway. Said document shall include the definitions of a second residential unit and guest house as defined by LIP Section 2.1 and shall be recorded with the Los Angeles County Recorder's Office. The applicant shall submit a copy of the recorded document to Planning Division staff.

Fixed Conditions

- 78. This coastal development permit shall run with the land and bind all future owners of the property.
- 79. 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 7th day of September 2010.



JOHN MAZZA, Planning Commission Chair

ATTEST:



JESSICA BLAIR, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.ci.malibu.ca.us, 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 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. 10-80 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 7th day of September 2010, by the following vote:

AYES: COMMISSIONERS: HOUSE, STACK, TOLEDO, JENNINGS AND MAZZA

NOES:

ABSTAIN:

ABSENT:



JESSICA BLAIR, Recording Secretary