

## **CALIFORNIA COASTAL COMMISSION**

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



# **Th15a**

## **A-4-MAL-19-0218 (Klein Family Partnership)**

**November 18, 2021**

### **Exhibits**

#### **Table of Contents**

Exhibit 1 – Vicinity Map

Exhibit 2 – Parcel Map Aerial Photo

Exhibit 3 – Parcel Map

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Exhibit 5 – Final Local Action Notice & City Resolution

Exhibit 6 – CosMos Sea Level Rise Model Maps



**Exhibit 1**  
**Vicinity Map**  
**Appeal No. A-4-MAL-19-0218**





Pacific Coast Highway

Trancas  
Creek Bridge

Trancas  
Creek/Lagoon

Zuma Beach

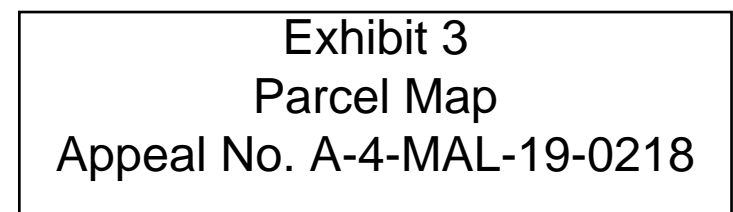
Project Location

Google

Exhibit 2  
Aerial Photo  
Appeal No. A-4-MAL-19-0218



MAPPING AND GIS  
SERVICES  
SCALE 1" = 100'





# 30708 P.C.H. MALIBU RESIDENCE

STEVEN KENT ARCHITECT



## PROJECT DATA

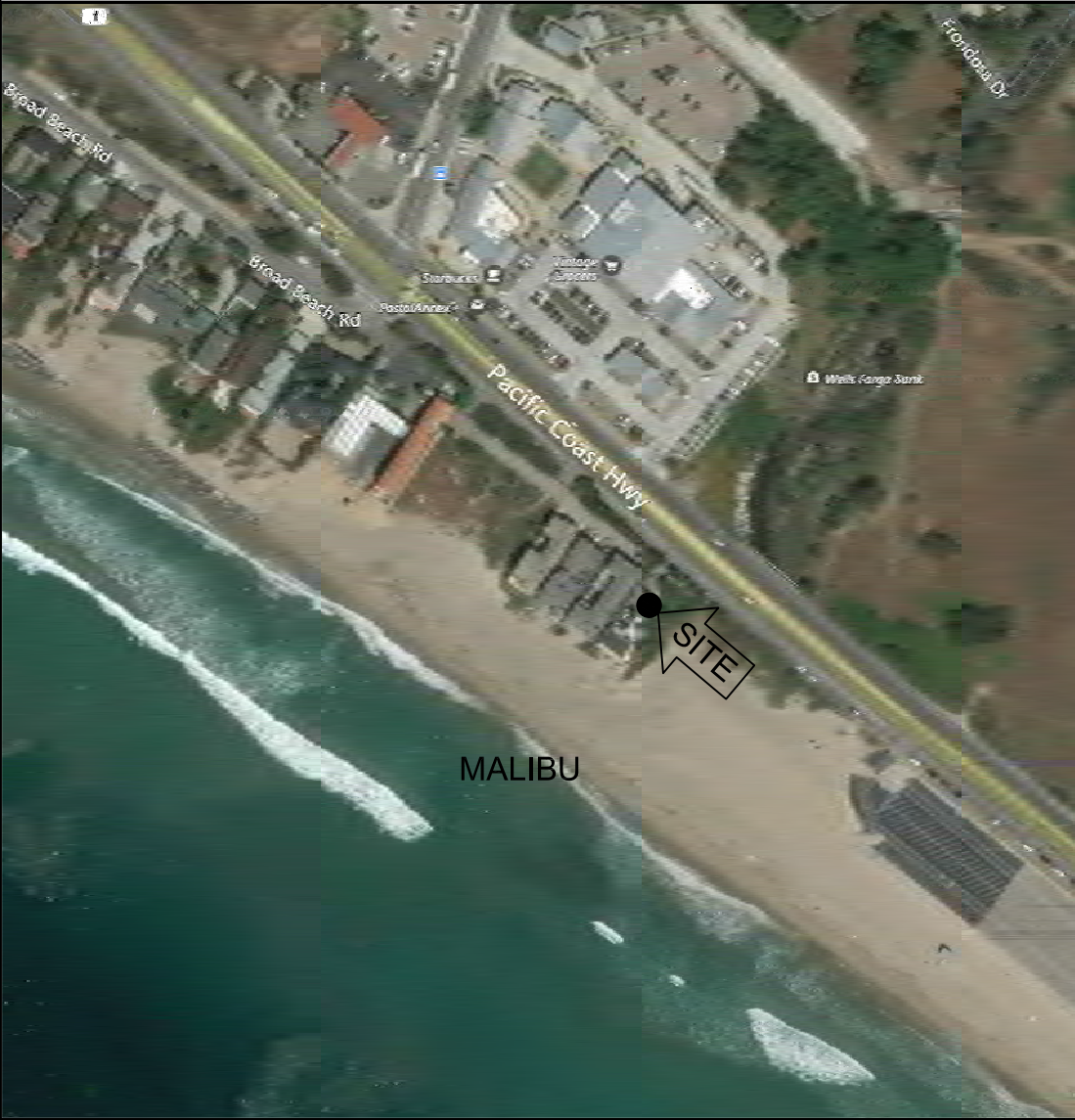
PROJECT DESCRIPTION  
DEMO EXISTING STRUCTURES. NEW 2-STORY SINGLE FAMILY RESIDENCE WITH ATTACHED GARAGE, SWIMMING POOL, & OWTS.

SITE INFORMATION  
LOT SIZE: 19,308 sf.  
A.P.N.: 4469-026-009  
ZONING: Single-Family Medium Density (SF-M)  
OCCUPANCY GROUP: R3  
BUILDING TYPE: VB \*Fire Sprinklered (13R)

BUILDING AREA  
1st FLOOR LIVING AREA: 2440 sf.  
2nd FLOOR LIVING AREA: 3290 sf.  
TOTAL LIVING AREA: 5730 sf.  
TOTAL GARAGE AREA: 660 sf.  
Total 2nd Floor Decks: 270 sf.

MAX ALLOWABLE TDSF:  
25% of 19,308:  
ESHA provision of Malibu LCP 4.7.1, allowable development area = 25% of parcel = 4827 per footprint  
Allowed 4827 sf. Proposed 4276 sf.

## VICINITY MAP



## DRAWING INDEX

### ARCHITECTURAL

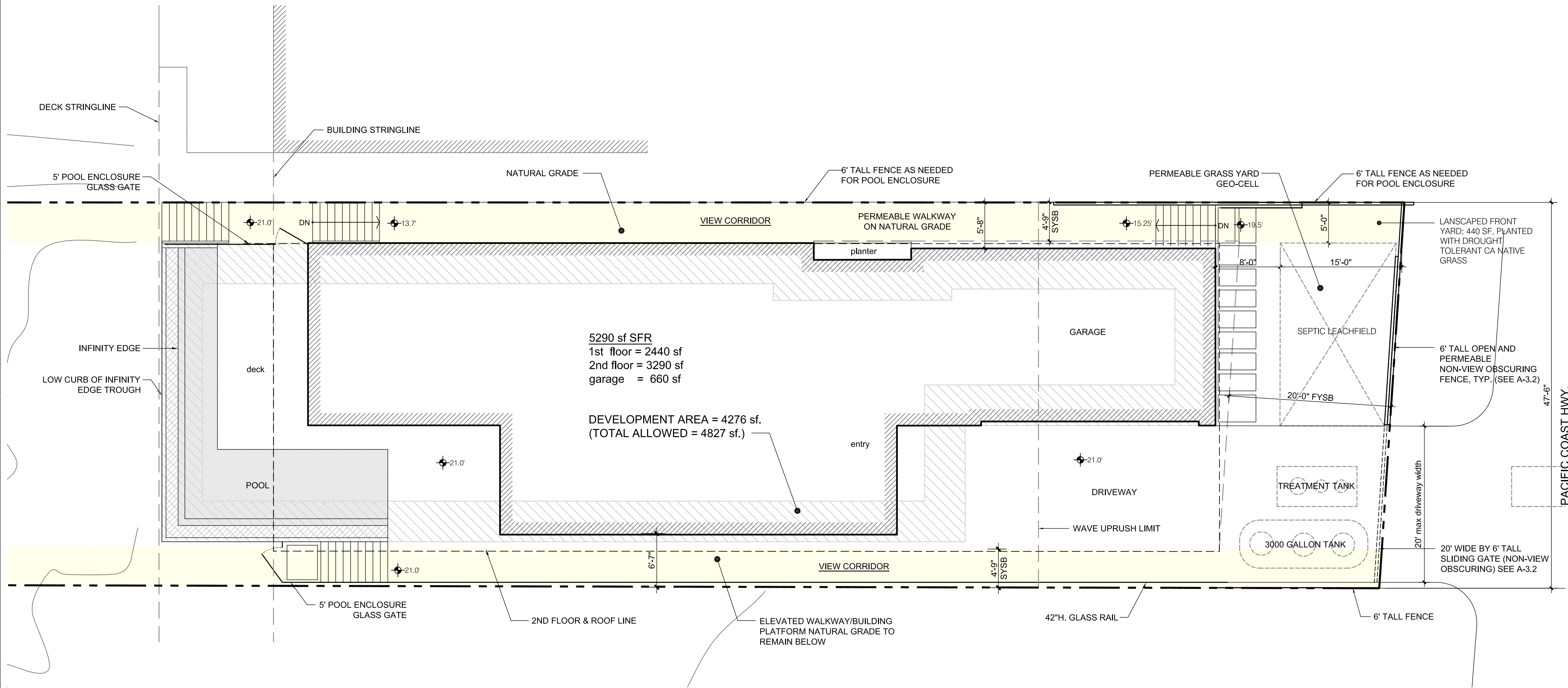
A-0.1	TITLE SHEET + SITE PLAN		
1	SURVEY		
A-1.1	MHTL SITE PLAN		
A-1.3	DEMO SITE PLAN		
A-2.1	FIRST FLOOR PLAN		
A-2.2	SECOND FLOOR PLAN		
A-2.3	ROOF PLAN		
A-3.1	BUILDING ELEVATIONS		
A-3.2	BUILDING ELEVATIONS		
A-4.1	BUILDING SECTIONS		
A-4.2	BUILDING SECTIONS		

### STRUCTURAL

S-1	GENERAL NOTES	S-8	FRAMING DETAILS
S-2	GENERAL NOTES	S-9	STEEL FRAMING DETAILS
S-3	FOUNDATION PLAN	S-10	STEEL FRAMING DETAILS
S-4	2nd FLOOR FRAMING PLAN		
S-5	ROOF FRAMING PLAN		
S-6	FOUNDATION DETAILS		
S-7	FRAMING DETAILS		

### CIVIL

1	TITLE SHEET + GRADING QUANTITIES		
1	GRADING & DRAINAGE PLAN		
1	DRAINAGE DETAILS		

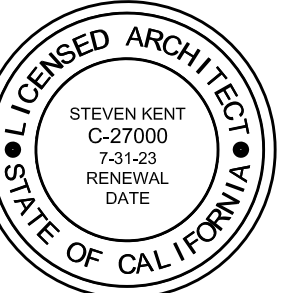


## SITE PLAN

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

Steven Kent Architects

REVISIONS



ARCHITECT:  
Steven Kent AIA  
16041 Jeanne Lane  
Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Title Sheet & Site Plan

DATE: 27 September 2021












30708 PCH  
MALIBU  
APN: 4469-026-009

Exhibit 4  
Project Plans  
Appeal No. A-4-MAL-19-0218

0.1



VICINITY MAP  
NO SCALE

- |   |                    |
|---|--------------------|
|  | PROPERTY BOUNDARY  |
|  | LOT/PROPERTY LINE  |
|  | ROW OF WAY         |
|  | EASEMENT           |
|  | STREET CENTERLINE  |
|  | EDGE OF ASPHALT    |
|  | BUILDING LINE      |
|  | CHAINLINK FENCE    |
|  | WALL               |
|  | WROUGHT IRON FENCE |
|  | WOOD FENCE         |

ABBREVIATIONS:

AC	ASPHALT CONCRETE
FS	FINISHED FLOOR
TC	TOP OF CURB
FL	FLOWLINE

NOTE:

BOUNDARY SHOWN HEREON IS BASED ON COUNTY ENGINEER FOUND MONUMENTS.

EASEMENTS SHOWN PER LAWYERS TITLE CO. PRELIMINARY REPORT #4348331-77, DATED JAN. 28, 2002.

LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY  
AND ARE NOT SHOWN.

TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DRIP LINES

IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.

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STRING LINE ESTABLISHMENT:

THE STRING LINE LOCATIONS WERE ESTABLISHED BY LOCATING DECKS AND BUILDINGS AT 30708 PACIFIC COAST HIGHWAY AND THE 3 PROPERTIES LOCATED TO NORTHWESTERLY OF 30708 PACIFIC COAST HIGHWAY. STRUCTURES TO THE SOUTHEAST WERE NOT USED, DUE TO THEY ARE MORE THAN 3 MILES AWAY FROM THE SUBJECT PROPERTY. (SEE SHEET 2 OF 2 FOR ADJOINING BUILDING LOCATIONS)

### BASIS OF BEARINGS:

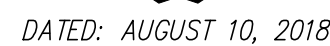
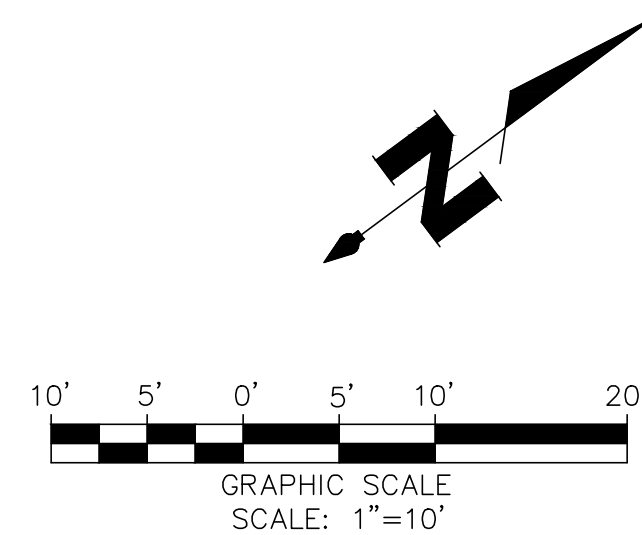
THE BEARING SOUTH 55°10'30" EAST OF THE CENTERLINE OF BROAD BEACH ROAD (SHOWN HEREON AS SOUTH 54°32'20" EAST) AS SHOWN ON TRACT MAP NO. 12314, FILED IN MAP BOOK 232, PAGES 23 AND 24 OF MAPS, RECORDS OF LOS ANGELES COUNTY WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

BENCH MARK:

LOS ANGELES COUNTY ENGINEER  
(MALIBU QUAD)

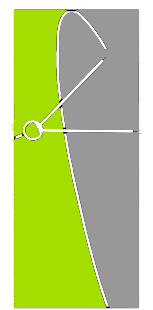
BENCH MARK #Y 11394  
ELEVATION=22.552' (1998 ADJ.)

DATUM: LOS ANGELES COUNTY ENGINEER SEA LEVEL DATUM (NAVD 88).



REVISION NOTES		
DATE	DESCRIPTION	BY
8/10/18	ADDED STRING LINE NOTE & SHEET 2 TO SHOW ADJOINING BUILDINGS & DECKS FOR STRING LINES. CHANGED ADDRESS IN TITLE BLOCK.	CCB
9/25/19	ADD AVERAGE BUILDING SETBACK DIMENSIONS AND FORMULAS (SEE SHEET 2)	CCB

**PREPARED BY:**



 **chris nelson**  
**& ASSOCIATES, inc.**  
**PROFESSIONAL LAND SURVEYORS**

---

31238 Via Collinas Suite H, Westlake Village, CA. 91362  
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:

SLP PROPERTIES LLC

LOS ANGELES, CA

# TOPOGRAPHY SURVEY

PORTION OF THE RANCHO MALIBU TOPANGA SEQUIT,  
AS CONFIRMED TO MATHEW KELLER BY PATENT  
RECORDED IN BOOK 1 PG. 407ET SEQ., OF PATENTS

30708 PACIFIC COAST HIGHWAY  
CITY OF MALIBU, COUNTY OF LOS ANGELES

JOB NO. 17-4348

SCALE: 1" = 10'

DATE: SEPT. 2017

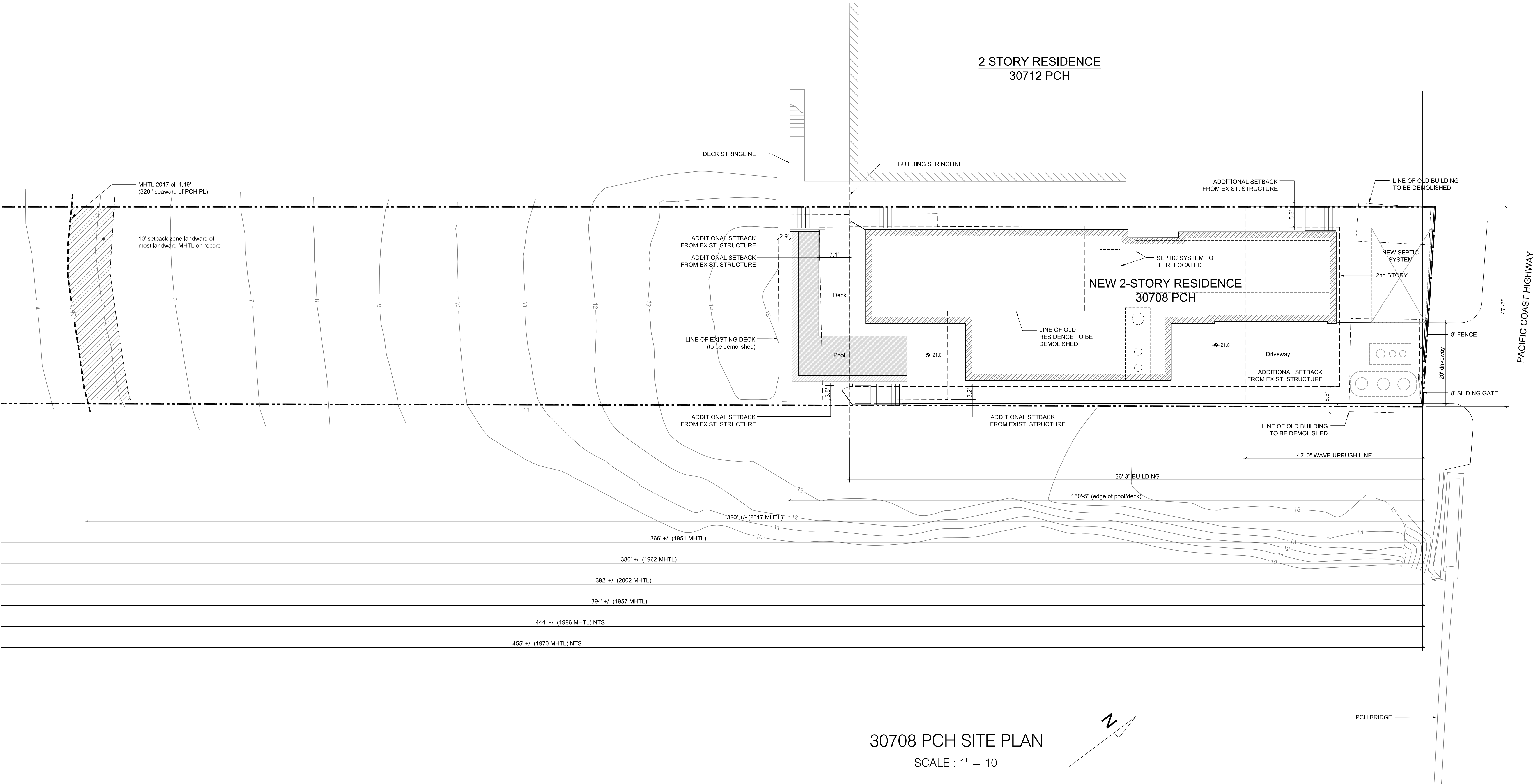
DRAFTED: RZN

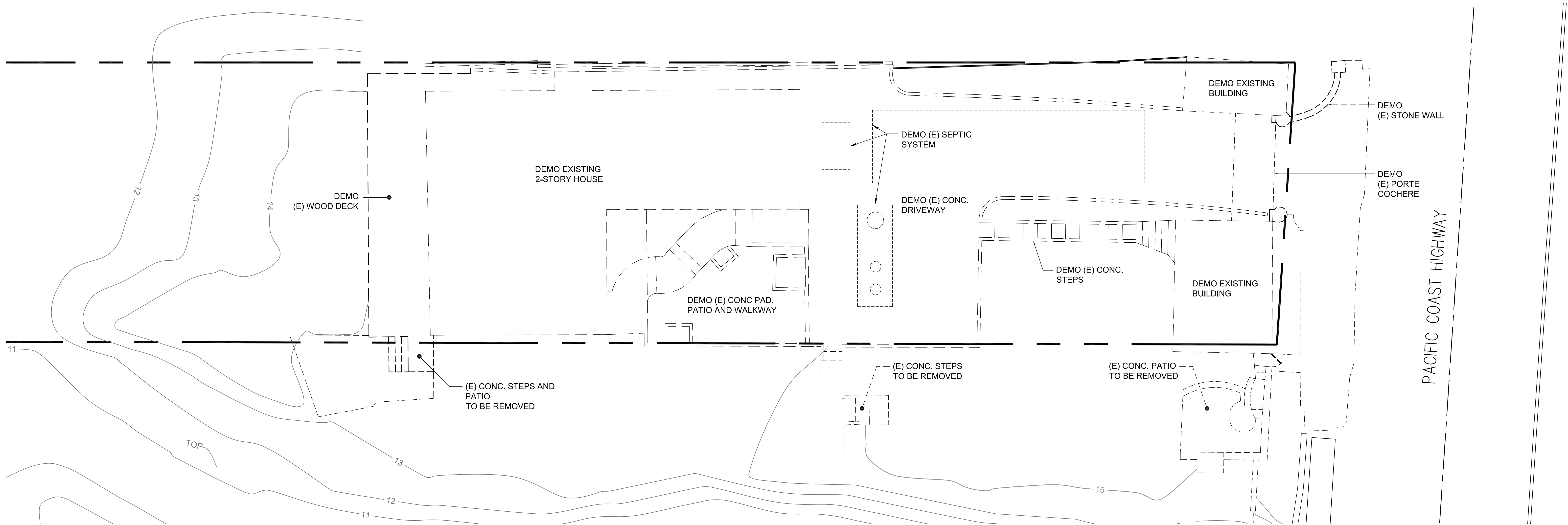
*SHEET NO.*

***1***

OF 2 SHEET







DEMO PLAN

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

Steven Kent Architects

REVISIONS



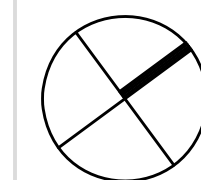
ARCHITECT:  
Steven Kent AIA  
16041 Jeanne Lane  
Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

DEMO SITE PLAN

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

DATE: 8 May 2020

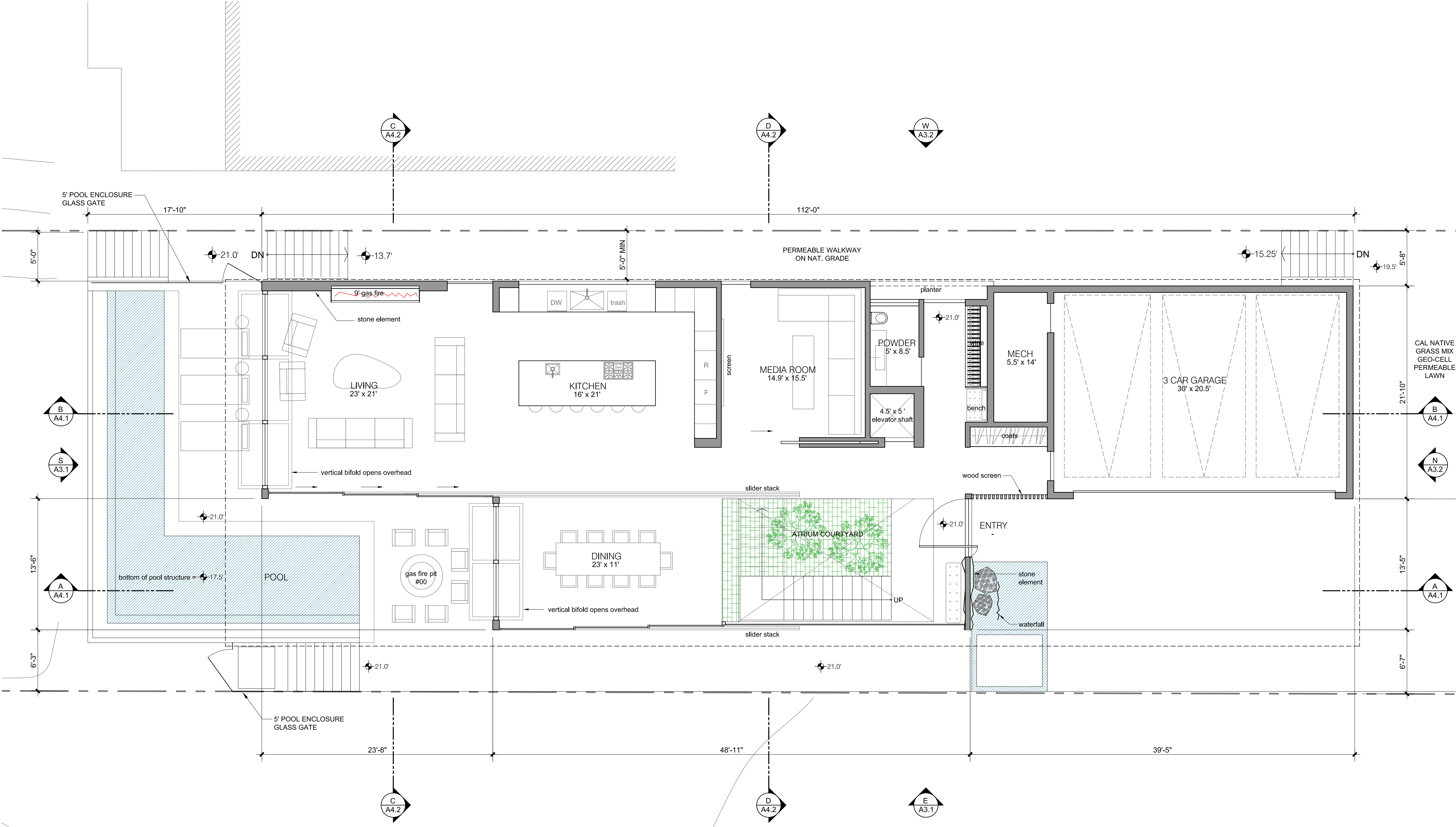
30708 PCH  
MALIBU  
APN: 4469-026-009



North

A-1.3



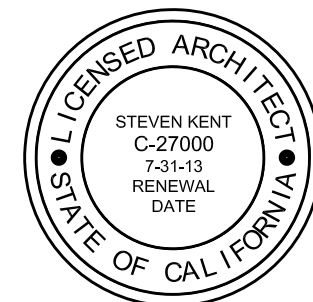


1st FLOOR PLAN

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

Steven Kent Architects

REVISIONS

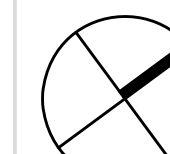


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CA Lic. #C27000

First Floor Plan

SCALE: 1/4" = 1'-0"  
DATE: 16 April 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



A-2.1



2nd FLOOR PLAN

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

Steven Kent Architects

REVISIONS

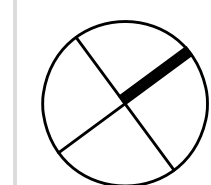


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Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Second Floor Plan

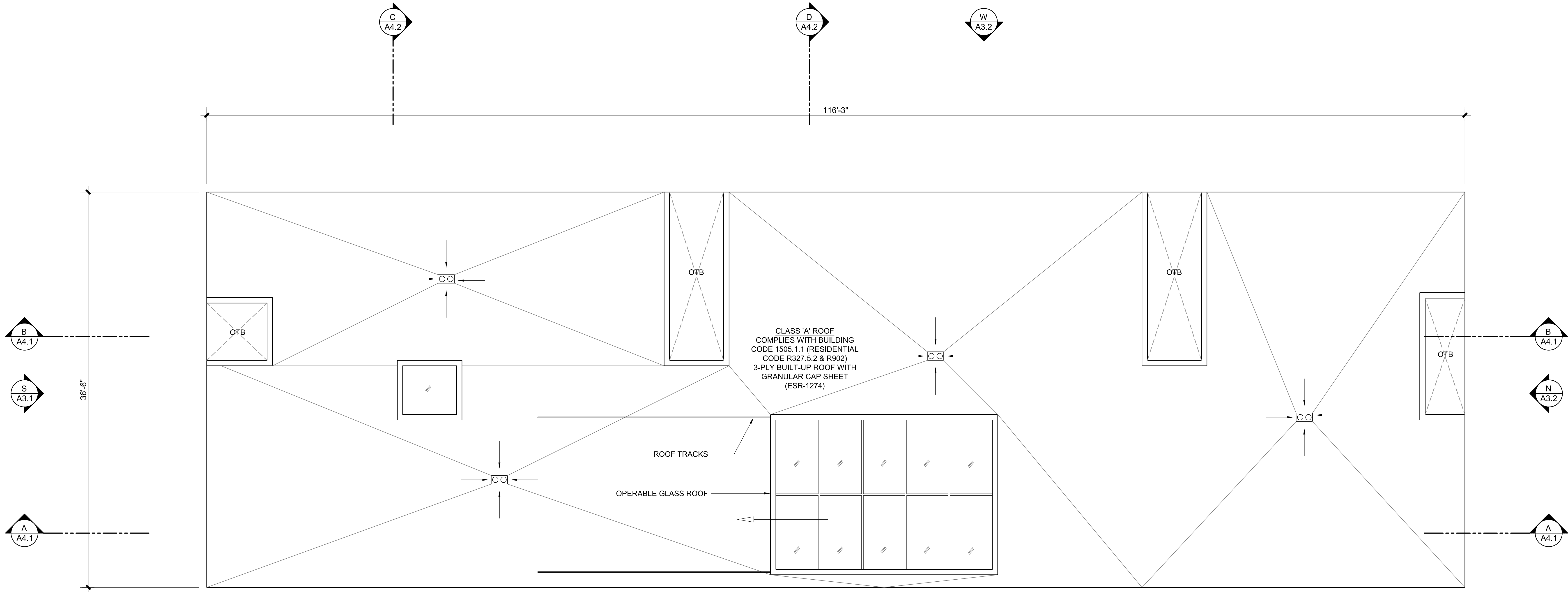
SCALE: 1/4"=1'-0"  
DATE: 16 April 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



A-2.2





ROOF PLAN

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

Steven Kent Architects

REVISIONS

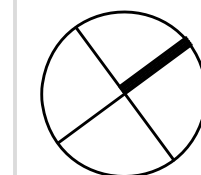


ARCHITECT:  
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tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Roof Plan

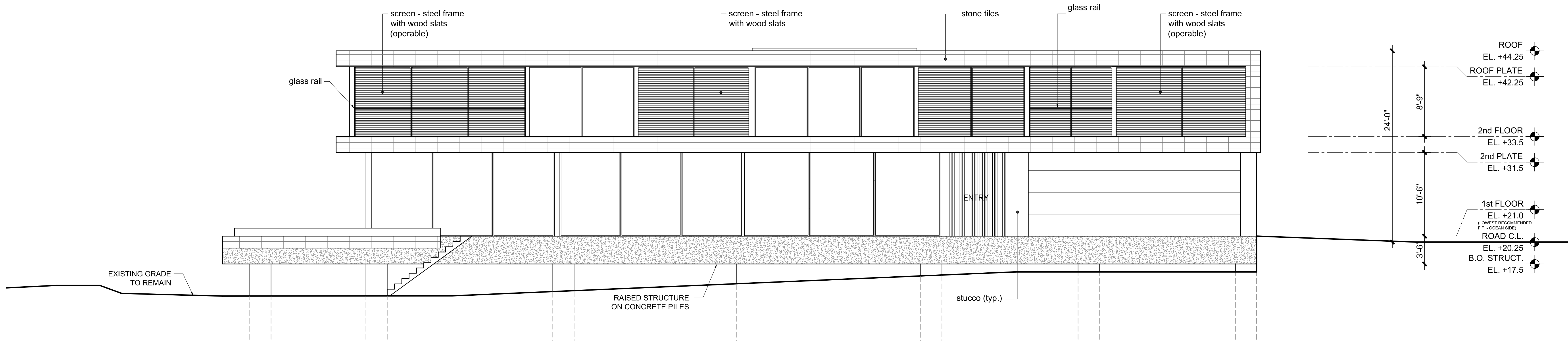
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DATE: 16 April 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



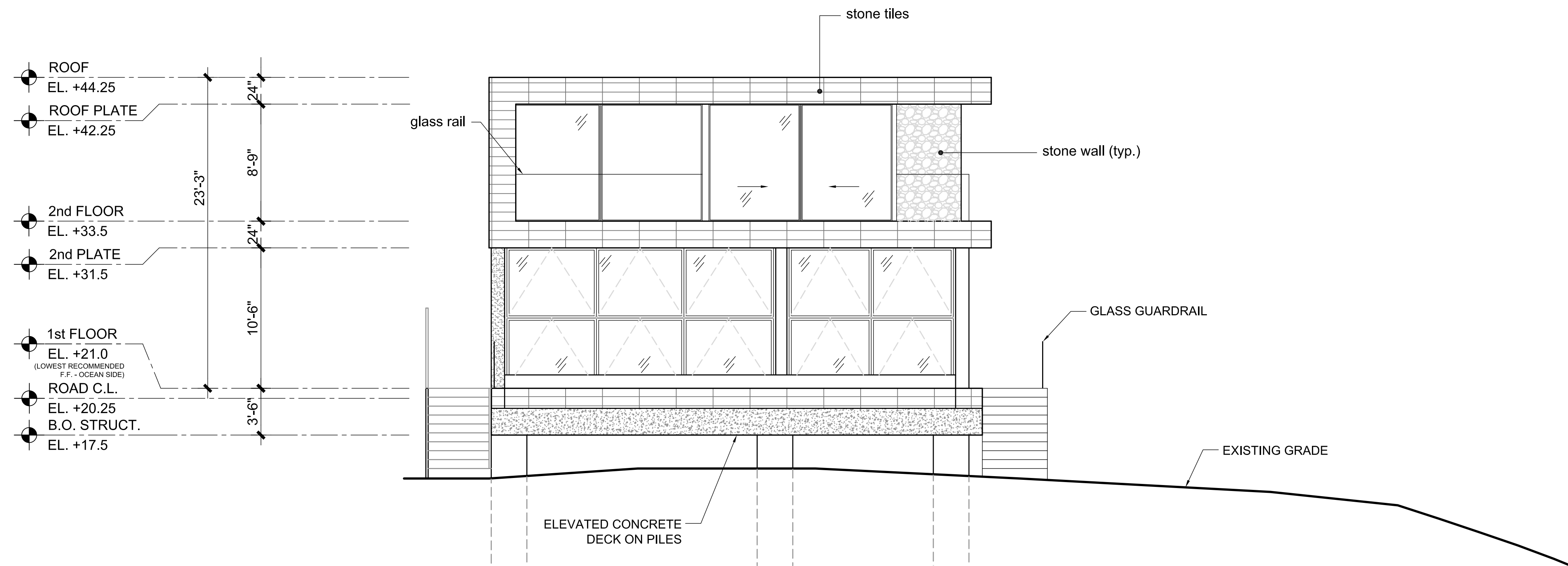
North

A-2.3



EAST ELEVATION

SCALE: 3/16" = 1'-0"

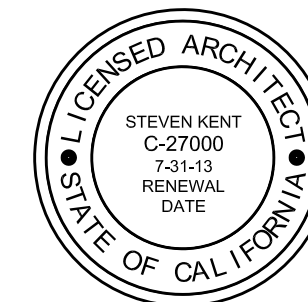


SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

Steven Kent Architects

REVISIONS



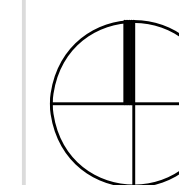
ARCHITECT:  
Steven Kent AIA  
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Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Elevations

SCALE: 3/16"=1'-0"

DATE: 8 May 2020

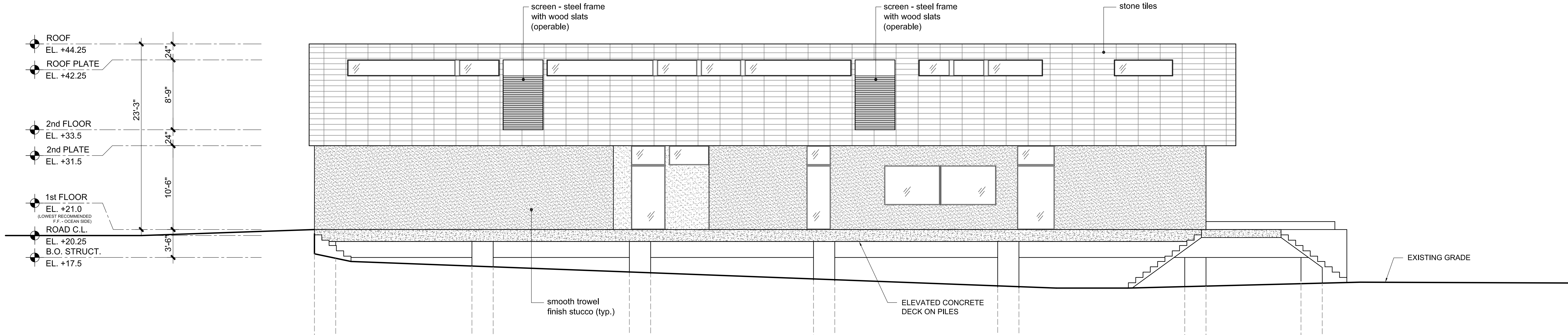
30708 PCH  
MALIBU  
APN: 4469-026-009



North

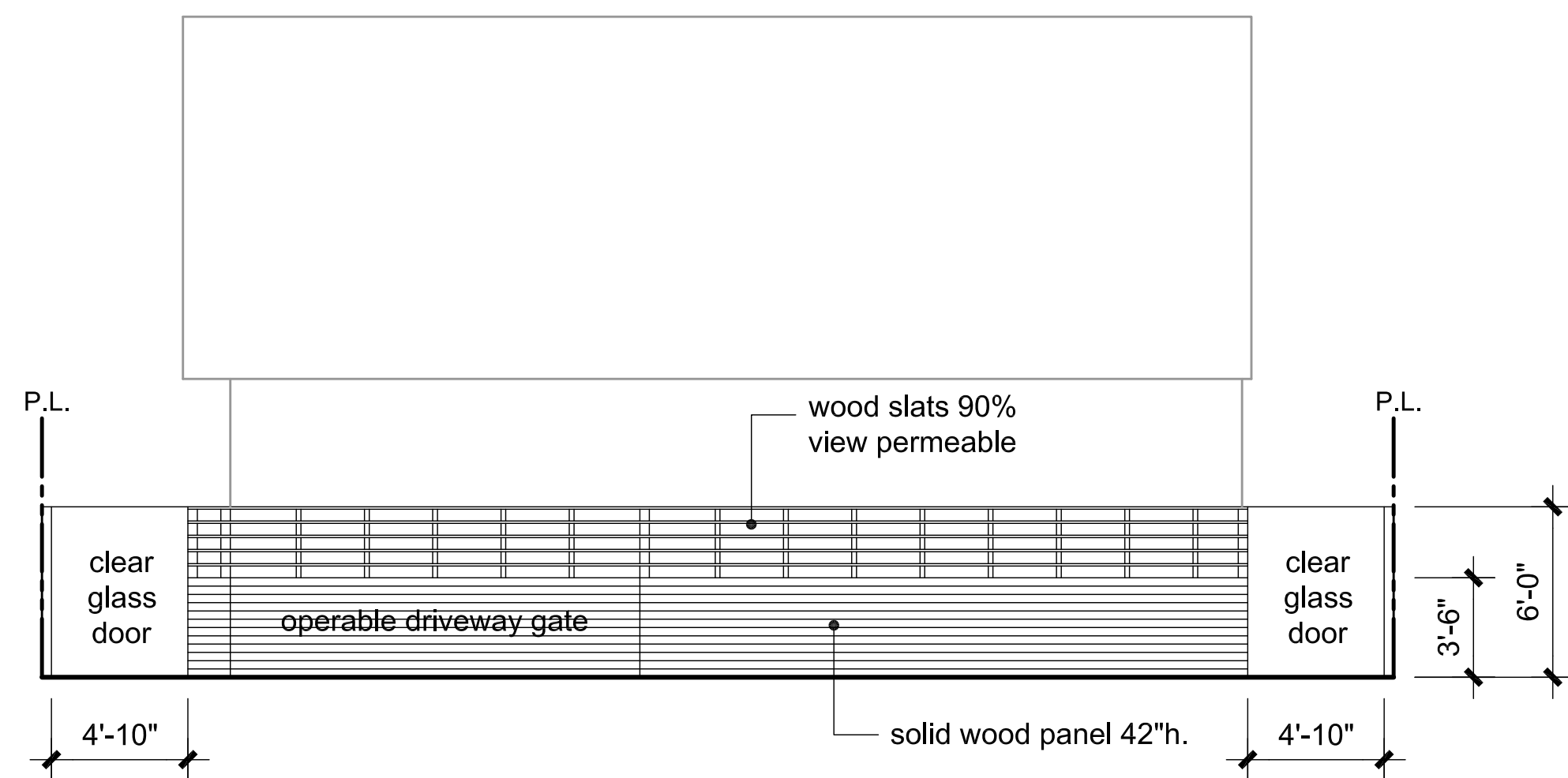
A-3.1





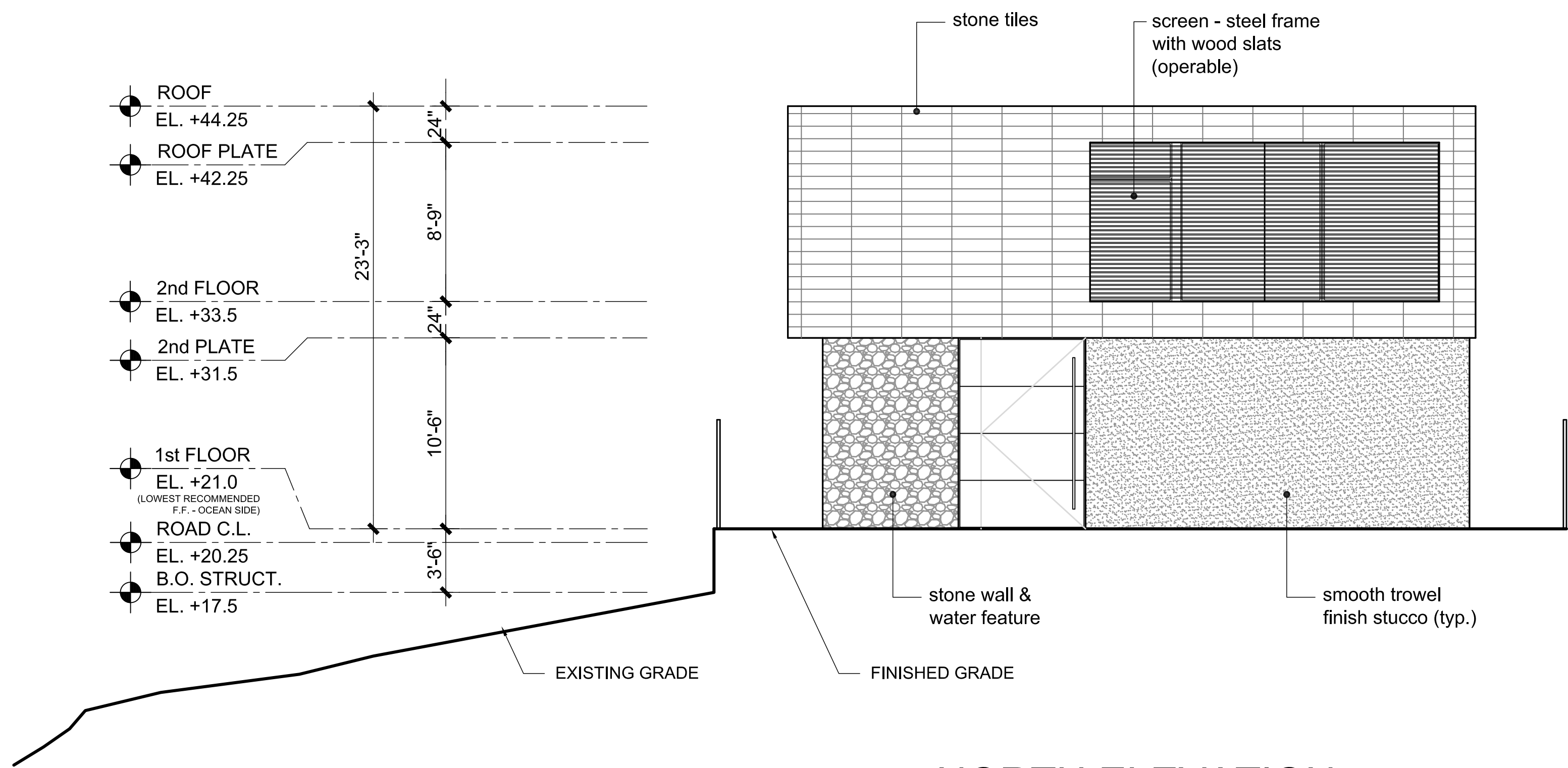
## WEST ELEVATION

SCALE: 3/16" = 1'-0"



## NORTH ELEVATION - (Fence)

SCALE: 3/16" = 1'-0"

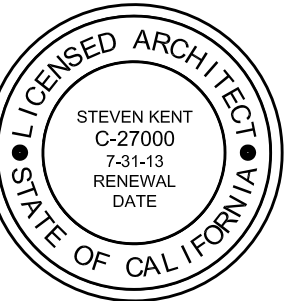


## NORTH ELEVATION

SCALE: 3/16" = 1'-0"

Steven Kent Architects

REVISIONS



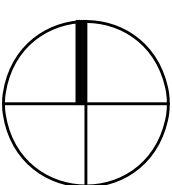
ARCHITECT:  
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Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Elevations

SCALE: 3/16"=1'-0"

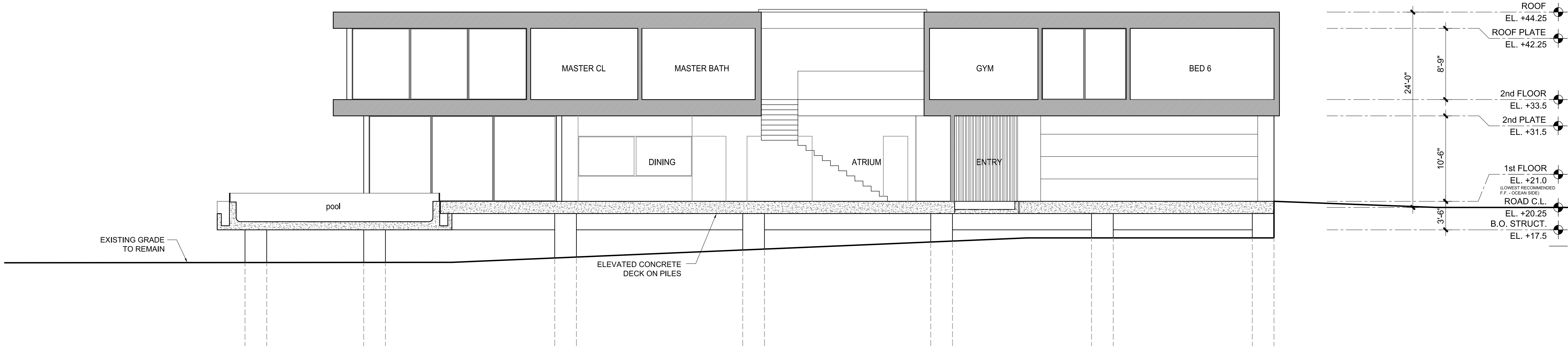
DATE: 8 May 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



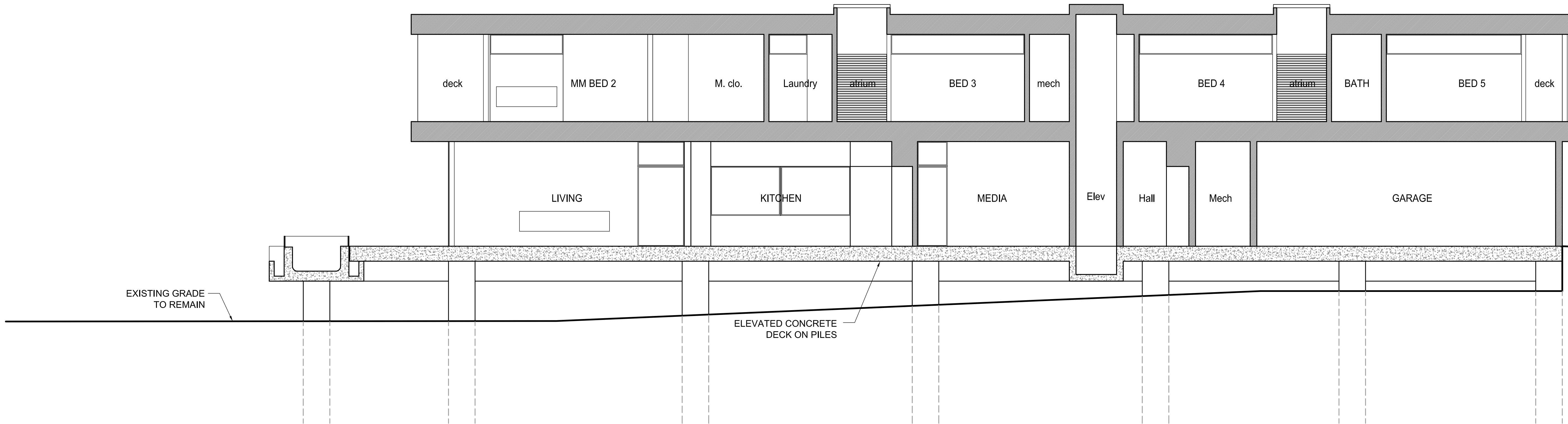
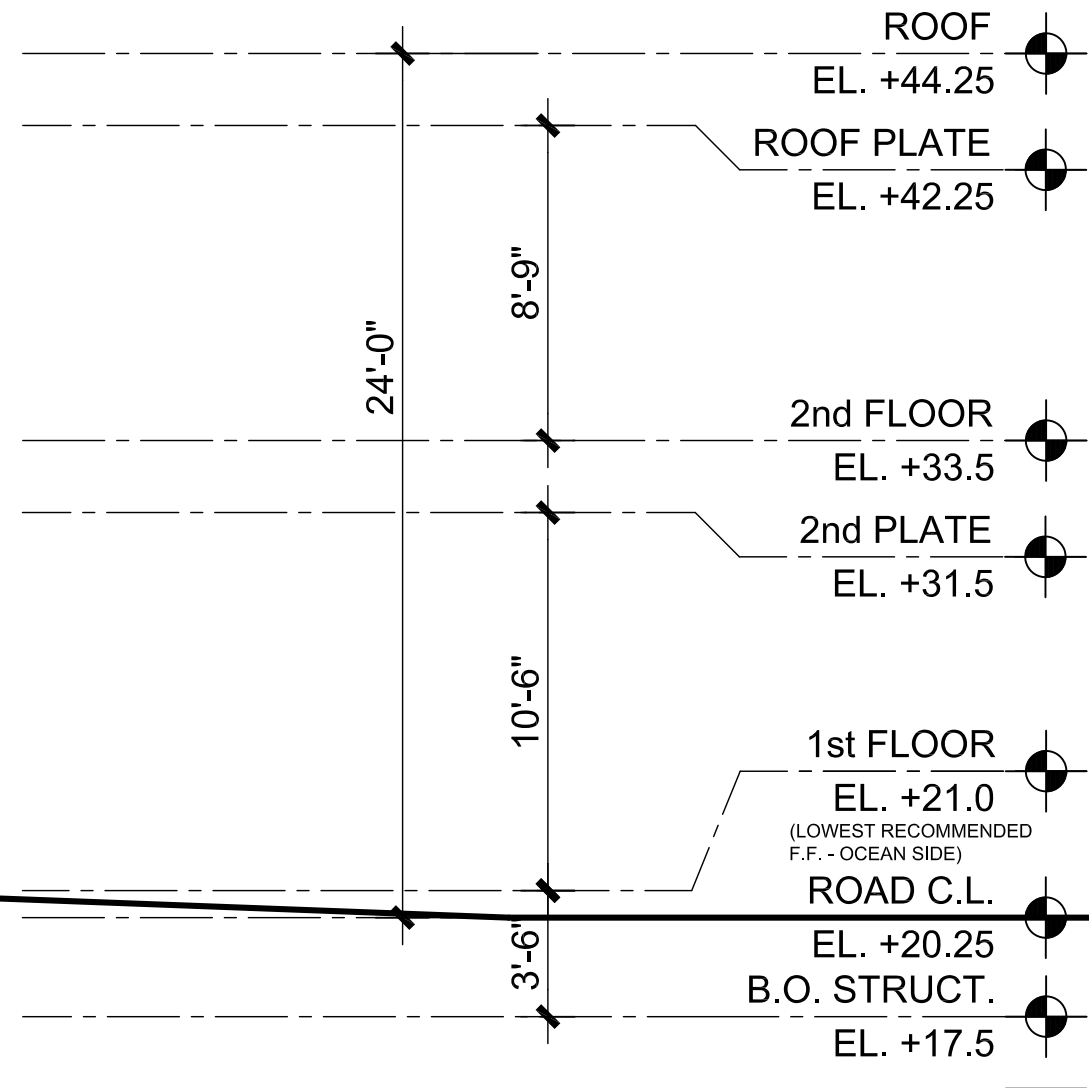
North

A-3.2



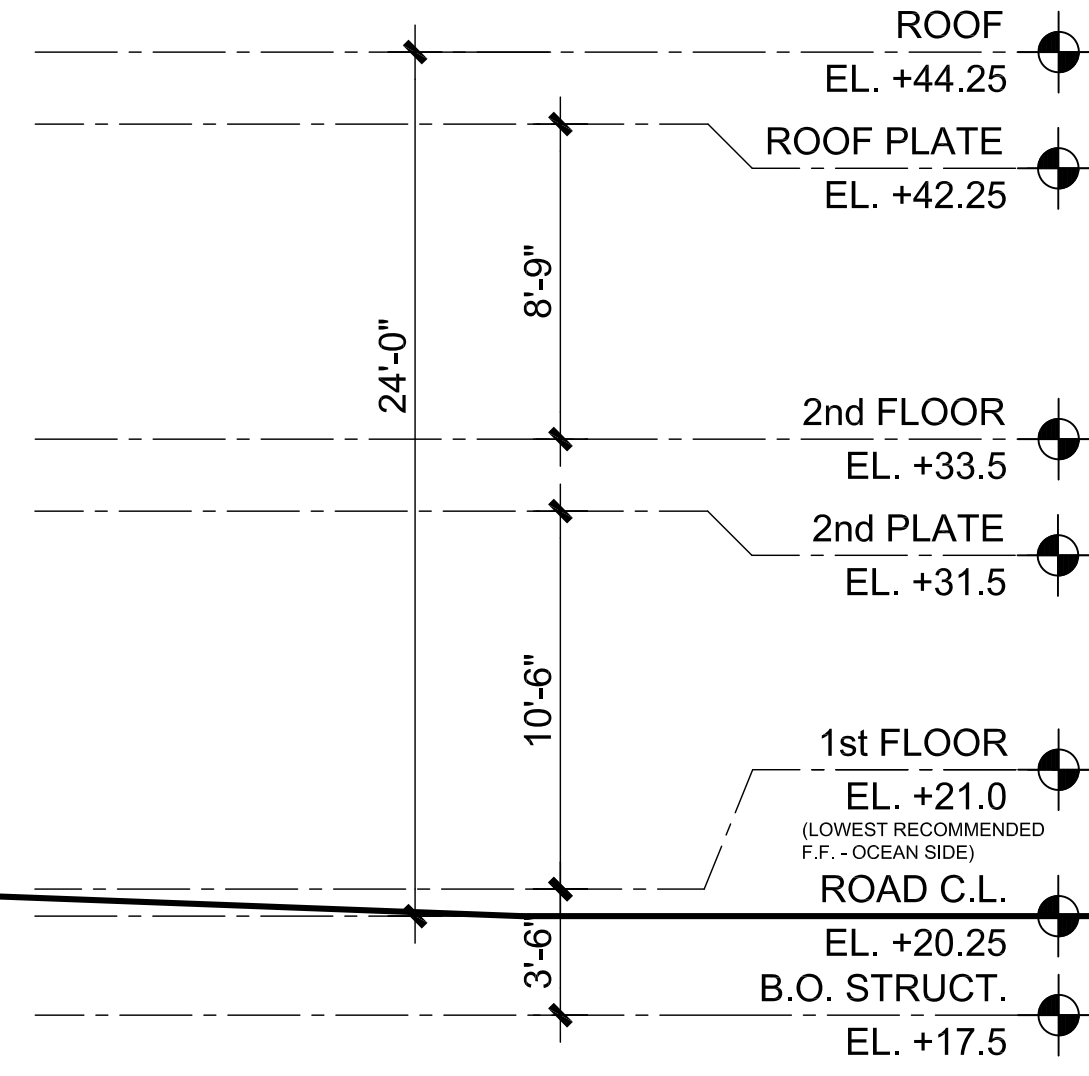
SECTION A

SCALE: 3/16" = 1'-0"



SECTION B

SCALE: 3/16" = 1'-0"



Steven Kent Architects

REVISIONS



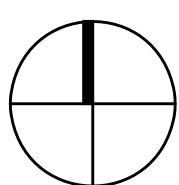
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tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Sections

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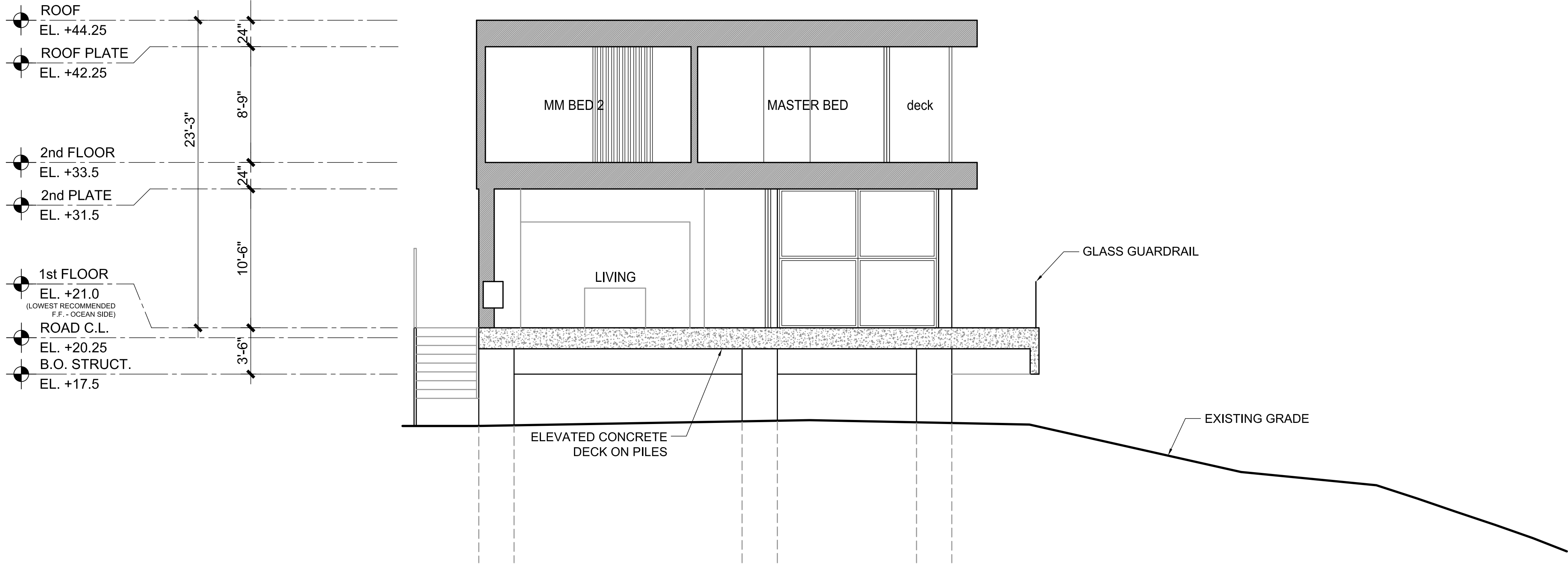
DATE: 16 April 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



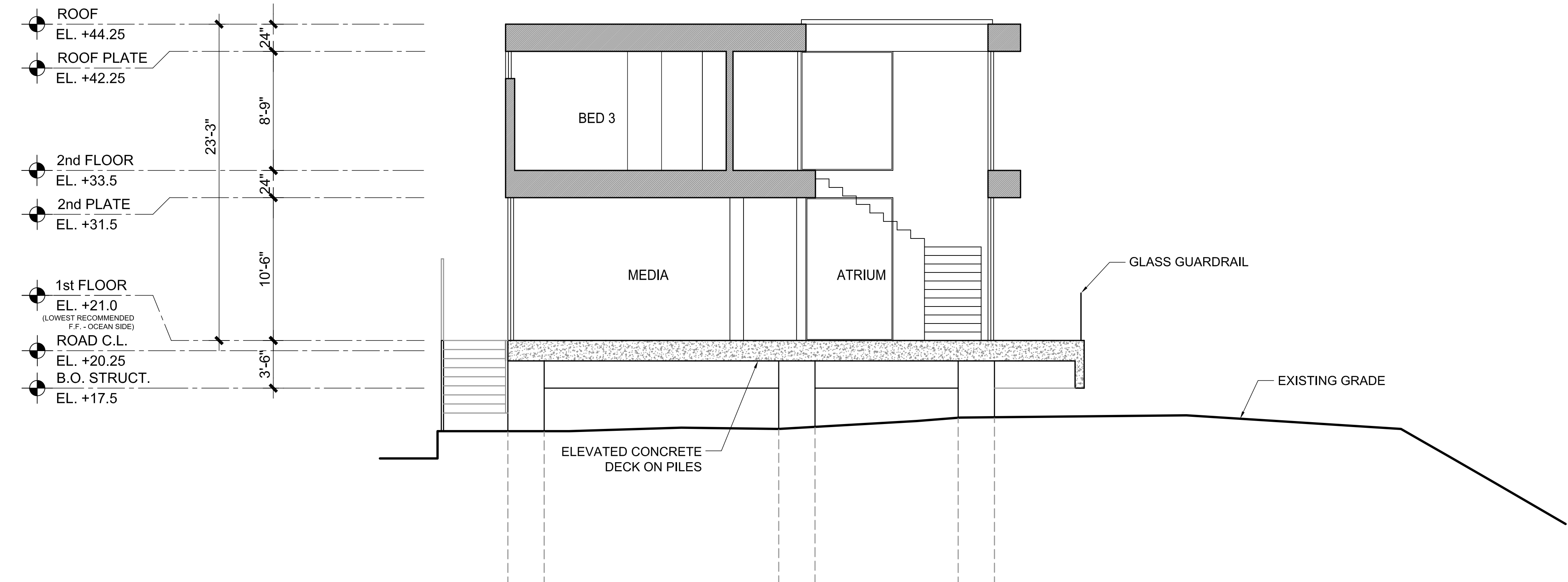
North

A-4.1



## SECTION C

SCALE: 3/16" = 1'-0"



## SECTION D

SCALE: 3/16" = 1'-0"

Steven Kent Architects

REVISIONS



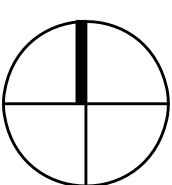
ARCHITECT:  
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16041 Jeanne Lane  
Encino, CA 91436  
tel 310.456.5914  
steve@stevenkentaia.com  
CA Lic. #C27000

Sections

SCALE: 3/16"=1'-0"

DATE: 16 April 2020

30708 PCH  
MALIBU  
APN: 4469-026-009



North

A-4.2



19-991 Frm9 SLP Properties (FCH).dwg Dec. 28, 2019 - 9:21:56pm PST



#4 x 5'-0" BAR @ ALL INTERIOR CORNERS

SHEET  
S-3  
OF

887 Patriot Drive BLDG.I Suite G  
Moorpark, CA 93021  
manny@vlachosengineering.com  
OFFICE (805) 552-9550  
CELL (805) 515-7233

SHEET  
S-3  
OF







Rain Gardens with a impermeable linear have require no setbacks.

PER PLAN (6 FT MIN.)

PER PLAN (2 FT MIN.)

1 FT LINEAR OVERLAP (throughout) CAPPED W/ COBBLES OR STAKES

OVERFLOW DRAIN: 12"X12" PVC PIPE WITH ATRIUM GATE INLET 6 - 9" ABOVE FINISH GRADE

RIP RAP / GRAVEL (ENERGY DISSIPATOR) 2% TYP.

2 - 3" WOOD CHIP OR MULCH

EXISTING GRADE

FLOW

INV. PER PLAN

6" to 12" OF TOP SOIL

3" of  $\frac{3}{4}$ " to  $\frac{3}{8}$ " WASHED GRAVEL LAYER

12" of  $\frac{3}{4}$ " WASHED GRAVEL LAYER

UNDISTURBED SOIL

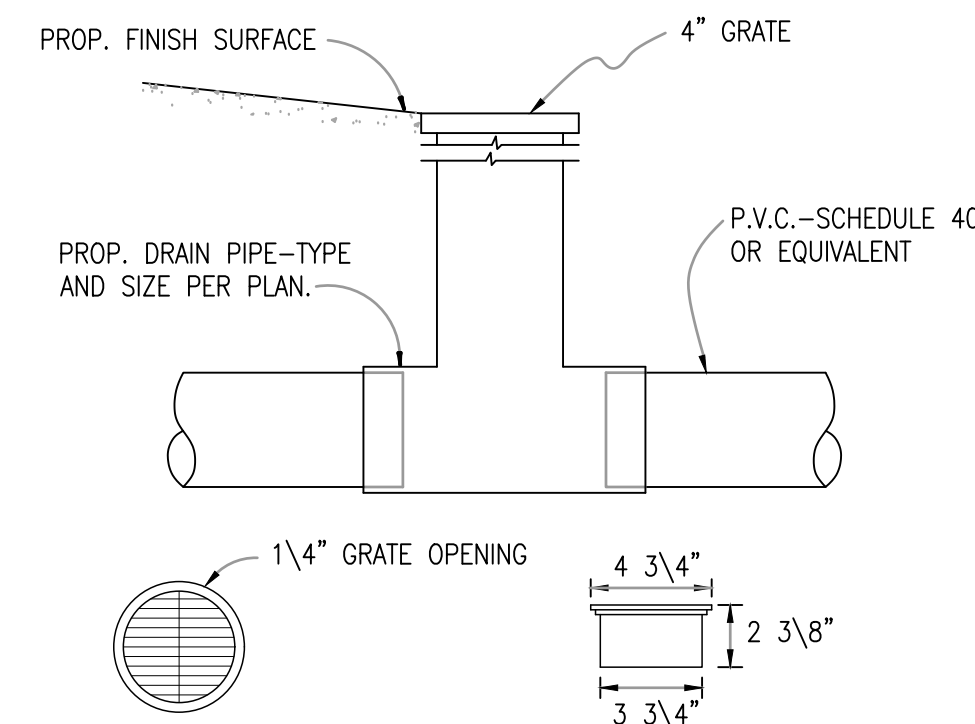
30 - MIL IMPERMEABLE LINER (or equivalent)

SECTION NOT TO SCALE

LONGITUDINAL 4" DIA. PERFORATED PVC PIPE WRAPPED IN NON-WOVEN GEOTEXTILE MEMBRANE. CAPPED AT ENDS. PLACED OVER 1" GRAVEL LAYER.

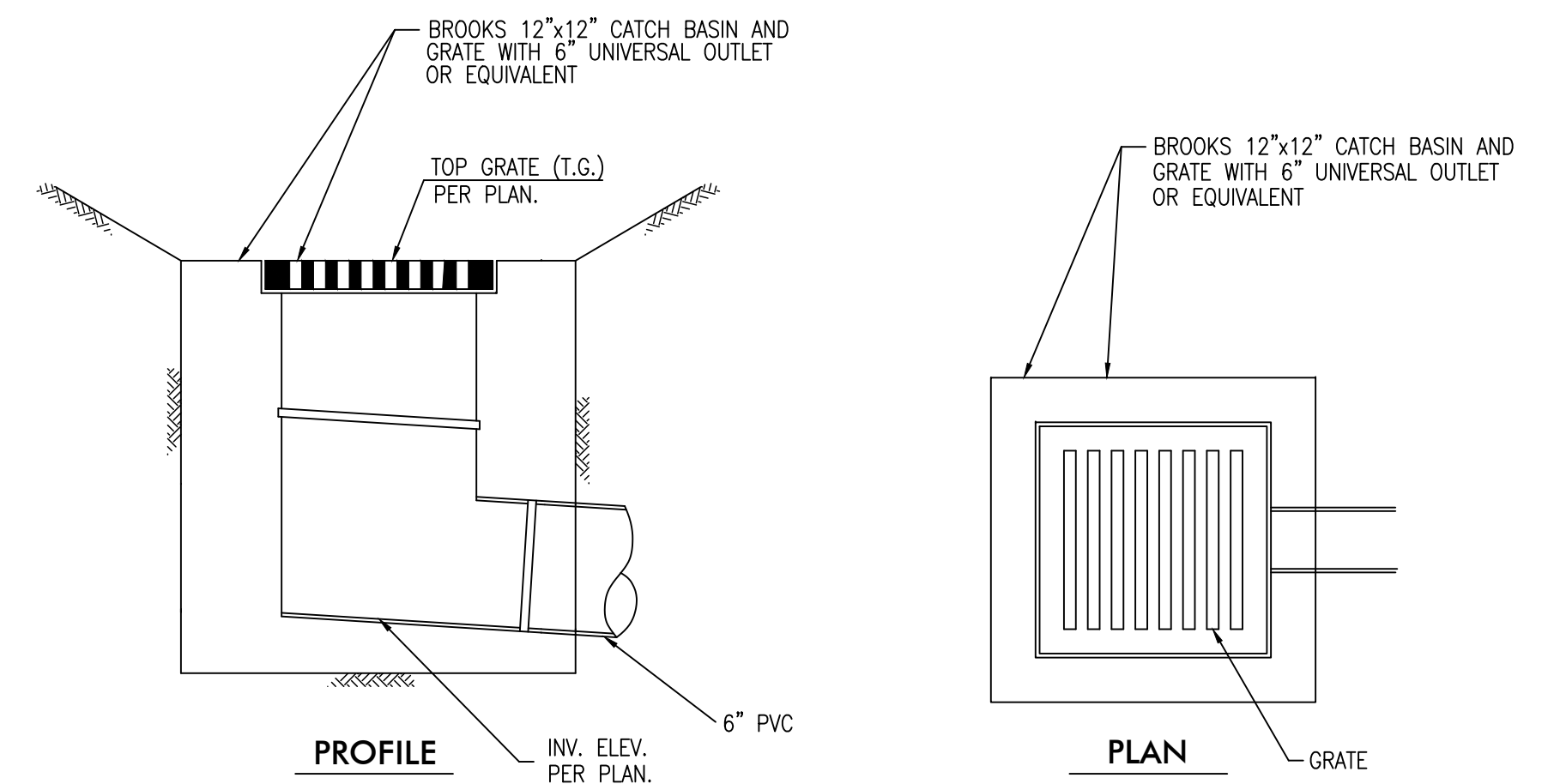
OVERFLOW INLET

27" MIN.



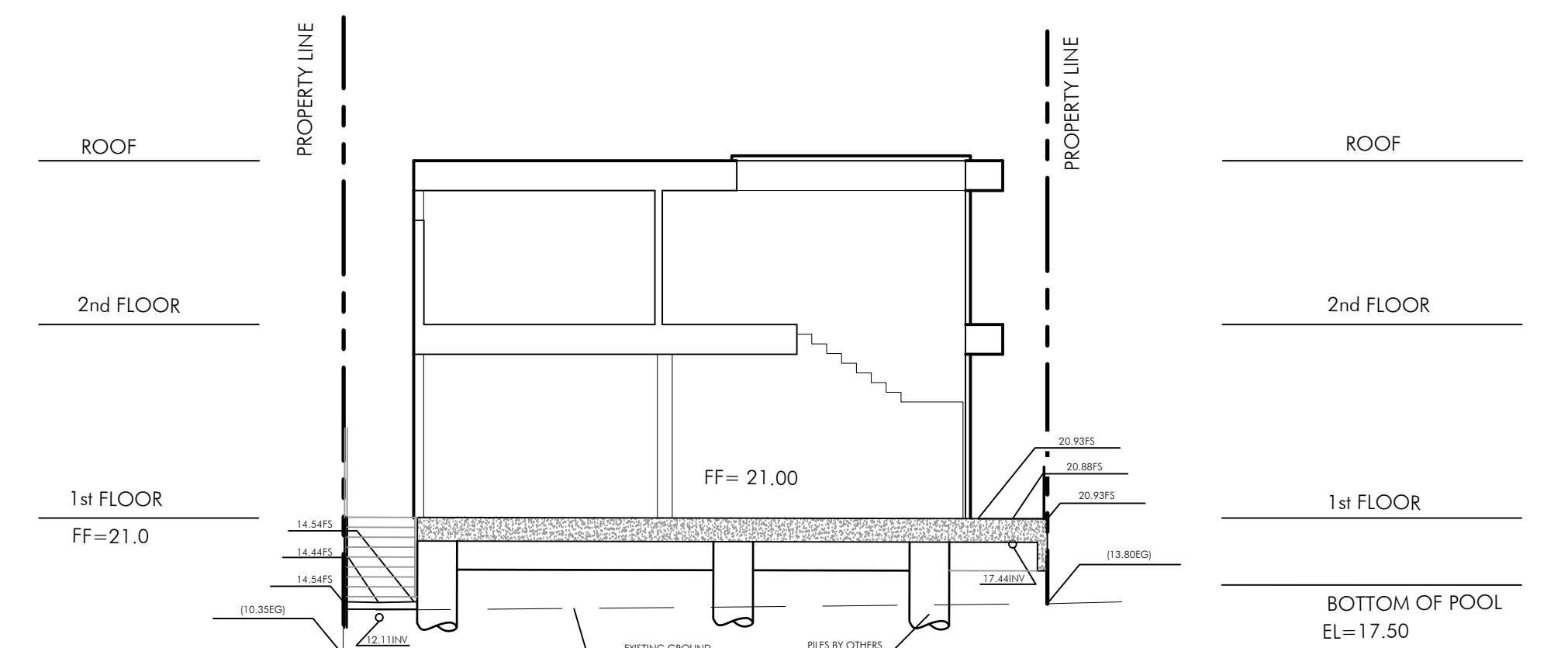
4" ROUND GRATE

	(A)
	N.T.S.

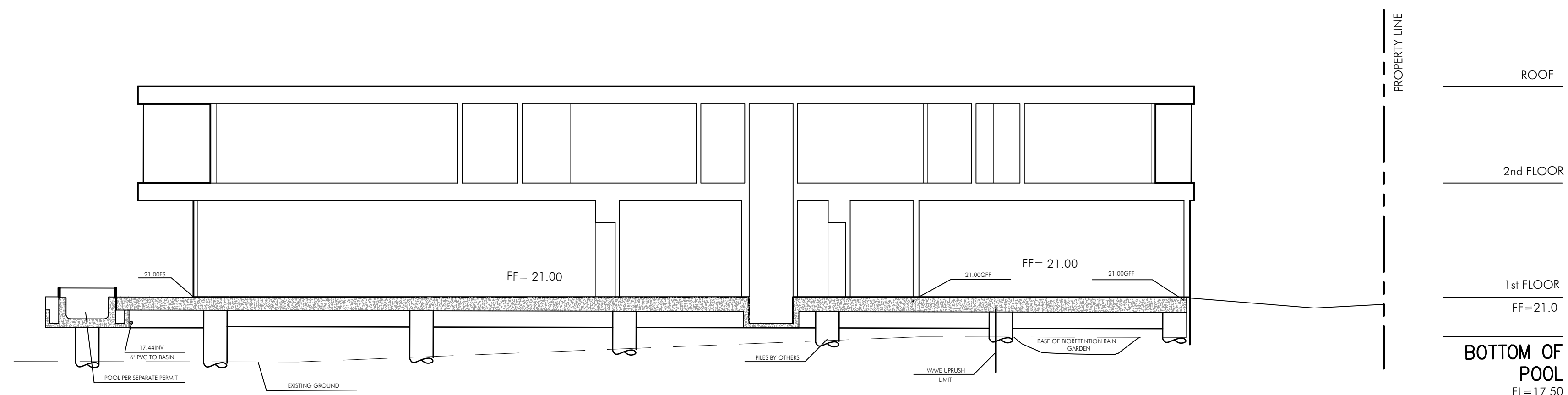


24"X24" CATCH BASIN

**B**  
N.T.S.



SECTION A-A



SECTION B-B

# STORMWATER RAIN GARDEN WITH LINEAR FOR SMALL SCALE RESIDENTIAL

©  
N.T.S.

PLANS PREPARED BY:

PACIFIC COAST CIVIL, INC.  
30141 AGOURA ROAD, SUITE 200  
AGOURA HILLS, CA 91301  
PH: (818) 865-4168  
FAX: (818) 865-4198

PLANS PREPARED UNDER THE DIRECTION OF:

Richard E. Doss 08/13/2020

RICHARD E. DOSS R.C.E. C48847 DATE



NO.	REVISION	BY	CHKD.	DATE

DESIGNED BY:	DATE	<p>SCALE</p> <p>1"=10'</p>
DRAWN BY:	DATE	
CHECKED BY:	DATE	
		PROJECT NUMBER

Sheet 3 of 3 Sheets

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Q:\MALIBU\17-1488 KENT 30708 PCH\ENG\GRADING\17-1488 - 30708 PCH - CIVIL SET CHANGE ORDER 2.DWG  
 11:40AM 11/14/2020  
 Q:\MALIBU\17-1488 KENT 30708 PCH\ENG\GRADING\17-1488 - 30708 PCH - CIVIL SET CHANGE ORDER 2.DWG





4-MAL-19-2640

**NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT****Date of Notice: December 13, 2019****Received****Notice Sent to (US. Certified Priority Mail):**

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

DEC 16 2019

California Coastal Commission  
South Central Coast District

**Contact:**

Raneika Brooks, Associate Planner  
City of Malibu  
23825 Stuart Ranch Road  
Malibu, CA 90265  
(310) 456-2489

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

**Project Information**

**COASTAL DEVELOPMENT PERMIT NO. 17-119, VARIANCE NO. 19-038, DEMOLITION PERMIT NO. 18-010, AND CODE VIOLATION NO. 19-055** – An application for the demolition of an existing single-family residence and associated development and construction of a new single-family residence, swimming pool and spa, decks, permeable driveway, driveway gate, and the replacement of the onsite wastewater treatment system including a variance for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Trancas Creek)

Application Date: December 28, 2017  
Issue Date: December 2, 2019  
Applicant: Steven Kent, Steven Kent Architect, 11906 Gorham Ave, #1, Los Angeles, CA 90049  
Owner: Klein Family Partnership  
Location: 30708 Pacific Coast Highway  
APN: 4469-026-009

**Final Action Information**

Final Local Action: ☐ Approved ☒ Approved with Conditions ☐ Denied  
Final Action Body: Approved by the Planning Commission on December 2, 2019

Required Materials Supporting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report: December 2, 2019 Planning Commission Meeting		11/22/2019
Adopted Findings and Conditions: Planning Commission Resolution No. 19-62	X	
Site Plans and Elevations		11/22/2019

**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 to:

- Property Owner/Applicant

Prepared by: Kathleen Stee

Exhibit 5  
Final Local Action Notice & City  
Resolution  
Appeal No. A-4-MAL-19-0218

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 19-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 17-119 FOR THE DEMOLITION OF A 2,553 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE AND ASSOCIATED DEVELOPMENT AND CONSTRUCTION OF A NEW 6,120 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE, A 680 SQUARE FOOT ATTACHED GARAGE, SWIMMING POOL, SPA, DECKS, PERMEABLE DRIVEWAY, DRIVEWAY GATE AND OTHER ASSOCIATED DEVELOPMENT, AND REPLACEMENT OF THE ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 19-038 FOR THE REDUCTION OF THE REQUIRED 100-FOOT BUFFER FROM AN ENVIRONMENTALLY SENSITIVE HABITAT AREA (TRANCAS CREEK) AND DEMOLITION PERMIT NO. 18-010 FOR THE DEMOLITION OF THE EXISTING RESIDENCE AND ASSOCIATED DEVELOPMENT LOCATED IN THE SINGLE-FAMILY MEDIUM DENSITY (SF-M) ZONING DISTRICT AT 30708 PACIFIC COAST HIGHWAY (KLEIN FAMILY PARTNERSHIP).

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

SECTION 1. Recitals.

A. On December 28, 2017, an application for Coastal Development Permit (CDP) No. 17-119 and Demolition Permit (DP) No. 18-010 was submitted to the Planning Department by applicant, Steven Kent, on behalf of property owner, SLP Properties. The application was routed to the City Biologist, City Environmental Health Administrator, City Coastal Engineer, City Public Works Department, City geotechnical staff, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) for review.

B. On October 31, 2018, a Notice of Coastal Development Permit Application was posted on the property.

C. On March 14, 2019, Planning Department staff conducted a site visit to document site conditions, the property and surrounding area.

D. On July 23, 2019, the Environmental Review Board (ERB) reviewed the project and provided a recommendation.

E. On August 9, 2018, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

F. In September 2018, the applicant installed story poles to demonstrate the design of the project.

G. On September 16, 2019, staff determined the project requires a variance for a modification to the 100-foot stream ESHA buffer and the application was deemed complete for processing.

H. On November 7, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On December 2, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

## SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e) and (l) – Existing Facilities and 15303(a) and (e) – New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

## SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Implementation Plan (LIP) including Sections 13.7(B) and 13.9, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 17-119 for the demolition of a 2,553 square foot, two-story single-family residence and associated development and construction of a new 6,120 square foot, two-story single-family residence, a 680 square foot attached garage, swimming pool, spa, decks, permeable driveway, driveway gate and other associated development, and replacement of the onsite wastewater treatment system (OWTS); including Variance (VAR) No. 19-038 for the reduction of the required 100-foot buffer from an Environmentally Sensitive Habitat Area (Trancas Creek) and Demolition Permit (DP) No. 18-010 for the demolition of the existing residence and associated development located in the Single-Family Medium Density (SF-M) zoning district at 30708 Pacific Coast Highway.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed variance, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

### **A. General Coastal Development Permit (LIP Chapter 13)**

1. The project has received LCP conformance review from the Planning Department, City Biologist, City Environmental Health Administrator, City Coastal Engineer, City Public Works Department, City geotechnical staff, WD29, and the LACFD. The project is consistent with the policies and provisions of the LCP and Malibu Municipal Code (MMC), with the inclusion of the VAR.

2. The proposed project and related construction activities are not anticipated to interfere with the public's right to access the coast as adequate public access exists immediately east of the



project site at Zuma County Beach and seaward of the ambulatory mean high tide line (MHTL). The project is setback more than 10 feet from the MHTL.

3. Evidence in the record demonstrates that, as conditioned, the project will not result in adverse biological or scenic impacts. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment because the site has been fully disturbed since 1968, any development on the site would result in the encroachment into the 100-foot stream buffer, the project complies with the 25 percent development area, and a smaller footprint would not provide any environmental advantages. The project is the least environmentally damaging alternative.

4. The project, as proposed and conditioned, conforms with the feasible recommendations of the ERB because the project's approval is conditioned to require the removal of ice plant and, in its place, the planting of landscaping native to dune systems in the Santa Monica Mountains area.

**B. VAR No. 17-012 to allow new development to encroachment into the stream ESHA buffer (LIP Section 13.26.5)**

1. A special circumstance and exceptional characteristic are applicable to the subject property, such that strict application of the zoning ordinance deprives the property of privileges enjoyed by other properties in the vicinity, in that the property is immediately adjacent to Trancas Creek and the required 100-foot buffer from the creek encompasses the entire project site. As such, there is no way to site the proposed residence to avoid encroachment into the buffer because the lot is less than 50 feet wide. The project proposes the demolition and reconstruction of a single-family residence. The residential properties in the vicinity are primarily developed under the identical zoning classification, with similar development limitations, related to development within the ESHA buffer. The neighboring developed property immediately west of the project site, located at 30712 PCH, is also entirely located within the 100-foot buffer from the creek. Moreover, the two developed properties west of 30712 PCH have fuel modification zones that also encroach in the 100-foot ESHA buffer. Strict application of the zoning ordinance would deprive the property owner of the same residential development configuration and siting enjoyed by other properties in the vicinity with the same zoning and constraints.

2. The project is designed to minimize grading and landform alteration by utilizing a previously disturbed area. The project complies with the development area that is 25 percent the size of the parcel required for this variance to minimize impacts to ESHA. With the incorporation of the recommended conditions of approval, the granting of a variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and SF-M zone district in which the property is located.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that the neighboring properties to the west, which are developed with single-family residences, also include development within the ESHA buffer. In addition, the proposed single-family residence is consistent with the uses permitted in the applicable zoning designation.

4. Pursuant to LUP Policy 3.12 and LIP Section 4.7.1, the development is limited to 25 percent of the lot area in order to minimize ESHA impacts. LUP Policy 3.28 and LIP Section 4.6.4

prohibit a variance modification to the ESHA buffer except where there is no other feasible alternative to site development and the development does not exceed the maximum size allowed for the development area. Pursuant to LUP Policy 5.5 and LIP Section 13.7(C), the application requires review by the ERB in order to assess potential impacts to ESHA, define project's least environmentally damaging alternative, and to recommend modifications or project conditions to avoid or minimize ESHA impacts. There are no new ESHA impacts from the proposed residence as it decreases the development area to comply with the maximum size allowed, which is 25 percent the size of the parcel, and does not expand beyond the area that is already disturbed. There is substantial evidence in the record that demonstrates there is no other feasible location to site the development. The project has been reviewed by the ERB and conforms with the recommendations. The project will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP.

5. The project consists of the demolition of a single-family residence and associated development and the construction of a new two-story residence and associated development on a previously disturbed building pad. The granting of the variance will not increase ESHA or ESHA buffer impacts as the proposed development does not expand beyond an area that was already disturbed. The proposed development area complies with the maximum allowable pursuant to LIP Section 4.7 and, therefore, would not exceed the limits on development area.

6. The subject property is zoned SF-M which allows for residential development. The proposed project includes the construction of a single-family residence which is a permitted use in the subject zone. Approval of the variance would allow continued encroachment into stream ESHA buffer for the proposed residence. The use is consistent with the purpose and intent of the SF-M Zone.

7. The project will consist of a replacement single-family residence on the subject property that is similar in siting to what was previously on the site. The subject property is physically suitable for the proposed residence because: 1) the subject property was physically suitable for the construction of the previous single-family residence; and 2) as designed, the stream ESHA will be protected.

8. The variance complies with all requirements of state and local law. The project has received LCP conformance review from all applicable City departments, the LACFD, and WD29. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

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

1. No alternative exists that would avoid encroachment into ESHA and ESHA buffer due to the 47-foot lot width and the 10-foot buffer of Trancas Creek that encompasses the entire project site. The strict application of the ESHA overlay ordinance would preclude replacing the single-family residential development on the property.

2. The proposed project is consistent with all applicable provisions of the LCP. In addition, the project complies with the maximum development area of 25 percent of the lot area pursuant to LIP Section 4.7.1. The proposed 4,372 square foot development area has been reviewed and was determined by the City Biologist to be in compliance based on the lot size. This project has

been reviewed and approved by the City Biologist and conforms to the feasible recommendations of the ERB and therefore, complies with the criteria established in the LCP.

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

1. The project site is a beachfront property with a slope that descends gently from PCH, an LCP-designated scenic highway, and contains public ocean views. The property is developed with a single-family residence and associated development that does not comply with the LIP's requirements for scenic resource protection because it does not provide an ocean view corridor. However, the proposed project has been designed to protect public ocean views by providing view corridors that are consistent with the requirements established in LIP Section 6.5(E). The project also provides similar stringlines and setbacks as the surrounding residences. As proposed, development on the site will not have significant adverse impacts on scenic and visual resources.

2. The project has been designed and conditioned to avoid any adverse or scenic impacts by providing view corridors and will be conditioned for the structure to utilize colors and materials that will be compatible with the surrounding natural environment. Additionally, the project has been conditioned to restrict exterior lighting per the requirements of LIP Section 6.5(G). Therefore, the proposed development will not result in significant adverse scenic visual impacts.

3. The project, as conditioned, is the least environmentally damaging alternative as there is no way to design a project that is not visible from scenic areas and the project meets the view corridor requirement.

4. There are no feasible alternatives to development that would avoid substantially lessen any significant adverse impacts on scenic and visual resources as none are expected.

5. As conditioned, development on the site will not have significant adverse impacts on scenic and visual resources as view corridors will be provided.

**E. Hazards (LIP Chapter 9)**

1. The record demonstrates that the project, as proposed and conditioned, will not adversely affect stability of the site or structural integrity from geologic, flood, or fire hazards in that the project complies with the recommended use of a pile foundation, is consistent with the recommended finish floor elevation, and requires that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

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

3. As previously discussed, the project, as proposed and conditioned, is the least environmentally damaging alternative as no significant impacts are expected.

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



5. No adverse impacts to sensitive resources are expected as the project complies with all development standards, inclusive of the variance.

**F. Shoreline and Bluff Development (LIP Chapter 10)**

1. The proposed project includes the replacement of a beachfront single-family residence and associated development. The new OWTS will be located in the area of the existing OWTS at the northeastern portion of the site below the proposed driveway. This location will allow the existing 3,000-gallon tank to be reused as a pre-treatment component of the proposed OWTS. The new OWTS is sited in a location that has been determined to be the most landward feasible by the City Coastal Engineer and City Environmental Health Administrator in compliance with LIP Section 10.4. The proposed single-family residence and associated development, including the OWTS, have been designed to not require a shoreline protection device in that the concrete piles used for the foundation of the residence have been designed to withstand the projected lateral force of wave impact and the OWTS is located 15 feet landward of the wave up brush limit line. Additionally, the proposed development was reviewed by the California State Lands Commission (CSLC) and it asserted no jurisdictional claims regarding the proposed project. The project is landward of the 10-foot setback from the most landward MHTL. Public access to the ocean exists approximately 350 feet east of the project site at Zuma County Beach. Also, as discussed earlier, the California Coastal Trail exists along the State of California's "wet sand right-of-way," which allows public use of lands seaward of the ambulatory MHTL and provides public access along and parallel to the sea or shoreline. The project, as proposed, will not have significant adverse impacts on public access, shoreline sand supply or other resources.

2. As demonstrated in the record, the project has been conditioned by the City Coastal Engineer and City geotechnical staff to ensure that the project will not have significant adverse impacts on public access, shoreline sand supply or other resources.

3. As demonstrated in the record, the project is the least environmentally damaging alternative.

4. As demonstrated in the record, the project will have no impacts on public access or shoreline sand supply; therefore, there are no alternatives that would avoid or substantially reduce impacts on public access or shoreline sand supply.

**G. Demolition Permit (MMC Chapter 17.70)**

1. Conditions of approval, including the recycling of demolished materials, have been included to ensure that the proposed project will not create significant adverse environmental impacts.

2. This CDP application is being processed concurrently with DP No. 18-010, and approval of the demolition permit is subject to the approval of CDP No. 17-119.

**SECTION 4. Planning Commission Action.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 17-119, VAR No. and DP No. 18-010, subject to the following conditions.

SECTION 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
  2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
    - a. Demolition of an existing square foot, single-family residence and associated development, totaling 3,153 square feet;
    - b. Demolition of two unpermitted structures adjacent the northern property line, totaling 530 square feet;
    - c. Construction of a new two-story, 28-foot high, 6,120 square foot single-family residence, including:
      - 680 square foot attached garage;
    - d. New swimming pool, spa, and pool equipment;
    - e. Exempt and non-exempt grading including:
      - Exempt*
        - 37 cubic yards of understructure grading
      - Non-exempt*
        - 357 cubic yards
    - f. Installation of a new OWTS, including a 1,250-gallon septic tank;
    - g. New landscaping and hardscape, including a permeable driveway; and
    - h. Perimeter walls not to exceed six feet in height along the side property lines and a six-foot-high visually permeable auto gate in the front yard.
- Discretionary requests:
- a. VAR No. 19-038 for the reduction of the required 100-foot stream buffer ESHA; and
  - b. DP No. 17-013 for the demolition of the existing single-family residence and associated development.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on the architectural plans on file with the Planning Department date stamped **October 18, 2019**, grading plans dated **April 2, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.

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

### *Cultural Resources*

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

### **Building Plan Check**

#### *Geology*

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

#### *Onsite Wastewater Treatment System*

17. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
18. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).



19. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
20. Any above-ground equipment associated with the installation of the OWTS 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.
21. 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 drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
  - b. Sewage and effluent pump design calculations (as applicable).
  - c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
  - d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
  - e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note:

For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

22. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
23. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.
24. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
25. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
26. The existing 3,000-gallon fiberglass tank will be re-used as a pre-treatment component of the proposed Jet Treatment System. Prior to final Environmental Health approval, an inspection report for the existing tank must be submitted to the City of Malibu.
27. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
28. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
29. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant

shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

30. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
31. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the OWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.
32. The project geotechnical consultant, City geotechnical staff, project coastal engineering consultant, and City Coastal Engineering, final approvals shall be submitted to the City Environmental Health Administrator.
33. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to the continued operation, maintenance and monitoring of the OWTS.

*Grading/Drainage/Hydrology (Public Works)*

34. Prior to the issuance grading or building permits, an encroachment permit must be obtained from Caltrans for the proposed driveway.
35. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.
36. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
37. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
  - a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4 to 1.
  - c. Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

38. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
39. 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:
- Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - Prohibits the discharge of trash.
  - Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
  - Elimination of non-storm water discharges.
40. A grading and drainage plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of 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 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;
  - The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
  - If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
  - Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.
41. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction



BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.

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

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

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

43. Prior to the approval of any permits and prior to the submittal of the required construction general permit document to the State Water Quality Control Board, the property owner/applicant shall submit the Public Works Department an Erosion and Sediment Control Plan (ESCP) for review. The ESCP shall contain appropriate site-specific construction site BMPs prepared and certified by a qualified SWPPP developer (QWD). All structural BMPs must be designed by a licensed California civil engineer. The ESCP must address the following elements:
- Methods to minimize the footprint of the disturbed area and to prevent soil compaction outside the disturbed area
  - Methods used to protect native vegetation and trees
  - Sediment / erosion control
  - Controls to prevent tracking on- and off-site
  - Non-stormwater control
  - Material management (delivery and storage)
  - Spill prevention and control
  - Waste management
  - Identification of site risk level as identified per the requirements in Appendix 1 of the Construction General Permit
  - Landowner must sign the following statement on the ESCP:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that quality personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate and complete. I am aware that submitting false and/or inaccurate information, failing to properly and/or adequately implement the ESCP may result in revocation of grand and/or other permits or other sanctions provided by law."

44. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
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. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
46. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
  - a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

47. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

*Pool / Spa / Water Feature*

48. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).
49. 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 comply with LIP Section 3.5.3(A).
50. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

51. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algacides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
  - a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
  - b. There are sufficient BMPs in place to prevent soil erosion; and
  - c. The discharge does not reach in to the MS4 or to the ASBS (including tributaries)
52. Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.
53. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per MMC Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.
54. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

#### *Water Quality/ Water Service*

55. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 (WD29) to the Planning Department indicating the ability of the property to receive adequate water service.
56. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of WD29 have been met, including installation of a meter, if applicable.

#### *Shoreline Protection (Coastal Engineer)*

57. All construction debris shall be removed from the beach daily and at the completion of development.
58. No stockpiling of dirt or construction materials shall occur on the beach.
59. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day's work.
60. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.
61. No machinery shall be placed, stored or otherwise located in the intertidal zone at any time, unless necessary for protection of life and/or property.
62. Construction equipment shall not be cleaned on the beach.

63. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.

#### *Construction / Framing*

64. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.
65. 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.
66. At no time shall any eastbound lane along Pacific Coast Highway be closed for construction staging related to this project between the hours of 7:00 a.m. and 9:00 a.m.
67. 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.
68. 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.

#### *View Corridor*

69. Pursuant to LIP Section 6.5(E)(2) and in order to ensure the protection of scenic and visual resources, the applicant is required to maintain:
- a. A view corridor a minimum of 4 feet, 9 inches wide adjacent to the western and eastern property lines extending the length of the property.
  - b. No portion of any structure shall extend into the view corridor above the elevation of the adjacent street.
  - c. Any fencing across the view corridor shall be permanently maintained as visually permeable. Tinted or frosted glass, and louvered or slatted screen fences are not permitted.



- d. Any landscaping in this area shall include only low-growing species that will not obscure or block bluewater views.
- e. If at any time the property owner allows the view corridor to become impaired or blocked, it would constitute a violation of the coastal development permit and the Coastal Act and be subject to all civil and criminal remedies.

#### *Demolition/Solid Waste*

- 70. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
- 71. 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.
- 72. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
- 73. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
- 74. 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.
- 75. 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.
- 76. 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.
- 77. The property owner shall obtain all permits required by the City's Building Safety Division and complete any work that is related to the resolution of Code Violation No. 19-055 within six (6) months of this approval. In addition, the property owner shall obtain all required building permits and inspections for the work that has already been completed.
- 78. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

*Lighting*

79. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
- a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
  - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
  - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
  - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
  - e. Site perimeter lighting shall be prohibited; and
  - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
80. 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.
81. 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.
82. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
83. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

*Biology*

84. Prior to the issuance of permits, the applicant shall also submit one of the following three habitat impact mitigation methods to the City Biologist and Planning Department: 1) habitat restoration plan; 2) habitat conservation plan; or 3) in-lieu fees to the Santa Monica Mountains Conservancy for habitat mitigation. Prior to final plan check the applicant shall provide either a detailed restoration plan, a habitat conservation plan, or evidence of payment of in-lieu fees to the Santa Monica Mountains Conservancy.
85. Invasive plant species, as determined by the City of Malibu, are prohibited.
86. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).
87. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.

*ERB*

88. Prior to issuance of grading or building permits, an updated landscape plan must be submitted to the Planning Department and City Biologist for review and approval. The updated landscape plan must include the following:
  - a. Location of ice plant to be removed from the dune system;
  - b. Type of native species to replant in the dune system; and
  - c. Type of deep-rooted ground cover to be planted along the eastern property line to minimize erosion along the west bank of Trancas Creek.
89. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used along the west bank of Trancas Creek and in the dune system south of the project site.
90. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
91. Grading and/or demolition shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

*Fuel Modification*

92. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

*Fencing and Walls*

93. 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 and LIP Section 6.5.
94. Fencing or walls shall be prohibited within ESHA, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.
95. Development adjacent to, but not within ESHA, may include fencing, if necessary for security, that is limited to the area around the clustered development area.

*Colors and Materials*

96. The project is visible from scenic roads or public viewing areas, therefore, shall incorporate colors and exterior materials that are compatible with the surrounding landscape.
- a. Acceptable colors shall be limited to colors compatible with the surrounding environment (earth tones) including shades of green, brown and gray, with no white or light shades and no bright tones. Colors shall be reviewed and approved by the Planning Director and clearly indicated on the building plans.
  - b. The use of highly reflective materials shall be prohibited except for solar energy panels or cells, which shall be placed to minimize significant adverse impacts to public views to the maximum extent feasible.
  - c. All windows shall be comprised of non-glare glass.
97. All driveways shall be a neutral color that blends with the surrounding landforms and vegetation. Retaining walls shall incorporate veneers, texturing and/or colors that blend with the surrounding earth materials or landscape. The color of driveways and retaining walls shall be reviewed and approved by the Planning Director and clearly indicated on all grading, improvement and/or building plans.

*Deed Restrictions*

98. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
99. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.
100. The property owner is required to acknowledge, by the recordation of a deed restriction, that new development on a beachfront lot, or where demolition and rebuilding is proposed, where geologic or engineering evaluations conclude that the development can be sited and designed so as to not require a shoreline protection structure as part of the proposed development or at any time during the life of the development, the property owner shall be required to record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development approved and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235.

101. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 79 through 83. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

*Prior to Occupancy*

102. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.
103. Prior to Planning final inspection, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
104. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
105. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A building permit will not be finalized until the Planning Department has determined that the project complies with this coastal development permit.
106. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

*Fixed Conditions*

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




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

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of December 2019.

  
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

  
KATHLEEN STECKO, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-62 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 2<sup>nd</sup> day of December 2019 by the following vote:

AYES:	4	Commissioners:	Marx, Uhring, Mazza, Jennings
NOES:	1	Commissioner:	Hill
ABSTAIN:	0		
ABSENT:	0		

  
KATHLEEN STECKO, Recording Secretary

# Projected Flooding with 6.6 ft. Sea Level Rise and No Storm Scenario

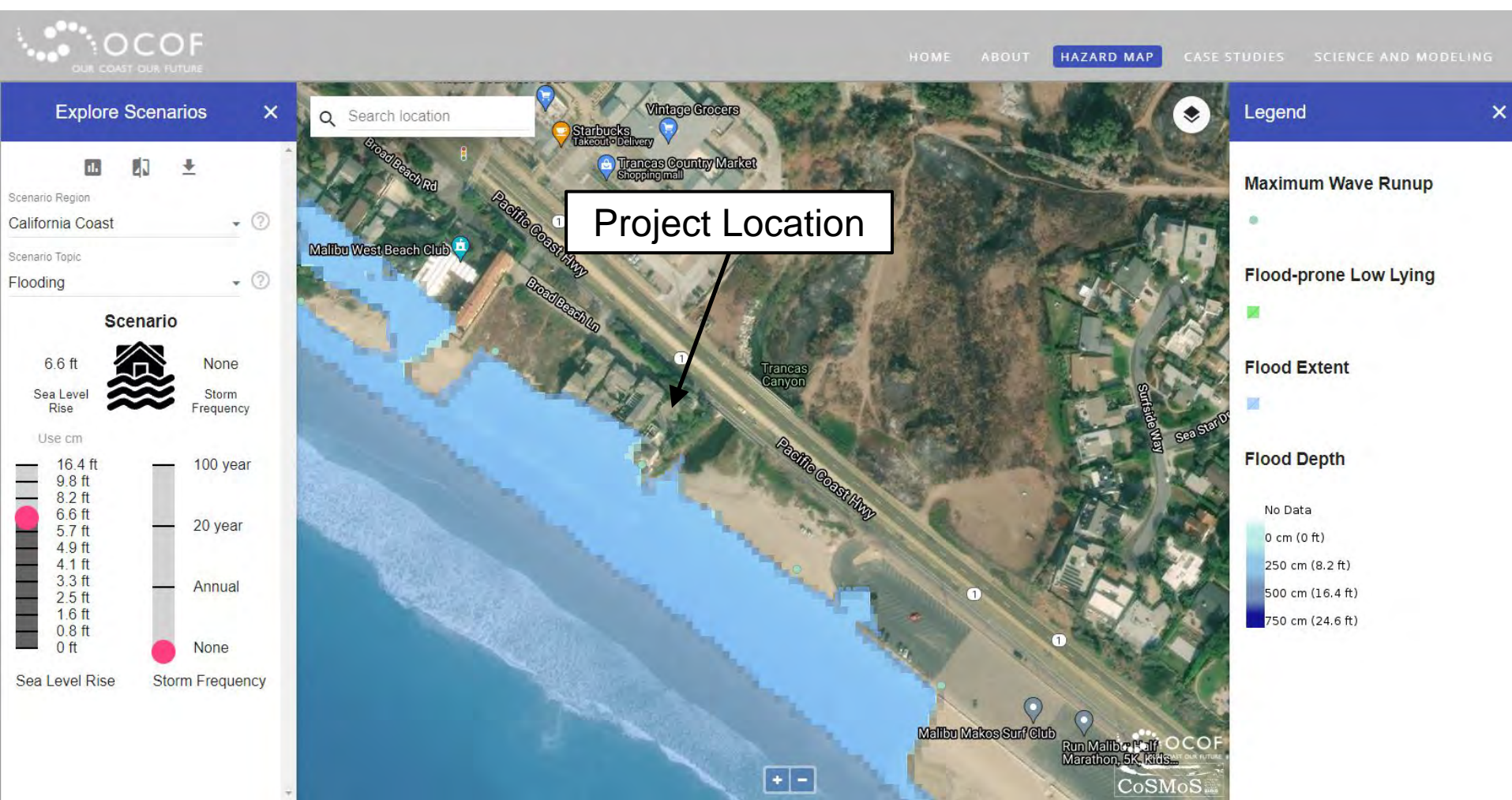
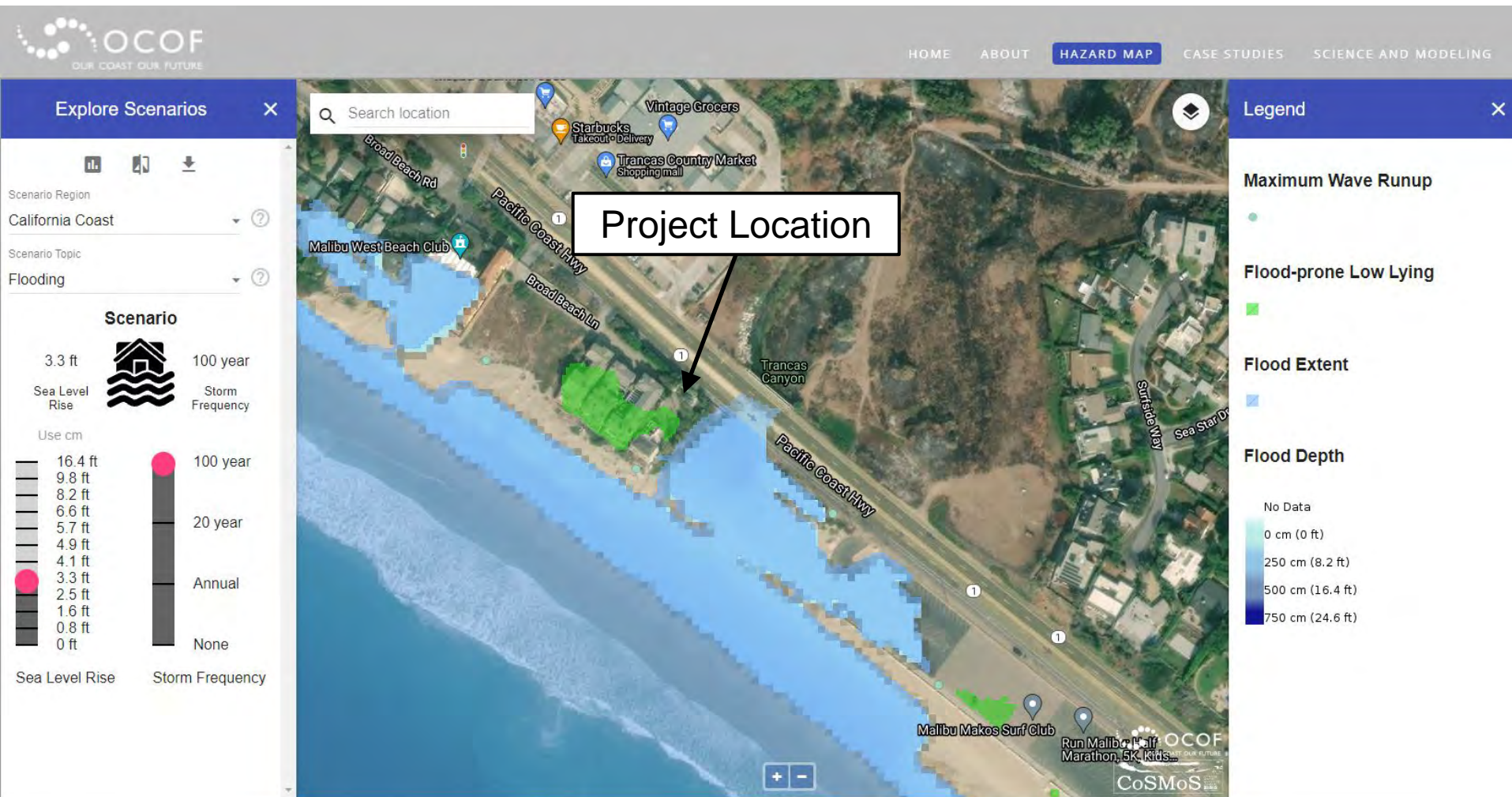


Exhibit 6  
CoSMoS Sea Level Rise Model Maps  
Appeal No. A-4-MAL-19-0218

# Projected Flooding with 3.3 ft. Sea Level Rise and 100 Year Storm





# Projected Flooding with 6.6 ft. Sea Level Rise and 100 Year Storm

