PLEASE DOWNLOAD THE AGENDA DOCUMENT FOR INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING

1. Meeting Agenda

   Documents:

   CC260218_AGENDA.PDF

2. Item 1A

   Appeal of Planning Commission Resolution No. 24-39 Regarding Coastal Development Permit No. 23-004 (29738 Cuthbert Road, APN 4469-041-011, Owner Malibo LLC, Appellant Charlotte Frieze Jones, for Malibu Park Neighbors Group)

   Documents:

   CC260218_ITEM 1A.PDF
   CC260218_ITEM 1A_SUPPLEMENTAL.PDF

Malibu City Council
Special Meeting Agenda

Wednesday, February 18, 2026

2:00 P.M. – CITY COUNCIL SPECIAL MEETING
City Hall – Council Chambers
23825 Stuart Ranch Road

Zoom Link:
https://us02web.zoom.us/j/87985644870

GUIDE TO THE CITY COUNCIL PROCEEDINGS AND DECORUM

ROLE OF THE PRESIDING OFFICER: The presiding officer of the City Council, who shall be the Mayor, shall be responsible for maintaining the order and decorum of meetings. It shall be the duty of the presiding officer to ensure that these rules of procedure and decorum are followed at all times. The presiding officer shall maintain control of communication between Councilmembers, between the Council and the public, and chair each meeting in a fair and impartial manner. It shall be the duty of each Councilmember to support the presiding officer in maintaining the order and decorum of Council meetings.

On specific agenda items, except for public hearings, Councilmembers may question any person addressing the City Council at the conclusion of all public testimony on that agenda item before the Council. Councilmembers shall not engage any member of the public in a dialogue with themselves other Councilmembers, city staff or other members of the public. Specific rules for public hearings are described in more detail below.

MEMBERS OF THE AUDIENCE: Members of the audience shall not engage in disorderly or boisterous conduct, including clapping, whistling, stamping of feet, or other acts which disturb, disrupt, impede or otherwise disturb the orderly conduct of the City Council meeting. Persons addressing the City Council shall not engage in disorderly conduct which disrupts, or otherwise impedes the orderly conduct or Council meetings. Any person who so disrupts a Council meeting may, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from that meeting.

MEETING PARTICIPATION: Malibu City Council meetings are held in-person. Members of the public may participate in-person or remotely. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. When you join the Zoom Webinar you may see a pop-up asking you to enter an email address, but a valid email address is not required. It is strongly recommended that those who wish to participate do so in person as zoom participation is not guaranteed. While the City intends to allow zoom participation if possible, the meeting will not be cancelled or continued if technical difficulties impact the ability to accept public participation over Zoom. In such case only in-person participation will be allowed.

If you would like to speak in-person, you must complete and submit to the Recording Secretary a Request to Speak form at the meeting *prior* to the beginning of the item being announced by the Mayor.

Remote and in-person participants will have three (3) minutes to speak on each item on the agenda. For items on

the agenda, in-person participants may also surrender their time to speak by deferring one (1) minute to another in-person speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

PUBLIC HEARINGS: For Public Hearings involving land use matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. Following the initial presentations from the appellant and applicant and public testimony Councilmembers may address questions to any of the speakers, members of the public in attendance, chairpersons or a designated representative of city commissions, boards or committees, city staff or consultant. Following the question period, the appellant and applicant will have the opportunity to present rebuttal before the public hearing is closed.

Any written comments or audiovisual materials from the applicants, appellants, and/or their representatives, including any that they intend to present at the hearing, must be submitted ten (10) business days in advance, by 5:00 p.m. on February 3, 2026. Any written comments or audiovisual materials from members of the public, including any that they intend to present at the hearing, must be submitted three (3) business days in advance, by 5:00 p.m. on February 12, 2026. No additional materials from any party or the public will be accepted after these deadlines. All materials should be emailed to citycouncil@malibucity.org.

VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video, www.youtube.com/CityofMalibu, and via Zoom Webinar.

Two p.m. **Regular Session**

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Report on Posting of Agenda – January 16, 2026

Approval of Agenda

1. Ordinances and Public Hearings

A. Appeal of Planning Commission Resolution No. 24-39 Regarding Coastal Development Permit No. 23-004 (29738 Cuthbert Road, APN 4469-041-011, Owner Malibo LLC, Appellant Charlotte Frieze Jones, for Malibu Park Neighbors Group)

Recommended Action: Either: 1) Adopt Resolution No. 26-05 denying Appeal No. 24-010, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 23-004, Site Plan Review No. 23-026 and Demolition Permit No. 24-020, an application to allow for the construction of a 4,620 square-foot addition to a like-for like rebuild of a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, enlargement of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system (OWTS); including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height located in the Rural Residential-Two acre (RR-2) zoning district at 29738 Cuthbert Road (Malibo LLC); or 2) Direct staff to bring back a resolution consistent with the City Council's decision.

Staff Contact: Community Development Director Bundy, 456-2489, ext. 229

Adjournment

Future Regular Meetings

Monday, February 23, 2026	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, March 9, 2026	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, March 23, 2026	5:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

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

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Community Development Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Regular and Adjourned Regular meeting agendas may be amended up to 72 hours in advance of the meeting. Dated this 16th day of January 2026 at 6:15 p.m.

Kelsey Pettijohn, City Clerk

Council Agenda Report

City Council Meeting
02-18-26
Item 1.A.

To: Mayor Riggins and Honorable Members of the City Council

Prepared by: Aakash Shah, Contract Planner

Reviewed by: Yolanda Bundy, Community Development Director
Tyler Eaton, Assistant Community Development Director

Approved by: Rob Duboux, Interim City Manager
Trevor Rusin, Interim City Attorney

Date prepared: January 16, 2026 Meeting Date: February 18, 2026

Subject: Appeal of Planning Commission Resolution No. 24-39 Regarding Coastal Development Permit No. 23-004 (29738 Cuthbert Road, APN 4469-041-011, Owner Malibo LLC, Appellant Charlotte Frieze Jones, for Malibu Park Neighbors Group)

RECOMMENDED ACTION: Either: 1) Adopt Resolution No. 26-05 (Exhibit A) denying Appeal (AP) No. 24-010 (Exhibit A), determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire (CDPWF) No. 23-004, Site Plan Review (SPR) No. 23-026 and Demolition Permit (DP) No. 24-020, an application to allow for the construction of a 4,620 square-foot addition to a like-for like rebuild of a destroyed single-family residence approved under Planning Verification-Woolsey Fire (PVWF) No. 21-034, enlargement of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system (OWTS); including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height located in the Rural Residential-Two acre (RR-2) zoning district at 29738 Cuthbert Road (Malibo LLC); or 2) Direct staff to bring back a resolution consistent with the City Council's decision.

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

STRATEGIC PLAN IMPLEMENTATION: N/A.

DISCUSSION: The matter is an appeal of the Planning Commission's approval of CDPWF No. 24-003, SPR No. 23-026, and DP No. 24-020, an application to allow for an addition

to a replacement single-family residence approved under PVWF No. 21-034, and associated development. The appellant, Charlotte Frieze Jones, representing the Malibu Park Neighbors Group,(a group of residents appealing this application, refer to Exhibit B), subsequently filed an appeal of the Planning Commission's decision to approve the project.

Project Background

Following the Woolsey Fire, and in response to outcry by property owners seeking ways to streamline the rebuild process in the most efficient and cost-effective manner possible, the City Council directed staff to identify ways to ease the regulatory burden on fire-damaged properties and provide flexibility for properties that sought to rebuild beyond the limits of the standard "like-for-like plus 10%" exemption in the City's Local Coastal Program (LCP). The goal was to create a pathway that allowed reasonable expansion and eliminated red-tape/shortened the processing time for permits for fire victims bringing forward such projects.

To implement this approach, staff allowed "stacked" applications where the City would simultaneously apply the nonconforming structure provisions with the coastal development permit (CDP) exemptions for improvements to existing single-family structures and for structures destroyed by natural disaster (LCP Local Implementation Plan (LIP) Sections 13.5, 13.4.1 and 13.4.6). Staff interpreted these sections to mean that once a Planning Verification was issued for the replacement structure (including the 10% increase), additional improvements could be reviewed as "improvements to existing single-family residences" even before the replacement home was constructed. This allowed property owners to pursue additional development—up to 50% beyond the size of the destroyed home—through an Administrative Plan Review rather than a CDP, or if it exceeded 50% through a CDP just for the addition. This allowed the replacement home to retain its legal nonconformities and then apply for an addition as if the like-for-like replacement structure was already built. These provisions were intended to ensure that fire victims were not penalized simply because their homes had been destroyed by allowing an applicant to use the CDP exemption for additions to single family homes even though the home had not yet been constructed, or through a CDP solely for the addition.

California Coastal Commission staff later took the position that this interpretation was inconsistent with the LCP. Specifically, they asserted that the exemption for improvements to existing single-family residences could only apply after the replacement home was substantially constructed or nearing a certificate of occupancy. Based on this interpretation, the California Coastal Commission objected to the City's practice of approving "stacked" or sequential exemptions before the home physically existed. In response, the City Council directed staff to discontinue the stacked-project approach. The application associated with the current staff report is a product of that earlier process

As a result, any application submitted today to exceed the 10% disaster-rebuild allowance requires a full CDP for the entire project, and the project is reviewed comprehensively at one time. While applicants may still maintain legal nonconformities for the replacement

home itself, any additional development beyond the 10% threshold cannot rely on exemptions or other processes and must go through the CDP process for the entire project.[1]

Project Overview

The subject parcel is partially located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu. The LCP Environmentally Sensitive Habitat Area (ESHA) Overlay map (Figure 1) shows a mapped blueline stream crossing the property diagonally along the parcel's frontage. The replacement structure approved under the PVWF is sited within 100 feet of the stream but the proposed additions under this application are sited at least 100 feet away from the stream, consistent with the requirements of the LCP.

Figure 1: Aerial Photograph with ESHA Overlay and Stream



Source: Malibu City GIS

The lot is 2.03 acres. The subject property cannot be seen from public scenic areas, including Pacific Coast Highway, beaches, and parks. The planned Zuma Ridge Trail is

[1] It should be noted that an applicant can still rebuild a nonconforming like-for-like single family home without a CDP, and then build an addition to that structure without a CDP—so long as the like-for-like structure is built before the addition is applied for.

located approximately 30 feet north of the project site according to the LCP Parklands Map. That trail is currently unimproved and therefore unused. The proposed additions are not anticipated to significantly impact public views of the Santa Monica Mountains or Pacific Ocean from public viewing areas, and the proposed project is anticipated to blend in with surrounding development.

The previously existing single-family residence, detached garage, guest house, shed, stable/storage room, and pool house were destroyed in the 2018 Woolsey Fire. On September 28, 2020, the Planning Department approved PVWF No. 21-034 for a like-for-like rebuild of the single-family residence and swimming pool. PVWF No. 21-034 included a 3,872 square foot replacement structure to be rebuilt. A portion of the approved single-family residence under the PVWF application encroaches into the 100-foot buffer from an LCP-mapped stream. This portion of the home had existed prior to the fire and was replaced in-kind. The replacement structure met the CDP exemption criteria contained in LIP Section 13.4.6.

The proposed project includes a 4,620 square foot addition to the previously approved residence. Exterior site improvements include 16,932 square feet of total impermeable coverage, expanding the existing swimming pool and spa, view permeable front yard fencing and gate (not to exceed six feet in height), outdoor seating area for the tennis court, new landscaping, hardscaping and OWTS. The proposed project includes an SPR for construction of a residence over 18 feet in height, up to 24 feet with a flat roof. The proposed Total Development Square Footage (TDSF) is 8,492 square feet out of the allowable 8,500 square feet.

On August 5, 2024, the Planning Commission considered the item. After deliberation, the Planning Commission approved the project on a 3-2 vote. The August 5, 2024 staff report, and related correspondence are attached as Exhibit C. Appeal No. 24-010 was filed on August 15, 2024 (Exhibit B). The appeal was submitted by Charlotte Frieze Jones, who is the primary contact on behalf of all the individuals who appealed this project and are listed in the appeal letter. The Planning Commission staff report goes into greater detail regarding the project. The videos regarding the Planning Commission deliberation on the items can be found on the City's website at https://www.malibucity.org/662/Public-Meeting-Video-Archive

APPEAL TO THE CITY COUNCIL

The appellant, Charlotte Frieze Jones, provided written and oral testimony during the public hearing before the Planning Commission. In the appeal, the appellants contend that the findings are not supported by the evidence, and that the decision was contrary to law. The specific arguments are summarized below in italics. The full text of the appeal documents can be found in Exhibit B.

Appeal Item 1. Rebuilds must meet all the requirements described in the City of Malibu Local Implementation Plan (LIP) Chapter 13.4.6 Structures Destroyed by the natural disaster.

Staff Response

The appellant claims the project was not processed properly. The appellant's claim that the project is not a "like-for-like" replacement structure pursuant to LIP Section 13.4.6.

The like-for-like rebuild was approved under application PVWF No. 21-034. The time to appeal that project, or challenge it in court, has now expired. The project in front of before the Council is solely for a CDP for the proposed addition to the replacement structure. As discussed above, during the Woolsey Fire rebuild process, the City Council allowed, for a limited time, "stacked" applications where an approved like-for like replacement structure could apply (before the replacement structure was constructed) for additional square footage and site improvements that exceeded the "like-for-like plus 10 percent" allowed under the LIP exemption for structures destroyed in a natural disaster (LIP Section 13.4.6). Under this "stacked" process the addition could be processed as if the replacement structure had already been constructed. In this case, which meant the addition would be looked at separate from the replacement structure, thus, the CDP is only for the addition. This project was processed under those regulations in place at the time and was consistent with the Council policies at the time.

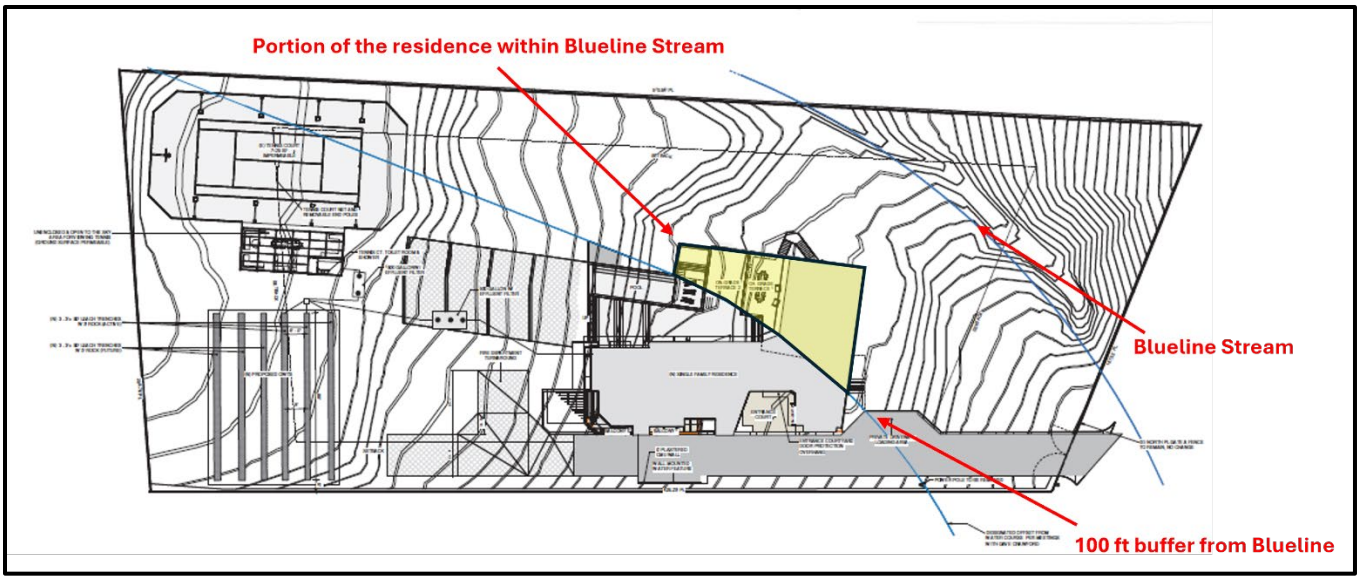
Appeal Item 2. The Project as proposed is not an addition to the existing single-family residence but a new single-family residence, and the project is submitted under two different applications.

Staff Response

The proposed project is an addition to the approved single-family residence under PVWF No. 21-034. The applicant submitted a like-for-like rebuild application (PVWF No. 21-034). Upon approval of this application, they submitted another application CDPWF No. 23-004 for improvements to the approved project.

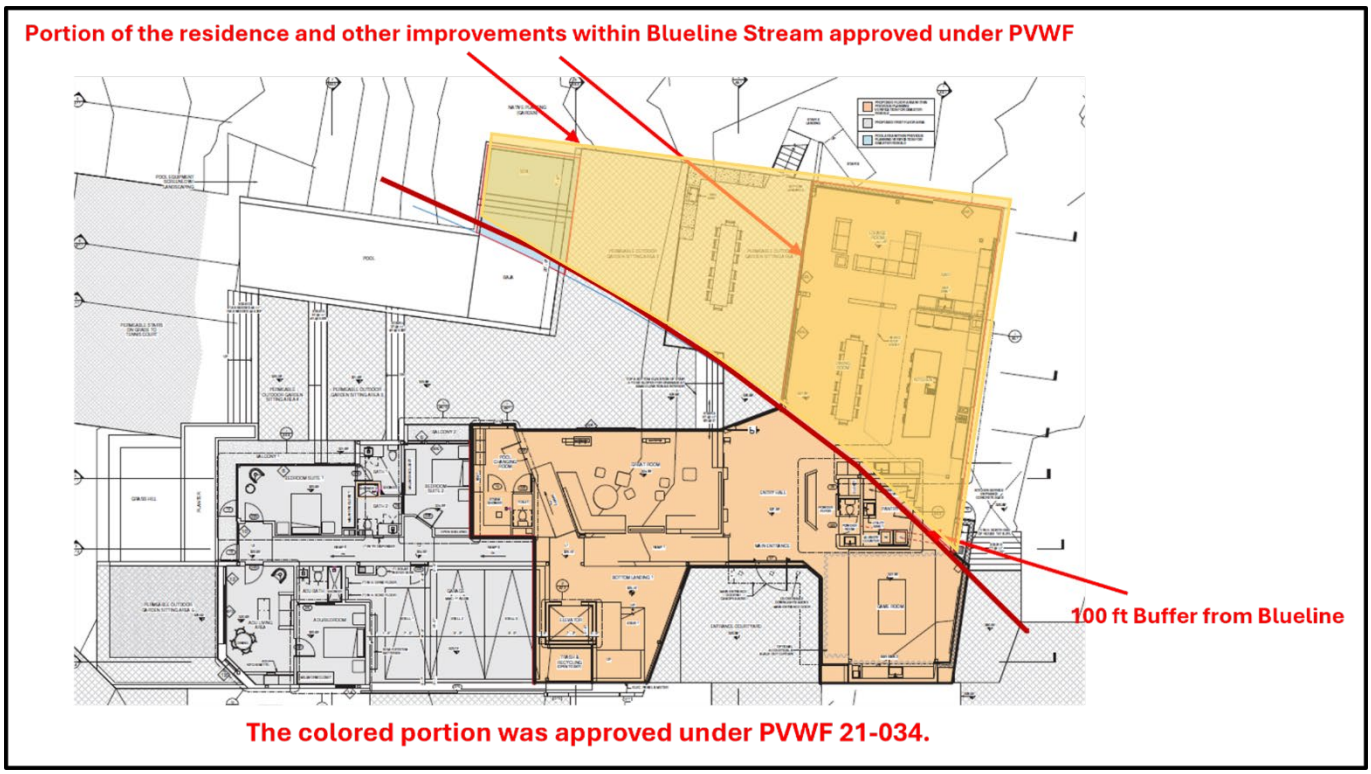
Some portions of the approved residence under PVWF No. 21-034 encroached within 100 feet of the stream (Figure 2a and 2b), as those parts were a like for like replacement. The subject application is for the addition of 4,620 square feet to the approved residence. Under this application, only the new portions of the residence are being reviewed.

Figure 2a. Site Plan Showing Blueline Stream, 100 feet buffer and encroachment within 100 feet buffer



Source: Project Plans

Figure 2b. Plan Showing the Portion of the residence approved under PVWF 21-034.



Source: Project Plans

Appeal Item 3. The Project, as proposed, does not meet the General Coastal Development Permit findings.

Staff Response:

The project is located in the RR-2 residential zone district, an area designated for residential uses. In addition, the subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. The proposed project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements.

The applicant considered project alternatives such as relocating the addition elsewhere on the subject parcel or nearer to the stream; however, the relocation would result in greater site disturbance than what currently is proposed.

The LCP ESHA Overlay map shows a stream diagonally across the parcel's frontage. However, the proposed additions under this application are located outside the 100-foot ESHA buffer and the additions will not expand the required fuel modification of the structure. Additionally, LIP Section 4.4.4(B) exempts Environmental Review Board (ERB) review for additions to existing structures that do not require additional fuel modification

impacts to ESHA. The Planning Director, at the time, determined that review by the ERB was not required for this project.

Appeal Item 4. The size of the residence should be smaller.

Under the LIP, a smaller project is permitted. The maximum allowable TDSF represents the largest residence that may be considered, but it is not a guaranteed right. The LIP states that a structure may be "up to" the maximum TDSF; however, both the Planning Commission and the Council retain full discretion to deny the proposed addition and require a smaller project

Staff Response

The maximum allowed TDSF on this parcel is 8,500 square feet. The approved single-family residence is 3,872 square feet. The proposed addition is for 4,620 square feet. The total proposed size of the residence is 8,492 square feet. The proposed size of the residence is within the allowable TDSF limits for the subject lot. This addition was approved by the Planning Commission, and the appeal does not provide legal grounds or evidence supporting an argument for why it cannot be approved at the proposed size

Appeal Item 5: Neighborhood Characteristics

Malibu Park is made up of different neighborhoods. The sizes of the homes in this area vary. The size proposed residence is not within the characteristic of the neighborhood. Structures like this are destroying the rural character of the equestrian neighborhood. The number of parking spaces provided is insufficient, and the number of bedrooms provided will put an excessive strain on the water tank on Busch. The project does not propose replanting native trees and shrubs lost in fire.

Staff Response

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. Lot sizes and homes in the Malibu Park neighborhood varied in size historically, as noted in the General Plan's description of the neighborhood. The residences in this are either one- or two-story single-family residences, with either attached or detached garages, accessory structures, swimming pool, etc. The proposed project is for an addition to the residence, an increase in the size of the pool, landscaping, hardscaping, and grading similar to the surrounding houses.

Since the project is over 18 feet in height, it must meet Site Plan Review requirements, including a finding that the project does not adversely affect neighborhood character. The height above 18 feet is consistent with numerous two-story structures in the immediate neighborhood that are of similar or greater height than the proposed development. Staff required the applicant to conduct a more thorough analysis of the neighborhood to see if the entirety of the development would be outside the neighborhood character. The applicant provided a neighborhood character analysis in which they surveyed all properties

within a 500-foot radius (Exhibit D). The applicant's neighborhood character analysis studied the size of parcel, maximum allowed TDSF on the property, and size and height of structures of the proposed development compared to other homes in the neighborhood.

Lot sizes surrounding the subject property ranges from 20,081 square feet – 181,348 square feet. The analysis found that, at least 5 properties have a TDSF proposed in the range of 7,000 square feet – 9,000 square feet, and 9 properties have a TDSF proposed in range of 5,000 square feet – 7,000 square feet. The applicant is proposing a TDSF close to the maximum allowed for the property.

A single-family residence requires two enclosed and two unenclosed parking spaces, which is proposed in this project.

The proposed landscape plan was approved in accordance with MMC Chapter 17.53. Also, Condition 94 in Section 5, of Resolution 24-39 states, 'Prior to issuance of the Certificate of Occupancy, Restoration of Environmentally Sensitive Habitat Area to the satisfaction of the California Department of Fish and Wildlife shall be completed and approved. A copy of the approval shall be provided to the Planning Department.'

Appeal Item 6: The project was previously denied.

Staff Response

The current project has not been denied. While a different project proposing an addition was considered previously, no final action was taken on it and the current project differs from that proposal. To provide more detail, CDPWF No. 22-003 was submitted to the Planning Department on February 14, 2022. The project was originally presented to the Planning Commission on February 21, 2023, where the Planning Commission, after conducting the public hearing on the project, directed staff to come back with a resolution denying the project. Before presenting a resolution of denial to the Commission, the applicant submitted a request to withdraw the project. CDPWF No. 22-003 was then withdrawn. A new application, CDPWF No. 23-004, was then submitted for the current project and that is what is before the Council.

Appeal Item 7: The Recitals in the adopted resolution are incorrect and some of the other conditions to be added.

Staff Response

Planning Commission Resolution No. 24-39 includes recitals that outline the application's procedural history in chronological order. The recitals are in line with past City resolutions for similar projects and are accurate. Staff has verified that there is no error in the resolution regarding the conditions imposed by the Planning Commission. Section 5 of the Resolution includes Standard Conditions regarding the CDPWF. Conditions from all agencies that reviewed the application, and other conditions related to the project were imposed on the project and have been included. Conditions were also added by the

Planning Commission when the project was presented at the hearing. Planning Commission Resolution No. 24-39 approving the project was adopted by Planning Commission on August 5, 2025 and includes all conditions. The City Council, upon hearing this appeal, can add or remove conditions, if necessary, to make the required findings and proportionate to the impacts of the project.

Appeal Item 8: Lack of fair and Impartial hearing and the decision was made contrary to the law.

The appellant argues that the hearing was neither fair nor lawful because the Commission and the public lacked key information—specifically, the Planning Verification (PV) file—which revealed the true scope and intent of the project. Without this file, the decision unfairly favored the applicant. The appellant claims the owner's real plan was to build an 8,492-square-foot new residence, not a legitimate fire rebuilds, and that only a portion of this large structure—the kitchen and roof deck—was located within the ESHA buffer, where such development is prohibited. Because the project was misrepresented as a fire rebuild, the Commission unknowingly approved a Coastal Development Permit (CDP) that did not meet two of the four required findings under the Local Coastal Program. The appellant further contends that the project conflicts with Malibu's General Plan and Mission Statement by introducing urban-scale development into a rural residential area.

Staff Response

The application presented to the Planning Commission was for the addition to the approved structure under PVWF No. 21-034. The plans submitted under this application to the Planning Commission included portions of the residence that were approved under PVWF 21-034 — but these portions of the residence were approved and are no longer subject to challenge.

The staff report presented to the Planning Commission did not include a recommendation. The Planning Commission, after the project was presented to them by staff, hearing comments from the applicant team and from the members of the public, and after deliberations were able to make required LIP findings. They approved the project on a 3-2 vote.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the 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 proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e), (l) - Existing Facilities, 15303(d), (e) - New Construction or Conversion of Small Structures, 15304(b) - Minor Alterations to Land. 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).

PUBLIC CORRESPONDENCE: Correspondence received for this appeal is included in Exhibit G. Previous correspondence submitted during the Planning Commission hearing on June 6, 2024, and July 15, 2024, are included in Exhibit C.

PUBLIC NOTICE: On January 14, 2026, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Exhibit F).

SUMMARY: Based on the information in this report, provided with the staff report presented to the Planning Commission, project plans and other documents, the City Council shall provide directions to staff to bring back a resolution consistent with the City Council's decision.

EXHIBITS:

A. Resolution No. 26-05
B. Appeal No 24-010
C. Planning Commission Agenda Report with Attachments, including adopted Resolution 24-39 and Correspondence
D. Applicant's Response to Comments for Planning Commission
E. Applicant's Response to Appeal No. 24-010
F. Notice of Public Hearing
G. Correspondence

RESOLUTION NO. 26-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DENYING APPEAL NO. 24-010, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT–WOOLSEY FIRE NO. 23-004, SITE PLAN REVIEW NO. 23-026 AND DEMOLITION PERMIT NO. 24-020 AN APPLICATION TO ALLOW FOR THE CONSTRUCTION OF A 4,620 SQUARE FOOT ADDITION TO A LIKE-FOR-LIKE REBUILD OF A DESTROYED SINGLE-FAMILY RESIDENCE APPROVED UNDER PLANNING VERIFICATION-WOOLSEY FIRE NO. 21-034, ENLARGEMENTT OF THE EXISTING SWIMMING POOL AND SPA, RECONFIGURATION OF THE EXISTING DRIVEWAY, HARDSCAPING, LANDSCAPING, GRADING, IMPROVEMENTS TO EXISTING TENNIS COURT; DEMOLITION OF EXITING HARDSCAPE AND LANDSCAPE, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING A SITE PLAN REVIEW FOR CONSTRUCTION OF THE RESIDENCE OVER 18 FEET IN HEIGHT NOT TO EXCEED 24 FEET IN HEIGHT FOR A FLAT ROOF LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29738 CUTHBERT ROAD (MALIBO, LLC).

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

SECTION 1. Recitals.

A. On September 28, 2021, Planning Verification-Woolsey Fire (PVWF) No. 21-034 was approved for the in-kind replacement of the single-family residence and swimming pool.

B. On October 26, 2023, an application for Coastal Development Permit-Woolsey Fire (CDPWF) No. 23-004, Site Plan Review (SPR) No. 23-026 and Demolition Permit (DP) No. 24-020 was submitted to the Planning Department by applicant, Janek Dombrowa, on behalf of the property owner, Malibo LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Fire Department (LACFD) and Los Angeles County Waterworks District No. 29 (WD29) for review.

C. On April 22, 2024, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

D. On April 25, 2024, the CDP application was deemed complete for processing.

E. On May 9, 2024, 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.

F. On June 3, 2024, the item was continued to July 15, 2024, Regular Planning Commission meeting.

G. On July 15, 2024, the Planning Commission held a duly noticed public hearing on the application subject, reviewed and considered the staff report, reviewed and considered written

reports, public testimony, and other information in the record. Commissioner Peak moved, and Commissioner Smith seconded a motion to direct staff to return with a resolution for approval of Coastal Development Permit-Woolsey Fire No. the subject application including the following conditions of approval: 1) remove tennis court lighting; 2) comply with Dark Sky Ordinance; 3) Environmentally Sensitive Habitat Area restoration shall be completed prior to issuance of a Certificate of Occupancy to the satisfaction of the California Department of Fish and Wildlife; 4) a private party deed restriction shall be recorded to prevent an alcohol, drug or psychiatric recovery or sober living rehabilitation facility from being located on the property in the future; 5) a deed restriction shall be recorded to prevent future use of the property for short-term rentals; and 6) restrict lighting on the rooftop decks to one Dark Sky compliant luminaire per deck. The question was called, and the motion carried 3-2, Chair Mazza and Commissioner Hill dissenting.

H. On August 5, 2024, a resolution approving the subject application was presented to the Planning Commission for adoption.

I. On August 15, 2024, Appeal No. 24-010 was filed by the group of residents.

J. On May 15, 2025, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

K. On June 9, 2025, the item was continued to June 23, 2025, Regular City Council Meeting.

L. On June 23, 2025, the item was continued to date uncertain.

M. On November 13, 2025, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

N. On November 19, 2025, a notification of was sent out that the item was cancelled and the hearing will be re-scheduled at a future date.

O. On January 14, 2025, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

P. On February 18, 2026, the City Council 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 CEQA, the City Council has analyzed the proposed project. The City Council 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 proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e), (l) - Existing Facilities, 15303(d), (e) - New Construction or Conversion of Small Structures, 15304(b) - Minor Alterations to Land. The City Council 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. Appeal of Action.

The appellants contend that the Planning Commission's decision is based on the findings or conditions not supported by evidence, or the decision is not supported by the findings, lack of a fair or impartial hearing, and the decision was contrary to law. Based on the evidence in the record, as detailed below, in the agenda report, and at the hearing on the matter, the City Council has determined that the project conforms to the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), denying the appeals and approving the project. The Council finds that the evidence supports the findings and is consistent with the City's past application of the applicable provisions of the LIP.

The like-for-like rebuild was approved under application PVWF No. 21-034. The project approved by the Council under this application is for a proposed addition to the replacement structure. During the Woolsey Fire rebuild process, the City Council allowed, for a limited time, a replacement structure to obtain square footage and site improvements that were greater than the "like-for-like plus 10 percent" allowed under the LIP exemption for structures destroyed in a natural disaster (LIP Section 13.4.6). This project was processed under those regulations in place at the time and was consistent with the Council policies. The time to appeal PVWF No. 21-034, has passed. Property owners who had structures destroyed in the Woolsey Fire were eligible to apply for a PVWF, to rebuild the destroyed structure (under LIP Section 13.4.6). They were also allowed to immediately apply for a second application to make improvements to the "existing" structure (LIP Section 13.4.1) as an extension to the PVWF. The proposed project is an addition to the approved single-family residence under PVWF No. 21-034. The applicant submitted a like-for-like rebuild application (PVWF No. 21-034). Upon approval of this application, they submitted another application, CDPWF No. 23-004, for addition to the approved project. Some portions of the approved residence under PVWF No. 21-034 encroached within 100 feet of the stream but were replaced within the same footprint of the previous structure, which is allowed under LIP Section 13.4.6 and MMC Section 17.60.020. The proposed portions under the subject application are sited 100 feet away from the stream, consistent with LIP Section 4.6.1(A).

The project site is located in the RR-2 residential zone district, an area designated for residential uses. In addition, the subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. The applicant considered project alternatives such as relocating the addition elsewhere on the subject parcel or nearer to the stream; however, the relocation would result in greater site disturbance and impacts to environmentally sensitive habitat area (ESHA) than what currently is proposed. The LCP ESHA Overlay map shows a stream diagonally across the parcel's frontage. However, the proposed additions under this application are located outside the 100-foot ESHA buffer. Additionally, LIP Section 4.4.4(B) exempts Environmental Review Board (ERB) review for additions to structures that do not require additional fuel modification impacts to ESHA, which the proposed additions do not.

The maximum allowed total development square footage (TDSF) on this parcel is 8,500 square feet. The approved single-family residence is 3,872 square feet. The proposed addition is for 4,620 square feet. The total proposed size of the residence is 8,492 square feet. The proposed size of the residence is within the allowable TDSF limits for the subject lot. The applicant's neighborhood character analysis studied the size of residences, area of the neighboring lots, ratio of proposed

TDSF with respect to the size of the nearby properties, and height and the look of houses within the neighborhood. Neighboring parcels share similar size, number, and look of buildings. As designed, the proposed project does not have an imposing appearance from any public viewing areas and is within the character of the surrounding neighborhood.

The current project has not been denied. While a different project proposing an addition was brought forward previously, no final action was taken on the application, and the current application differs from that proposal. CDPWF No. 22-003 was submitted to the Planning Department on February 14, 2022. The first application was withdrawn. A new application, CDPWF No. 23-004, was then submitted for the current project and that is what is before the Council, which was approved by the Planning Commission.

The recitals presented in Planning Commission Resolution No. 24-39 state the events pertaining to the application in chronological order. The recitals are in line with past City resolutions for similar projects and are accurate. The staff report presented to the Planning Commission did not have any recommendations. While issues of concern were raised by the appellants, concrete facts are required. The appellants were granted a fair hearing and were provided notice and an opportunity to be heard. The Planning Commission, after the project was presented to them by the staff, hearing comments from the applicant team and from the members of the public, and after deliberations were able to make required LIP findings.

The projects complies with the requirements of the LCP and MMC. Based on the information provided within the agenda reports and this resolution, the City Council has found that the findings or conditions are supported by evidence and that the decision is supported by the findings, that there was a fair or impartial hearing, and that the decision was not contrary to law. Thus, the Council finds to deny the appeals and approve the project.

SECTION 4. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to the Local Coastal Program (LCP) Local Implementation Plan (LIP) including Sections 13.7(B) and 13.9, the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDPWF No. 23-004 for the construction of a 4,620 square foot addition to a destroyed single-family residence with an attached garage approved under PVWF No. 21-034, extension of the existing swimming pool and spa, driveway reconfiguration, improvements to the existing tennis court, new hardscaping, landscaping, grading, and OWTS; including DP No. 24-020 for the demolition of an existing hardscape and landscape; and SPR No. 23-026 for construction of the residence over 18 feet in height not to exceed 24 feet in height for a flat roof located in the Rural Residential, Two-Acre (RR-2) zoning district at 29738 Cuthbert Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment requirements. With the inclusion of the site plan review, 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 is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project is for additions to the existing residence approved under the

Planning Verification and other exterior site improvements. The Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, LACFD, City Public Works Department, and WD29 reviewed the project for conformance with the LCP. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards inclusive of the site plan review.

2. Evidence in the record demonstrates that the proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act as the subject property offers no direct or indirect public beach access. The proposed development will not interfere or block existing public access to the beach.

3. The proposed project meets the development policies of the LCP and MMC inclusive of the requested SPR and has been determined to be the least environmentally damaging feasible alternative. The proposed residence has been sited and designed to limit disturbance of the property. The addition to the approved single-family residence is away from the stream. Therefore, the proposed project has been determined to be the least environmentally damaging feasible alternative.

B. Site Plan Review Findings for Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC inclusive of the site plan review.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, 11 of the 24 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications.

Lot sizes and homes in the Malibu Park neighborhood varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the road to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height, and bulk. Staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences with varied size ranges and similar orientation to maximize views toward the Pacific Ocean. Correspondence from neighbors were received objecting to the size and height of the residence, the outdoor patio, rooftop decks, and outdoor lighting for the tennis court. The applicant has provided analysis of the neighborhood, which shows that there are single-family residences that are similar types of projects within the neighborhood. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views of mountains, canyons, or the ocean over the property from any public viewing areas on or near the property which could be impacted by the applicant's project. The surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards inclusive of the site plan review.

6. The proposed development is infilling residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 24 feet which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because surrounding properties have views oriented in a different direction, away from the project. 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, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Hazards (LIP Chapter 9)

1. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. 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.

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

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

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts

on sensitive resources.

D. Demolition Permit (MMC Chapter 17.70)

1. Conditions of approval included for this application ensure that the project will not create significant adverse environmental impacts.

2. The application is approved pursuant to MMC Section 17.70.030(B), which allows the concurrent processing of a demolition permit if all the other discretionary applications necessary for the proposed construction on the site are approved.

SECTION 5. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDPWF No. 23-004, SPR No. 23-026 and DP No. 24-020, subject to the following conditions, that are applicable to the project, as noted below.

SECTION 6. Conditions of Approval.

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

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

   a. 4,620 square foot additions to the previously approved residence;
      i. Total development square footage (TDSF) is 8,492-square feet.
   b. Expansion of the swimming pool and spa;
   c. Associated pool equipment (to be fully screened);
   d. Re-configuration of the existing driveway;
   e. Resurfacing existing tennis court;
   f. New 1,085 square foot outdoor seating area with trellis (less than 18 feet in height) for tennis court;
   g. New 132 square foot accessory structure;
   h. New 3,060 square foot permeable outdoor garden;
   i. New hardscape;
   j. 10,134 square feet of new landscape;
   k. New view permeable vehicular gate (up-to six feet in height);
   l. New fence (up-to six feet in height);
   m. New OWTS.

   Discretionary Requests:
   n. SPR No. 23-026 to allow for construction of the addition up to 24 feet in height for a flat roof; and

o. DP No. 24-020 for the demolition of existing hardscape and landscape.

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 plans on file with the Planning Department date stamped May 23, 2024. 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 digitally submit a complete set of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. 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.

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

8. 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 consultant reviewers, City Public Works Department, WD29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

9. 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.

10. 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.

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

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 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.

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.

Lighting

14. 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.

15. Night lighting for sports courts or other private recreational facilities shall be prohibited.

16. 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.

17. 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.

18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

20. Three 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.

Fencing and Walls

21. 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.

Demolition/Solid Waste

22. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

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

Construction / Framing

30. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

31. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

32. 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.

33. 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.

Biology/Landscaping

34. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

35. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

36. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

37. 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 violations of this condition will result in a requirement to permanently remove the vegetation from the site.

38. Construction fencing shall be placed within five feet of the southern limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

39. No non-native plant species shall be approved greater than 50 feet from the residential structure.

40. Invasive plant species, as determined by the City of Malibu, are prohibited.

41. 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).
42. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

43. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

44. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

45. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

46. 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.

47. No planting or landscaping is permitted within the banks of the mapped blue line stream. The area between the banks lies within the jurisdiction of California Department of Fish and Wildlife and the bottom of the drainage is in the jurisdiction of US Army Corps of Engineers and Regional Water Quality Control Board. Any proposed changes in the drainage would require permits from each of the associated agencies.

48. 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.

Geology

49. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

50. Final plans approved by the City geotechnical consultant reviewers 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.

Environmental Health

51. Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer 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).

52. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the 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 OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

53. 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.

54. Existing OWTS to be Abandoned: 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.

55. Worker Safety Note and Abandonment of Existing OWTS: 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."

56. Reference Plans: Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the proposed OWTS. Approvable building plans will show a single-family residence with no more than 8 bedrooms and 122 drainage fixture units, and a new tennis pavilion 0 bedrooms and 9 drainage fixture units.

57. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

58. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

59. Maintenance Contract: 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 onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.

60. Advanced OWTS Covenant: 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 Office of the Los Angeles County Recorder. 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.

61. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

62. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

63. City of Malibu Geologist/Geotechnical Approval: City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

64. City of Malibu Planning Approval: City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

65. Environmental Health Final Review Fee: A final fee in accordance with the adopted fee schedule at the time of the final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specification.

66. Operating Permit Application and Fee: In accordance with MMC, an application shall be made to the Environmental Health office for an OWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

Grading/Drainage/Hydrology

67. Prior to the Public Works Department's approval of the grading or building permit, The applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road the City received a Safe Routes to School Grant for improving pedestrian safety. Any proposed street improvements along these streets shall consider the potential impact on the existing conditions, such as but not limited to decomposed granite and wood ties.

68. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

69. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

70. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

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

72. 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. 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.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

73. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. 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 WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
g. Measures to treat and infiltrate runoff from impervious areas;
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 measure installed during construction prior to the issuance of grading or building permits; and
i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

74. 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. 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 as required by the City Biologist;
    f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes;
    g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inches in diameter shall also have a plan and profile for the system included with this plan; and
    h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sandbag 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 (BMPs) shall be in accordance with 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.

76. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

77. 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.

78. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

Fuel Modification

79. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Screening

80. Any above-ground equipment 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).

Swimming Pool / Spa / Mechanical Equipment

81. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

82. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

83. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
    a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    b. There are sufficient BMPs in place to prevent soil erosion; and
    c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

85. 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.

86. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Water Service

87. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 indicating the ability of the property to receive adequate water service.

Deed Restrictions

88. 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. 14-20. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

89. Prior to final Planning Department approval, the applicant shall be required to execute and record a private party deed restriction to prevent an alcohol, drug or psychiatric recovery or sober living rehabilitation facility from being located on the property in the future. The

property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

90. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting that property shall not be rented, leased or otherwise made available for occupancy for a duration of less than 30 days at any time (referred to as 'short term rental'). The property owner shall provide a copy of the recorded document to the Planning Department prior to final planning Department approval.

Site Specific Conditions

91. No furniture or other attachment, whether temporary or fixed, may be placed on the roof top deck overnight.

92. All rooftop deck lighting must be limited to a single light fixture that meets Dark Sky compliant standards. This fixture must direct light downward and minimize light pollution, ensuring it does not contribute to skyglow or disrupt natural nighttime environments.

93. The tennis court lights, lights fixture, and light poles shall be removed prior to final planning inspection.

94. Prior to issuance of the Certificate of Occupancy, Restoration of Environmentally Sensitive Habitat Area to the satisfaction of the California Department of Fish and Wildlife shall be completed and approval. A copy of the approval shall be provided to Planning Department.

Prior to Occupancy

95. 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.

96. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP.

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

Fixed Conditions

98. This coastal development permit shall run with the land and bind all future owners of the property.

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

SECTION 7. The City Council shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 18th day of February 2026.

MARIANNE RIGGINS, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

TREVOR RUSIN, Interim City Attorney

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

City of Malibu

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

RECEIVED
AUG 15 2024
PLANNING DEPT.

RECEIVED
AUG 13 2024
PLANNING DEPT.

PLANNING DEPARTMENT
COASTAL DEVELOPMENT PERMIT
NOTICE OF APPEAL CHECKLIST

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

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

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23825 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Development and Operations Manager, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?
   CDPMF 23-004
2. On what date was the decision made which you are appealing?
   AUGUST 5, 2024
3. Who made the decision you are appealing?

   ☐ Planning Director ☒ Planning Commission

4. What is the address of the project site at issue?
   29730 CUTHBERT RD.

Exhibit B

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

   ☐ I am the Applicant for the project

   ☐ I am the neighbor

   ☒ Other (describe)
   I am representing Malibu residents who are concerned about neighborhood character.

2. If you are not the applicant, please indicant the applicant's name:
   MALIBO LLC / BOLOUR FAMILY

3. Indicate the nature of your appeal.

   a) Are you appealing the ☒ approval or ☐ the denial of the application or ☐ a condition of approval?

   b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)
   See Attached Explanation

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

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

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

   ☒ The decision was contrary to law.

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

Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

_____
_____
_____
_____
_____
_____
_____
_____
_____

Part III. Appeal Checklist

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

1. ☒ Completed Appeal Checklist (This form with appellant's signature)

2. ☒ Appeal Fee $750

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

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

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

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

Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

CHARLOTTE FRIEZE JONES
PRINT APPELLANT'S NAME

[redacted]
TELEPHONE NUMBER

Charlotte Frieze Jones
APPELLANT'S SIGNATURE

8-15-24
DATE

Appellant's mailing address: [redacted] Malibu, CA 90265

Appellant's email address: _____

OFFICE USE ONLY

Action Appealed: CDP No F 23-004 / AP 24-010

Appeal Period: 8/6/2024 to 8/15/2024.

Date Appeal Form and required documents submitted: 8/15/2024 Received by: [illegible]

Appeal Completion Date: 8/15/24 by: Rebecca Evans, Senior Management Analyst
(Name, Title)

29738 CUTHBERT ROAD
REASONS FOR APPEAL

PART ONE

Project Being Appealed

Coastal Development Permit-Woolsey Fire No. 23-004, An application to allow for the construction of a 4,620 square-foot addition to a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, extension of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; tennis pavilion; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system; including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height.

Background Summary

Owner's 2,276sf residence, garage 484sf, guest house 484sf and pool house 276sf and barn 1,500sf were destroyed in the Woolsey Fire. Owner applied for a Planning Verification to build 3,872sf (3,520sf plus 10%) which was approved on 9-28-2021. A 1,520sf portion of the main house – the proposed kitchen - was located in the ESHA buffer of a mapped blue line stream. See Planning Verification Plans A0.0 (8492sf residence); A0.00 Portion in red is 1520sf kitchen area portion in ESHA buffer) and A0.8 (Open roof deck and raised kitchen roof in ESHA buffer).

Planning Verifications are granted if an Owner is rebuilding their new home in the same location as the destroyed home plus 10%. In this instance the original home was located in the ESHA buffer. The Planning Commission and Public were under the impression that this was a fire rebuild and the only reason it was allowed in the ESHA buffer was because the new residence was grandfathered.

What was never revealed to the Commissioners and the Public was that the Planning Verification was not for a new "like for like" residence but rather for the kitchen area of a new 8,492sf residence which is what the Owner always planned to build. The Owner never intended to rebuild the former residence plus 10%.

After the Planning Commission approval, the Appellant, when prepping for this appeal, discovered the Planning Verification was not for a fire rebuild but for the kitchen area of a much larger 8,492sf structure.

This was never a fire-rebuild. Nothing should have been grandfathered. This is a new house and cannot be built in ESHA buffer per code.

If this information had been known to the Planning Commission, they would have most likely denied this Addition and the project as a whole. We are asking the Council to deny this Addition and uphold this appeal.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

PART TWO

Denial Required
A denial of this so-called Addition is required for the following reasons:

1. **This is Not a Fire Rebuild**
Rebuilds must meet all the requirements described in the City of Malibu LCP Local Implementation Plan 13.4.6 Structures Destroyed by Natural Disaster.

The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the following criteria:
A. It is for the same use as the destroyed structure;
B. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and
C. It is sited in the same location on the affected property as the destroyed structure.
As used in this section, "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

This replacement structure exceeds the size of the structure destroyed by the Woolsey Fire, a Natural Disaster.

A. Above cannot be met. It is not the same use as the destroyed structure. The destroyed structure was a rebuild of the residence and this is a 1,520sf kitchen.

B. These cannot meet the requirements. The proposed structure at 29738 Cuthbert exceeds the floor area, height and bulk of the destroyed structure by more than 10%.

C. This is not located in the same location. The proposed structure cannot meet the footprint of the pre-fire building, pool, terraces and driveway. This exceeds that of the original structure in excess of 10%.

This is not a like for like fire rebuild.
The CDP for this Addition project must be denied.

2. This Is Not An Addition.
In more than one instance in the July 15, 2024 staff report The Project was described as an Addition,
An example: *"the project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements"* (7-15-24 Staff Report page 9).
It is important to note additions are made to an existing structure and in this instance, there is no existing residence for the Addition to be added on to. For this reason, this is not an approval of an Addition but rather one for a new 8,492sf residence.

Even if one determines that it doesn't have to be an existing structure, this Addition cannot be approved because it is to be attached not to a fire rebuild of a destroyed residence but rather to the kitchen area of the 8,492sf residence which is not grandfathered to be in the ESHA buffer.

3. It Is a New Project.
This property is in the same ownership both pre and post Woolsey fire. If it were the intention of the Owners to rebuild just their former residence plus the allowable 10%, it would be a 2,276sf fire rebuild plus 10% and could be constructed in the same buffer location as the original house.

As you can see in the original Fire rebuild plans approved 9-28-21, this so-called 4,620sf Addition, was always part of a much larger 8,492sf residence and was on the plans submitted with the Woolsey Fire Planning Verification portion of the residence which is located in the ESHA buffer This was always to be an 8,492sf residence with the kitchen area located in the ESHA buffer (See PVWF page A0.0). Thus, this is not an Addition and therefore it must be denied.

4. Necessary Findings for a CDP Cannot Be Made. Project Must be Denied.
In order to approve a Coastal Development Permit for this proposed addition, all of the 4 findings set forth in LIP 13.9 must be made.

13.9. FINDINGS are:
All decisions on Coastal Development Permits shall be accompanied by written findings:
A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program; and
B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).
C. The project is the least environmentally damaging alternative.
D. 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 following 2 necessary findings cannot be made:
Finding A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

The portion of the residence was allowed in ESHA buffer because it was supposed to be a rebuild of the original home in that location. However, this was never intended to be a fire rebuild. It was designed to be the kitchen area of an 8,492sf residence.
In fact, the application for the Planning Verification says:
"The project proposes a single-family residence using a combination of existing house footprint and a new footprint" (page 1 Fire rebuild plans approved 9-28-21). The original foot print is the portion of the residence in the ESHA buffer and the new footprint is the so-called Addition.

The Owner is taking advantage of the Woolsey Fire Verification procedure to obtain approval of the kitchen area portion of an 8,492sf proposed residence under the guise of the reconstruction of the residence destroyed in a fire. This kitchen area and the steps leading to the proposed kitchen roof deck clearly are not a fire rebuild and therefore are not allowed in the buffer setback from a blue line stream.
Since this, in reality, is not a fire rebuild of the existing residence, the kitchen portion of the 8,492sf proposed residence is not allowed in the buffer. It, therefore, doesn't conform to the certified Malibu Local Coastal Program.

Finding C. The project is the least environmentally damaging alternative.
This project is not the least environmentally damaging. To qualify as such, the portion of the structure in the ESHA Buffer must be taken out of the buffer and a smaller project be designed that conforms to the neighborhood character.

The Technical Review Sheet dated January 17, 2024 indicates they are grading almost the entire site except in ESHA and the tennis court.
And a smaller project would require less grading so it would be less environmentally damaging.

Since 2 of the four necessary findings can't be made, the CDP for this addition project must be denied.

A new application has to be submitted for a new project that is not in the ESHA buffer. Since it was always the Owners' intention to rebuild one 8,492sf house, this Addition also has to be denied because it would be attached to a proposed kitchen structure which is not allowed in an ESHA buffer. In the future, when the Owner applies for a new residential project, no portion of it can be constructed in the ESHA buffer.

But the intention of the Owner was always to construct an 8,492sf structure which they have said is allegedly for family gatherings and use by family members.

The Owner took advantage of the fire rebuild rules to have the kitchen area portion of the residence built in the pre-fire home's location in an ESHA Buffer. Under the LIP, construction is not allowed in an ESHA Buffer when a project can be built outside the buffer in a different location on the site.

In reality, this is the construction of a new 8,492sf residence, a portion of which is being constructed in ESHA buffer in violation of the Malibu Local Coastal Program.

5. Piecemealing Development
This is one residence being processed in 2 stages. Stage one is the kitchen and stage two is the Addition. This should not be allowed especially since 1,520sf are to be constructed in an ESHA buffer which is prohibited under these circumstances. A Planning Verification should have never been issued for this kitchen area since it is not a Fire Rebuild.

6.Smaller Project is Allowed Under LIP.
The total maximum allowable square footage is the maximum size residence allowed. It is not guaranteed by right. The LIP says a structure can be "up to" the maximum TMSF. The Planning Commission and the Council always have the discretion to deny this addition and require a smaller project.

Then planning director Richard Mollica, stated in the first hearing on this project on February 21, 2023 that the project could be smaller and could be denied on the basis it is too large.
Mr. Mollica said at 2:38 on the video *"As Commissioners you feel you cannot make the findings and you would like to see a smaller home on the site and you feel it is out of character, that is where the Commission has its discretion. You have the ability to say you can't make the findings for it is out of character."*

In fact, a smaller project is required to meet the Character of the Neighborhood.

7. Neighborhood Character
Preservation of neighborhood character is another reason for this project to be denied. Neighborhood character refers to the 'look and feel of an area'.
Prior to the Woolsey Fire, the residence was 2,276sf. With the addition of the square feet of the garage, guest house and pool house, the area totaled 3,520sf. The 10% brought the rebuild total to 3,872sf.

This 4,620sf proposed Addition to a yet to be constructed 3,872sf Woolsey Fire rebuild will result in an 8,492sf residence that is out of character with the neighborhood and should be denied.

Malibu Park is made up of many different neighborhoods. Among the properties that make up this particular Malibu Park neighborhood are the following:
The existing neighboring homes are substantially smaller:
29755 Harvester is 3,400 sf plus a guest house 900sf
29748 Harvester is 1,944 sf
29745 Harvester is 1,680 sf
29735 Harvester is 7,246 sf (per Zillow)

28725 Harvester's final sf is 4,600 sf and the Planning Commission required the owners to reduce the size of their guest house by 90sf
29756 Cuthbert was 1,720sf prior to the Woolsey Fire
29718 Cuthbert was 3,827sf prior to the Woolsey Fire
29800 Cuthbert is 5,500 sf.
29824 Cuthbert is less than 4,000sf

The average size of these nearby homes is 3,868.55sf.
The proposed house is more than two times the neighborhood average.

With the proposed Addition of 4,620sf for a total of 8,492sf, the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect the quiet neighborhood's friendly character as it is substantially larger than the nearby properties on Harvester, Cuthbert, and Clover Heights.

Structures like this are destroying the quiet, rural character of this equestrian neighborhood. If this residence is approved others of similar size will follow.

There is insufficient parking on the property for the number of bedrooms and the number of people who would be working on the property. Cuthbert is too narrow to allow street parking.

This plan more than doubles the number of bedrooms and has 6 times the number of bathrooms. This will put excessive strain on the water tank on Busch that failed the morning of the Woolsey Fire.

A structure this size does not allow for the re-planting of native trees and shrubs that were lost during the Woolsey Fire and would help provide habitat for wildlife.

A much smaller footprint would be in character with the neighborhood. The Owners can still have their family gatherings in a smaller structure. Afterall, prior to the Woolsey Fire, these gatherings were held in a residence that was 2,276 sf with a 484sf guest house.

8. This Project Previously Denied
This project was heard by the Planning Commission twice. At the first Commission hearing on February 21, 2023 the project was denied.
After the denial, the Owner withdrew the application on July 17, 2023, almost 5 months after denial according to the Geotechnical Report contained in the 7-15-24 staff report. *"The scope of the project has not changed from that reviewed and accepted by the City's geotechnical consultants in the referenced review letter dated 4-21-2022."* (There was no resolution for denial written. Does it take five months to write a resolution of denial? Staff told Appellant that the findings for denial were never made. This seems odd to the Appellants, considering the project was denied on February 21, 2023

according to the Geotechnical Report. Then, the same project was brought before the Commission to be reheard a second time on July 15, 2024 in the hope of getting a different result.

It was the same project because the scope of the project had not changed from that which was reviewed previously and accepted by the City's Geotechnical consultants, the City Biologist and Environment Health.

This second hearing should never have been allowed once the project was denied by the Commission on February 21, 2023. Stare decisis applies. This is settled law. Every resident deserves certainty as applies to the City's decisions.

Once a project is denied, an Owner should not be allowed a second hearing on essentially the same project in the hope of getting a positive result. The first decision of denial by the Planning Commission should have been the final and only decision. The project before you is the same project that was previously denied on a 3-2 vote. It is in the exact same location, the same size and the same design.

Commissioner Peak made the motion to deny the project giving these reasons for denial: he wasn't comfortable with the lighting, or with an 8,500sf house where a portion of the house was in the ESHA Buffer. He agreed with Commissioner Mazza that just because you can get "up to" the TDSF doesn't mean you get it and that the house doesn't fit the neighborhood. Commissioners Mazza, Hill and Peak agreed that a CDP could not be serial.

At the second hearing, without explanation, Commissioner Peak voted to approve the project stating the entire project was within the allowable TDSF. All of his previous reasons for denial miraculously no longer existed.

We ask that the first Planning Commission decision be upheld. Stare decisis applies. The Council must deny this project. It should not have been heard a second time.

PART THREE

Resolutions with Conditions of Approval: Inaccuracies

We would like to point out the following to the Council:

1. Recital A is not accurate for it states: "*that the Planning Varication for this project was approved for the in-kind replacement of a single-family residence.*" This is inaccurate. The PVWF was for the kitchen area of an 8,492sf residence. Moreover, this kitchen area PVWF was located in an ESHA buffer which is not permitted. It would have been permitted if it were a replacement of the original house.

2. Recital Resolution: History fails to state that project was previously before the Commission for the first time on February 21,2023 and was denied.
Under Section 2 Environmental Review

3. A. General Coastal Development Permit
It is inaccurate to state: *"the proposed project is for an addition to an existing residence"* The approval was for the kitchen area of a proposed 8,492sf Residence and not an existing residence.

Add these Conditions of Approval

Should the Council deny this appeal and uphold the Planning Commission's second decision on this project, please add the following to the Conditions of Approval:

Add a condition to deny rooftop decks because they create a noise nuisance that will disturb neighbors and wildlife. One of the decks is on top of the kitchen structure in the ESHA buffer and must be denied. The noise emanating from the deck could be harmful to wildlife especially as this is a migratory flyway.

Add that all lighting shall be 3000 Kelvin or less.

Add all windows including clerestory windows, skylights and glass doors to be covered with film to diminish the impact and spillage of interior lighting. The city biologist recommended interior night lighting be minimized.

Add condition that there be no lighting or light spill in the ESHA and ESHA buffer and that all lighting is not reflected off site.

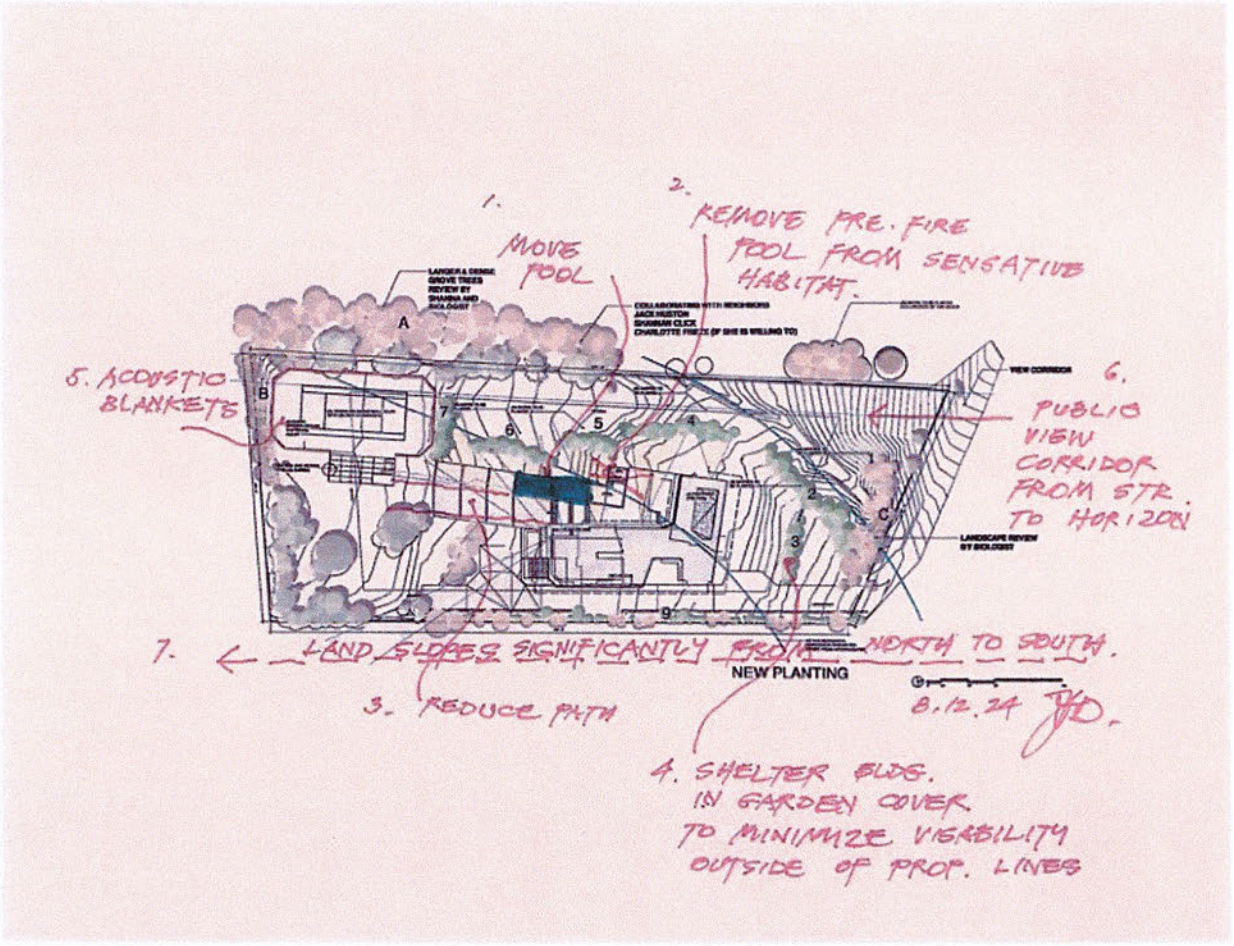
Add a condition that the use of rodenticides is prohibited at all times on the property. The dumpsters must be rodent proofed. Include Poison Free Malibu guidelines.

Add a condition that surface water runoff will be directed away from the OWTS.

Add a condition, if needed, an underground storm water detention basin will be installed.

Add condition that no parking either during or after construction shall be permitted in ESHA.

After the July 15, 2024 decision, the owner's architect on August 13, 2024 proposed the following landscape plan:



Add condition to remove the pre-fire swimming pool from ESHA.

Add a condition that all landscaping in the ESHA buffer shall include all native plants and trees.

Add condition that all plants used to landscape the banks of the blueline stream thrive in a riparian habitat buffer.

Add condition that the tennis court is to be screened with native trees such as Toyon.

Add condition that padded windscreen is to be added around the tennis court to reduce noise.

PART FOUR

Lack of a Fair and Impartial Hearing

The hearing was not fair because the Commission did not have critical information to make an informed decision and the Public did not have this information either. The

missing information was the Planning Verification file that the Appellant obtained for this appeal. If the Commission and the Public had had this information, most likely a different Decision would have been reached.

Since this information was not presented in the staff report, the Decision was not impartial. The lack of this information favored the Applicant over the Public.
What was unknown was that the plans for an 8,492sf structure was what the Owner had intended to build from the beginning. The Planning Verification was for just a portion of this huge residence. The Owner never intended to rebuild the grandfathered residence destroyed in the fire even though it was in the ESHA buffer but rather to build the kitchen and roof deck areas of the new residence in the ESHA buffer which is prohibited.

The Commission were not aware that the Addition was not to be attached to a fire rebuild but that it was just the kitchen area of a larger structure. If this had been known, this Addition would have been denied.

PART FIVE

Decision was Contrary to Law.

This Addition didn't meet the requirements of the Local Coastal Program because a CDP was approved when 2 of the 4 necessary findings couldn't be made.

This project was never intended to be a fire rebuild but rather a large new 8,492sf residence. No portion of the structure was eligible for the Planning Verification process. The kitchen portion of the house was planned to be built in the ESHA buffer which is prohibited when there are other locations on the site the residence could be built. If there are no other locations on the property to locate the proposed residence, a smaller residence would have to be constructed.

It violates the General Plan which describes the character of Malibu Park as rural residential and this proposed project is urban in nature.
It violates the Mission and Vision Statement of the City set forth below:

Vision Statement
"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations."
Malibu Municipal Code Section 17.02.030
Mission Statement

29738 CUTHBERT ROAD
REASONS FOR APPEAL

"Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.
Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.
Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.
Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use".
Malibu Municipal Code Section 17.02.030

CONCLUSION

This is a new 8,492sf structure and requires a totally new CDP.

Instead of applying for the kitchen area in ESHA as a fire rebuild and then asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492 sf residence located out of the ESHA Buffer.

The proposed 8,492sf structure is not a 3,872sf Woolsey Fire Re-build plus a 4,620sf Addition. The rebuild was never intended to be constructed.

At 8,492sf, more than double the size of neighboring houses, the structure is out of keeping with the neighborhood character. Since the Woolsey Fire, the neighborhood character is being eroded by developers who ignore the rural character and peaceful lifestyle enjoyed by residents and wildlife alike.

Instead of applying for the kitchen area in ESHA as a fire rebuild and simultaneously asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492sf residence located out of the ESHA Buffer. Most importantly, the Addition before you is not an Addition to a fire rebuild. It is an Addition to a proposed kitchen area in an ESHA buffer which is not allowed. In the PVWF plans you can see that this is one residence. Therefore, the Council must deny this Addition and tell the owner he has to come back with an application for a residence that is located out of the ESHA buffer and fits in with the neighborhood character.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

The proposed construction including kitchen, adjacent terrace, staircase and a portion of the swimming pool are in the ESHA buffer. A roof deck atop the kitchen and illuminated by the kitchen's clerestory windows intrudes noise, light and human activity into the ESHA and are not allowed in the ESHA buffer.

If this structure is approved, it will open the flood gates for future, irresponsible development in Malibu Park as well as other neighborhoods in Malibu. The properties on either side of 29738 Cuthbert are also burnouts poised for re-construction. The owners of these properties are the only neighbors to write letters of approval. There were over 50 letters requesting denial.

A structure this size will erode away at the beautiful setting at the interface of Malibu Park's residential neighborhood and the Santa Monica Mountains. It will chip away at the lifestyle that attracts people to Malibu. Malibu Park has historically been a family neighborhood comprised of residents who care profoundly about the wildlife that makes Malibu their home.

I am profoundly disappointed that we neighbors have had to come together to protect our neighborhood – to protect the Malibu we love. The decisions and actions of the Planning Department and the Planning Commission have placed an unfair burden upon our community.

Please uphold the Appeal and DENY the CDP for 29738 Cuthbert for the reasons stated above.

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
CHARLOTTE FRIEZE JONES	Charlotte J. Jones	[redacted]
LOTTE GHERMAN	Lotte Gherman	
PETER C. JONES	Peter C. Jones	
PATT HEALY	Patt Healy	
Michelle Miller	Michelle Miller	
Diane Sherman	Diane Sherman	
Haylynn Conrad	Haylynn Conrad	
Dru Ann Jacobson	Dru Ann Jacobson	
? Kevin Sherman		
Will Morris		
? email Jeff Corner		
ANN JONES	Ann Jones	
Georgia Goldfarb	Georgia Goldfarb	[redacted]
Sandra Glover	Sandra Glover	
Rhonda Jessum	Rhonda Jessum	
? CYNTHIA CHRISTIANSEN	Cynthia Christiansen	

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Daphne & Gary Murphy	D. Murphy	[redacted]

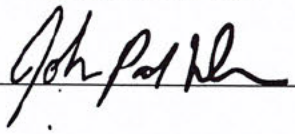
MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Alison Greenberg		[redacted]
Adam Greenberg		
Byron Jenson		

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
ROBERT BRINKMANN		[redacted]
LINDSAY NAVAMA		
David Navama		
Walter Mehring		
Patti Mehring		
DANA CHRISTIANSEN		
Gina Odian		
Olive Brinkmann		
Gwen Lucoff		
Cheryl La Masney		
Bob La Masney		
Molly Murphy		
Stacy Cluvies-Ross		
LINDA Gould		
Henry Denker		
Tony Greenberg	TONY GREENBERG	
Jill Greenberg	Jill Greenb	

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
John Densmore		[redacted]

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Kelly Flor	KFlor	[redacted]

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
JENNIFER PIETRO	Jennifer Pietro	[redacted]
BRIAN PIETRO		
Carol BRETONNE	Carol Bretonne	
ANDREA Ellis	Andrea Ellis	

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Andrea Philipson		[redacted]
Paul Philipson		

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Shari Haynes		[redacted]
TONY HAGNEY		
Lisa mckean		
MICHAEL MCKEAN		
Mick MARDEROSIAN		

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
SAL Fish	Sal Fish	[redacted]
NILES Mitchell		
BARBARA Fish	B Fish	
DARLENE Mitchell		

From: **LSGLA** lynnsaunders@mac.com
Subject: Appeal 29738 Cuthbert Road
Date: August 6, 2024 at 3:30 PM
To: Charlotte Frieze cmfrieze@gmail.com

LS

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Lynn Saunders Guilburt		[redacted]

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Rosalie Strickland	Rosalie Strickland	[redacted]
Robert Strickland	Robert Strickland	

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Jan Hall Kaplan		[redacted]
MARGARET HALL KAPLAN		
& RUTH BERLINER		
CATHRINE IRELAND		
Suzanne Johnston		
Joshua Tal		
Sara Sanchez de Heredia		
TRACEY LOED		

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Kelly Meyer		[redacted]

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Rowena Patterson		[redacted]
William Patterson		
Hunter Patterson		
Charlotte Patterson		

5877 Deerhead Road Malibu, CA 90265

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
Judith Guillemot		[redacted]
Dexter Guillemot		
DOMINICK GUILLEMOT		

MALIBU PARK NEIGHBORS GROUP
APPEALING 29738 CUTHBERT ROAD

NAME – PRINTED	SIGNATURE	EMAIL
STEVEN COLE		[redacted]
Debra Cole		
JANET THOLEN		
Allen Alsobrook		

Commission Agenda Report

Planning Commission Meeting
07-15-24
Item 4.A.

To: Chair Mazza and Members of the Planning Commission

Prepared by: Aakash Shah, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: June 27, 2024 Meeting date: July 15, 2024

Subject: Coastal Development Permit-Woolsey Fire No. 23-004, Site Plan Review No. 23-026 and Demolition Permit No. 24-020 – An application to allow for the construction of a 4,620 square-foot addition to a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, extension of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system; including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height (Continued from June 3, 2024)

Location: 29738 Cuthbert Road, partially within the appealable coastal zone
APN: 4469-041-011
Owner: Malibo, LLC

RECOMMENDED ACTION: Consider Coastal Development Permit-Woolsey Fire (CDPWF) No. 23-004 for the construction of a 4,620 square foot addition to a destroyed single-family residence with an attached garage approved under Planning Verification-Woolsey Fire (PVWF) No. 21-034, extension of the existing swimming pool and spa, driveway reconfiguration, improvements to existing tennis court, new hardscaping, landscaping, grading, and onsite wastewater treatment system (OWTS); including Demolition Permit (DP) No. 24-020 for the demolition of existing hardscape and landscape; and Site Plan Review (SPR) No. 23-026 for construction of the residence over 18 feet in height not to exceed 24 feet in height for a flat roof located in the Rural Residential, Two-Acre (RR-2) zoning district at 29738 Cuthbert Road and provide

direction to staff to bring back a resolution consistent with the Planning Commission's decision (Malibo, LLC).

DISCUSSION: This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the proposed project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The Planning Commission can determine if the analysis contained herein demonstrates the project is consistent with the LCP and MMC inclusive of the SPR.

Project Overview

The subject parcel is partially located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program Certification Permit and Appeal Jurisdiction Map of the City of Malibu and therefore, the subject application requires a CDP.

The previously existing single-family residence, detached garage, guest house, shed, stable/storage room, and pool house were destroyed in the 2018 Woolsey Fire. On September 28, 2020, the Planning Department approved PVWF No. 21-034 for a like-for-like rebuild of the single-family residence and swimming pool. PVWF No. 21-034 approved 3,872 square feet of the structure to be rebuilt. A portion of the approved single-family residence under the PVWF application encroaches into the 100-foot buffer from an LCP-mapped stream. The replacement structure met the CDP exemption criteria contained in LCP Local Implementation Plan (LIP) Chapter 13.4.6.

The proposed additions to the previously approved residence are sited outside the 100-foot buffer from the stream. Also, the proposed additions do not expand the required fuel modification established by the previously approved residence (Attachment 3). The proposed additions will neither encroach into Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer and therefore, are not subject to ESHA provisions. Additionally, LIP Section 4.4.4(B) exempts Environmental Review Board (ERB) review for additions to existing structures that do not require additional fuel modification. Therefore, ERB review was not required.

Proposed Project: The proposed project includes a 4,620 square foot addition to the previously approved residence. Exterior site improvements include 16,932 square feet of total impermeable coverage, expanding the existing swimming pool and spa, view permeable front yard fencing and gate (not to exceed six feet in height), outdoor seating area for the tennis court, new landscaping, hardscaping and OWTS. The proposed additions to the previously approved residence are designed to utilize the previously existing development footprint, driveway alignment, and remaining site improvements, as shown in the project plans (Attachment 1).

The proposed addition could be relocated elsewhere on the subject parcel or nearer to the stream; however, the relocation would result in greater site disturbance. Most of the proposed development is within previously disturbed areas of the parcel. Additionally, it would result in a need to create a new fire access, expand the building pad, and pool development area. This is not the least environmentally damaging alternative.

The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, 18 of the 23 properties within 500 feet of the subject property that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not submitted applications. Some of the existing residences (properties not affected by Woolsey Fire), and approved fire rebuild single-family residences on Cuthbert and Harvester Road exceed a height of 18 feet.

Lot sizes and homes in the Malibu Park neighborhood varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the road to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height, and bulk. Staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to other development in the adjacent area in that the neighborhood has historically been residentially developed with single- and two-story residences with varied size ranges and similar orientation to maximize views toward the Pacific Ocean.

A correspondence (Attachment 5) from a neighbor was received objecting to the size and height of the residence, the outdoor patio, rooftop decks, and outdoor lighting for the tennis court. There are residences in the neighborhood, with similar size, height and other site improvements that were not destroyed in fire and approved fire rebuild single family residences in the neighborhood. A smaller project could be proposed on the project site; however, the project complies with the maximum allowable TDSF, impermeable coverage, setbacks, grading and height requirements inclusive of the SPR. The development does not disturb any public or private protected views. As such, it is not anticipated that a smaller or relocated project would be a substantially environmentally superior alternative. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character. A condition of approval will be added shall the Commission choose to approve the project that the outdoor lighting should be brought into conformance per MMC chapter 17.41.

Surrounding Land Uses and Project Setting

As shown in Figure 1, the subject property is rectangular in shape. The lot is 2.03 acres and is zoned RR-2 (Figure 1 – Aerial Photo). The proposed site of development is generally flat.

The subject property cannot be seen from public scenic areas, including Pacific Coast Highway, beaches, and parks. The planned Zuma Ridge Trail is located approximately 30 feet north of the project site according to the LCP Parklands Map. That trail is currently unimproved and therefore unused. The proposed additions are not anticipated to significantly impact public views of the Santa Monica Mountains or Pacific Ocean as the proposed project will blend in with surrounding development.

The project site is partially within the appealable jurisdiction of the CCC, as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The LCP ESHA Overlay map shows a stream crossing the property diagonally along the parcel's frontage.

Figure 1 – Aerial Photograph



Source: City of Malibu GIS 2024

Table 1 below depicts the surrounding properties. As shown, the subject parcel is surrounded by single-family residences with RR-2 zoning similar to the subject parcel.

Table 1 – Surrounding Land Uses				
Direction	**Address**	**Lot Size**	**Zoning**	**Land Use**
North	29737 Cuthbert Road	0.5 Acre	RR-2	Single-Family Residence
South	29725 Harvester Road	1.3 Acres	RR-2	Single-Family Residence
	29735 Harvester Road	1.3 Acres	RR-2	Single-Family Residence
West	29756 Cuthbert Road	2.4 Acres	RR-2	Vacant Parcel
East	29718 Cuthbert Road	1.5 Acres	RR-2	Single-Family Residence

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel.

Table 2 – Total Property Data	
Lot Depth	471 feet
Lot Width	189 feet
Gross Lot Area	88,656 square feet
Net Lot Area*	88,406 square feet

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

Project Description

The proposed scope of work is as follows:

a. 4,620 square foot additions to the previously approved residence;
   i. Total development square footage (TDSF) is 8,492-square feet.
b. Expansion of the swimming pool and spa;
c. Associated pool equipment (to be fully screened);
d. Re-configuration of the existing driveway;
e. Resurfacing existing tennis court;
f. New 1,085 square foot outdoor seating area with trellis (less than 18 feet in height) for tennis court;
g. New 132 square foot accessory structure;
h. New 3,060 square foot permeable outdoor garden;
i. New hardscape;
j. 10,134 square feet of new landscape;
k. New view permeable vehicular gate (up-to six feet in height);
l. New fence (up-to six feet in height);
m. New OWTS.

Discretionary Requests:

n. SPR No. 23-026 to allow for construction of the addition over 18 feet not to exceed 24 feet in height for a flat roof; and
o. DP No. 24-020 for the demolition of existing hardscape and landscape.

LCP Analysis

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

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Wastewater Treatment System Standards and are discussed under the Conformance Analysis section. The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. For the reasons described in this report, including the project site, the scope of work, and evidence in the record, only findings in the following chapters are applicable to the proposed project: Coastal Development Permit, and Hazards.[1] These chapters require findings that will need to be made shall the Commission decide to approve the project.

Additionally, six findings will need to be made for the approval of the proposed SPR, and two findings will need to be made for the approval of the demolition.

LIP Conformance Analysis

The proposed project was reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, the Los Angeles County Fire Department (LACFD), and Los Angeles County Water Works District 29 (Attachment 2 – Department Review Sheets). These specialists found the project, as proposed and conditioned, to be consistent with all applicable LCP codes, standards, goals and policies inclusive of the site plan review.

Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards.

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	**Allowed/Required**	**Proposed**	**Comments**
SETBACKS (Additions)			

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

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	**Allowed/Required**	**Proposed**	**Comments**
Front Yard	65 feet	181 feet, 8 inches	Complies
Rear Yard	70 feet, 7 inches	202 feet, 3 inches	Complies
East Side Yard	23 feet, 6 inches	24 feet, 4 inches	Complies
West Side Yard	23 feet, 6 inches	118 feet, 2 inches	Complies
PARKING			
Enclosed	2	2	Complies
Unenclosed	2	2	Complies
TDSF	8,500 square feet	8,492 square feet	Complies
2/3rds Calculation	5,780 sq. ft. x 2/3 = 3,853 sq. ft.	3,715 square feet	Complies
IMPERMEABLE COVERAGE	25,000 square feet	16,392 square feet	Complies
HEIGHT (SFR)	*18 feet*	*24 feet (flat roof)*	*Site Plan Review No. 23-026*
NON-EXEMPT GRADING	1,000 cu. yd.	543 cu. yd.	Complies
FENCES/WALLS/HEDGES/GATES			
Front Yard	6 ft.; lower 42 in. view impermeable	6 ft.; lower 42 in. view impermeable	Complies
Rear Yard	6 ft.	6 ft.	Complies
Side Yards	6 ft.	6 ft.	Complies
Retaining Walls	6 ft.	None proposed	N/A

As shown in Table 3 above, the proposed project conforms to the development standards as set forth under LIP Chapter 3.

Grading (LIP Chapter 8)

Table 4 – LCP Grading Conformance						
	Exempt*			**Non-Exempt**	**Remedial**	**Total**
	R&R**	**Understructure**	**Safety*****			
Cut	1,500	232	44	88	0	1,864
Fill	1,500	161	245	455	0	2,361
Total	**3,000**	**393**	**289**	**543**	0	**4,225**
Import	0	0	201	367	0	568
Export	0	71	0	0	0	71

All quantities listed in cubic yards unless otherwise noted.
**R&R= Removal and Re-compaction.*
***Exempt grading includes all R&R, understructure, and safety grading.*
****Safety grading is the incremental grading required for Fire Department access (such as turnouts, hammerheads, and turnarounds, and any other increases in driveway width above 15 feet required by the LACFD).*

The total amount of non-exempt grading conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and

resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures to be followed to determine potential impacts on archaeological resources. The proposed development is proposed on a previously disturbed pad. According to archaeological reports available for surrounding properties, there appears to be a very low probability for cultural resources to exist on the subject property. As a result, the proposed development is not expected to have a significant impact on cultural resources. Accordingly, staff determined that no further study is required at this time and any proposed improvements within the project area will have no adverse impact on known cultural resources.

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

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for this project requires that prior to the issuance of any development permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices must be approved by the City Public Works Department. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project allows for a new 1,500-gallon tank with effluent filter for the tennis court restroom and a new 5,000-gallon tank with effluent filter for the single-family residence, three new leach trenches measuring three feet in width by 80 feet in length and three designated future leach trenches. Details are provided in the Environmental Health Review Sheet and approved plot plan in Attachment 2. The system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP.

LIP Findings

Based on the scope of work proposed in this amendment, the following LIP Chapters apply: General Coastal Development Permit findings (Chapter 13), and Hazards (Chapter 9). Additionally, six findings will need to be made for the approval of the SPR (LIP Section 13.27), and two findings will need to be made for the approval of the demolition (MMC Chapter 17.70)

These chapters require findings that will need to be made should the Commission decide to approve the project. A summary of the findings is provided below.

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits. As discussed in this report the project is located in the RR-2 residential zoning district, an area designated for residential uses. In addition, the subject parcel is not located between the first public road and the sea. The project site is located inland and not located along the shoreline. The proposed project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements. The Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, LACFD, City Public Works Department, and WD29 reviewed the project for conformance with the LCP.

The applicant considered project alternative such as relocating the addition elsewhere on the subject parcel or nearer to the stream; however, the relocation would result in greater site disturbance. As proposed the development is within previously disturbed areas of the parcel. Additionally, modification of the existing development area would result in a need to create a new fire access, expand the building pad, and pool development area.

The LCP ESHA Overlay map shows a stream diagonally across the parcel's frontage. However, the proposed development is located outside the 100-foot ESHA buffer and the additions will not expand the required fuel modification. Additionally, LIP Section 4.4.4(B) exempts Environmental Review Board (ERB) review for additions to existing structures that do not require additional fuel modification.

B. Site Plan Review Request from LIP Section 3.6(E) – Construction in Excess of 18 Feet in Height [LIP Section 13.27]

Pursuant to LIP Section 13.27.1, a site plan review is required to allow for construction to be over 18 feet in height, up to a maximum height of 24 feet for a flat roof (the proposed addition is 24 feet). 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 MMC Section 17.62.060. Attachment 7 provides the applicant's justification for the consideration of the proposed site plan review.

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

As previously discussed, the LCP ESHA Overlay map shows a stream diagonally across the parcel's frontage. However, the proposed development is sited outside the stream ESHA buffer and the fuel modification of the proposed additions will not extend any further into the ESHA buffer compared to the previously approved residence's required fuel modification.

D. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel.

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. As discussed previously, the proposed development does not appear to be visible from any scenic area, scenic road, or public viewing area.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development.

F. Hazards (LIP Chapter 9)

LIP Section 9.3 requires that analysis of the project consider geologic, flood and fire hazards, structural integrity, or other potential hazards listed in LIP Sections 9.2(A)(1-7). Pursuant to LIP Chapter 9, on January 17, 2024, the City geotechnical consultant reviewers determined the proposed project if constructed in accordance with the recommendations from the project's geotechnical consultant contained in Geologic and Geotechnical Reports from GeoConcepts, Inc. meets the requirements of the LIP. The aforementioned report is referenced in the Geotechnical Review Sheet in Attachment 3 and is available on file at City Hall and online at MalibuCity.org/OnBase.

The report evaluates site-specific conditions and recommendations are provided to address any pertinent issues. Based on the submitted reports, the project is not located in a hazard zone, except that the project site is located within an extreme fire hazard area. Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, and LACFD, these specialists determined that adverse impacts associated with these hazards to the project site related to the proposed development are not expected.

Based on the submitted materials, the proposed project will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and governing agency's building codes are followed.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards and should the Planning Commission consider approving the project, the project will be conditioned to meet all LACFD requirements.

G. Shoreline and Bluff Development (LIP Chapter 10)

LIP Chapter 10 applies to land that is located on or along the shoreline, a coastal bluff or bluff-top fronting the shoreline. The proposed project is not located near the shore.

H. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the property is not located between the first public road and the sea, and the property is not located near a recreational area. The planned Zuma Ridge Trail is located approximately 30 feet north of the project site according to the LCP Parklands Map. That trail is currently unimproved. The proposed additions will not interfere with the future improvement or use of the trail.

I. Land Division (LIP Chapter 15)

This project does not include a land division.

J. Demolition Permit (MMC Chapter 17.70)

MMC 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 includes the demolition of the existing hardscape. If approved, the project will include conditions of approval, including the recycling of demolished materials to ensure that the proposed project will not create significant adverse environmental impacts.

MMC Section 17.70.060 requires that a development plan has been approved or the requirement waived by the City. This CDP application is being processed concurrently with DP No. 24-020; therefore, approval of the demolition permit is subject to the approval of CDPWF No. 23-004.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e), (l) - Existing Facilities, 15303(d), (e) - New Construction or Conversion of Small Structures, 15304(b) - Minor Alterations to Land. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: The following written correspondence has been submitted to date (Attachment 6 – Public Correspondence):

- Email Dated April 5, 2024, from Charlotte Frieze expressing concerns regarding the project
- Email Dated June 3, 2024, from Lynn Saunders expressing concerns regarding the project.
- Email Dated June 2, 2024, from Richard Stutsman expressing concern regarding the project.
- Email Dated June 2, 2024, from Dawn Ericson expressing concern regarding the project.
- Email Dated June 2, 2024, from Lotte Cherin expressing concern regarding the project.
- Email Dated June 3, 2024, from Vitoria Tang expressing suggestions regarding the project.
- Email Dated June 2, 2024, from Peter C Jones expressing concern regarding the project.

- Email Dated June 2, 2024, from Bill Sampson expressing concern regarding the project.
- Email Dated June 3, 2024, from Michel Bolour regarding the project.

PUBLIC NOTICE: On May 9, 2024, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and a notice was mailed to all property owners and occupants within a 500-foot radius of the subject property.

SUMMARY: Based on the analysis contained in this report, provided project plans and other documents, the Planning Commission shall provide direction to staff to bring back a resolution consistent with the Planning Commission's decision.

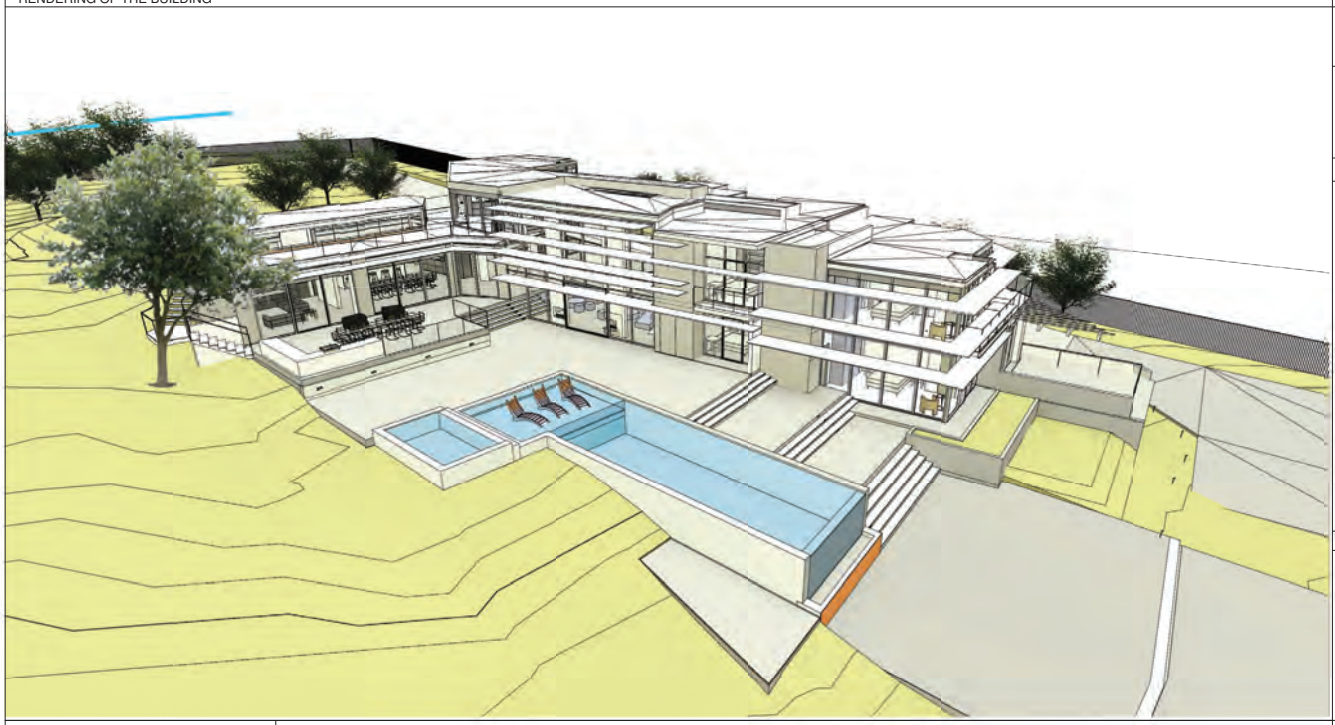
ATTACHMENTS:

1. Project Plans
2. Department Review Sheets
3. Fuel Modification Exhibit
4. Story Pole Site Photographs
5. Public Correspondence
6. Public Hearing Notice
7. Site Plan Review Findings

CUTHBERT ROAD

29738 CUTHBERT RD, MALIBU, CA 90265

RENDERING OF THE BUILDING



SCOPE OF WORK

A WOOLSEY FIRE REBUILD PROJECT.
1. PV PHASE REBUILDING A PORTION OF THE (E) FOOTPRINT (1,520 SF).
2. CDP PHASE, ADDING (N) BLDG 100' AWAY FROM THE WATER COURSE (BLUE LINE STREAM) WITH (N) 2ND FL, (N) POOL, (RECONFIGURED) DRIVEWAY, AND (N) OWTS.

PROJECT DETAILS

SITE ADDRESS	29738 CUTHBERT RD, MALIBU, CA
ZIP CODE	90265
ASSESSOR PARCEL NO. (APN)	4469-041-011
BOOK	58
PAGES	28 & 29
LOT	15 BLOCK 2
GROSS LOT AREA	88,498 SF (ACERS 2.029)
NET LOT AREA (LESS SLPS. 1:1 & EASMENTS)	88,158 SF (ACERS 2.023)
LOT WIDTH	187.75' FT
LOT DEPTH	470.69' FT
MMC ZONING DESIGNATION	RR2
CONSTRUCTION TYPE	TYPE - VB
BUILDING USE	SINGLE FAMILY RESIDENTIAL & ADU
NUMBER OF STORIES	2 STORY
NUMBER OF PARKING	3 COVERED, 2 OPEN
VERY HIGH FIRE HAZARD SEVERITY ZONE	YES
SPRINKLER***	YES
BUILDING HEIGHT	24'
MAX. ALLOWED DEVELOPMENT SF	8500 SF
MAX. ALLOWED IMPERMEABLE AREA	26521 SF (88,406 x 30% = 26521 SF)
GENERAL PLAN LAND USE DESIGNATION	SINGLE FAMILY RESIDENTIAL
TOTAL DEVELOPMENT SF	PROPOSED: 8,492 SF PV APP.: 3,872 SF
IMPERMEABLE SURFACES	PROPOSED: 16,932 SF PV APP.: 19,919 SF
TRELLIS AREA	PROPOSED: 1085 SF
NEW GATES	1 NEW VIEW PERMEABLE GATE
NEW FENCING (VIEW PERMEABLE)	1142 LF
NEW FENCING & GATE HEIGHT	6' FT
NEW RETAINING WALLS	0 LF
PERMEABLE GARDEN SITTING TERRACES	3060 SF
SWIMMING POOL SAFETY	PROPERTY FENCING & POOL FENCING

2/3 RULE
VOLUME AT 11' HIGH: 60,555 , VOLUME AT 10' HIGH: 39,040
2/3 CALCULATION:
60555 / 3 = 20,185 = 1/3
20,185 x 2 = **40370** = 2/3
39040 < 40370

SECOND FL. VOLUME = 39,040 WHICH IS LESS THAN 2/3 OF FIRST FL. VOLUME OF 40370

*** AUTOMATIC RESIDENTIAL FIRE SPRINKLER SYSTEM TO BE INSTALLED IN ACCORDANCE WITH SECTION R313- SHALL BE APPROVED BY PLUMBING DIVISION PRIOR TO INSTALLATION.

PROJECT DESCRIPTION

The pre-Woolsey fire site development footprint was large. Small buildings were scattered throughout the parcel. In many locations the site was disturbed less than 100' from a blue line water course crossing the northwest corner of the property. The proposed rebuild is concentrated, has a smaller footprint, and the majority of the development is located 100' from the blue line water course.

The project proposes a single-family residence using a combination of existing house footprint and a new footprint. The pre-fire stables, garage, storage building, guest house burned and have been removed. The guest house septic system is to be removed. In the pre-Woolsey Fire site plan the guest house was approximately 35' from the blue line water course and the septic system serving the guest house approximately 75' from the blue line water course.

As a part of the proposed project, a portion of the old house footprint is reused (see sheet A1.0, exhibit A5). The majority of new development is located 100' from the blue line water course.

The replacement pool follows a similar strategy: 30% of the pool is approximately 80' from the blue line (where it was prior to the fire), but the remainder is beyond the 100' offset line.

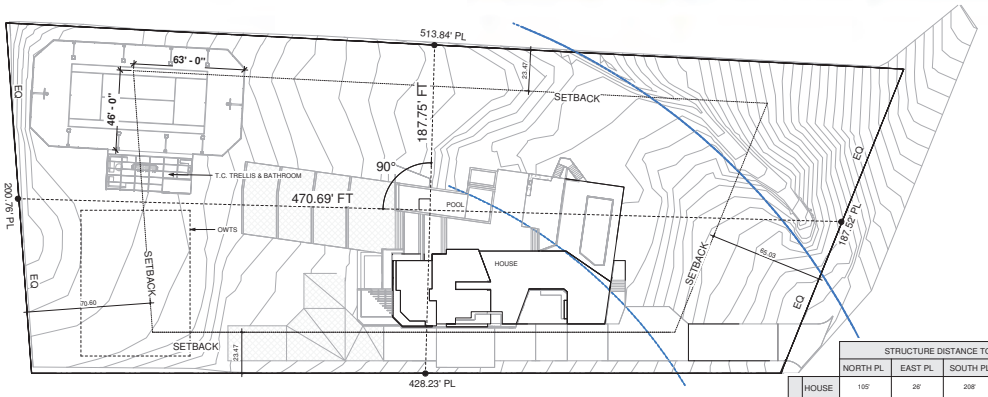
New fencing, view permable, 1142 linear feet. 1 new view permeable gate (without pilasters). Water-permeable garden sitting terraces equal 3060 SF. Pool safety will be provided by property line fencing and removable pool fencing.

MODIFICATIONS: None requested.

GENERAL NOTES

1.0 - GENERAL - ALL WORK SHALL BE IN FULL COMPLIANCE WITH THE CURRENT EDITION OF THE IBC, IRC, IPC, IMC, IFC, NEC, CPC, CMC, CEC, CALGREEN, AND ALL OTHER APPLICABLE CITY & COUNTY CODES, ALL CITY REGULATIONS AND CODES AND ALL APPLICABLE OSHA GUIDELINES AND STANDARDS.
1.1 - THE WORD "CONTRACTOR" MEANS THE GENERAL CONTRACTOR AND, WHERE APPLICABLE BY TRADE, SUBCONTRACTORS.
-CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING ALL NOTES PRIOR TO FINALIZING CONSTRUCTION CONTRACT.
-ALL CONSTRUCTION AND DETAILS SHALL BE COMPLETED IN FULL COMPLIANCE WITH APPLICABLE LOCAL CODES AND REQUIREMENTS.
-CONTRACTOR SHALL VERIFY ALL WORKS, DIMENSIONS AND DETAILS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE RELEVANT PORTION OF THE WORKING CONSTRUCTION. THE OWNER AND ARCHITECT ARE ALSO TO BE ADVISED REGARDING ANY DISCREPANCIES IN MEASUREMENT, DIMENSION, LOCATION OR DETAILS PRIOR TO CONTRACTOR'S PROCEEDING WITH THAT PORTION OF THE WORK.
- WRITTEN DIMENSIONS SHALL PREVAIL OVER SCALED DIMENSIONS ON DRAWINGS. IN NO EVENT IS THE CONTRACTOR TO SCALE DRAWINGS FOR DIMENSIONS. ALL DIMENSIONS ARE TO FACE OF FINISH.
- PRIOR TO FINALIZING CONTRACT PRICES, CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING AND COORDINATING ALL NOTES AND DRAWINGS TO INCLUDE ANY SUBCONTRACTORS SHEETS OR NOTES, BUT WHICH ARE INDICATED ELSEWHERE IN THE CONSTRUCTION DOCUMENTS.
- DETAILS ARE INTENDED TO SHOW FINAL EFFECT OF PARTS OF CONSTRUCTION. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT PARTICULAR JOB SITE DIMENSIONS OR CONDITIONS AND SHALL BE INCLUDED WITH, WITHIN THE SCOPE OF THE WORKS. ANY MODIFICATIONS REQUIRED SHALL BE REVIEWED WITH THE ARCHITECT PRIOR TO PROCEEDING WITH THE RELEVANT PORTION OF THE WORK.
1.2 - CONTRACTOR SHALL REVIEW ALL ITEMS NOTED "VERIFY OR CONFIRM WITH OWNER OR ARCHITECT" WHICH MIGHT AFFECT COSTS PRIOR TO FINALIZING CONSTRUCTION CONTRACT AND SUBCONTRACTS AND SHALL CONFIRM SELECTIONS FOR CONSTRUCTION, MATERIALS, COLOR, FINISH OR OTHER SPECIFICATIONS NOT SPECIFIED REGARDING THESE ITEMS.
-ALL ITEMS SHOWN ON PLANS SHALL BE INCLUDED IN THE CONTRACTOR'S CONTRACT PRICE.
- UNLESS ITEMS ARE SPECIFICALLY ITEMIZED AS NOT INCLUDED IN CONTRACT (NIC), THEY WILL BE ASSUMED TO BE INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-ALL ALLOWANCE ITEMS SHALL BE SPECIFICALLY IDENTIFIED AS ALLOWANCES AND INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER OF ANY EXTRA COSTS ARISING FROM THE EXECUTION OF HIS CONTRACT OR SUBCONTRACTS AND SHALL RECEIVE OWNER'S WRITTEN APPROVAL FOR SAME.
-CONTRACTOR SHALL BE RESPONSIBLE FOR SUPERVISING THAT ALL GENERAL AND SUBCONTRACT WORK IS BEING ACCOMPLISHED ACCORDING TO THE MOST CURRENT CONSTRUCTION DRAWINGS, INCLUDING REVISIONS.
- UNLESS ITEMS ARE SPECIFICALLY ITEMIZED AS NOT INCLUDED IN CONTRACT (NIC), THEY WILL BE ASSUMED TO BE INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-ALL ALLOWANCE ITEMS SHALL BE SPECIFICALLY IDENTIFIED AS ALLOWANCES AND INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER OF ANY EXTRA COSTS ARISING FROM THE EXECUTION OF HIS CONTRACT OR SUBCONTRACTS AND SHALL RECEIVE OWNER'S WRITTEN APPROVAL FOR SAME.
-CONTRACTOR SHALL BE RESPONSIBLE FOR SUPERVISING THAT ALL GENERAL AND SUBCONTRACT WORK IS BEING ACCOMPLISHED ACCORDING TO THE MOST CURRENT CONSTRUCTION DRAWINGS, INCLUDING REVISIONS.
- UNLESS OTHER ARRANGEMENTS ARE MADE, OWNER SHALL PROVIDE ADEQUATE PROPERTY AND LIABILITY INSURANCE IN ADDITION TO CONTRACTOR'S INSURANCE TO COVER ALL NEW WORK. THIS INSURANCE SHALL INCLUDE THE INTERESTS OF THE OWNER AND CONTRACTOR IN THE WORK, BUT SHALL NOT RELIEVE CONTRACTOR OF HIS RESPONSIBILITIES UNDER CONTRACT OR AS ITEMIZED BELOW.
1.3 - CONTRACTOR SHALL KEEP PREMISES SECURE, CLEAN, AND HAZARD FREE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING HIS EQUIPMENT, MATERIALS, AND WORK IN NEAT, CLEAN, ORDERLY AND SAFE CONDITION AT ALL TIMES.
1.4 - CONTRACTOR SHALL DEMOLISH EXISTING CONSTRUCTION AS NECESSARY TO INSTALL NEW CONSTRUCTION AS SHOWN. EXCESS DEBRIS AND MATERIALS, NOT REQUIRED BY CONSTRUCTION OR REQUESTED BY OWNER.
-TEMPORARY ERECTION BRACING, GUYS, ETC. INSTALLATION DESIGN AND REMOVAL ARE THE COMPLETE RESPONSIBILITY OF THE CONTRACTOR.
-CONTRACTOR SHALL ERECT AND MAINTAIN TEMPORARY BARRICADES AND DUST PROOF PARTITIONS AS REQUIRED BY LOCAL CODES AND AUTHORITIES. CONTRACTOR SHALL ALSO MAINTAIN ADEQUATE PROTECTION OF HIS WORK AND THE OWNER'S PROPERTY FROM DAMAGE OR LOSS ARISING IN CONNECTION WITH CONSTRUCTION.
1.5 - CONTRACTOR SHALL PROVIDE TEMPORARY TOILET FACILITIES ON THE JOB SITE IF NECESSARY OR REQUIRED BY LOCAL CODE.
-CONTRACTOR SHALL MAKE ARRANGEMENTS FOR ANY TEMPORARY POWER AND TELEPHONE SERVICE WITH THE OWNER PRIOR TO START OF THE CONSTRUCTION.
-CONTRACTOR SHALL PROVIDE TEMPORARY UTILITIES, INCLUDING BUT NOT LIMITED TO POWER, WATER, PHONE, SANITATION ETC., ALL TEMP. UTILITIES SHALL BE PROVIDED SUBJECT TO APPLICABLE CODES AND REGULATIONS.
-CONTRACTOR SHALL HAVE A TEMPORARY LABEL ON THE PRODUCT UNTIL INSPECTED BY THE CITY FIELD INSPECTION.
-ALL GLAZING IN HAZARDOUS LOCATIONS SHALL BE TEMPERED INCLUDING SLIDING GLASS DOORS, BATHROOM WINDOWS IN TUB ENCLOSURES, SHOWER ENCLOSURES, AND GLAZING WITHIN 24" OF DOORS, 18" OF FLOOR.

BUILDING SETBACKS



LOT DEPTH: 470.69' FT
FRONT SETBACK 20% (94.14' FT) OR 65' FT, WHICHEVER IS LESS = 65.00' FT
REAR SETBACK 15% (70.60' FT) OR 15' FT, WHICHEVER IS GREATER = 70.60' FT

LOT WIDTH: 187.75' FT
SIDE SETBACK CUMULATIVELY 25% OF WIDTH (46.93' FT/2 = 23.47' FT) OR 10% OF WIDTH (18.78' FT), WHICHEVER IS GREATER = 23.47' FT

STRUCTURE	STRUCTURE DISTANCE TO PL			
	NORTH PL	EAST PL	SOUTH PL	WEST PL
HOUSE	105'	28'	208'	74'
POOL	190'	90'	215'	70'
T.C. TRELLIS & BATH	358'	102'	82'	84'
OWTS	340'	5'	29'	107'

LEGEND KEY

PROPERTY LINE
GRID HEAD
DOOR NUMBER
WINDOW NUMBER
CALLOUT HEAD
SECTION HEAD
SECTION TAIL
ELEVATION MARK
Room name 150 SF — ROOM NAME
SPOT ELEVATION
1 / A101 — VIEW REFERENCE
View Name 1/8" = 1'-0" — VIEW TITLE
NORTH ARROW
WALL TAG
Name Elevation — LEVEL HEAD

PARCEL MAP



jtd

JTD ARCHITECTS

BOLOUR FAMILY RESIDENCE
29738 SOUTHBERT RD, MALIBU, CA 90265

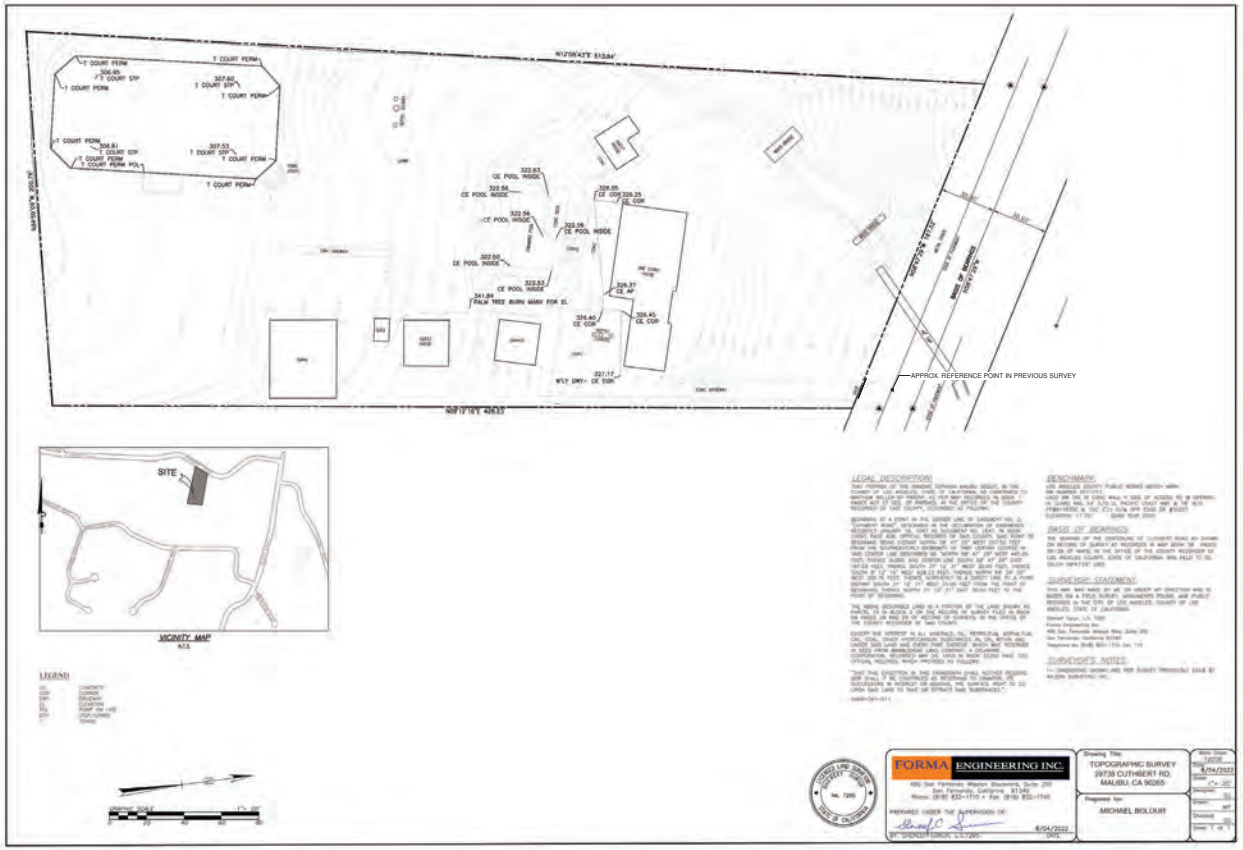
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/03/2023 3:13:41 PM

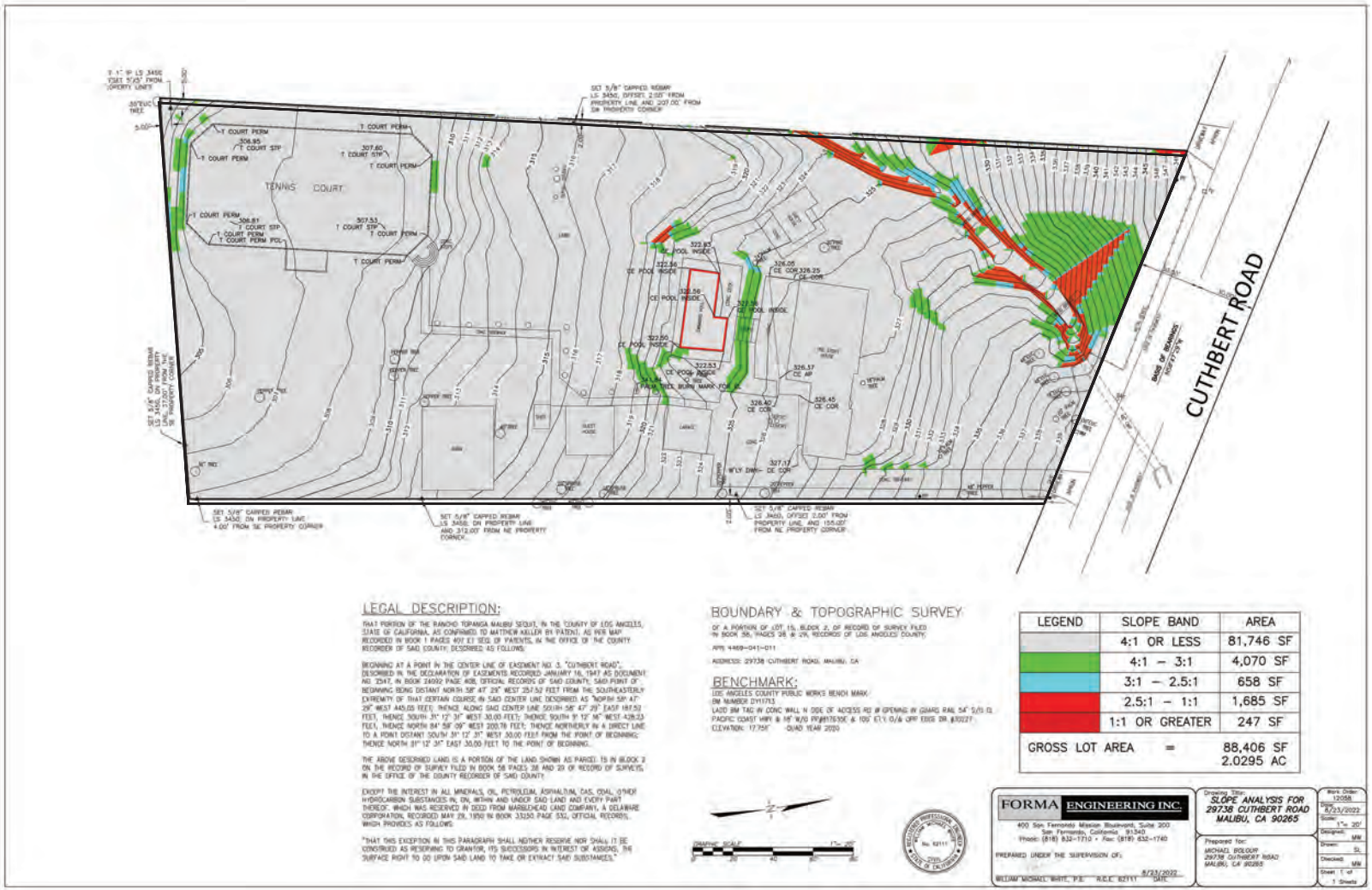
COVER SHEET

A0.0

ATTACHMENT 1


APPROX. REFERENCE POINT IN PREVIOUS SURVEY
SITE
VICINITY MAP
N.T.S.
LEGEND
LEGAL DESCRIPTION
BENCHMARK
BASIS OF BEARINGS
SURVEYOR'S STATEMENT
SURVEYOR'S NOTES
FORMA ENGINEERING INC.
TOPOGRAPHIC SURVEY
29738 CUTHBERT RD.
MALIBU, CA 90265
MICHAEL BOLOUR

A0.6



LEGAL DESCRIPTION:

THAT PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS CONFIRMED TO MATTHEW KELLER BY PATENT, AS PER MAP RECORDED IN BOOK 1 PAGES 497 ET SEQ. OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF EASEMENT NO. 3, "CUTHBERT ROAD", DESCRIBED IN THE DECLARATION OF EASEMENTS, RECORDED JANUARY 16, 1947 AS DOCUMENT NO. 2547, IN BOOK 24092 PAGE 408, OFFICIAL RECORDS OF SAID COUNTY; SAID POINT OF BEGINNING BEING DISTANT NORTH 58° 47' 29" WEST 257.52 FEET FROM THE SOUTHEASTERLY EXTREMITY OF THAT CERTAIN COURSE IN SAID CENTER LINE DESCRIBED AS "NORTH 58° 47' 29" WEST 445.05 FEET"; THENCE ALONG SAID CENTER LINE SOUTH 58° 47' 29" EAST 187.52 FEET; THENCE SOUTH 31° 12' 31" WEST 30.00 FEET; THENCE SOUTH 9° 13' 16" WEST 428.23 FEET; THENCE NORTH 84° 58' 09" WEST 220.76 FEET; THENCE NORTHERLY IN A DIRECT LINE TO A POINT DISTANT SOUTH 31° 12' 31" WEST 30.00 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 31° 12' 31" EAST 30.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LAND IS A PORTION OF THE LAND SHOWN AS PARCEL 15 IN BLOCK 2 ON THE RECORD OF SURVEY FILED IN BOOK 58 PAGES 38 AND 39 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THE INTEREST IN ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL, OTHER HYDROCARBON SUBSTANCES IN, ON, WITHIN AND UNDER SAID LAND AND EVERY PART THEREOF, WHICH WAS RESERVED IN DEED FROM MARBLEHEAD LAND COMPANY, A DELAWARE CORPORATION, RECORDED MAY 29, 1950 IN BOOK 33250, PAGE 332, OFFICIAL RECORDS, WHICH PROVIDES AS FOLLOWS:

"THAT THIS EXCEPTION IN THIS PARAGRAPH SHALL NEITHER RESERVE NOR SHALL IT BE CONSTRUED AS RESERVING TO GRANTOR, ITS SUCCESSORS IN INTEREST OR ASSIGNS, THE SURFACE RIGHT TO GO UPON SAID LAND TO TAKE OR EXTRACT SAID SUBSTANCES."

BOUNDARY & TOPOGRAPHIC SURVEY

OF A PORTION OF LOT 15, BLOCK 2, OF RECORD OF SURVEY FILED IN BOOK 58, PAGES 38 & 39, RECORDS OF LOS ANGELES COUNTY.

APN: 4469-041-011

ADDRESS: 29738 CUTHBERT ROAD, MALIBU, CA

BENCHMARK:

LOS ANGELES COUNTY PUBLIC WORKS BENCH MARK
BM NUMBER DY1753
LADD BM TAG IN CONC WALL N SIDE OF ACCESS RD @ GRNAGE IN GUARD RAIL 54' S/O I.D. PACIFIC COAST HWY & 16' W/O PP#875556 & 105' E'LY O/A OPP EDGE DR. #30227
ELEVATION: 17.755' QUAD YEAR 2020

LEGEND	SLOPE BAND	AREA
	4:1 OR LESS	81,746 SF
	4:1 – 3:1	4,070 SF
	3:1 – 2.5:1	658 SF
	2.5:1 – 1:1	1,685 SF
	1:1 OR GREATER	247 SF
GROSS LOT AREA =		88,406 SF 2.0295 AC

GRAPHIC SCALE 1"=20'

FORMA ENGINEERING INC.
400 San Fernando Mission Boulevard, Suite 200
San Fernando, California 91340
Phone: (818) 832-1710 • Fax: (818) 832-1740

PREPARED UNDER THE SUPERVISION OF:

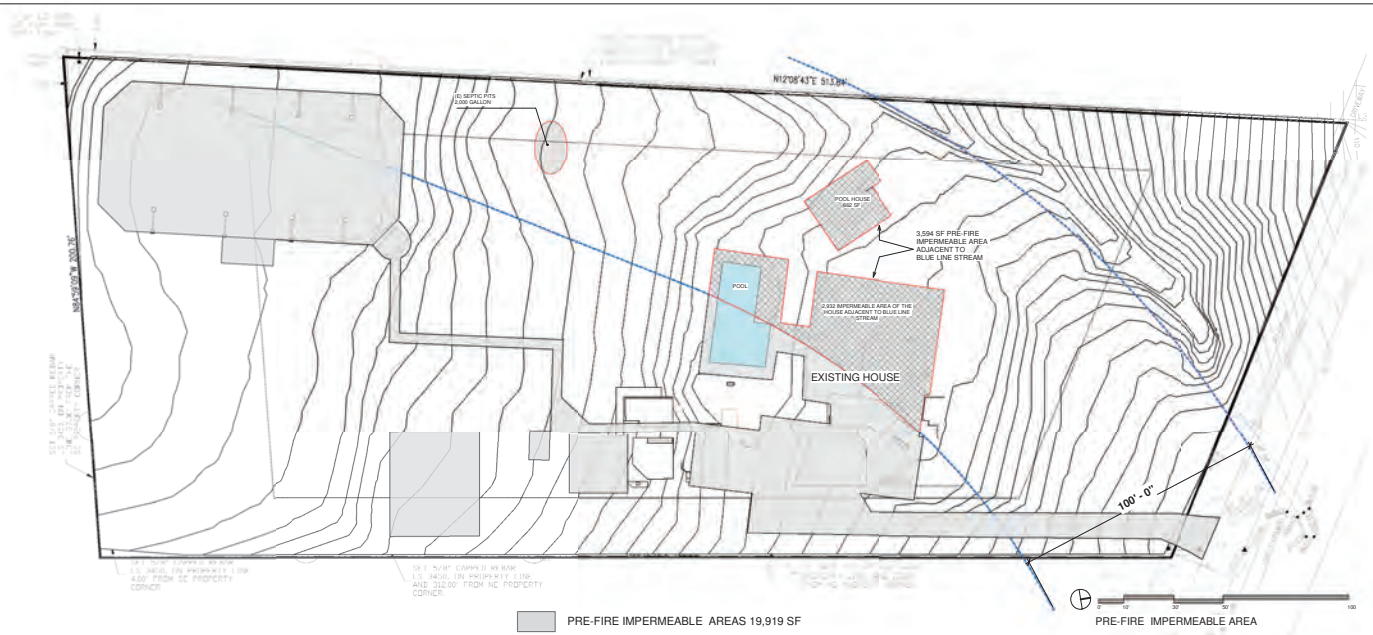
WILLIAM MICHAEL MARTZ, P.E. R.C.E. 82111 — 8/23/2022 DATE

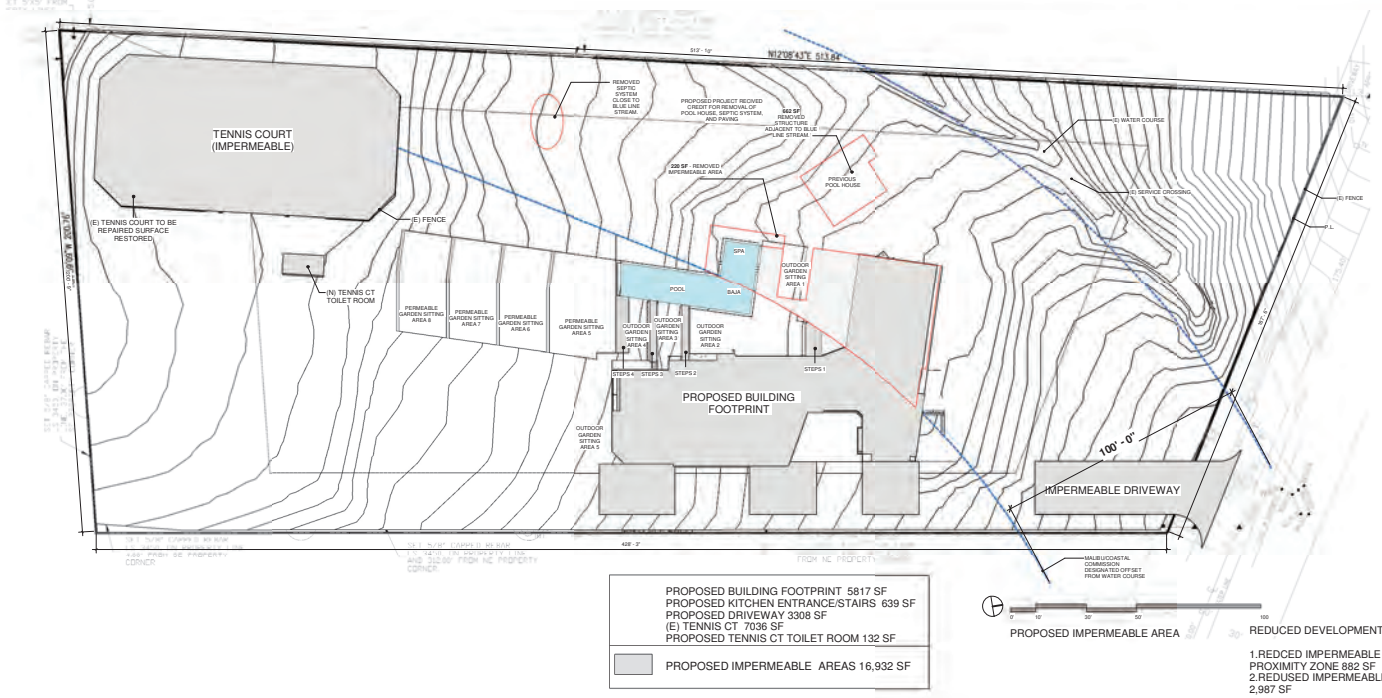
Drawing Title: SLOPE ANALYSIS FOR 29738 CUTHBERT ROAD MALIBU, CA 90265

Prepared for: MICHAEL BOLGOR, 29738 CUTHBERT ROAD, MALIBU, CA 90265

Work Order: 13088
Date: 8/23/2022
Scale: 1"= 20'
Designed: MM
Drawn: SL
Checked: MM
Sheet: 1 of 1 Sheets

A0.6A





REDUCED DEVELOPMENT IMPACTS

1.REDCED IMPERMEABLE AREA IN 100' BLUELINE STREAM PROXIMITY ZONE 882 SF
2.REDUSED IMPERMEABLE AREA THROUGH THE SITE BY 2,987 SF

jtd
JTD ARCHITECTS
JANEK DOMBROWA
TOPANGA CA 90290
DOMBROWA@JTDARCHITECTS.COM

BOLOUR FAMILY RESIDENCE
29728 CUTHBERT RD, MALIBU, CA 90265

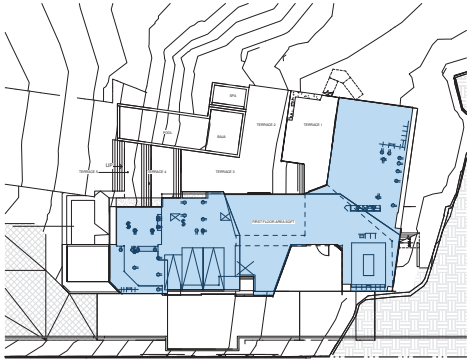
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

2/3/2024 9:19:25 AM

IMPERMEABLE AREAS COMPARISON

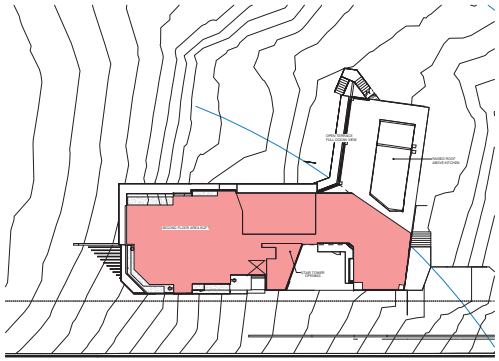
JANEK TADEWICH DOMBROWA, AIA

A0.7



FIRST FLOOR AREA 5505 SF

FIRST FLOOR VOLUME (INCLUDING WALLS) 5780 SF



SECOND FLOOR AREA 2855 SF

SECOND FLOOR VOLUME (INCLUDING WALLS) 3715 SF

2/3 RULE CALCULATION

FLOOR

FIRST FLOOR ..... 5780 SF

SECOND FLOOR ..... 3715 SF

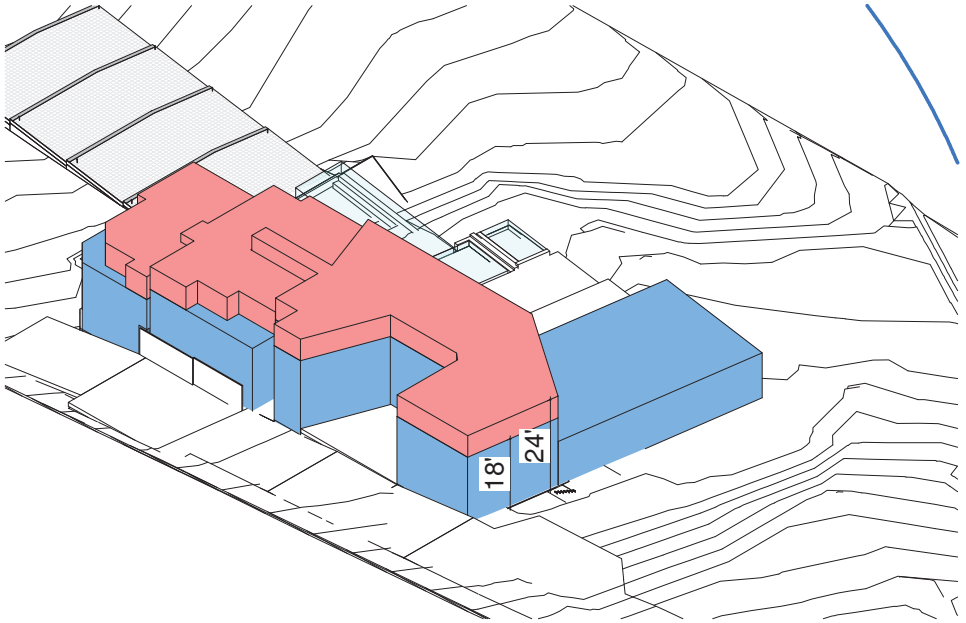
2/3 OF FIRST FLOOR

2/3 CALCULATION

5780 / 3 = 1926.6 = 1/3

1926.6 x 2 = **3853.3 = 2/3**

SECOND FL.AREA= 3715 SF WHICH IS LESS THAN 2/3 OF FIRST FL. AREA OF 3853 SF



jtd

JTD ARCHITECTS

BOLOUR FAMILY RESIDENCE

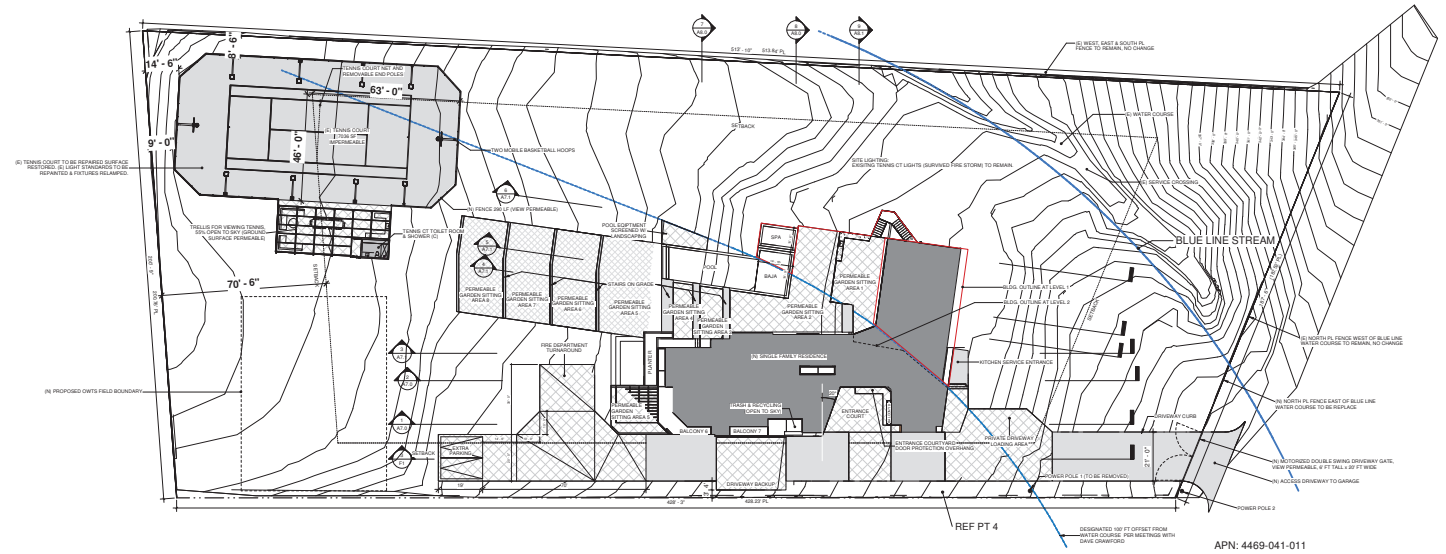
2676 SOUTHCLIFF, FALLBROOK, CA 92055

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 5:31:00 PM

2/3 CALCULATION

A0.9



jtd

JTD ARCHITECTS

BOLOUR FAMILY RESIDENCE
2676 SOUTHBURY RD, MALIBU, CA 90265

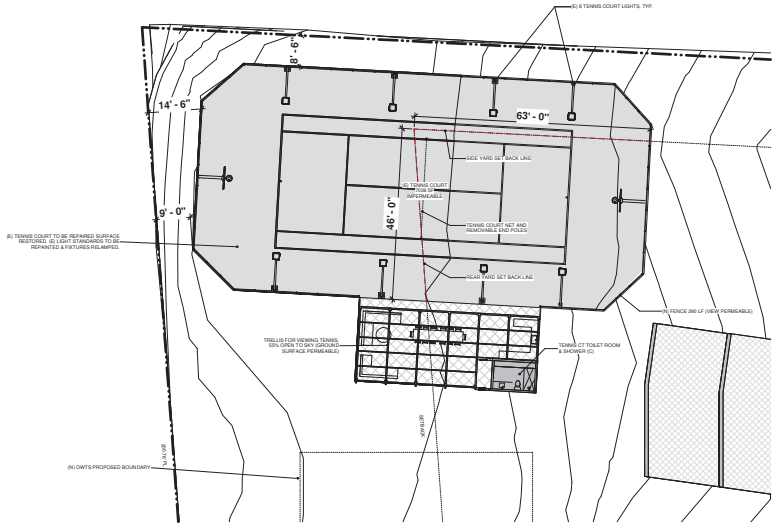
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 7:09:52 PM

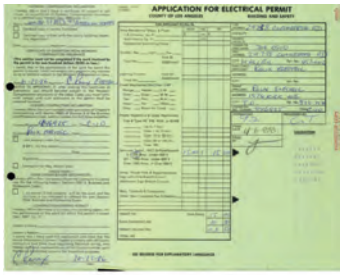
SITE PLAN

JASEK TABENCKI DOMEROWA, AA

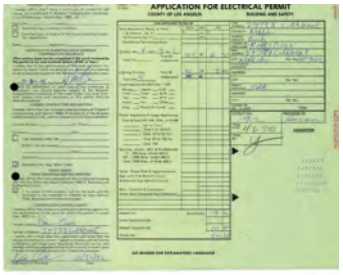
A1.0



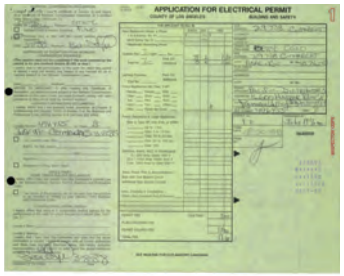
TENNIS COURT PERMIT HISTORY



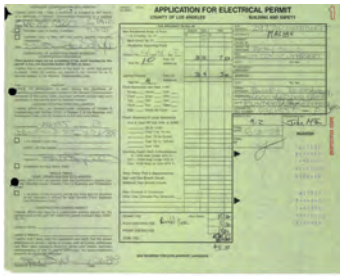
ELECTRICAL OCT 1986, 200 AMP



ELECTRICAL OCT 1986, 4 LIGHTS



ELECTRICAL MARCH 1988, 2 OUTLETS



ELECTRICAL JULY 1988, 4 LIGHTS

jtd

JTD ARCHITECTS

JASEK DOMBROWA
1111 N. TOPANGA BLVD
TOPANGA, CA 90290
DOMBROWA@JTDARCHITECTS.COM
ARCHITECT

MAILING(S) c/o MICHEL BOLOUR
10961 WILSHIRE BLVD, SUITE 402
LOS ANGELES, CA 90025
TEL (310) 849-2004
OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

PROJECT

BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

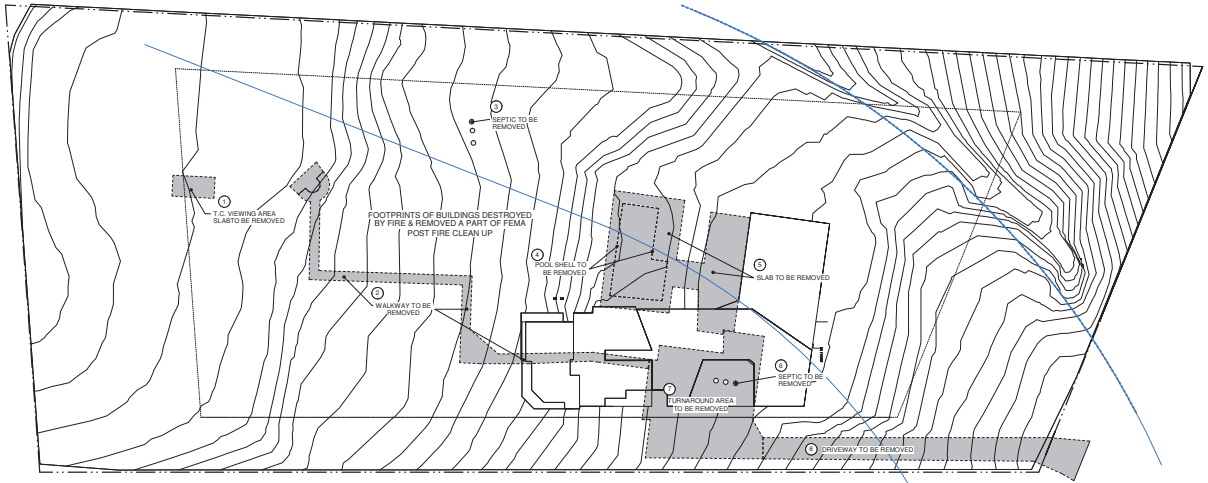
5/23/2024 11:09:45 AM
AUTODESK

SHEET TITLE
TENNIS COURT PERMIT RECORD SITE PLAN

JASEK TADEUSZ DOMBROWA, AIA
ARCHITECT NUMBER

SCALE
PROJECT NUMBER
DATE (MM/DD/YY)
DRAWN BY
CHECKED BY
SHEET NUMBER

A0.4B



EXISTING HARDSCAPE FOR DEMOLITION

1. TENNIS COURT VIEWING SLAB 162 SF
2. WALKWAY SLAB & STAIRS 1082 SF
3. SEPTIC TANKS
4. POOL SHELL 734 SF
5. POOL & PATIO SLAB 1736 SF
6. SEPTIC TANKS
7. DRIVEWAY TURNAROUND SLAB 2337 SF
8. DRIVEWAY SLAB 1414 SF

jtd

JTD ARCHITECTS

JANEK DOMBROWA
111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
DOMBROWA@JTDARCHITECTS.COM
310.455.1122

ARCHITECT

MALIBOLOUR, a/k/a MICHEL BOLOUR
10961 WILSHIRE BLVD, SUITE 420
LOS ANGELES, CA 90025
TEL 310.909.2004

OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

PROJECT

BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

PRINTED
5/22/2024 5:31:14 PM
AUTODESK

SHEET TITLE

HARDSCAPE DEMO PLAN

JANEK TABENCKI DOMBROWA, AIA
REGISTERED ARCHITECT

SCALE
1/16" = 1'-0"
PROJECT NUMBER
OPEN GREEN (C)
PERMIT #
DATE
SHEET NUMBER

A1.2B



Lawrence Young
Registered Environmental Health Specialist
P.O. Box 973, Malibu, California 90265

December 1, 2021

Jarek Dombrowa
JT Architects
1111 N. Topanga Canyon Blvd
Topanga, CA 90290

RE: 29738 CUTHBERT RD., MALIBU, CA 90265

Dear Mr. Dombrowa

At your request, on November 28, 2021, I inverted subject property and found a tube substantially the same as it was when I conducted a percolation test for a drainfield type subsurface sewage effluent disposal system on November 19, and November 20, 2020. Please refer to my Percolation Test Report dated January 18, 2021.

There have been no changes to subject property which will affect either the percolation test results, the Onsite Wastewater Treatment System (OWTS) Design Report dated January 11, 2021, or the OWTS Design Site Plan date August 23, 2021.

Therefore, I will issue all of my previous work as to subject property without any further changes required.

If you have any questions, or comments, or need further information, then please contact me at your earliest convenience.

Sincerely,

L Young

Lawrence Young

Lawrence Young
Registered Environmental Health Specialist
P.O. Box 973, Malibu, California 90265

August 22, 2022

Jarek Dombrowa
JT Architects
1111 N. Topanga Canyon Rd.
Topanga, CA 90290

ONSITE WASTEWATER TREATMENT SYSTEM
DESIGN REPORT
FOR
29738 CUTHBERT RD., MALIBU, CA 90265

SITE:

Subject site is a 2.135 acre parcel (APN 4469-041-011), on the south side of Cuthbert Road in the City of Malibu.

DEVELOPMENT:

The proposed development consists of a new Conventional Onsite Wastewater Treatment System to serve a WHOLLY FIRE RE-BUILD 8 bedroom single family dwelling (12) fixture units, and a tennis pavilion (0 fixture units).

FLOW RATE:

The maximum wastewater flow rate was calculated at 150 gallons per person per day, per the Malibu Municipal Code for a total of 1350 gallons per day (i.e. 9 persons at 150 gallons per person per day for the 8 bedroom single family dwelling).

ONSITE WASTEWATER TREATMENT SYSTEM:

The new Conventional Onsite Wastewater Treatment System will consist of a new 3500 gallon septic tank with effluent filter to serve the single family dwelling, a new 1500 gallon septic tank with effluent filter to serve the tennis court bathroom, three active 3' X 80' Leach Trenches with 3' rock filter material (1350 ft²), and three future 3' X 80' Leach Trenches with 3' rock filter material (1350 ft²).

The new 3500 gallon septic tank with effluent filter (3500 gallon septic tank required) meets the requirements pursuant to Malibu Municipal Code Table 15.4.(19) Septic Tank Capacity for a 8 bedroom single family dwelling.

Active Leach Trench Calculations:

$$A = \frac{L \times 0.28}{2ft} \times \frac{STC}{2} = \frac{22 \times 0.28}{2ft} \times \frac{3000}{2} = 1512\ ft^2$$

Therefore, the new 1734 ft² active leach trench type subsurface sewage effluent disposal system is adequate to dispose of the maximum daily wastewater flow rate at 0.75 gallons per square foot per day.

Future Leach Trench Calculations:

$$A = \frac{L \times 0.28}{2ft} \times \frac{STC}{2} = \frac{22 \times 0.28}{2ft} \times \frac{3000}{2} = 1512\ ft^2$$

Therefore, the new 1734 ft² future leach trench type subsurface sewage effluent disposal system is adequate to dispose of the maximum daily wastewater flow rate at 0.75 gallons per square foot per day.

GROUNDWATER

Groundwater was not discovered at 17 feet below grade in excavation LT-7. Please refer to the supporting geology report by GeoConcept, Inc. dated January 11, 2021.

DECLARATION OF COMPLIANCE

In my professional opinion, the onsite wastewater treatment system design submitted meets the minimum requirements of the City of Malibu Municipal Code, the City of Malibu Local Coastal Program, and the City of Malibu Local Area Management Plan. The onsite wastewater treatment system design submitted does not include an evaluation of any geological, or other potential problems, which may require an alternative method of onsite wastewater treatment, and disposal.

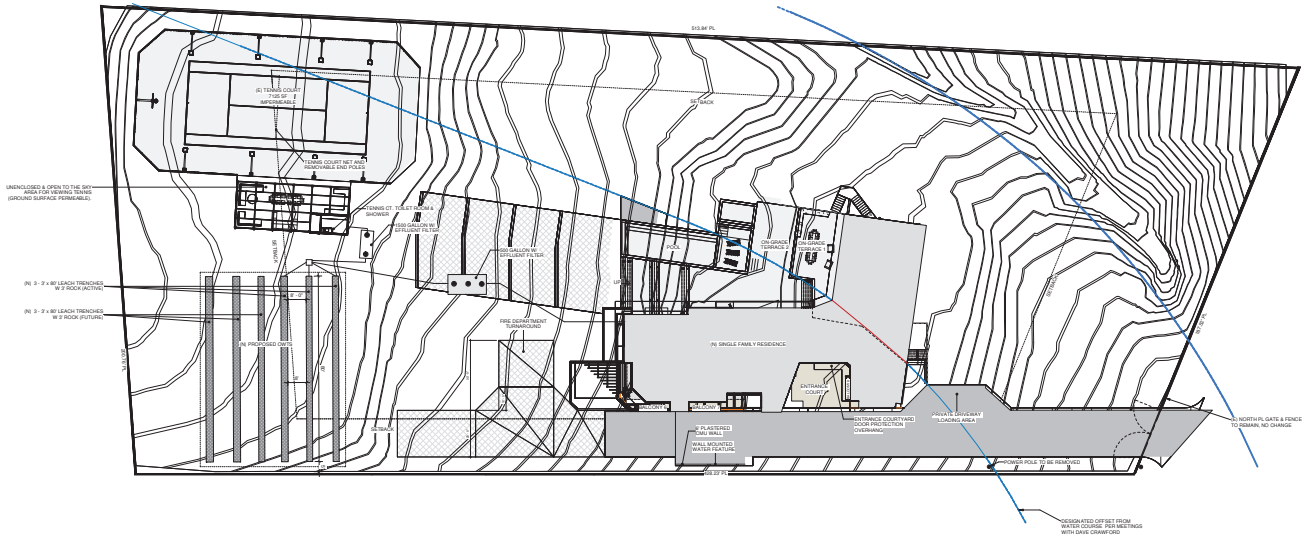
If you have any questions, or comments, or need further information regarding this onsite wastewater treatment, and disposal system description, then please contact me at your earliest convenience.

ENVIRONMENTAL HEALTH SPECIALIST
LAWRENCE YOUNG
REG NO. 3738
STATE OF CALIFORNIA

Sincerely,

L Young

Lawrence Young



APN: 4469-041-011

ENVIRONMENTAL HEALTH SPECIALIST
LAWRENCE YOUNG
REG NO. 3738
STATE OF CALIFORNIA
9-27-22

jtd

JTD ARCHITECTS

JAREK DOMBROWA
1111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
JDARCH@JTD-ARCHITECTS.COM
(310) 922-7575

ARCHITECT

MAILING LIST, ex MICHEL BOLOUR
11661 SAN VICENTE BLVD, SUITE 410
LOS ANGELES, CA 90049
TEL (310) 820-2224

OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

PROJECT

BOLOUR FAMILY RESIDENCE
29738 SOUTHBOUND CUTHBERT RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 5:41:13 PM

PLOT DATE

SHEET TITLE

OWTS SITE PLAN

JAREK TADEUSZ DOMBROWA, AIA

ARCHITECT'S SEAL

SCALE

1/30" = 1'-0"

PROJECT NUMBER

OPEN GREEN (C)

DRAWN BY

CHECKED BY

SHEET NUMBER

A1.2A



1 PRE-FIRE SITE DIAGRAM
1" = 20'-0"

jtd

JTD ARCHITECTS

BOLOUR FAMILY RESIDENCE
2176 OUTRIGGER, PEPPERDINE, CA 90265

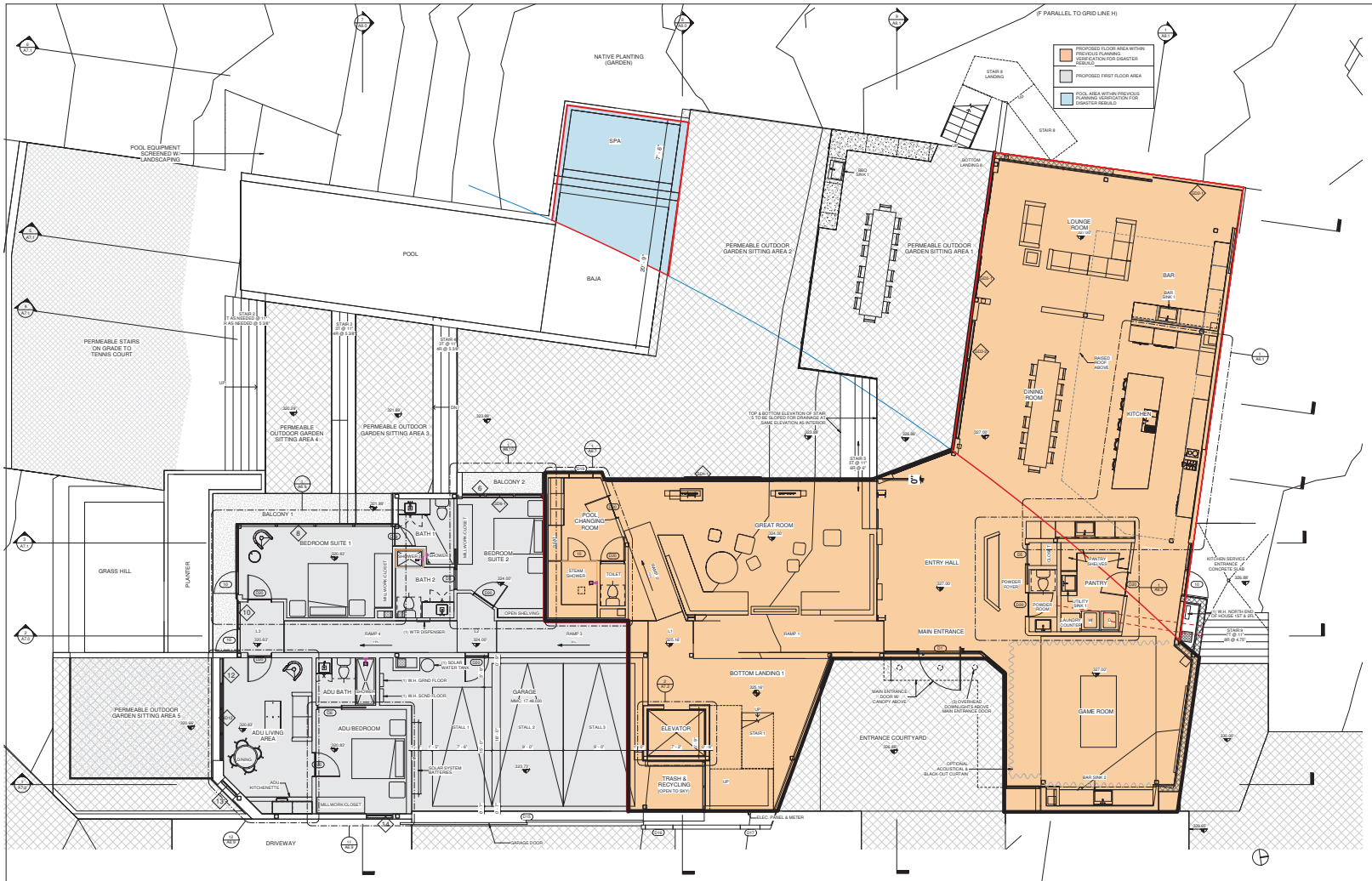
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

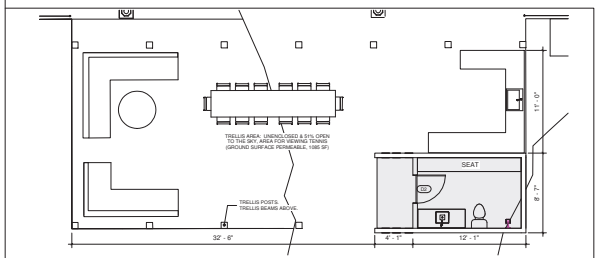
5/22/2024 5:41:14 PM

EXISTING SITE DIAGRAM

JANEK TARZKOWSKI-DOMBROWA, AIA

A2





PLAN KEYNOTES

1. CONCRETE DECK
2. CONCRETE WALL
3. PLANTER
4. RETAINING WALL
5. FLOOR DRAIN
6. LANDSCAPING
7. LINE OF OVERHANG ABOVE
8. FIRE SPRINKLER SYSTEM
9. FIRE DEPARTMENT RISER
10. PLUMBING CHASE
11. UTILITY CHASE
12. HANDRAIL
13. GUARDRAIL
14. GATE
15. POST/COLUMN
16. EXTERIOR DECK FINISH
17. RAISED DECK
18. WATER PROOFING MEMBRANE
19. WATER PROOFING PROTECTION SYSTEM
20. ROOFING
21. ROOFING MEMBRANE
22. FLASHING SYSTEM
23. INTERIOR FINISH CERAMIC TILE/ MANUFACTURED STONE
24. EXTERIOR FINISH PLASTER
25. MATERIAL CONTROL JOINT
26. EXTERIOR PLASTER FINISH
27. MILLWORK
28. COUNTER TOP
29. EQUIPMENT
30. WINDOW WASHING RECESS
31. MANUAL SHUT OFF VALVES
32. CLEAN OUT YARD BOX
33. ELECTRICAL PANEL
34. COMMUNICATIONS/INTERNET PANEL
35. SOUND SYSTEM/COM
36. INSULATION R-30
37. INSULATION R-38
38. INSULATION R-19
39. INSULATION R-13
40. INSULATION R-21
41. FUTURE LOCATION OF SOLAR PANELS
42. TEMPERED, LAMINATED, FROSTED GLASS
43. FURRED ONE HOUR SEPARATION

WALL LEGEND

- 6" CONCRETE WALL
- 8" CONCRETE WALL
- 10" CONCRETE WALL
- 12" CONCRETE WALL
- 7 5/8" EXTERIOR WALLS 2X6 WOOD STUDS @16" O.C. W/ 5/8" GYP.BOARD & CEMENT PLASTER W/ EXTERIOR FINISH (ONE HOUR FIRE RATED WALL)
- 4 3/4" OR GREATER WHEN SHEAR WALL PLY. REQ. INTERIOR WALL- 2X4 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- 8 3/4" OR GREATER WHEN SHEAR WALL PLY. REQ. INTERIOR PLUMBING WALL - 2X6 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- PARTY WALL- 2X4 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- 6 3/4" PARTY PLUMBING WALL- 2X6 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ.
- SHAFT WALL - TYPE 1 - ELEVATOR & TRASH CHUTE
- SHAFT WALL - TYPE 2 - FIRE EXITS
- SHAFT WALL - TYPE 3 - GARAGE VENTILATION CHASE (CH METAL STUDS 20GA. 16" O.C. W/ 1" FIRE SHIELD SHAFT LINER)
- SHAFT WALL - TYPE 4 - FLR. TO FLR. UTILITY CHASE (FLR. PENETRATED BY PIPING MAX 4" DIA. & SEALED AT FLR. C.O.)
- SOFFIT CEILING

NOTES

1. CONCRETE DECK COATING: VULCAN 350/351 GRAY BY TREMCO. APPLY MIN. 28D. AFTER CONC. POUR. FINISH AND PREPARE CONC. AND INSTALL SYSTEM IN STRICT CONFORMANCE WITH MFGS SPECS. NON-SLIP FINISH.
2. ON EVERY FLOOR: ON-DEMAND WATER HEATER ENCLOSURES - VERIFY WATER HEATER DIMS & CLEARANCES WITH MFG. SPECS. PRIOR TO FRAMING.
3. FIRE BARRIER SEPARATIO: PROVIDE A ONE (1) HOUR FIRE BARRIER BETWEEN THE GARAGE AND RESIDENCE AS REQUIRED BY SECTION 508 AND TABLE 508.4. BUILDING CODE 508.4.4. OPENINGS IN THE FIRE SEPARATION SHALL HAVE A MINIMUM 20 MINUTE-RATING, BE SELF-CLOSING, SELF-LATCHING, TIGHT FITTING AND SMOKE SEALED.
4. SHAFT ENCLOSURE OPENINGS: OPENINGS THROUGH A FLOOR / CEILING ASSEMBLY SHALL BE PROTECTED BY A SHAFT ENCLOSURE OF FIRE-RESISTIVE CONSTRUCTION AS REQUIRED BY BUILDING CODE SECTION 708. BUILDING CODE 708.3
5. EXTERIOR GLAZING AND WINDOW WALLS: EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL MEET THE FOLLOWING: A. MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE
6. ALL ROOF DRAINS TO BE PROVIDED WITH CODE REQUIRED OVERFLOW DRAINS AND DEBRIS GUARD.

FIRST FLOOR AREA 5505SF

OUTLINED COLOR FOR PV APPROVED AREAS 100' FT OFFSET FROM WATER COURSE

jtd

JTD ARCHITECTS

JAMIN DOMBROWA
1111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
DOMBROWA@JTDARCHITECTS.COM
ARCHITECT

MAILING ADDR. c/o MICHEL BOLOUR
10960 WILSHIRE BLVD. SUITE 460
LOS ANGELES, CA 90024
TEL: N/A
OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

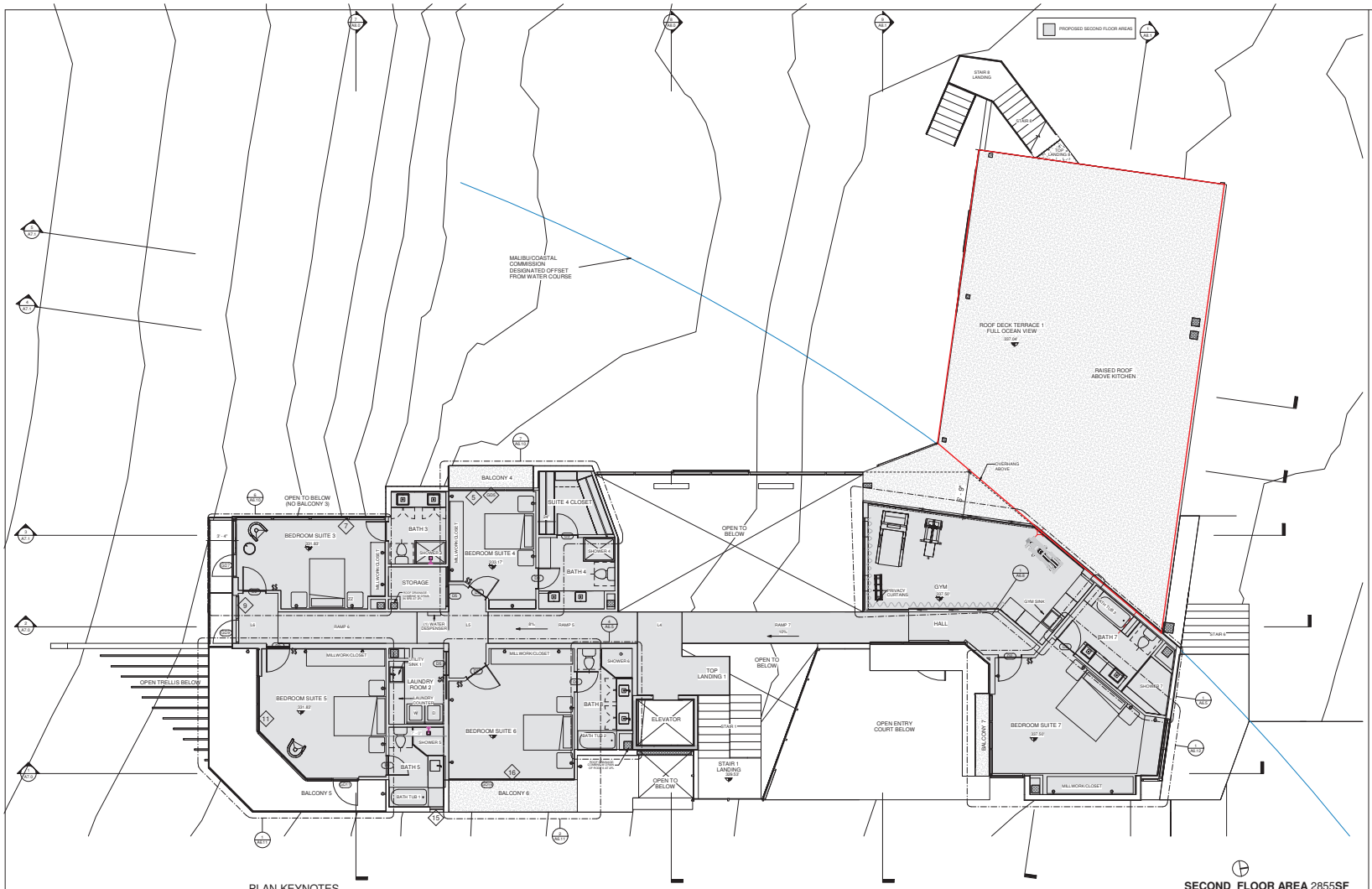
5/22/2024 5:31:16 PM
AUTOSAVE

FIRST FLOOR PLAN

JAMIE TREMOND DOMBROWA, AIA
ARCHITECT NUMBER

SCALE
1/4" = 1'-0"
PROJECT NUMBER
OPEN VERSION 2021
PHASING
DATE ISSUED

A5.0



PLAN KEYNOTES

1. CONCRETE DECK
2. CONCRETE WALL
3. PLANTER
4. RETAINING WALL
5. ROOF DRAIN
6. LANDSCAPING
7. LINE OF OVERHANG ABOVE
8. FIRE SPRINKLER SYSTEM
9. FIRE EXTINGUISHER
10. PLUMBING RISER
11. UTILITY CHASE
12. HANDRAIL
13. GUARDRAIL
14. SKYLIGHT
15. POST/COLUMN
16. EXTERIOR DECK FINISH
17. RAISED DECK
18. WATER PROOFING MEMBRANE
19. WATER PROOFING PROTECTION SYSTEM
20. RAMP
21. ROOFING MEMBRANE
22. FLASHING SYSTEM
23. INTERIOR FINISH CERAMIC TILE/ MANUFACTURED STONE
24. EXTERIOR FINISH/PLASTER
25. MATERIAL CONTROL JOINT
26. PAINT OR STAIN FINISH
27. MILLWORK
28. COUNTER TOP
29. EQUIPMENT
30. WINDOW OR OPENING RECESS
31. SPRINKLER GUT CUT VALVES
32. CLEAN OUT YARD BOX
33. ELECTRICAL PANEL
34. COMMUNICATIONS/INTERNET PANEL
35. BOOKCASE/ SHELVES
36. DECORATIVE RETREAT
37. INSULATION R-38
38. INSULATION R-19
39. INSULATION R-13
40. INSULATION R-30
41. FUTURE LOCATION OF SOLAR PANELS
42. TEMPERED, LAMINATED, FROSTED GLASS
43. FURRED ONE HOUR SEPARATION

WALL LEGEND

- 6" CONCRETE WALL
- 8" CONCRETE WALL
- 10" CONCRETE WALL
- 12" CONCRETE WALL
- 7 5/8" EXTERIOR WALLS-2X6 WOOD STUDS @16" O.C. W/ 5/8" GYP.BOARD & CEMENT PLASTER W/ EXTERIOR FINISH (ONE HOUR FIRE RATED WALL)
- 4 3/4" OR GREATER WHEN SHEAR WALL PLY. REQ. INTERIOR WALL- 2X4 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- 6 3/4" OR GREATER WHEN SHEAR WALL PLY. REQ. INTERIOR PLUMBING WALL- 2X6 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- PARTY WALL - 2X4 WOOD STUDS @ 16" O.C. W/ 5/8" GYP.BOARD AS REQ. (ALL SIDES)
- 6 3/4" PARTY PLUMBING WALL- 2X6 WOOD STUDS @ 16" O.C.
- SHAFT WALL - TYPE 1 - ELEVATOR & TRASH CHUTE
- SHAFT WALL - TYPE 2 - FIRE EXITS
- SHAFT WALL - TYPE 3 - GARAGE VENTILATION CHASE (CH METAL STUDS 20GA. 16" O.C. W/ 1" FIRE SHIELD SHAFT LINER)
- SHAFT WALL - TYPE 4 - FLR. TO FLR. UTILITY CHASE (FLR. PENETRATED BY PIPING MAX 4" DIA. & SEALED AT FLR. CLG.)
- SOFFIT CEILING

NOTES

1. CONCRETE DECK COATING: VULCAN 350/351 GRAY BY TREMCO. APPLY MIN. 28D. AFTER CONC. POUR. FINISH AND PREPARE CONC. AND INSTALL SYSTEM IN STRICT CONFORMANCE WITH MFGS SPECS. NON-SLIP FINISH.
2. ON EVERY FLOOR: ON-DEMAND WATER HEATER ENCLOSURES - VERIFY WATER HEATER DIMS & CLEARANCES WITH MFG. SPECS. PRIOR TO FRAMING
3. FIRE BARRIER SEPARATO: PROVIDE A ONE (1) HOUR FIRE BARRIER BETWEEN THE GARAGE AND RESIDENCE AS REQUIRED BY SECTION 508 AND TABLE 508.4. BUILDING CODE 508.4.4. OPENINGS IN THE FIRE SEPARATION SHALL HAVE A MINIMUM 20 MINUTE RATING, BE SELF-CLOSING, SELF LATCHING, TIGHT FITTING AND SMOKE SEALED.
4. SHAFT ENCLOSURE OPENINGS: OPENINGS THROUGH A FLOOR / CEILING ASSEMBLY SHALL BE PROTECTED BY A SHAFT ENCLOSURE OF FIRE-RESISTIVE CONSTRUCTION AS REQUIRED BY BUILDING CODE SECTION 708. BUILDING CODE 708.2
5. EXTERIOR GLAZING AND WINDOW WALLS: EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL MEET THE FOLLOWING: A. MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE
6. ALL ROOF DRAINS TO BE PROVIDED WITH CODE REQUIRED OVERFLOW DRAINS AND DEBRIS GUARD.

SECOND FLOOR AREA 2855**SF**

OUTLINED COLOR FOR PV APPROVED AREAS WITH IN 100' FT OFFSET FROM WATER COURSE

JTD ARCHITECTS
JAMIE DOMBROWA
TOPANGA CA 90290
JAMIE@JTDARCHITECTS.COM

BOLOUR FAMILY RESIDENCE
28706 SOUTHERLY RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 2:40:19 PM

SECOND FLOOR PLAN

A5.1



PLAN KEYNOTES

1. CONCRETE DECK
2. CONCRETE WALL
3. PLANTER
4. PLANTER WALL
5. ROOF DRAIN
6. SCUPPER
7. LINE OF OVERHANG ABOVE
8. FIRE SPRINKLER SYSTEM
9. ELECTRICAL RISER
10. PLUMBING RISER
11. UTILITY CHASE
12. GUARDRAIL
13. GUARDRAIL
14. TRELLIS
15. POST/COLUMN
16. EXTERIOR DECK FINISH
17. PAVERS ON PEDS
18. WATER PROOFING MEMBRANE
19. WATER PROOFING PROTECTION SYSTEM
20. BACKFILL
21. ROOFING MEMBRANE
22. INTERIOR FINISH
23. INTERIOR FINISH CERAMIC TILE/ MANUFACTURED STONE
24. EXTERIOR FINISH-PLASTER
25. MATERIAL CONTROL JOINT
26. WATER RESILIENT FINISH
27. SINK
28. COUNTER TOP
29. EQUIPMENT
30. WINDOW COVERING RECESS
31. SEISMIC SHUT OFF VALVES
32. GAS METER LOCATION
33. ELECTRICAL PANEL
34. COMMUNICATIONS/INTERNET PANEL
35. DOORBELL/ INTERCOM
36. INSULATION R-38
37. INSULATION R-30
38. INSULATION R-19
39. INSULATION R-13
40. INSULATION R-5
41. FUTURE LOCATION OF SOLAR PANELS
42. TEMPERED, LAMINATED, FROSTED GLASS
43. FURRED ONE HOUR SEPARATION

ROOF SPECIFICATIONS

1. MEMBRANE SHALL BE GAF, RUBBEROID TORCH GRANULAR W/ REFLECTIVE COATING, 15 YEAR WARRANTY, CLASS A. EN TIRE ROOFING SYSTEM INCLUDING BUT NOT LIMITED TO PRIMERS, CANT STRIPS, FLASHING AND COUNTER-FLASHING SHALL BE INSTALL IN STRICT ADHERENCE TO MFG. SPECS. AND MFG. DATA SHEETS.
2. PROVIDE ADD. ALTERNATE FOR A 20 YEAR SYSTEM GUARANTEE FOR OWNERS CONSIDERATION.

ROOF NOTES

1. ALL ROOF SYSTEM PENETRATIONS (PIPES, CONDUITS, ETC.) SHALL HAVE COLLARS FULLY SEALED AS RECOMMENDED BY ROOFING SYSTEM MFG.
2. ALL STRUCTURAL SUPPORTS PENETRATING ROOF SYSTEM SHALL HAVE FULLY SEALED PITCH POCKET.
3. ROOFING MEMBRANE: (3) PLY TORCH-DOWN SYSTEM BY GAF W/ COOL ROOF REFLECTIVE COATING.
4. ALL ROOF SLOPES SHALL BE 1/4" / FOOT.
5. ALL WALL CAP FLASHING IN 24 GA. BONDERIZED SLOPED TOWARD ROOF W/ MIN. 3" SEAMS AND FULLY COUNTER-FLASHED AT WALL INTERSECTIONS
6. ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES & DEBRIS IN THE GUTTER. (RESIDENTIAL CODE R327.5)A AND BUILDING CODE 705A.4)

JTD ARCHITECTS
JAMIN DOMBROWA
111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
JD@JTDARCHITECTS.COM
TEL 310.455.2122
ARCHITECT

MALIK BOLOUR, aka MICHEL BOLOUR
10961 WILSHIRE BLVD, SUITE 420
LOS ANGELES, CA 90024
TEL 310.909.6228
OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF, RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

PRINTED
5/22/2024 7:19:42 PM
PLOTTED BY

SHEET TITLE
ROOF SOLAR PLAN

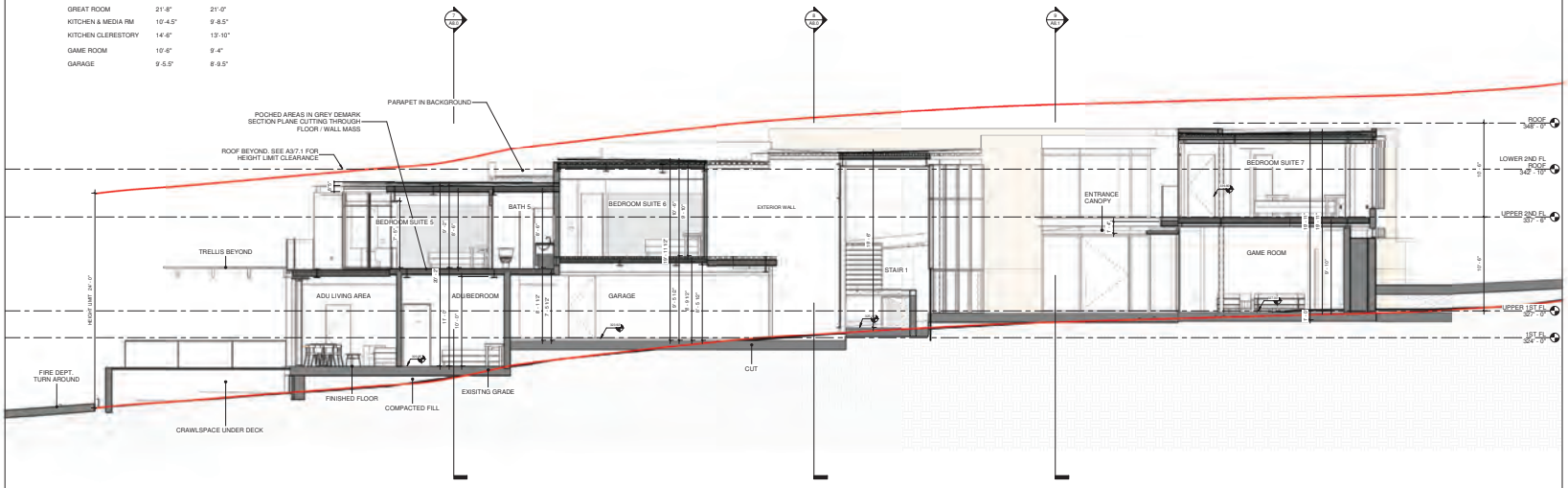
JAMIN TRENCH DOMBROWA, AIA
ARCHITECT NUMBER

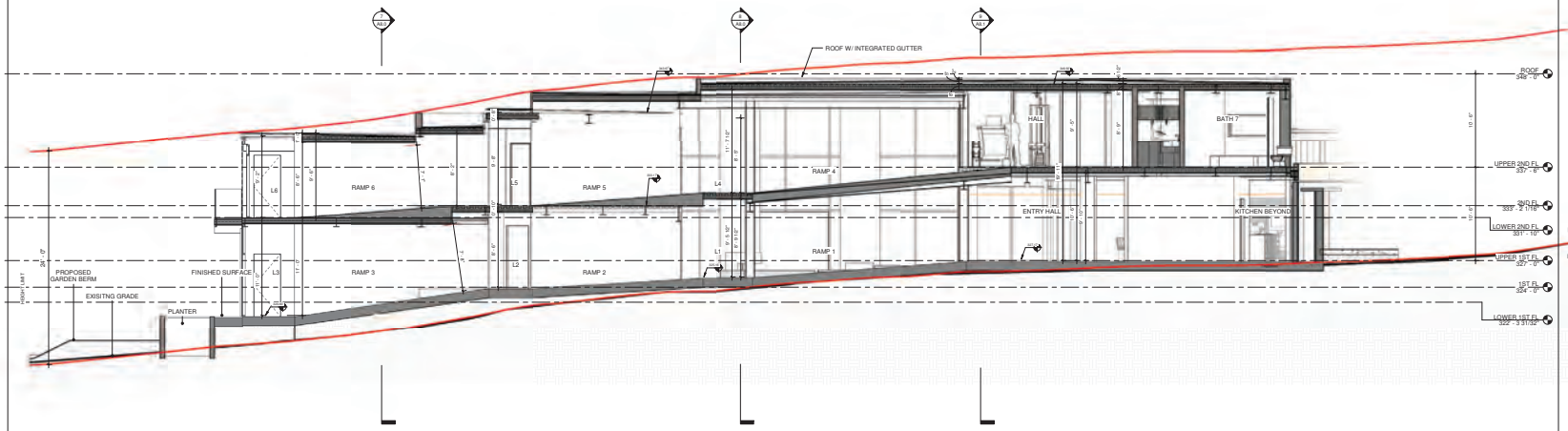
ISSUE
DATE OF ISSUE
PROJECT NUMBER
OPEN GREEN # 2
REVISION
DATE

SHEET NUMBER
A5.2

ROOM HEIGHTS

	TOP OF STEEL	MAX CEILING HEIGHT
BEDROOM 1 & ADU	11'-0"	9'-10"
BEDROOM 2	9'-2"	8'-6"
BEDROOM 3 & 5	9'-2"	8'-6"
BEDROOM 3 BATH	10'-2"	9'-6"
BEDROOM 4 & 6	10'-6"	9'-10"
BEDROOM 7	9'-5"	8'-9"
GYM	9'-5"	8'-9"
ENTRANCE HALL	10'-6"	9'-4"
GREAT ROOM	21'-8"	21'-0"
KITCHEN & MEDIA RM	10'-4.5"	9'-8.5"
KITCHEN CLERESTORY	14'-6"	13'-10"
GAME ROOM	10'-6"	9'-4"
GARAGE	9'-5.5"	8'-9.5"





jtd

JTD ARCHITECTS
JANEK DOMBROWA
1111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
JDOMBROWA@JTDARCHITECTS.COM
310.710.6233

MAILBOUGE, a/k/a MICHEL BOUGUR
10061 BALBOA BLVD, SUITE 423
LOS ANGELES, CA 91325
TEL 310.490.6234

BOLOUR FAMILY RESIDENCE
2576 SOUTHCLIFF RD, MALIBU, CA 90265

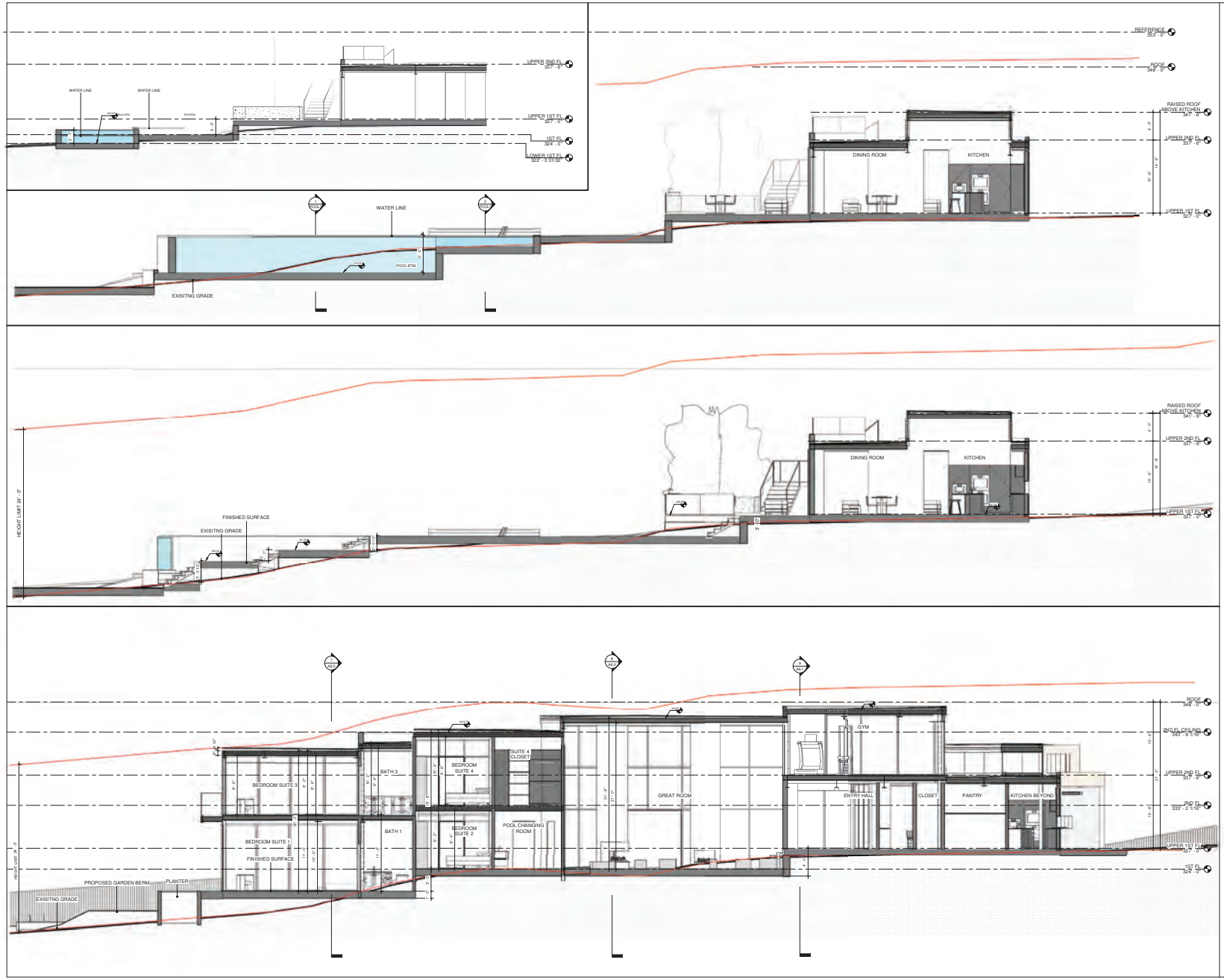
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 5:31:22 PM

SECTIONS

JANEK TADEUSZ DOMBROWA, AIA

A7.0



jtd

JTD ARCHITECTS

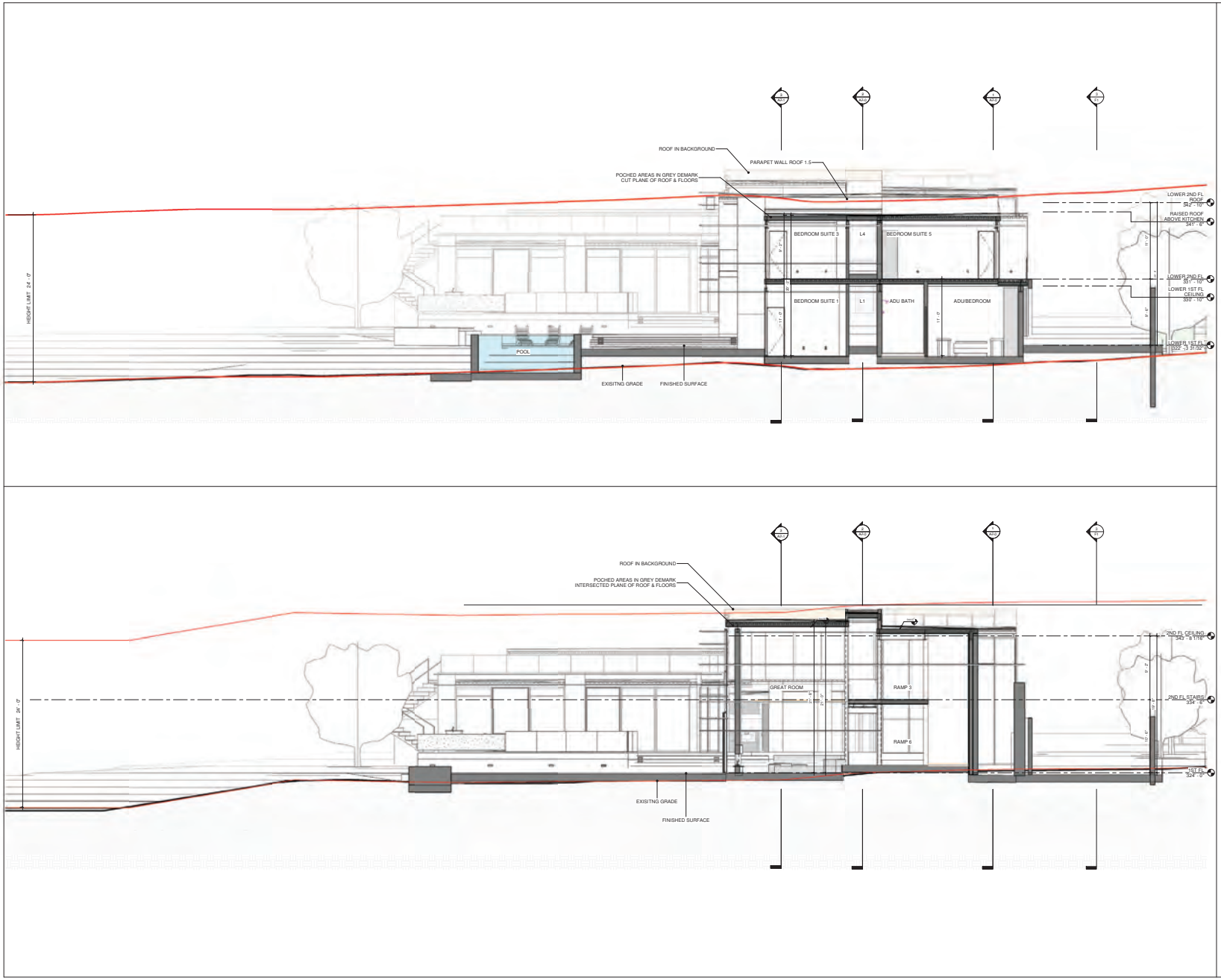
BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 5:41:34 PM

SECTIONS

A7.1



jtd

JTD ARCHITECTS

JAKEK DOMBROWA
111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
DOMBROWA@JTDARCHITECTS.COM
310.913.9412

ARCHITECT

MAILING/LLC, a/k/a MICHEL BOLOUR
10960 WILSHIRE BLVD, SUITE 400
LOS ANGELES, CA 90024
TEL 310.909.2004

OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

BOLOUR FAMILY RESIDENCE
2576 SOUTHCLIFF RD, MALIBU, CA 90265

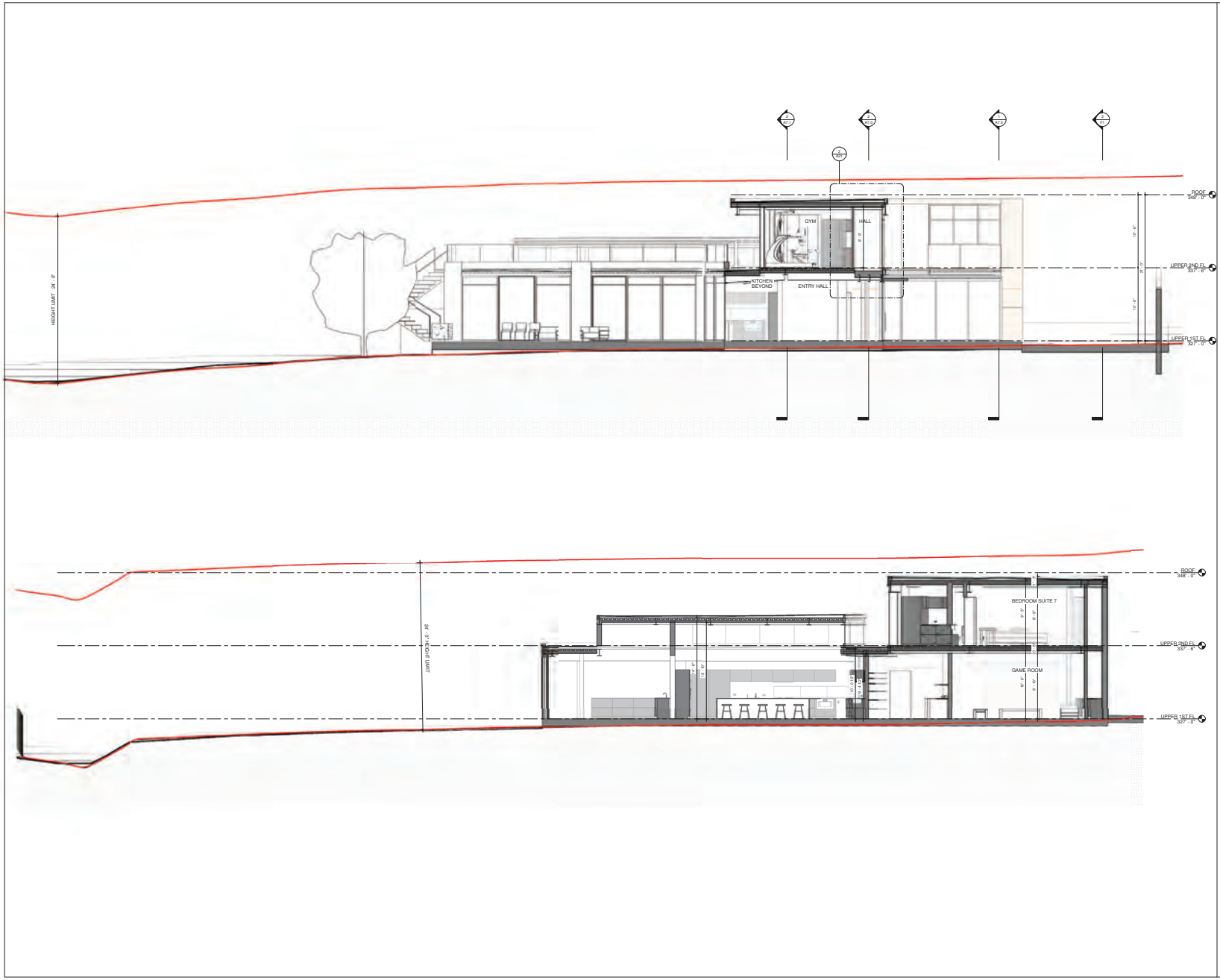
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

ISSUED
5/22/2024 5:41:37 PM
AUTODESK

SHEET TITLE
SECTIONS

JAKEK TABENCKI DOMBROWA, AIA
ARCHITECT NUMBER

SCALE
1/8" = 1'-0"
PROJECT NUMBER
OPEN VERSION DATE
DRAWN BY
CHECKED BY
SHEET NUMBER
A8.0



jtd

JTD ARCHITECTS

JAKEK DOMBROWA
1111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
DOMBROWA@JTDARCHITECTS.COM
310.710.1722

ARCHITECT

MALIBUCALC, c/o MICHEL BOLOUR
10961 WILSHIRE BLVD, SUITE 420
LOS ANGELES, CA 90024
TEL (310) 909-2228

OWNER

STRUCTURAL ENGINEER

ELECTRICAL ENGINEER

MECHANICAL ENGINEER

LANDSCAPE ARCHITECT

PROJECT

BOLOUR FAMILY RESIDENCE
2578 SOUTHCLIFF RD, MALIBU, CA 90265

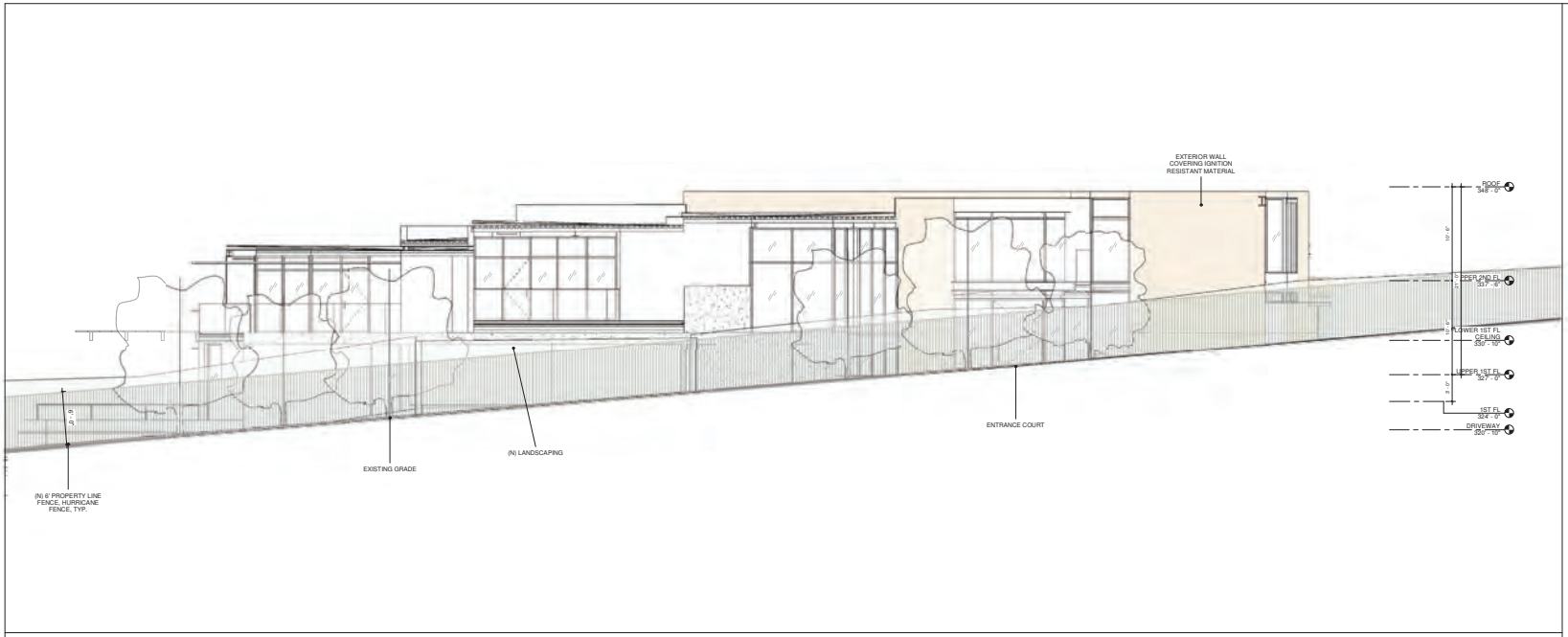
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

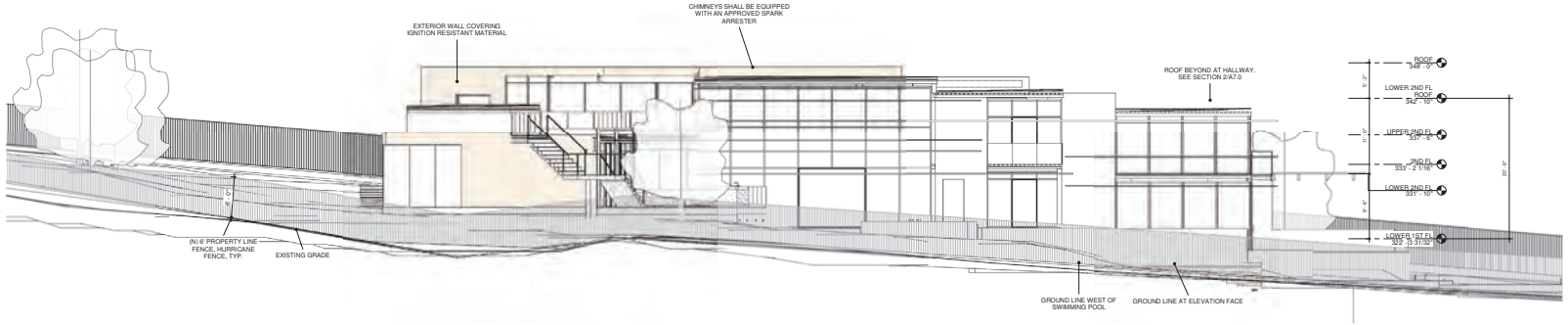
ISSUED
5/22/2024 5:41:38 PM
AUTOSAVE

SHEET TITLE
SECTIONS

JAKEK TWENCH DOMBROWA, AIA
ARCHITECT NUMBER

SCALE
1/8" = 1'-0"
PROJECT NUMBER
JTD's VERSION (Rev)
ISSUE DATE
SHEET NUMBER
A8.1





jtd

JTD ARCHITECTS

JAKEK DOMBROWA
111 N. TOPANGA CANYON BLVD
TOPANGA, CA 90290
DOMBROWA@JTD-ARCHITECTS.COM
310.455.5121

MALIBOLOUR, a/k/a MICHEL BOLOUR
10990 WILSHIRE BLVD, SUITE 400
LOS ANGELES, CA 90024
TEL 310.909.2004

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

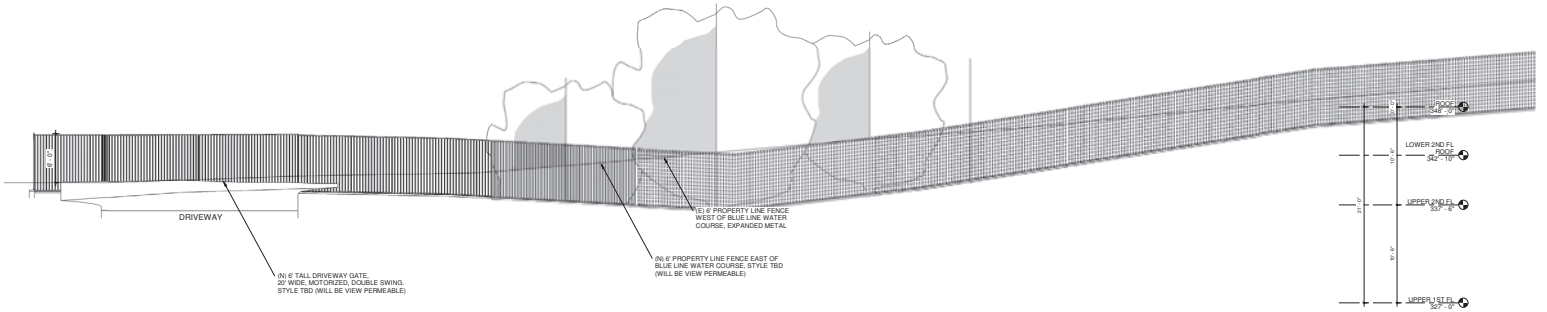
BOLOUR FAMILY RESIDENCE
2676 SOUTHSIDE RD, MALIBU, CA 90265

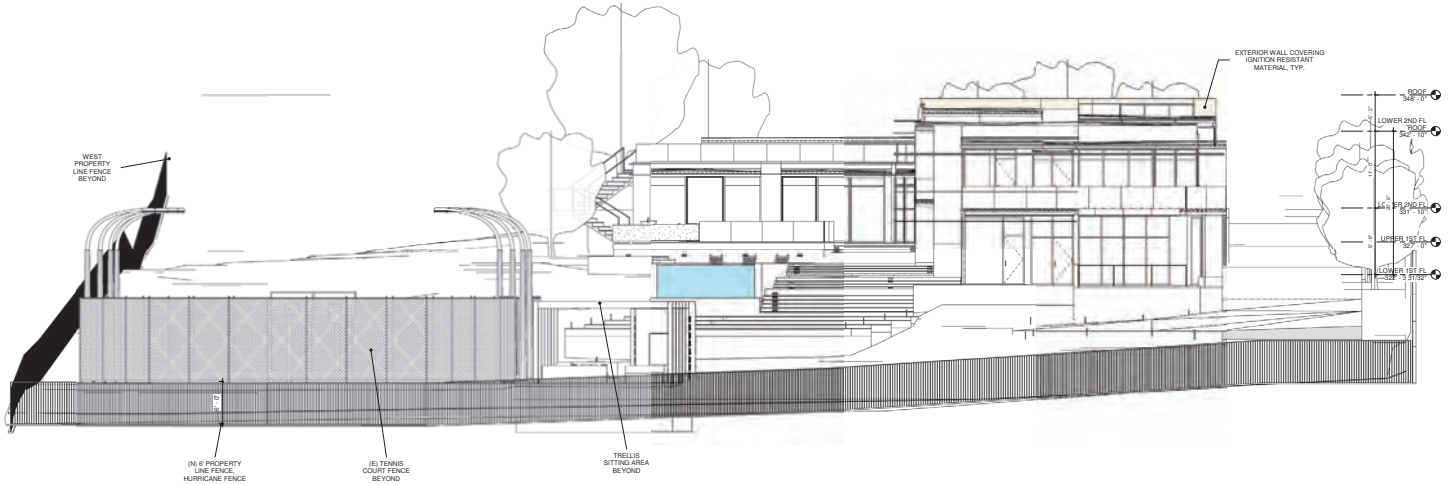
5/22/2024 5:41:33 PM

EAST & WEST ELEVATIONS

JAKEK TABENCKI DOMBROWA, AA

A9.0





jtd

JTD ARCHITECTS

BOLOUR FAMILY RESIDENCE
2676 SOUTHCLIFF RD, MALIBU, CA 90265

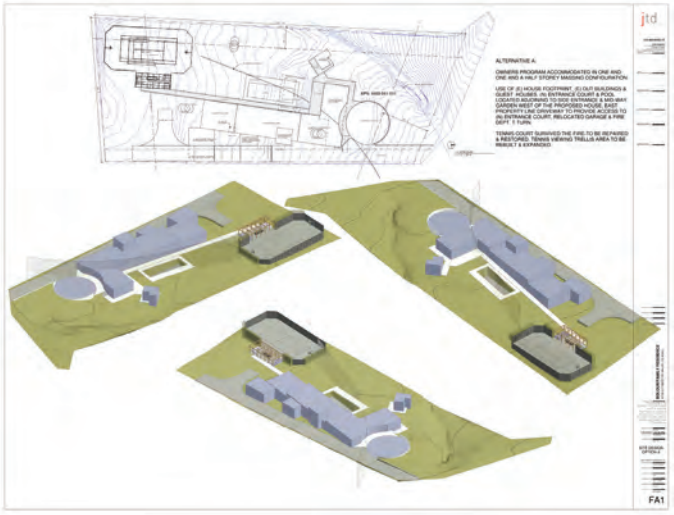
This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

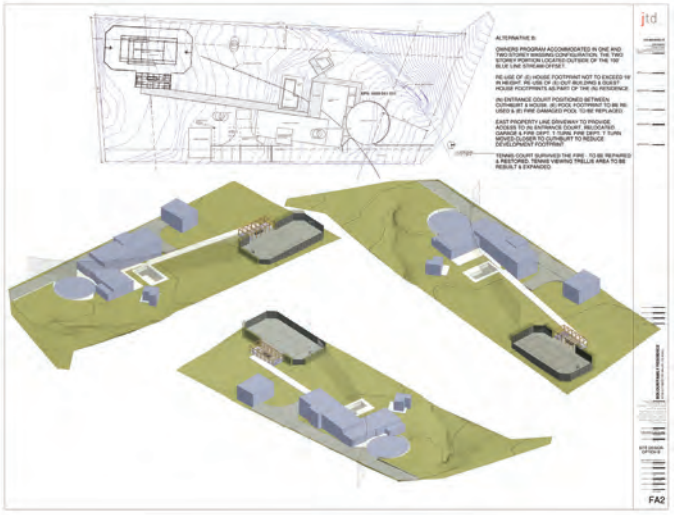
5/22/2024 5:32:03 PM

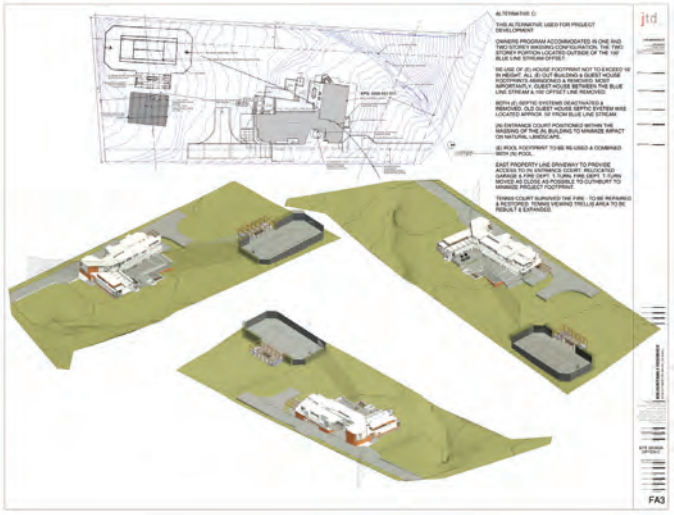
NORTH & SOUTH ELEVATIONS

A9.1

FEASABILITY PLAN







jtd

JTD ARCHITECTS

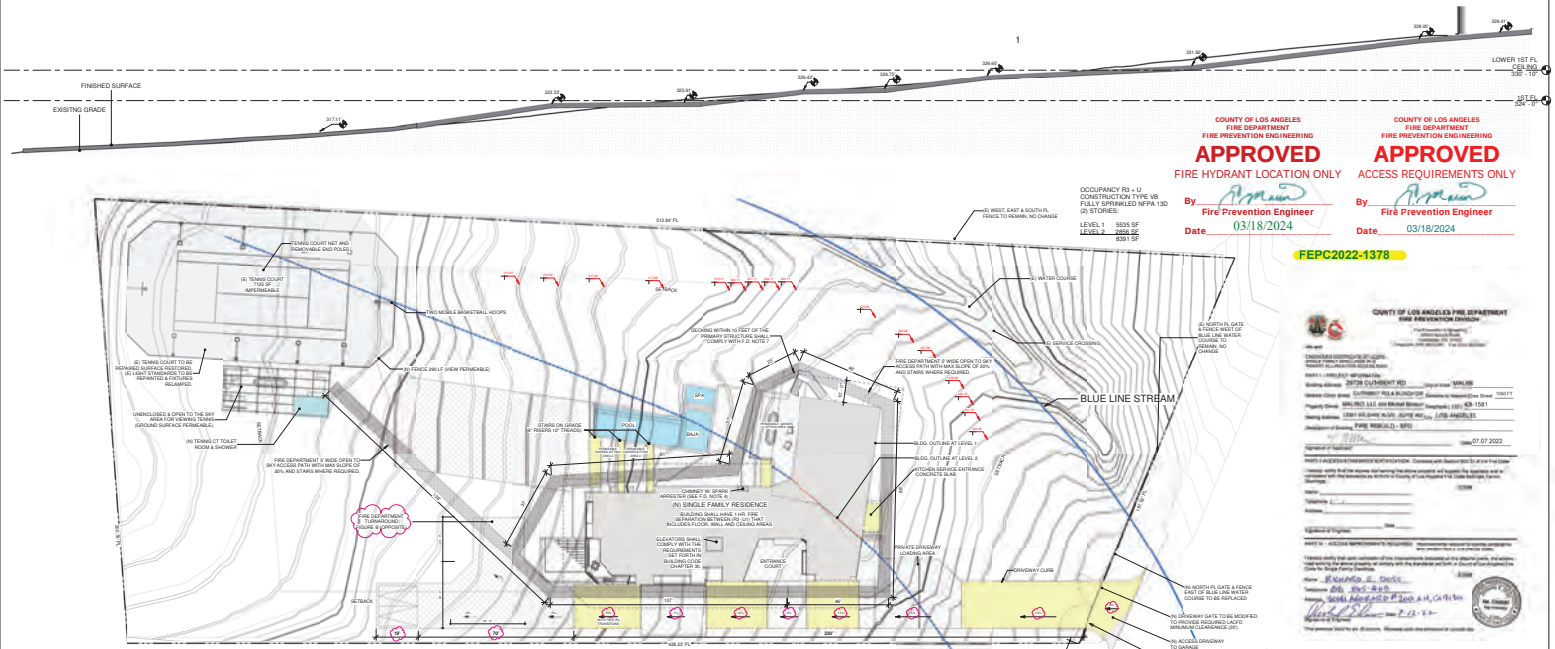
BOLOUR FAMILY RESIDENCE
2078 OLTHERFF RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

09/08/2023 12:13 PM

FEASIBILITY PLAN

A12



FIRE DEPARTMENT NOTES

LEGAL DESCRIPTION:
COUNTY OF LOS ANGELES, CA; LOT 15, BLOCK 2

FIRE DEPARTMENT NOTES:

1 - FIRE DEPARTMENT TURNAROUND PER LA COUNTY ARE LESS THAN 2%.
2 - DRIVEWAY SLOPES ARE LESS THAN 20%.
3 - FD ACCESS ROAD SURFACE: ALL PERMEABLE PORTIONS ACCESSIBLE TO THE FIRE DEPARTMENT TO ACCOMODATE FIRE DEPARTMENT EQUIPMENT LOADS.
4 - **CHIMNEYS:** ALL CHIMNEYS OR FIREPLACES THAT BURN SOLID FUEL SHALL BE EQUIPPED WITH AN APPROVED SPARK ARRESTER. BUILDING CODE 2802.1.
5 - **BRUSH CLEARANCE:** CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 325.
6 - **UNDERSIDE OF APPENDAGES:** CANTILEVERED AND OVERHANGING APPENDAGES AND FLOOR PROJECTIONS SHALL BE PROTECTED BY NONCOMBUSTIBLE MATERIAL OR MEET THE PERFORMANCE STANDARDS OF SFM 12- 7A-3 (RESIDENTIAL CODE R327.7.7 AND BUILDING CODE 707 A.7).
7 - **DECKING:** DECKING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, AND BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL COMPLY WITH THE FOLLOWING:
A. IGNITION RESISTANT MATERIAL AND MEET SFM 12-7A-4AND SFM 12-7A-5 OR
8 - **EXTERIOR DOOR ASSEMBLIES:** EXTERIOR DOOR ASSEMBLIES SHALL MEET THE FOLLOWING:
A. THE EXTERIOR SURFACE OR CLADDING SHALL BE OF NONCOMBUSTIBLE OR IGNITION-RESISTANT MATERIAL.
9 - **EXTERIOR WALL COVERING:** ALL EXTERIOR WALLS SHALL BE 1" PLASTER OR 1" MORTAR BED WITH CERAMIC TILES. .
10
11 - **ROOF COVERINGS:** ALL ROOF COVERINGS SHALL BE CLASS "A" AS SPECIFIED IN BUILDING CODE 1505.1.1 (RESIDENTIAL CODE R327.5.2 & R902)
12 - **FIRE SPRINKLER SYSTEM:** PROVIDE APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM. FIRE CODE 903.3.1.3 - NFPA 13D, IN RESIDENCE AND GARAGE.
13 - **ELEVATORS:** ELEVATORS, ESCALATORS AND MOVING WALKS SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN BUILDING CODE CHAPTER 30.
14 - **SHAFT ENCLOSURE OPENINGS:** OPENINGS THROUGH A FLOOR / CEILING ASSEMBLY SHALL BE PROTECTED BY A SHAFT ENCLOSURE OF FIRE-RESISTIVE CONSTRUCTION AS REQUIRED BY BUILDING CODE SECTION 708. BUILDING CODE 708.2.
15 - **FIRE BARRIER SEPARATION:** PROVIDE A ONE (1) HOUR FIRE BARRIER BETWEEN THE GARAGE AND RESIDENCE AS REQUIRED BY SECTION 508 AND TABLE 508.4. BLDG. CODE 508.4.4. OPENINGS IN FIRE SEPARATION SHALL HAVE A MIN. 20 MIN. RATING, BE SELF-CLOSING, SELF-LATCHING, TIGHT FITTING & SMOKE SEALED.
16 - **FIRE FLOW:** THE REQUIRED FIRE FLOW FOR FIRE HYDRANTS AT THIS LOCATION IS 1,250 AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF ONE (1) HOUR OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND.
17- **FIRE HYDRANTS:** ALL FIRE HYDRANTS SHALL MEASURE 6" x 4" x 2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL.
18-**ROOF GUTTERS:** ALL ROOF DRAINS TO BE PROVIDED WITH CODE REQUIRED OVERFLOW DRAINS AND DEBRIS GUARD.
19- **EXTERIOR GLAZING AND WINDOW WALLS:** EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL MEET ONE OF THE FOLLOWING: A. MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE OR B. GLASS BLOCK UNITS OR C. HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20 MINUTES, WHEN TESTED ACCORDING TO NFPA 257 OR D. MEET THE PERFORMANCE STANDARDS OF SFM 12-7A-2 (RESIDENTIAL CODE R327.8.2.1 AND BUILDING CODE 708A.2.1)

The required fire flow for fire hydrants at this location is 1250 gpm, at 20psi residual pressure. For a duration of 2 hours over and above maximum daily domestic demand. Fire Code 507.3 and Appendix B105.1, Appendix B

ACTION REQUIRED: Provide the following calculation on site plan. The required fire flow is based on the following calculation:

Type of construction per the Building Code: Type VB
UNSPRINKLERED: YES X NO
Size of lot (sqft): 2.04 acres
Fire flow based on the fire-flow calculation area: 1500 gpm
Reduction for fire sprinklers (maximum 50%): 250 gpm
Total fire flow required: 1250 gpm

COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION
Information on Fire Flow Availability for Building Permit
For One and Two Family Dwellings, Townhouses, and Business Jackets Only

JTD ARCHITECTS
JAMES CAMERON
BOLOUR FAMILY RESIDENCE
29738 CUTHBERT RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used on any other work without permission from JTD architects.

3/5/2024 2:58:55 PM

WATER & ACCESS

F1

Existing plants to be evaluated at time of final inspection



10180
COUNTY OF LOS ANGELES
FIRE DEPARTMENT
PREVENTION SERVICES BUREAU
FINAL
FUEL MODIFICATION PLAN
APPROVED
By_____Date_____
FUEL MODIFICATION UNIT
The stamping of this plan and specifications SHALL NOT be held to permit or to be an approval of the violation of any provisions of any County/City or State law

Bolour Residence
29738 Cuthbert Road
Malibu, California 90290
Assessor's ID No.
LANDSCAPE EFFICIENCY PLAN

LANDSCAPE AND IRRIGATION MAINTENANCE SCHEDULE

1. MAINTENANCE PERIOD: THE MAINTENANCE PERIOD SHALL BE FOR 90 CALENDAR DAYS BEGINNING ON THE DAY OF THE CHECK INSPECTION AFTER ALL WORK HAS BEEN INSTALLED AND APPROVED BY THE LANDSCAPE ARCHITECT. THE MAINTENANCE PERIOD MAY BE EXTENDED TO INCLUDE ANY ADDITIONAL TIME THAT MAY BE REQUIRED TO MEET THE REQUIREMENTS OF THE WORK SPECIFIED.
2. GENERAL: THE GENERAL CARE AND MAINTENANCE OF ALL AREAS SHALL CONSIST OF PROPER WATERING, FERTILIZATION, WEEDING, RODENT CONTROL, CLEANUP, ETC.
3. SAFETY: ALL PLANT MATERIALS SHALL BE CHECKED AND MAINTAINED AS REQUIRED IN AN ONGOING PROGRAM TO ASSURE A SAFE ENVIRONMENT.
4. WATERING: WATER ALL PLANTINGS TO ASSURE COMPLETE GERMINATION OF ALL SEEDED AREAS AND CONTINUED GROWTH OF THE PLANTS. AREAS THAT DO NOT HAVE ADEQUATE IRRIGATION COVERAGE OR WHICH MAY REQUIRE ADDITIONAL DEEP WATERING SHALL BE WATERED BY HAND AS REQUIRED.
5. IRRIGATION COVERAGE: ADJUST ALL IRRIGATION HEADS IN EACH AREA AND ZONE OF EXPOSURE SO THAT THE OPTIMUM AMOUNT OF WATER IS APPLIED AT THE PROPER TIMES WITHOUT OVERTHROW ONTO WALLS, WALKS, ETC.
6. CULTIVATING AND WEEDING: CULTIVATE AND WEED ALL PLANTED AREAS AT REGULAR INTERVALS NOT TO EXCEED 15 DAYS. EXERCISE CARE WHEN CULTIVATING TO AVOID DAMAGE TO ROOTS OF THE GROWING PLANTS.
7. CHEMICAL HERBICIDES: A CERTIFIED TECHNICIAN SHALL APPLY CHEMICAL HERBICIDES TO CONTROL WEEDS AT THE OPTION OF THE CONTRACTOR AND UPON PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT.
8. PEST AND DISEASE CONTROL: A CERTIFIED TECHNICIAN SHALL SPRAY AS NECESSARY TO CONTROL ALL INFESTATIONS.
9. RODENT CONTROL: THE CONTRACTOR SHALL TAKE THE NECESSARY STEPS TO ELIMINATE ANY RODENTS ENCOUNTERED ON SITE.
10. PRUNING: ALL PRUNING SHALL BE IN ACCORDANCE WITH ISA STANDARDS. DAMAGED, DEAD OR DRYING BRANCHES SHALL BE REMOVED BACK TO THE POINT OF GROWTH.
11. PLANT REPLACEMENTS: DURING THE MAINTENANCE PERIOD, SHOULD ANY PLANT SHOW WEAKNESS AND PROBABLE OF DYING, IT SHALL BE REPLACED BY THE CONTRACTOR WITHIN 5 DAYS OF NOTIFICATION TO DO SO.
12. OPERATING INSTRUCTIONS: AFTER THE SYSTEM HAS BEEN COMPLETED, THE CONTRACTOR SHALL INSTRUCT THE OWNER'S AUTHORIZED REPRESENTATIVE IN THE OPERATION AND MAINTENANCE OF THE SYSTEM AND SHALL FURNISH A COMPLETE SET OF OPERATING INSTRUCTIONS.
13. SITE MAINTENANCE: CONTRACTOR SHALL KEEP THE PROJECT SITE CLEAN AND FREE FROM RUBBISH AND DEBRIS ALL DEBRIS SHALL BE REMOVED FROM SITE PER LOCAL CODE AND ORDINANCES.
14. GUARANTEE: THE ENTIRE IRRIGATION SYSTEM, INCLUDING ALL WORK DONE UNDER THIS CONTRACT, SHALL BE GUARANTEED AGAINST ALL DEFECTS AND FAULT OF MATERIAL AND WORKMANSHIP AND SHALL BE MAINTAINED IN PERFECT WORKING ORDER, FOR ONE YEAR FROM DATE OF COMPLETION BY THE CONTRACTOR WITHOUT EXPENSE TO THE OWNER. ALL MATERIALS USE SHALL CARRY A MANUFACTURER'S GUARANTEED OF MINIMUM ONE YEAR. ANY SETTLING OF BACKFILLED TRANCHES WHICH MAY OCCUR, DURING THE ONE YEAR PERIOD SHALL BE REPAIRED TO THE OWNER'S SATISFACTION BY THE CONTRACTOR WITHOUT EXPENSE TO THE OWNER- INCLUDING THE COMPLETE RESTORATION OF ALL DAMAGED PLANTING, PAVING OR OTHER IMPROVEMENTS OF ANY KIND.

WATER AUDIT NOTE

THE CONTRACTOR WILL CONDUCT AN IRRIGATION AUDIT USING A CERTIFIED IRRIGATION AUDITOR. AFTER THE FINAL FIELD OBSERVATION HAS BEEN COMPLETED AND ALL IRRIGATION COMPONENTS ARE INSTALLED IN ACCORDANCE WIT THE PLANS AND SPECIFICATIONS AND THE IRRIGATION SYSTEM IS ACCEPTED BY THE PROJECT ARCHITECT FOR MAINTENANCE.

THE IRRIGATION AUDIT WILL BE CONDUCTED IN ACCORDANCE WI'H THE FOLLOWING SCHEDULE:

1. PLACE FLAGS AT EACH HEAD IN THE ZONE.
2. MEASURE SPACING AND MARK MID-POINTS BETWEEN HEADS.
3. PLACE WATER MEASURING RECEPTACLES.
4. TAKE READINGS OF WATER LEVEL IN RECEPTACLES AND RECORD RESULTS.
5. MEASURE HEAD PRESSURE IN EACH ZONE AND RECORD RESULTS.
6. AFTER COMPLETING ZONE ADVANCE TO NEXT ZONE AND REPEAT PROCEDURE.
7. SUBMIT THE RESULTS OF THE AUDIT TO THE PROJECT ARCHITECT.

THE IRRIGATION MAINTENANCE SCHEDULE TASKS LISTED BELOW ARE INTENDED AS MINIMUM STANDARDS AND MORE FREQUENT ATTENTION MAY BE REQUIRED DEPENDING ON THE PARTICULAR SITE CONDITIONS.

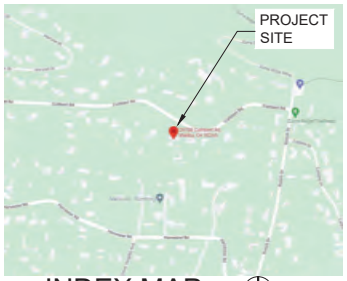
MAINTENANCE TASK	FREQUENCY
1. CONTROLLER CABINET - OPEN CABINET AND CLEAN OUT DEBRIS AND REPLACE BATTERY AS NECESSARY. CHECK WIRING AND REPAIR AS NEEDED AND CHECK CLOCK AND RESET, IF NECESSARY.	QUARTERLY
2. IRRIGATION SCHEDULE - ADJUST SCHEDULE FOR SEASONAL VARIATIONS AND OTHER CONDITIONS WHICH MAY AFFECT THE AMOUNT OF WATER NEEDED TO MAINTAIN PLANT HEALTH ADJUST AS NECESSARY.	MONTHLY
3. POC - VISUALLY INSPECT COMPONENTS FOR LEAKS, PRESSURE SETTINGS, SETTLEMENT OR OTHER DAMAGE AFFECTING THE OPERATION OF A COMPONENT REPAIR AS NEEDED.	QUARTERLY
4. REMOTE CONTROL VALVES, ISOLATION VALVES AND QUICK COUPLER VALVES VISUALLY INSPECT FOR LEAKS, SETTLEMENT, WIRE CONNECTIONS AND PRESSURE SETTINGS, REPAIR OR ADJUST AS NEEDED.	QUARTERLY
5. MAINLINE AND LATERALS VISUALLY INSPECT FOR LEAKS OR SETTLEMENT OF TRENCH.	QUARTERLY
6. SPRINKLERS VISUALLY CHECK FOR ANY BROKEN MISSIGNED OR CLOGGED HEADS. HEADS WITH INCORRECT ARC, INADEQUATE COVERAGE OR OVERSPRAY AND LOW HEAD DRAINAGE REPAIR AS NEEDED.	WEEKLY
7. FILTERS AND STRAINERS VISUALLY CHECK FOR LEAKS, BROKEN FITTING CLEAN AND FLUSH SCREENS.	MONTHLY

AUDIT SHALL BE IN ACCORDANCE WITH THE LATEST STATE OF CALIFORNIA LANDSCAPE WATER MANAGEMENT PROGRAM AS DESCRIBED IN THE LATEST LANDSCAPE IRRIGATION AUDITOR HANDBOOK. THE LANDSCAPE IRRIGATION AUDITS TO BE CONDUCTED BY A QUALIFIED INDIVIDUAL AND THE AUDIT SCHEDULE SHALL BE CONDUCTED AT LEAST ONCE EVERY FIVE YEARS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 20, DIVISION 1 OF THE LOS ANGELES COUNTY CODE.



VICINITY MAP

N.T.S.



INDEX MAP

N.T.S.

APN: 4469-041-011
LOT AREA: 88,656 S.F.

Underground Service Alert

CALL BEFORE YOU DIG

Call: TOLL FREE

811

TWO WORKING DAYS BEFORE YOU DIG

LOS ANGELES COUNTY GREEN BUILDING REQUIREMENTS

1. SEE PLAN L-2.2 FOR INSTALLING SMART IRRIGATION CONTROLLER.
2. SEE PLAN L-3.1 FOR PLANTING OF 1- 15 GAL. DROUGHT-TOLERANT TREE PER 5,000 S.F. OF DEVELOPED AREA.
   DEVELOPED AREA: 4566 S.F. / 5,000 = 1 = 1 TREE

LOS ANGELES COUNTY DROUGHT-TOLERANT LANDSCAPING REQUIREMENTS

1. SEE PLAN L-1.1 FOR MINIMUM 75% OF ALL LANDSCAPING ARE DROUGHT-TOLERANT. PROVIDE 100% OF DROUGHT-TOLERANT LANDSCAPE PLANTS.
2. SEE PLAN L-1.1 FOR GRASS/ TURF:
   A. MAXIMUM 25% OF ALL LANDSCAPING GRASS/ TURF AREA Ø SQ. FT.
      TOTAL LANDSCAPE AREA 4566 S.F. X 25% = Ø S.F. Ø S.F.
   B. MAXIMUM TOTAL 5,000 S.F. AREA, GRASS/ TURF AREA: Ø SQ. FT. < 5,000 S.F.
   C. MUST BE WATER-EFFICIENT.
   D. MINIMUM 5 FEET WIDTH.
3. SEE PLAN L-1.1 FOR GROUP PLANTS WITH SIMILAR WATERING NEEDS.

LOS ANGELES COUNTY LOW IMPACT DEVELOPMENT (LID) REQUIREMENTS

1. PROVIDE POROUS PAVEMENT TO BREAK THE WATER FLOW.
2. PROVIDE SMART IRRIGATION CONTROLLER.
3. TREES PLANTING NEXT TO IMPERVIOUS SURFACES.
4. PROVIDE MULCH COVER FOR ALL PLANTING AREAS.

TOTAL SQUARE FOOTAGE OF LANDSCAPED AREA: 4566 SQ. FT.

TOTAL DROUGHT TOLERANT PLANT MATERIAL: 100%
TOTAL LAWN AREA: 0%

TREE CANOPIES ARE SHOWN IN FULL MATURITY.

THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.

THIS APPROVAL IS FOR LANDSCAPE/ IRRIGATION PLANS AND ALL COMMON AREAS MAINTAINED BY H.O.A. TO COMPLY WITH WATER-EFFICIENT LANDSCAPING (AB 1881) ONLY. ALL HARDSCAPES, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALL FENCES MUST BE REVIEWED AND/OR APPROVED UNDER A SEPARATE PERMITS.

ALL HARDSCAPES, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMITS.

ALL IMPROVEMONT WITHIN STREET RIGHT OF WAY SHALL BE PER STREET IMPROVEMENT PLAN.

STREET TREE:
STREET TREES WITHIN THE PUBLIC RIGHT OF WAY ARE TO BE PLANTED PER APPROVED STREET IMPROVEMENT PLANS.

NOT RECYCLED WATER FEATURE WITHIN THIS PROJECT.

SHREDDED WOOD CHIPS 1"-3" LENGTH, 3/8"-5/8" DIAMETER- 3 INCHES THICK MIN., DISPENSED EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT TURF AREA.

"I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE."

NOTES

1. TOTAL SQUARE FOOTAGE OF LANDSCAPED AREA 4566 SQ. FT.
2. PERCENTAGE OF TOTAL LANDSCAPED AREA THAT WILL BE COMPRISED OF DROUGHT-TOLERANT LANDSCAPING 100 %
3. PERCENTAGE OF TOTAL LANDSCAPED AREA THAT WILL BE COMPRISED OF PLANTS NOT INCLUDED ON THE DROUGHT-TOLERANT PLANT LIST Ø %
4. PERCENTAGE OF TOTAL LANDSCAPED AREA THAT WILL BE COMPRISED OF TURF Ø %
5. TREE CANOPIES ARE SHOWN IN FULL MATURITY.
6. THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.
7. NO WATER FEATURE WITHIN THIS PROJECT.
8. WATER PURVEYOR NAME: LOS ANGELES WATERWORKS DISTRICT 8
   23533 W. CIVIC CENTER WAY
   MALIBU, CA 90265
   T: 310.317.1389
9. MAINTENANCE RESPONSIBILITY: ALL LANDSCAPE AREAS TO BE CONTINUOUSLY PRIVATELY MAINTAINED BY PROPERTY OWNER ON SITE & OFF SITE.
   NAME OF PERSON OR ENTITY RESPONSIBLE FOR LANDSCAPE MAINTENANCE:
   PROPERTY OWNER DATE
10. SIGHT DISTANCE AREA TO BE MAINTAINED FREE OF VISUAL OBSTRUCTIONS FOR VEHICULAR AND PEDESTRIAN TRAFFIC.
11. NO HIGHWAY DEDICATION ON THIS SITE.
12. ALL PLANTING AND IRRIGATION WITHIN THE STREET RIGHT OF WAY PER STREET IMPROVEMENT PLAN AND SHALL BE APPROVED BY COUNTY OF LOS ANGELES.
13. SHREDDED WOOD CHIPS 1"-3" LENGTH, 3/8"-5/8" DIAMETER- 3 INCHES THICK MIN., DISPENSED EVENLY THROUGHOUT ALL PLANTING AREAS.
14. ALL HARDSCAPES, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMITS.
15. SEE SHEET L-2.2 FOR IRRIGATION & MAINTENANCE SCHEDULE
16. SEE SHEET L-1.1 FOR WATER EFFICIENT WORKSHEET.
17. SEE SHEET L-0.0 FOR WATER AUDIT NOTE.
18. SEE SHEET L-3.2 FOR SOIL MANAGEMENT REPORT.

SHEET INDEX

L-0.0 - COVER SHEET
L-1.1 - HYDROZONE PLAN
L-1.2 - FUEL MODIFICATION PLAN
L-2.1 - IRRIGATION PLAN
L-2.2 - IRRIGATION DETAILS AND NOTES
L-3.1 - PLANTING PLAN
L-3.2 - PLANTING DETAILS AND NOTES
L-4.1 - TREE PROTECTION SPECIFICATIONS
L-4.2 - IRRIGATION SPECIFICATIONS
L-4.3 - LANDSCAPE SPECIFICATIONS
L-4.4 - LANDSCAPE & MAINTENANCE SPECIFICATIONS

MWELO COMPLIANCE

"I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENCY LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE"

Troller Mayer Associates, Inc.
Landscape Architecture Planning Urban Design
1403 Kenneth Road, Suite B
Glendale, CA 91201-1421
P 818-956-8101 F 818-956-0120

REGISTERED LANDSCAPE ARCHITECT — STATE OF CALIFORNIA

Bolour Residence
29738 CUTHBERT ROAD
MALIBU, CALIFORNIA 92605

DRAWING
COVER SHEET

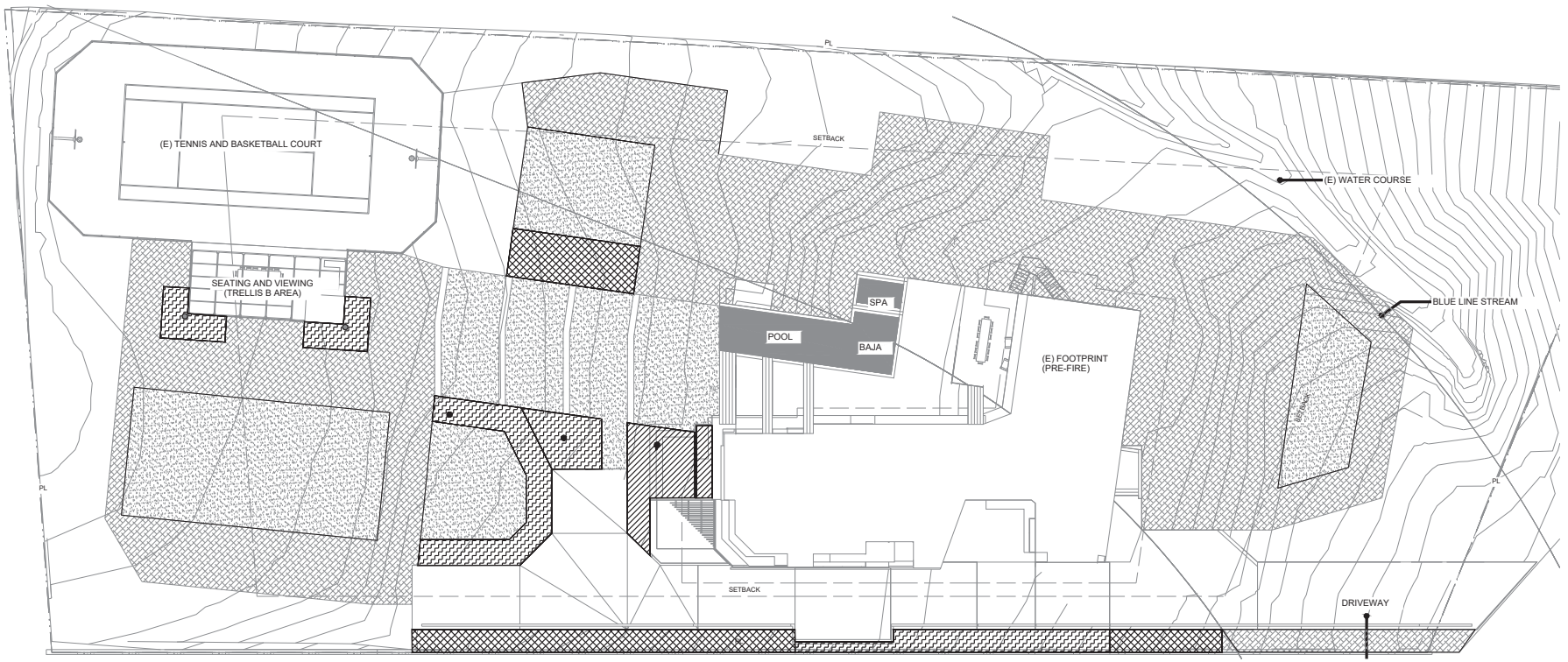
REVISIONS	BY

DESIGNED	RM/ECG
DRAWN	ECG
CHECKED	RM/ECG
DATE	03-05-2024
SCALE	AS NOTED
JOB NO.	21-1280

SHEET
L-0.0

HYDROZONE LEGEND

- HYDROZONE (A) - DRIP / SHRUBS & GROUNDCOVER / LOW WATER USE
- HYDROZONE (B) - DRIP / SHRUBS & GROUNDCOVER / LOW & MODERATE WATER USE
- HYDROZONE (C) - DRIP / SHRUBS & GROUNDCOVER / MODERATE WATER USE
- HYDROZONE (D) - BUBBLER / TREES / LOW WATER USE
- HYDROZONE (E) - BUBBLER / SHRUBS / MODERATE WATER USE



WATER EFFICIENT WORK SHEET

PROJECT NAME: Bolour Residence
PROJECT LOCATION: 29738 CUTHBERT ROAD MALIBU, CALIFORNIA 92605
TOTAL LANDSCAPE AREA: 4,566 sq.ft.

Maxium Applied Water Allowance (MAWA)

MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]

MAWA= Maximum Applied Water Allowance
ETo = Reference Evapo.....
0.62 = Conversion factor (to gallons per square foot)
0.7 = ET Adjustment Factor (ETAF)
LA = Landscaped Area includes Special Landscape Area
0.3 = Additional ET Adjustment Factor for Special Landscape Area (1.0 - 0.7 = 0.3)
SLA - Portion of Landscape Area identified as Special Landscape Area - see Definitions (square feet)

Applicant to fill in boxes below.

44.2	ETo (reference Evapotranspiration from Appendix A (inches per year)
4,566	Landscape Area including Special Landscape Area/SLA (square feet)
0	Portion of Landscape Area identified as Special Landscape Area (square feet)

	ETo	ETAF		AREA (s.f.)	Conversion	MAWA
MAWA for LA	44.2	x 0.45	x	4,566	x 0.62 =	56,307
*MAWA for SLA**	44.2	x	x	0	x 0.62 =	0
Total MAWA						**56,307** *(gallons per year)*

Estimated Total Water Use (ETWU)

ETWU = (ETo) (0.62) [(PF x HA) / IE + SLA)]

ETWU = Estimated ...
ETo = Reference Evapo...
0.62 = Conversion factor (to gallons per square foot)
PF = Plant Factor from WUCOLS (see Definitions)
HA = Hydrozone Area - planting area separated to high, moderate, low and very low water uses areas (square feet)
IE = Irrigation Efficiency - (minimum 0.71)
SLA - Portion of Landscape Area identified as Special Landscape Area - see Definitions (square feet)

ETWU arrived from Hydrozone Table below= **53,119** gallons per year

HYDROZONE TABLE

hydrozone	SLA plant water use type	plant factor (PF) (see table B)	hydrozone area (HA) (square ft)	PFxHA (square ft)	% of landscape area (LA)	irrigation efficiency IE	ETAF (PF/IE)	ETAF x Area	Hydro-zone ETWU
A - Drip - Shrubs	low	0.2	656	131	14%	0.85	0.24	13,726	4,230
B - Drip - Shrubs	low/mod.	0.3	2,129	639	47%	0.85	0.35	2,694	20,592
B - Drip - Shrubs	mod.	0.5	1,701	851	37%	0.85	0.59	2,694	27,420
C - Bubbler - Trees	low	0.2	48	10	1%	0.80	0.25	2,694	329
C - Bubbler - Shrubs	mod.	0.5	32	16	1%	0.80	0.63	2,694	548
						Subtotal ETWU			53,119
		TOTAL ETWU	4,566		100%			24,504	53,119

"I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENCY LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE"

NORTH

GRAPHIC SCALE - 1/16"= 1'-0"

Underground Service Alert
Call: TOLL FREE
811
TWO WORKING DAYS BEFORE YOU DIG

Troller Mayer Associates, Inc.
Landscape Architecture Planning Urban Design
1403 Kenneth Road, Suite B
Glendale, CA 91201-1421
P 818-956-8101 F 818-956-0120

REGISTERED LANDSCAPE ARCHITECT
STATE OF CALIFORNIA

Bolour Residence
29738 CUTHBERT ROAD
MALIBU, CALIFORNIA 92605

DRAWING
HYDROZONE PLAN

REVISIONS	BY

DESIGNED	RM/ECG
DRAWN	ECG
CHECKED	RM/ECG
DATE	03-05-2024
SCALE	AS NOTED
JOB NO.	21-1280

SHEET
L-1.1

LATERAL LINE SIZING

PVC	SYMBOL	GPM
3/4 "	¾"	0-10
1"	1"	11-16
1 1/4 "	1¼"	17-26
1 1/2 "	1½"	27-35
2"	2"	36-55

PIPE SIZING NOTES

1. REFER TO IRRIGATION EQUIPMENT LEGEND ON THIS SHEET FOR GPM OF DISTRIBUTION HEADS.
2. CONTRACTOR TO DETERMINE PIPE SIZING WHERE SYMBOLS ARE NOT SHOWN. SEE ADJACENT SIZING CHART
3. ALL LATERAL LINE PIPE DOWNSTREAM OF A 3/4" SIZED PIPE IS ALSO 3/4".
4. ALL UNSIZED RUNS OF LATERAL LINE PIPE SERVING THREE OR FEWER SPRAY HEADS SHALL BE SIZED 3/4".

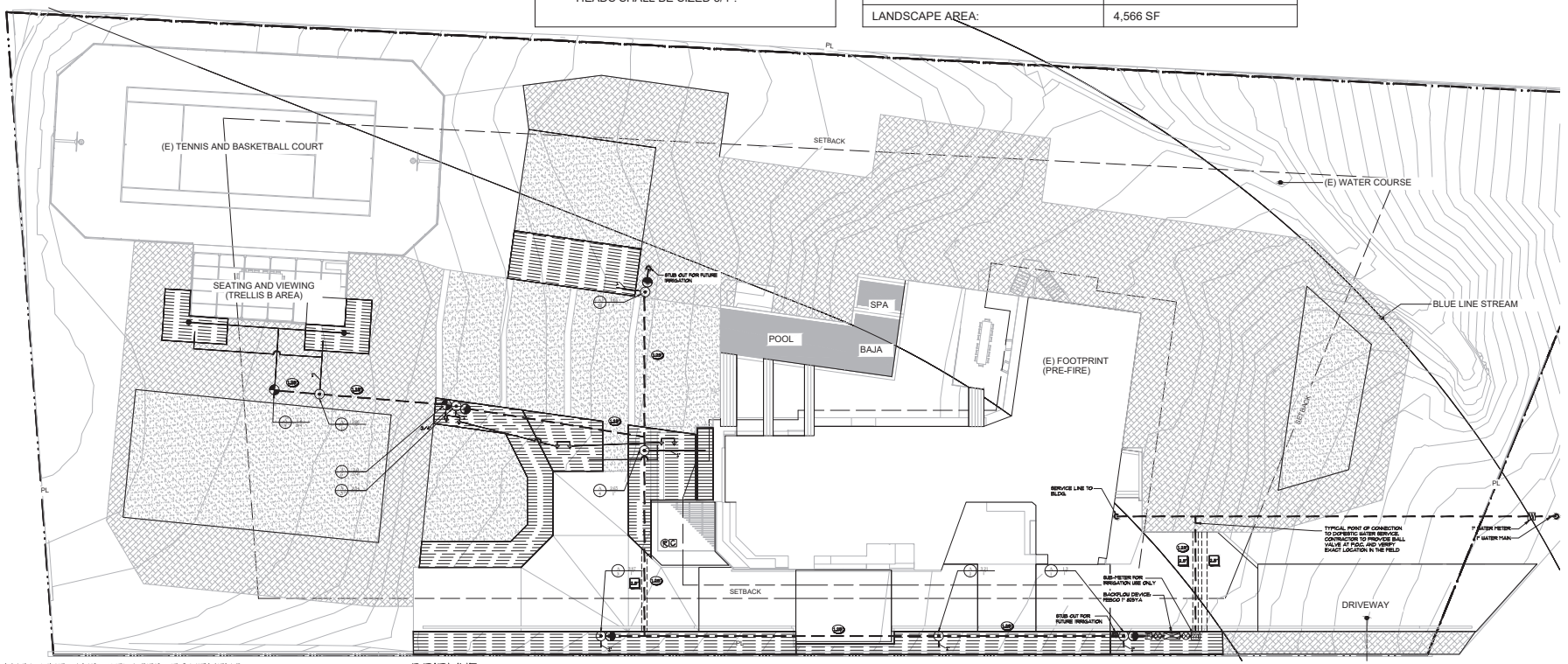
POINT OF CONNECTION 'A' INFORMATION

ADDRESS: 29738 CUTHBERT ROAD MALIBU, CA 92605	WATER PURVEYOR: LOS ANGELES COUNTY WATERWORKS 23533 W. CIVIC CENTER WAY MALIBU, CA 90265 PH.# 310-317-1389
EXISTING METER SIZE:	1"
STATIC WATER PRESSURE:	75 PSI
MAXIMUM SYSTEM DEMAND:	3.87 GPM
LANDSCAPE AREA:	4,566 SF

SCH 40 PVC SLEEVING CHART

SLEEVE SIZE	NO. OF WIRES	PIPE SIZE
1 1/4"	1-4 WIRES	½"
1 ½"	5-10 WIRES	¾"
2"	11-20 WIRES	1"
2 ½"	21-30 WIRES	1 ¼"

NOTE:
TEST ALL SPRINKLER MAINS AFTER PIPE IS LAID AND JOINT COMPLETED BY SUBMITTING TO A PRESSURE TEST OF ONE AND ONE HALF TIMES EXISTING STATIC PRESSURE IN THE PRESENCE OF THE OWNER'S REPRESENTATIVE. DO NOT BACKFILL ANY TRENCH UNTIL THE OWNER'S REPRESENTATIVE HAS APPROVED THE TEST. REPAIR ANY LEAKS UNTIL LINES PASS TEST REQUIREMENTS AND THE OWNER'S REPRESENTATIVE'S APPROVAL. ALL LATERALS SHALL BE TESTED UNDER MAIN PRESSURE FOR LEAKS4 ANY LEAKS SHALL BE REPAIRED. ALL TESTS WITH THE EXCEPTION OF THE LATERALS SHALL BE FOR A DURATION OF 4 HOURS WITH A MAXIMUM DROP OF 4 PSI ALLOWED.



MAIN LINE AND RELATED EQUIPMENT

- SUPERIOR #980 REMOTE CONTROL VALVE. SIZE PER PLAN
- SUPERIOR #830 DIG-S REMOTE CONTROL DRIP VALVE. SIZE PER PLAN
- NEW BACKFLOW PREVENTER FEBCO 825YA 1.25" INSTALL PER LOCAL CODE. LOCATION IS APPROXIMATE. FINAL LOCATION SHALL BE DETERMINED IN THE FIELD BY THE CONTRACTOR.
- SPEARS 2000 SERIES TRUE UNION BALL VALVE. LINE SIZE
- CHAMPION B-401 GARDEN VALVE OPTIONAL. CONFIRM W/OWNER)
- FLOW METER HUNTER HC-100-FLOW
- IRRIGATION CONTROLLER SMART RACHIO 3 - CIC-STATION OUTDOOR UNIT WITH WALL MOUNTED METAL CABINET. FINAL LOCATION OF CONTROLLER TO BE DETERMINED BY OWNER.
- RACHIO TEMPEST WEATHER SENSOR. CONTRACTOR TO RUN WIRE WITH IN BUILDING AND MOUNT RAIN SENSOR TO ROOF TOP ABOVE CONTROLLER LOCATION. FINAL LOCATION OF RAIN SENSOR TO BE DETERMINED BY OWNER.
- DENOTES MAIN LINE PIPE SIZE
- DENOTES SLEEVE PIPE SIZE
- MAIN LINE PIPING: SCHEDULE 40 PVC PIPE SIZE PER PLAN. 18" COVER
- SLEEVE PIPING. SCHEDULE 40 PVC PIPE SIZE PER PLAN. DEPTH AS NECESSARY
- SPRINKLER LATERAL PIPING. CLASS 200 PVC PIPE. SIZE PER PLAN. 12" COVER

DRIPLINE

SYMBOL	MFGR.	MODEL
	Areas to Receive Dripline: Rain Bird XFCV-09-18 (18) Landscape Dripline with Check Valve, 0.9 gph emitters at 18" o.c. Dripline laterals spaced at 18" apart, with emitters offset for triangular pattern	
no symbol	Rain Bird Air Relief Valve - ARV050 to be installed at high point for each drip zone Refer to Detail #D / Sheet L-2.2	
no symbol	Rain Bird Flush Cap - MDCFCCAP to be installed at end point for each drip zone Refer to Detail #D / Sheet L-2.2	

ROOT WATERING SYSTEM

SYMBOL	MFGR.	MODEL	NOZZLE	P.S.I.	G.P.M.	RADIUS
	RAINBIRD RWS	B-C-1402	DEEP WELL	5/10	.50	NA

BUBBLERS

SYMBOL	MFGR.	MODEL	NOZZLE	P.S.I.	G.P.M.	RADIUS
	RAINBIRD 1806	PCS-060	5F-B	30	.60	2'

NOTES:

1. TOTAL SQUARE FOOTAGE OF NEW LANDSCAPED AREA: 4566 SQ. FT.
2. AUTOMATIC IRRIGATION SYSTEM TO BE ADJUSTED SEASONALLY AND WITH WATERING HOURS BETWEEN 10:00 P.M. AND 8:00 A.M.
3. WIRE CROSSINGS UNDER PAVED SURFACES SHALL BE SLEEVED SEPARATELY IN SCH. 40 CONDUIT.
4. ALL PRESURIZED IRRIGATION LINES SHALL BE BACKFILLED WITH 3" OF SAND ABOVE AND BELOW LINE (6" TOTAL).
5. ALL WIRE IS A MINIMUM #14 AWG 600-VOLT DIRECT BURIAL AND U.L. LISTED.
6. WIRE SPLICES ARE MADE WITH WATERPROOF, NON-REUSABLE CONNECTORS.
7. EXTRA SLEEVES (4" MINIMUM) ARE INSTALLED ACROSS ROADWAYS, OR BENEATH OTHER PAVED SURFACES, WHICH ARE 1" IN LENGTH OR MORE.
8. USE 1" SIZE PVC SCHEDULE 40 PLASTIC PIPE FOR ALL MAIN LINES & 3/4" SIZE CLASS 200 PVC PIPE FOR ALL LATERAL LINES, UNLESS OTHERWISE NOTED.
9. IRRIGATION DESIGN, E.G., EQUIPMENT TYPE, PRECIPITATION RATE, TO INCORPORATE FINDINGS FROM SOIL MANAGEMENT REPORT.
10. IRRIGATION SYSTEM DESIGNED TO MATCH PRECIPITATION RATES.
11. NO RECLAIMED/RECYCLE OR GREYWATER IS USED FOR THE PROPOSED IRRIGATION SYSTEM.
12. ELIMINATE WATER RUN-OFF TO IMPERMEABLE SURFACE.
13. ADJACENT IMPERMEABLE SURFACE SLOPES TOWARDS PLANTING AREA.

Underground Service Alert
Call: TOLL FREE
811
TWO WORKING DAYS BEFORE YOU DIG

"I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENCY LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE"

NORTH

GRAPHIC SCALE - 1/16"= 1'-0"

Troller Mayer Associates, Inc.
Landscape Architecture Planning Urban Design
1403 Kenneth Road, Suite B
Glendale, CA 91201-1421
P 818-956-8101 F 818-956-0120

REGISTERED LANDSCAPE ARCHITECT
STEVEN W. TROLLER
No. 2582
STATE OF CALIFORNIA

Bolour Residence
29738 CUTHBERT ROAD
MALIBU, CALIFORNIA 92605

DRAWING
IRRIGATION PLAN

REVISIONS	BY

DESIGNED	RM/ECG
DRAWN	ECG
CHECKED	RM/ECG
DATE	03-05-2024
SCALE	AS NOTED
JOB NO.	21-1280

SHEET
L-2.1

PLANTING NOTES

1. Before the demolition or start of construction, the Contractor shall contact the Landscape Architect, Civil Engineer and Client Representative to schedule a pre-construction meeting. During this meeting, all site conditions and Construction Documents shall be reviewed. All existing trees shall be preserved. Failure to call for said meeting implies acceptance by the Contractor of trees to be preserved in their existing condition as well as any liability for removing trees that are designated "Protect in Place".
2. Landscape Contractor shall procure and reserve plant material at start of contract to ensure availability and quality.
3. Before the demolition and removal of ANY landscape material refer to the Civil Engineer 'Demolition Plan' and Tree Protection Notes specs 01532
4. Plants are shown diagrammatically on plan therefore plant spacing in Planting Legend takes precedence to plants shown on the plan. Contractor is to calculate quantity of plants called for and install all that are shown on plan at the spacing in the legend.
5. Nursery images of all trees, shrubs and groundcover shall be submitted as part of the Landscape Submittal as required by the Landscape Specifications 02900. Images shall be submitted to the Landscape Architect for approval prior to planting see Landscape Specifications 02900. Images shall include height of plant and width. Submittal must be submitted (3) three weeks prior to any landscape or irrigation work commences.
6. All Landscape Planting, Irrigation and Paving damaged by contractor shall be repaired and approved by Client before 100% completion of construction at no additional cost to the Client.
7. Finish grade shall be 2" below all walks/curbs for areas to receive shrub and/or groundcover and mulch.
8. In order to achieve a smooth, even finish grade, additional soil may need to be added to the planting areas. Refer the the Landscape Specifications for additional information on imported soil.
9. All trenches, holes, and divots from construction work in areas of existing turf/shrub areas to remain shall be patch/repaired and re-seeded/re-mulched. Infill soil shall be installed to all trenches, holes and divots as to re-establish uniform finish grade. Soil shall be compacted to 85% prior to re-seeding/re-mulching. See Landscape Specifications 02900 for further info.
10. Finish grade shall slope 2% away from structures and towards swales (when applicable)
11. Forest Floor Mulch shall be a 3" thick layer and shall be spread beneath and in between all new and existing shrubs, groundcover and trees within the scope of work so as to leave soil completely covered with mulch. Samples of the mulch shall be a part of the Landscape Submittal to the Landscape Architect. Mulch type shall be per the landscape specifications.
12. Water Percolation -- Contractor to dig a test planting pit, 3'-0" square and 3'-0" deep; fill pit with water up to 2'-0" from bottom and mark location and check level in 24 hours. If standing water is present, Contractor to contact Owner Representative and Landscape Architect and it will be determined if a sump pump must be implemented.
13. Conduct two (2) soil tests per each of the ftwo (2) soil test locations marked on the Planting Plan with the symbol: for a total of four (4) soil tests. The first two (2) tests on site shall be conducted after rough grading is complete and the second two (2) tests before planting commences, but after irrigation installment and soil amendments have been applied. These tests are to determine recommended amounts of fertilizer and harmful substances, if any. See specifications for soil testing information of existing and imported soil.
14. During soil preparation amend with Gypsum (Agricultural Calcium Sulfate Ca SO4) per amount recommended by the soil test results. See specifications for further information.
15. All new and existing planting areas shall be free of construction debris, rocks, form boards, weeds etc. See Landscape Specifications 02900.
16. Complete Roundup Herbicide weed abatement (weed and kill process for 8 weeks) in areas of re-grading and turf removal per Sect. 02900, Art.3.03B. Verify in the field, with Owner Representative, all areas to receive Roundup before its application. Do not use Roundup in areas where existing landscaping and turf are to remain.
17. Install Jute Mesh for slopes greater than 4:1 slope.

TOTAL SQUARE FOOTAGE OF LANDSCAPED AREA: 4566 SQ. FT.

TOTAL DROUGHT TOLERANT PLANT MATERIAL: 100%
TOTAL LAWN AREA: 0%

TREE CANOPIES ARE SHOWN IN FULL MATURITY.

THE TYPE OF SOIL IS SUITABLE FOR ALL THE PROPOSED PLANTS IN THIS LANDSCAPE.

THIS APPROVAL IS FOR LANDSCAPE/IRRIGATION PLANS AND ALL COMMON AREAS MAINTAINED BY H.O.A. TO COMPLY WITH WATER-EFFICIENT LANDSCAPING (AB 1881) ONLY. ALL HARDSCAPES, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALL FENCES MUST BE REVIEWED AND/OR APPROVED UNDER A SEPARATE PERMITS.

ALL HARDSCAPES, RETAINING WALLS, SWIMMING POOLS, AND/OR BLOCK WALLS MUST BE REVIEWED AND APPROVED UNDER A SEPARATE PERMITS.

ALL IMPROVEMENT WITHIN STREET RIGHT OF WAY SHALL BE PER STREET IMPROVEMENT PLAN.

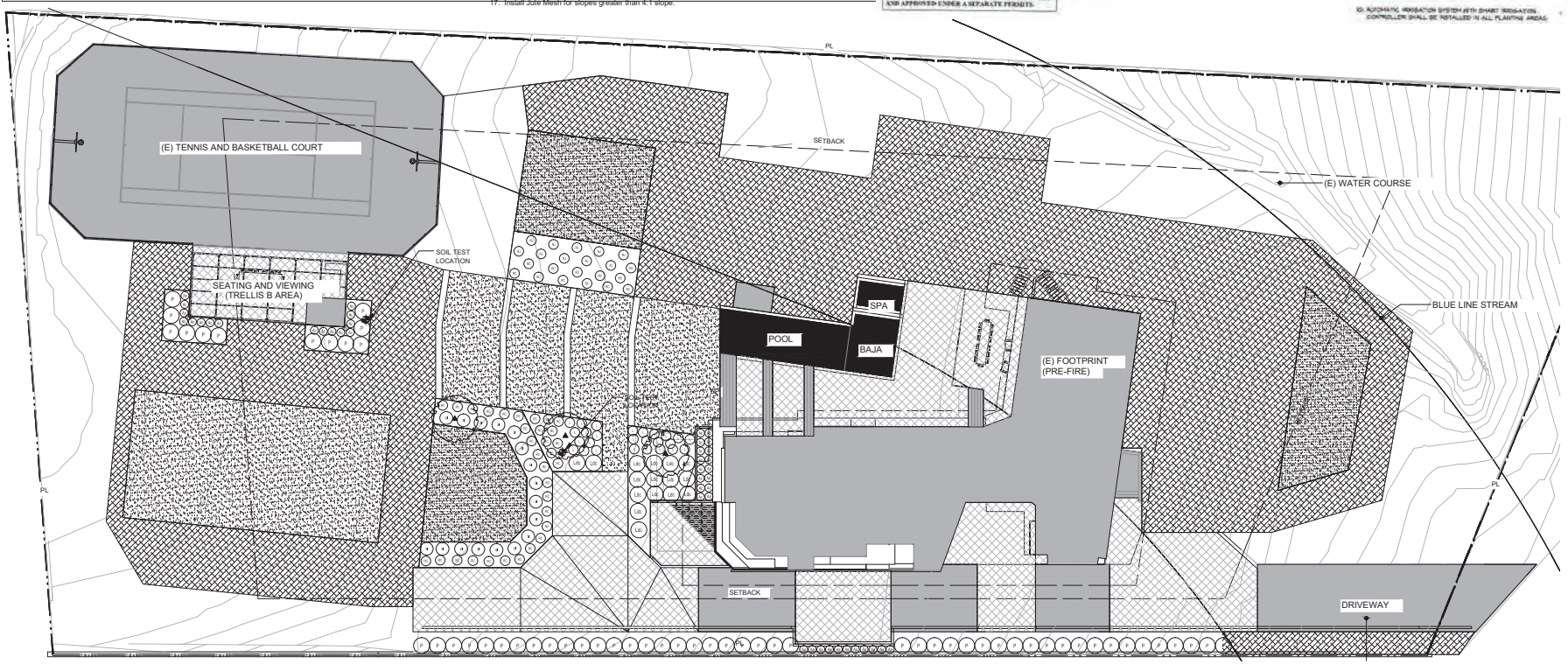
STREET TREE:
STREET TREES WITHIN THE PUBLIC RIGHT OF WAY ARE TO BE PLANTED PER APPROVED STREET IMPROVEMENT PLANS.

NOT RECYCLED WATER FEATURE WITHIN THIS PROJECT.

SHREDDED WOOD CHIPS 1"-3" LENGTH 3/8"-5/8" DIAMETER- 3 INCHES THICK MIN., DISPENSED EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT TURF AREA.

" I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE "

NOTE:
1. LANDSCAPE AREA 4566 SQ. FT.
2. (3) 24" BOX DROUGHT-TOLERANT TREES PROVIDED.
3. NO GRASS/ TURF PROVIDED AT FRONT YARD.
4. GRASS/ TURF PROVIDED AT PRIVATE YARD: Ø SF. = 5000 S.F.
5. 100% OF DROUGHT-TOLERANT LANDSCAPE PLANTS PROVIDED AT FRONT YARD.
6. ROOT BARRIERS SHALL BE PROVIDED ON ALL NEW TREES WITHIN 5 FEET OF ALL PAVED AREAS AND FOUNDATIONS.
7. ALL PAVING AREAS SHALL BE KEPT CLEAN AND FREE OF DUST, MUD, OR TRASH.
8. ALL LANDSCAPING SHALL BE MAINTAINED IN A NEAT AND HEALTHY CONDITION.
9. SHREDDED WOOD CHIPS 1"-3" LENGTH 3/8"-5/8" DIAMETER- 3 INCHES THICK MIN., DISPENSED EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT TURF AREA.
10. AUTOMATIC IRRIGATION SYSTEM WITH SMART IRRIGATION CONTROLLER SHALL BE INSTALLED IN ALL PLANTING AREAS.



TREE LEGEND

Symbol	Genus Species Name	Common Name	Container Size	Quantity	WUCOLS	Fuel Modification Zone
A	Prunus ilicifolia ssp. lyonii	Catalina Cherry	24" Box MULTI	3	Low	A, B

GROUNDCOVER LEGEND

Symbol	Description
	Mulch
	3/4" Washed Crushed Gravel - Color Copper Canyon Avail. from Southwest Boulder Install Permaloc edge around all sides of gravel areas.

SHRUB LEGEND

Symbol	Genus Species Name	Common Name	Container Size	Spacing	WUCOLS	Fuel Modification Zone
Ac	Aeonium canariense	Giant Velvet Rose	1 Gallon	30" O.C.	Low	A, B
Ad	Agave demetiana 'Variegata'	Variegated Smooth Agave	5 Gallon	30" O.C.	Very Low	A, B
As	Aloe arborescens	Torch Aloe	5 Gallon	30" O.C.	Low	B
L	Lantana 'Alba'	White Trailing Lantana	5 Gallon	36" O.C.	Low	A
Ldc	Lavandula denata candicans	Gray Leaved French Lavender	5 gallon	60" O.C.	Low	A

SHRUB LEGEND

Symbol	Genus Species Name	Common Name	Container Size	Spacing	WUCOLS	Fuel Modification Zone
S	Salvia leucantha	Mexican Bush Sage	5 Gallon	48" O.C.	Low	B
H	Phlomis fruitcosa	Jeruselum Sage	5 Gallon	36" O.C.	Low	A, B
P	Podocarpus gracillor	African Fern Pine	15 Gallon	60" O.C.	Med	A
R	Rosa Cecile Brunner	Cecile Brunner Rose	15 Gallon	AS SHOWN	Med	B
RJ	Rosa Julia Childs	Julia Childs Rose	15 Gallon	36" O.C.	Med	B
RC	Rosa californica	California Wild Rose	5 Gallon	36" O.C.	Low	B

ALL TREES, SHRUBS AND GRONDCOVER ARE IN COMPLIANCE WITH DROUGHT TOLERANT LANDSCAPE (DTL).

"I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENCY LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE"

Underground Service Alert
Call: TOLL FREE 811
TWO WORKING DAYS BEFORE YOU DIG

NORTH
16 0 16 32 48
GRAPHIC SCALE - 1/16" = 1'-0"

Troller Mayer Associates, Inc.
Landscape Architecture Planning Urban Design
1403 Kenneth Road, Suite B
Glendale, CA 91201-1421
P 818-956-8101 F 818-956-0120

REGISTERED LANDSCAPE ARCHITECT
STEVEN R. MAYER
No. 3482
Renewal Date 03-31-2025
STATE OF CALIFORNIA

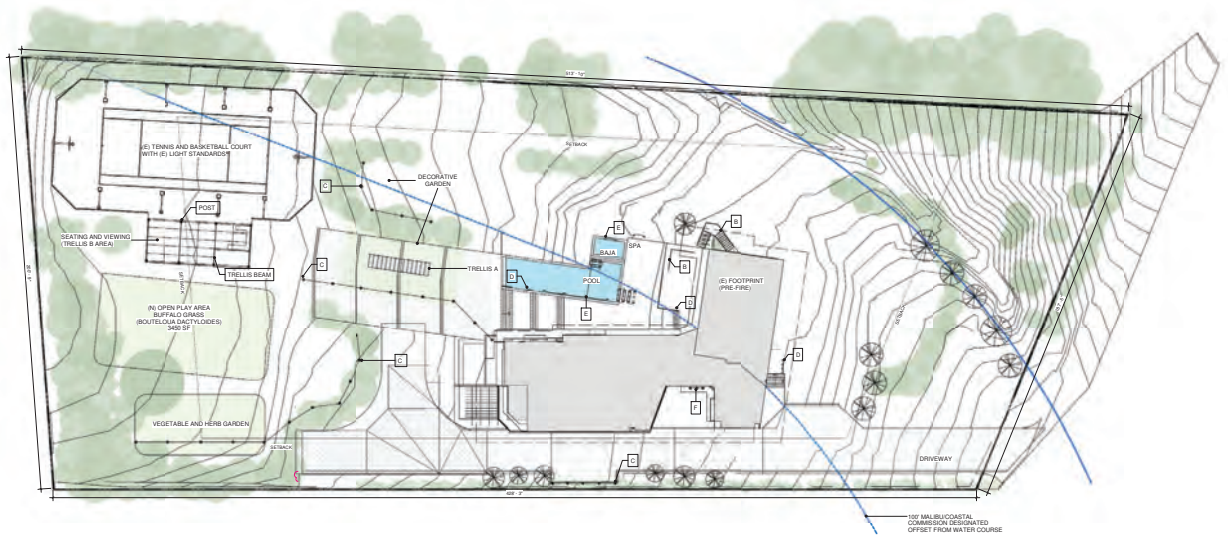
Bolour Residence
29738 CUTHBERT ROAD
MALIBU, CALIFORNIA 92605

DRAWING
PLANTING PLAN

REVISIONS	BY

DESIGNED	RM/ECG
DRAWN	ECG
CHECKED	RM/ECG
DATE	03-05-2024
SCALE	AS NOTED
JOB NO.	21-1280

SHEET
L-3.1



NEW LIGHTING

A		WAC - #3011-30BZ 3" high x 1 5/8" wide 2.8 watt 60 lumen light output 3000K color temperature Water cells protected against powerful water jets 9" lead wire supply Translucent lens provides for uniform diffused light output Solid diecast brass or corrosion resistant aluminum alloy ADA compliant Maitains constant lumen output against voltage drop Bronze finish UL 1838 listed	C		LUMUX - #BL355 39 1/2" high x 6 1/4" wide x 8 1/2" depth 17 watt LED 1700 lumen light output 3000K color temperature 120/277 voltage Bronze finish Frosted glass diffuser	E		Pentair - #602122 10" outside diameter x 2 1/2" depth 26 watt 5G color LED Color-changing Stainless steel face ring 120 V
B		Elite - #LB201 LED base licht is offered with a 100W 12V driver (LB100-DC-12V-100-120) that can power one run at 16' (5m) <4.4 watt/ft 98 lumen/ft output Forward Voltage Drop: 1.92-2.2 V LED color changing RGB tape light controller has 11 different modes and can be controlled via a remote control device Part number LB101 Controller	D		LUMUX - #SLS650 4 1/2" high x 10 1/8" wide x 3" depth 10 watt 630 lumen light output 3000K color temperatutr 120/177 voltage Incandescent T10 Compact flourescent LED Class P, electronic ballast Bronze finish Frosted glass diffuser	F		Elite - #RL475 Downlight on Front Door Overhang 4" round 505 lumen light output 3000K color temperature Satin nickel finish 3-step MacAdam ellipse color quality Aluminum die-cast body and trim construction Round flat lens trim Downlight mounting 16W high-voltage inverter (remote) L70 at 50000 hour lifetime



OWNER	MICHAEL BOLOUR
SITE ADDRESS	29738 CUTHBERT RD, MALIBU, CA
ZIP CODE	90265
ASSESSOR PARCEL NO. (APN)	4466-041-011
LOT AREA	89,858 ± S.F. (ACERS 2.04)
MMC ZONING DESIGNATION	RR2
GENERAL PLAN LAND USE DESIGNATION	SINGLE FAMILY RESIDENTIAL
WATER SUPPLY TYPE, HOME & IRRIGATION	CITY WATER SUPPLY
TOTAL IRRIGATED LANDSCAPE AREA	14,100 SF
LANDSCAPE TYPES:	
OVERHEAD SPRAY AREA	6600 SF
DRIP IRRIGATION AREA	7500 SF
HARDSCAPE/IMPERMEABLE AREA	25,200 SF

EXISITNG TENNIS COURT IN SOUTHWEST CORNER SURVIVED THE WOOBLEY FIRE INCLUDING EXISITNG LIGHT STANDARDS. EXISITNG TO REMAIN.

jtd
JTD ARCHITECTS
JAMES TABISCH
3111 N. TOPANGA CANYON BLVD.
SUITE 200
TOPANGA, CA 90290
TEL 310.455.3838
jtd@TABISCHarchitects.com

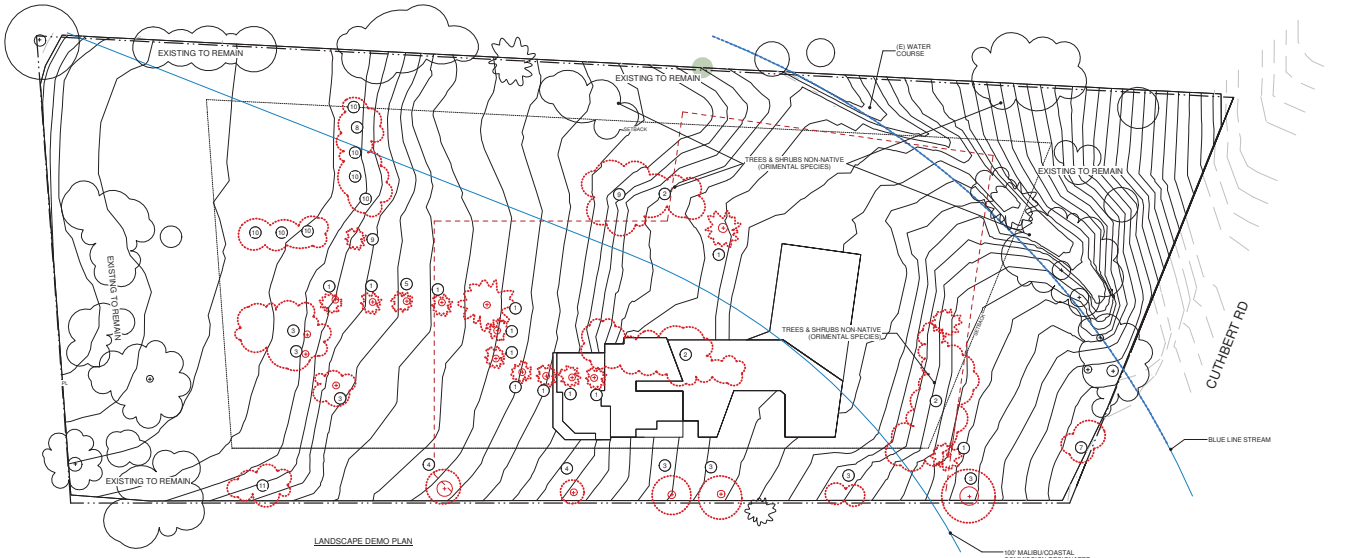
BOLOUR FAMILY RESIDENCE
29738 CUTHBERT RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

5/22/2024 5:00:04 PM

LIGHTING

LT1



LANDSCAPE DEMO PLAN

- NO NATIVE PROTECTED TREES PROPOSED FOR REMOVAL.

1. 12 BERMUDA PALM TREES 12' ø
2. 3 BIRDS OF PARADISE ~7' FT TALL
3. 7 PEPPER TREES 20-48" ø
4. 2 SPRUCE TREES 18-20" ø
5. 1 FIG TREE
7. 1 CYPRESS TREE
8. 1 WASHINGTONIA ROBUSTA
9. 1 YUCCA
10. 7 OLEANDER BUSHES ~8' FT TALL
11. 1 FICUS BENJAMINA ~ 10' FT TALL

EXISTING LANDSCAPING TO REMAIN

EXISTING LANDSCAPING TO BE REMOVED

0 10 50 80 100

GENERAL NOTES

A. CONTRACTOR OF PARTY PERFORMING DEMOLITION MUST FOLLOW ALL CITY OF MALIBU ORDINANCES & NUISANCE ABATEMENT PROTOCOLS.
B. ALL GRADING WORK SHALL BE IN STRICT CONFORMANCE WITH OSHA GUIDELINES & PROCEDURES.
C. ALL DEMOLITION & ALL RELATED ACTIVITY MUST OBSERVE CALIFORNIA COASTAL COMMISSION REGULATIONS & APPLICABLE CEQA GUIDELINES & REGULATIONS.
D. A GRADING PERMIT IS REQUIRED PRIOR TO INITIATION OF ANY DEMOLITION.
E. PRIOR TO ANY WORK A PROJECT SOILS ENGINEER/GEOLOGIST SHALL OBSERVE & APPROVE EXCAVATION
-CONTRACTOR SHALL NOTIFY SOILS ENGINEER/GEOLOGIST OBSERVE, APPROVE & PREPARE AN OBSERVATION FORM FOR CITY GRADING INSPECTOR & PROJECT RECORD.
F. ALL BACKFILLING & PLACEMENT SHALL BE IN STRICT CONFORMATION WITH APPROVED PROJECT SOILS REPORT.

1.0 - GENERAL - ALL WORK SHALL BE IN FULL COMPLIANCE WITH THE CURRENT EDITION OF THE IBC, CBC, CRC, NEC, UNIFORM MECHANICAL CODE, UNIFORM PLUMBING CODE, APPLICABLE NFPA CODES, ALL CITY REGULATIONS AND CODES AND ALL APPLICABLE OSHA GUIDELINES AND STANDARDS.
1.1 - THE WORD "CONTRACTOR" MEANS THE GENERAL CONTRACTOR AND, WHERE APPLICABLE BY TRADE, SUBCONTRACTORS.
-CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING ALL NOTES PRIOR TO FINALIZING CONSTRUCTION CONTRACT.
-ALL CONSTRUCTION AND DETAILS SHALL BE COMPLETED IN FULL COMPLIANCE WITH APPLICABLE LOCAL CODES AND REQUIREMENTS.
-CONTRACTOR SHALL VERIFY ALL WORKS, DIMENSIONS AND DETAILS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO PROCEEDING WITH CONSTRUCTION. CONTRACTOR SHALL NOT SCALE THE DRAWINGS BUT ARE ALSO TO BE ADVISED REGARDING ANY DISCREPANCIES IN MEASUREMENT, DIMENSION, LOCATION OR DETAILS PRIOR TO CONTRACTORS PROCEEDING WITH THAT PORTION OF THE WORK.
-WRITTEN DIMENSIONS SHALL PREVAIL OVER SCALED DIMENSIONS ON DRAWINGS. IN NO EVENT IS A DIMENSION TO BE SCALED OFF THE DRAWINGS WITHOUT FIRST ADVISING THE ARCHITECT.
-THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEWING AND COORDINATING ALL NOTES AND DRAWINGS TO INCLUDE ANY SUBCONTRACTORS SHEETS OR NOTES, BUT WHICH ARE INDICATED ELSEWHERE IN THE CONSTRUCTION DOCUMENTS.
-DETAILS ARE INTENDED TO SHOW FINAL EFFECT OF PARTS OF CONSTRUCTION. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT PARTICULAR JOB SITE DIMENSIONS OR CONDITIONS AND SHALL BE INCLUDED WITH WITHIN THE CONTRACT. ANY SUCH MODIFICATIONS REQUIRED ARE TO BE FIRST REVIEWED AND CONFIRMED WITH THE ARCHITECT PRIOR TO CONSTRUCTION.
1.2 - CONTRACTOR SHALL REVIEW ALL ITEMS NOTED "VERIFY OR CONFIRM WITH OWNER OR ARCHITECT" WHICH MIGHT AFFECT COSTS PRIOR TO FINALIZING CONSTRUCTION CONTRACT AND SUBCONTRACTS, AND SHALL CONFIRM DECISIONS REGARDING SELECTION, MATERIALS, COLOR, FINISH OR OTHER SPECIFICATIONS NOT YET DECIDED REGARDING THE WORK.
-CONTRACTOR SHALL INCLUDE THE COST OF THESE ITEMS WITHIN THE FINAL CONTRACT PRICE.
-UNLESS ITEMS ARE SPECIFICALLY ITEMIZED AS NOT INCLUDED IN CONTRACT (NIC), THEY WILL BE ASSUMED TO BE INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-ALL ALLOWANCE ITEMS SHALL BE SPECIFICALLY IDENTIFIED AS ALLOWANCES AND INCLUDED IN THE ESTIMATE OR CONTRACT PRICE.
-CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER OF ANY EXTRA COSTS ARISING FROM THE EXECUTION OF HIS CONTRACT OR SUBCONTRACTS AND SHALL RECEIVE OWNERS WRITTEN APPROVAL FOR SAME.
1.2 - CONTRACTOR SHALL CONFIRM THAT THE CONSTRUCTION DOCUMENTS UPON WHICH CONSTRUCTION IS BEING ACCOMPLISHED ACCORDING TO THE MOST CURRENT CONSTRUCTION DOCUMENTS, INCLUDING REVISIONS.
-UNLESS OTHER ARRANGEMENTS ARE MADE, OWNER SHALL PROVIDE ADEQUATE PROPERTY AND LIABILITY INSURANCE IN ADDITION TO CONTRACTOR'S INSURANCE TO COVER ALL NEW WORK. THIS INSURANCE SHALL NOT RELIEVE CONTRACTOR OF HIS RESPONSIBILITIES UNDER CONTRACT OR AS ITEMIZED ABOVE.
1.3 - CONTRACTOR SHALL KEEP PREMISES SECURE, CLEAN, AND HAZARD FREE. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING HIS EQUIPMENT, MATERIALS, AND WORK IN NEAT, CLEAN, ORDERLY AND SAFE CONDITION AT ALL TIMES.
1.4 - CONTRACTOR SHALL DEMOLISH EXISTING CONSTRUCTION AS NECESSARY TO INSTALL NEW WORK, AND REMOVE ALL EXCESS DEBRIS AND MATERIALS, NOT REQUIRED BY CONSTRUCTION OR REQUESTED BY OWNER.
-TEMPORARY ERECTION BRACING, GUYS, ETC. INSTALLATION DESIGN AND REMOVAL ARE THE COMPLETE RESPONSIBILITY OF THE CONTRACTOR.
-CONTRACTOR SHALL ERECT AND MAINTAIN TEMPORARY BARRICADES AND DUST-PROOF PARTITIONS AS REQUIRED BY LAW AND AS NECESSARY FOR PROPER PROTECTION OF THE PUBLIC DURING CONSTRUCTION OF HIS WORK AND THE OWNER'S PROPERTY FROM DAMAGE OR LOSS ARISING IN CONNECTION WITH CONSTRUCTION.
1.5 - CONTRACTOR SHALL PROVIDE TEMPORARY TOILET FACILITIES ON THE JOB SITE IF NECESSARY OR REQUIRED BY LOCAL CODE.
1.5 - CONTRACTOR SHALL CONFIRM ARRANGEMENTS FOR ANY TEMPORARY POWER AND TELEPHONE SERVICE WITH THE OWNER PRIOR TO START OF THE CONSTRUCTION.
-CONTRACTOR SHALL PROVIDE TEMPORARY UTILITIES, INCLUDING BUT NOT LIMITED TO POWER, WATER, PHONE, SANITATION ETC. ALL TEMP. UTILITIES SHALL BE PROVIDED SUBJECT TO APPLICABLE CODES AND REGULATIONS.
1.6 - ALL GLAZING SHALL HAVE A TEMPORARY LABEL ON THE PRODUCT UNTIL INSPECTED BY THE CITY FIELD INSPECTOR.
-ALL GLAZING IN HAZARDOUS LOCATIONS SHALL BE TEMPERED INCLUDING SLIDING GLASS DOORS, BATHROOM WINDOWS IN TUB ENCLOSURES, SHOWER ENCLOSURES, AND GLAZING WITH IN 24" OF DOORS, 18" OF FLOOR.

jtd
JTD ARCHITECTS
JAIME DOMBROWA
TOPANGA CA 90290
JAIME@JTDARCHITECTS.COM
ARCHITECT
MALIBU/LLC, c/o MICHEL BOLOUR
OWNER
STRUCTURAL ENGINEER
ELECTRICAL ENGINEER
MECHANICAL ENGINEER
LANDSCAPE ARCHITECT

PROJECT

BOLOUR FAMILY RESIDENCE
26706 SOUTHBURY RD, MALIBU, CA 90265

This drawing is the property of JTD Architects and it is not to be reproduced or copied in whole or part. It is not to be used in anyway without written permission from JTD architects.

ISSUED
5/22/2024 5:29:18 PM
AUTHORITY
SHEET TITLE

LANDSCAPE DEMO PLAN

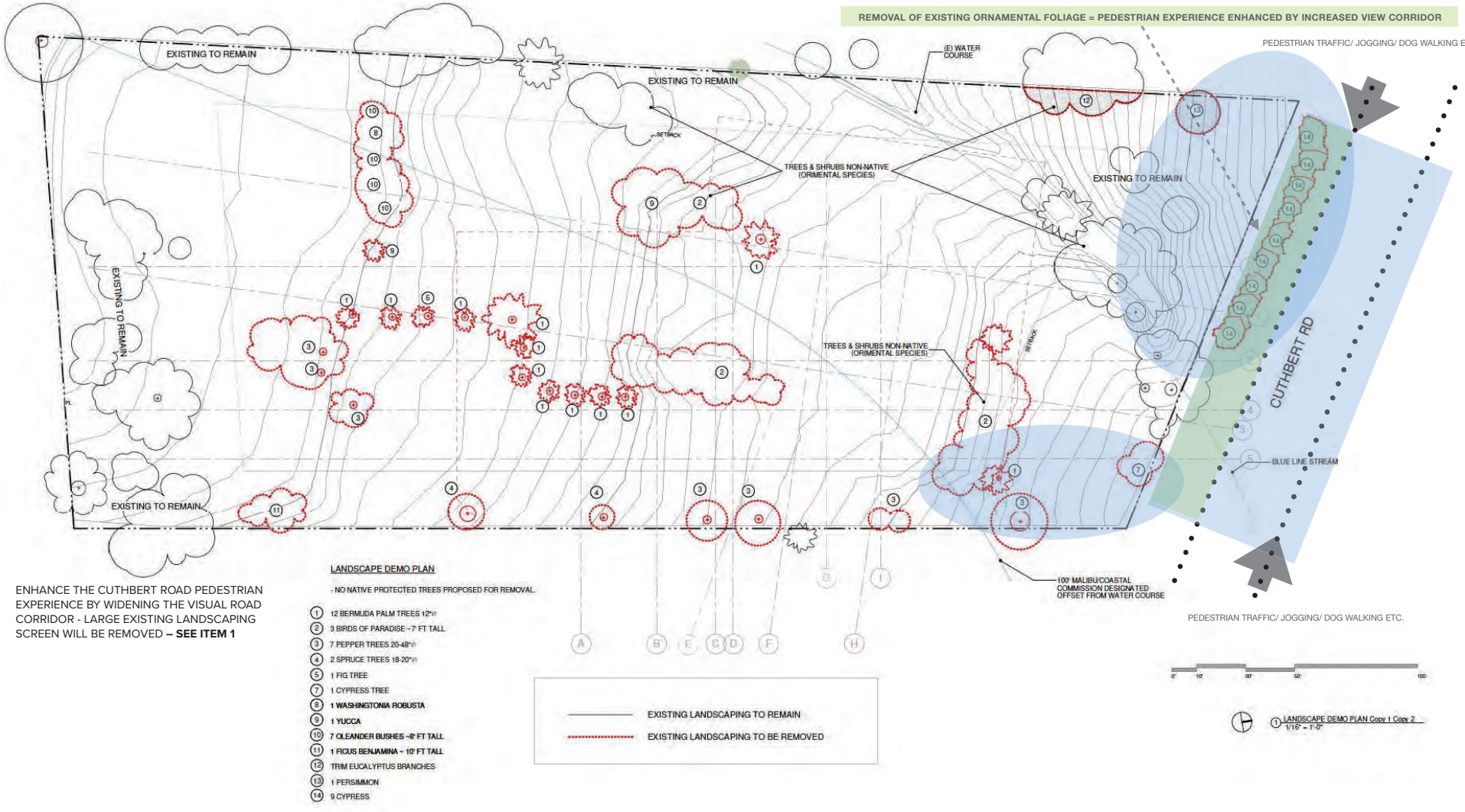
JAIME TABONDI DOMBROWA, AIA
ARCHITECT NUMBER

SCALE
1/16" = 1'-0"
PROJECT NUMBER
APPN. NUMBER (if any)
DRAWN BY
CHECKED BY
SHEET NUMBER

L5.1

LANDSCAPE DEMO PLAN EXPANDED

ITEM 1



ENHANCE THE CUTHBERT ROAD PEDESTRIAN EXPERIENCE BY WIDENING THE VISUAL ROAD CORRIDOR - LARGE EXISTING LANDSCAPING SCREEN WILL BE REMOVED **– SEE ITEM 1**

LANDSCAPE DEMO PLAN

- NO NATIVE PROTECTED TREES PROPOSED FOR REMOVAL

1. 12 BERMUDA PALM TREES 12'
2. 3 BIRDS OF PARADISE ~7' FT TALL
3. 7 PEPPER TREES 20-48"
4. 2 SPRUCE TREES 18-20"
5. 1 FIG TREE
7. 1 CYPRESS TREE
8. **1 WASHINGTONIA ROBUSTA**
9. **1 YUCCA**
10. **7 OLEANDER BUSHES ~8' FT TALL**
11. **1 FICUS BENJAMINA ~ 10' FT TALL**
12. TRIM EUCALYPTUS BRANCHES
13. 1 PERSIMMON
14. 9 CYPRESS

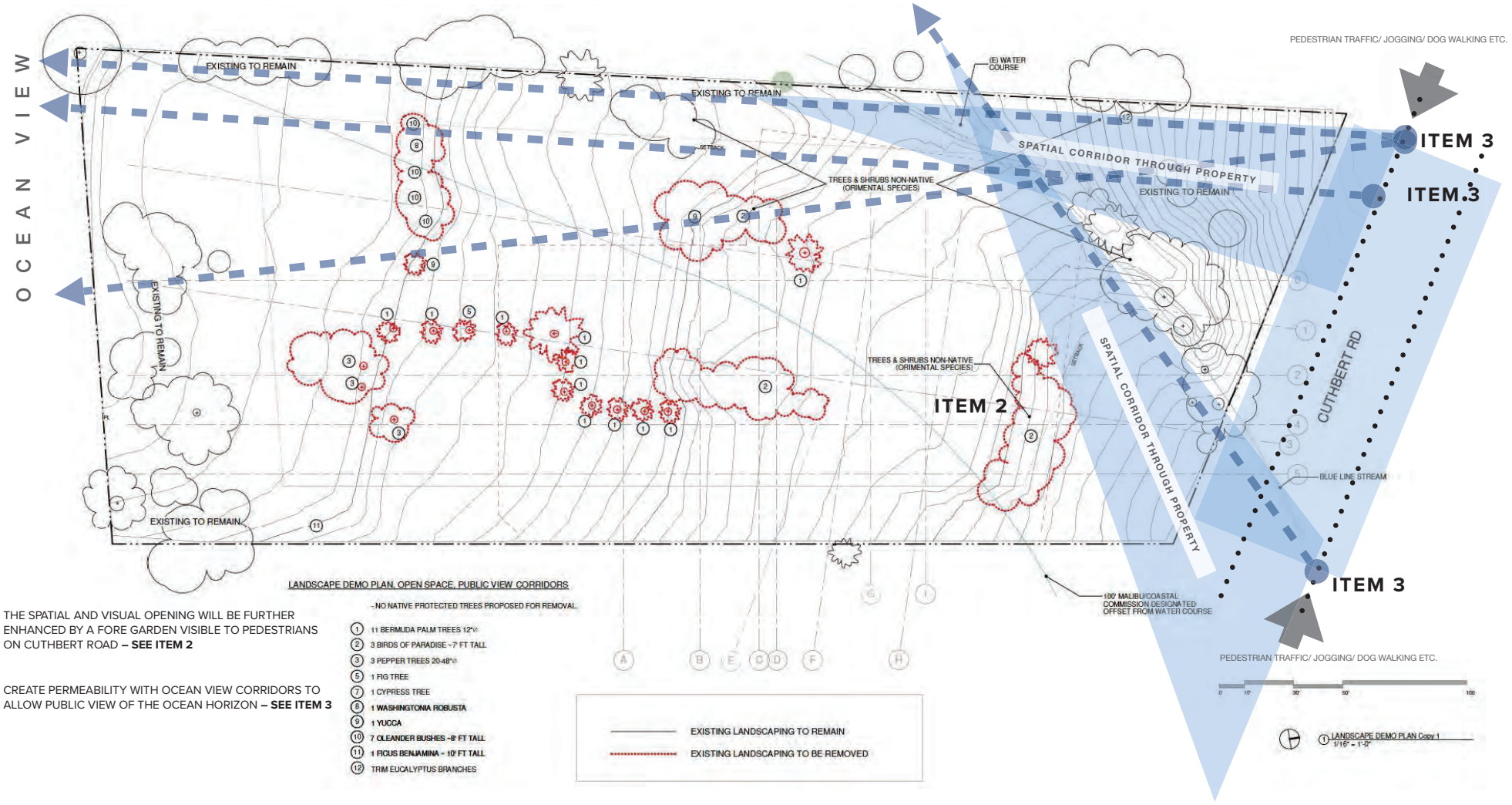
jtd

BOLOUR FAMILY RESIDENCE

LANDSCAPE DEMO PLAN EXPANDED

L5.1A

OPEN SPACE & PUBLIC VIEW CORRIDORS



LANDSCAPE DEMO PLAN, OPEN SPACE, PUBLIC VIEW CORRIDORS

- NO NATIVE PROTECTED TREES PROPOSED FOR REMOVAL

1. 11 BERMUDA PALM TREES 12'
2. 3 BIRDS OF PARADISE ~7' FT TALL
3. 3 PEPPER TREES 20-48'
5. 1 FIG TREE
7. 1 CYPRESS TREE
8. 1 WASHINGTONIA ROBUSTA
9. 1 YUCCA
10. 7 OLEANDER BUSHES ~8' FT TALL
11. 1 FICUS BENJAMINA ~ 10' FT TALL
12. TRIM EUCALYPTUS BRANCHES

EXISTING LANDSCAPING TO REMAIN

EXISTING LANDSCAPING TO BE REMOVED

THE SPATIAL AND VISUAL OPENING WILL BE FURTHER ENHANCED BY A FORE GARDEN VISIBLE TO PEDESTRIANS ON CUTHBERT ROAD **– SEE ITEM 2**

CREATE PERMEABILITY WITH OCEAN VIEW CORRIDORS TO ALLOW PUBLIC VIEW OF THE OCEAN HORIZON **– SEE ITEM 3**

1 LANDSCAPE DEMO PLAN Copy 1
1/16" = 1'-0"

jtd

BOLOUR FAMILY RESIDENCE

OPEN SPACE & PUBLIC VIEW CORRIDORS

L5.1B

City of Malibu

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

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

FROM: City of Malibu Planning Department **REVISED DATE** 04/08/2024

PROJECT NUMBER:	CDPWF 23-004
JOB ADDRESS:	29738 CUTHBERT RD
APPLICANT / CONTACT:	Janek Dombrowa, JTD Architects
APPLICANT ADDRESS:	1111 N Topanga Canyon Blvd. Topanga, CA 90290
APPLICANT PHONE #:	(213) 470-2723
APPLICANT FAX #:	
APPLICANT EMAIL:	Dombrowa@jtdarchitects.com
PLANNER:	Aakash Shah
PROJECT DESCRIPTION:	Addition to the new house, landscape, pool and OWTS. The project scope has not changed from what was previously withdrawn CDP.

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

_____ **The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design** (See Attached).

X **The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.**

_____ **The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).**

Courtney McCammon — 4/16/24

Signature — Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277

City of Malibu

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

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Janek Dombrowa jtdombrowa@gmail.com	
Project Address:	**29738 CUTHBERT RD** Malibu, CA 90265	
Planning Case No.:	CDPWF 23-004	
Project Description:	Addition to the new house, landscape, pool and OWTS. The project scope has not changed from what was previously withdrawn CDP.	
Date of Review:	April 16, 2024	
Reviewer:	Courtney McCammon	Signature: Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	10/26/23
Site Survey:	10/26/23
Landscape Plan:	4/8/24
Hydrozone Plan:	4/8/24
Irrigation Plan:	4/8/24
Fuel Modification Plan:	4/8/24
Grading Plan:	10/26/23
OWTS Plan:	10/26/23
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	Incomplete (11/5/23)

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: The proposed project does not conform to the requirements of the MMC and/or LCP.
	☐	**ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4

Recycled Paper

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 56,307 gallons per year (gpy). The Estimated Applied Water Use (EAWU) totals 53,119 gpy. Therefore, the project meets the Landscape Water Conservation Ordinance Requirements.

2. The Senior Planning staff have determined that no new development is occurring within the stream or the 100-foot stream buffer, and determined a biological inventory is not required at this time.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

   A. Prior to installation of any landscaping, the applicant shall obtain plumbing permit for the proposed irrigation system from the Building Safety Division.

   B. Prior to or at the time of a Planning final inspection, the property owner/applicant shall submit to the case planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.

   C. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with the Landscape Water Conservation Ordinance (MMC Section 17.53.030). The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Section 17.53.030. (form attached)

   D. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Waterworks District No. 29, please provide landscape water use approval from that department. For approval contact:

      Roberto Perez Sandoval
      Address: 23533 West Civic Center Way, Malibu, CA 90265-4804
      Email: Robsandoval@dpw.lacounty.gov (Preferred)
      Phone: (310) 317-1389

      Ron Dhillon
      Address: 23533 Civic Center Way, Malibu, CA 90265
      Email: rdhillon@dpw.lacounty.gov
      Phone: (310) 317-0209

      Please note this action may require several weeks. As such, the applicant should submit their approved landscape plans to DPW as soon as feasible in order to avoid a delay at plan check.

E. No planting or landscaping is permitted within the banks of the mapped blue line stream. The area between the banks lies within the jurisdiction of California Department of Fish and Wildlife and the bottom of the drainage is in the jurisdiction of US Army Corps of Engineers and Regional Water Quality Control Board. Any proposed changes in the drainage would require permits from each of the associated agencies.

F. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.

G. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).

H. Invasive plant species, as determined by the City of Malibu, are prohibited.

I. No non-native plant species shall be approved greater than 50 feet from the residential structure.

J. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

K. Grading 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.

L. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.

M. Construction fencing shall be placed and indicated on the site plan. Construction fencing shall be installed prior to the beginning of construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas including the blue line stream on the project site.

N. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded so it is directed downward and inward so that there is no offsite glare or lighting of natural habitat areas. Up-lighting is prohibited.

2. **PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-o0o-

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

cc: Planning Project file
Planning Department

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **DATE:** 10/26/2023

PROJECT NUMBER:	CDPWF 23-004
JOB ADDRESS:	29738 CUTHBERT RD
APPLICANT / CONTACT:	Janek Dombrowa, JTD Architects
APPLICANT ADDRESS:	1111 N Topanga Canyon Blvd. Topanga, CA 90290
APPLICANT PHONE #:	(213) 470-2723
APPLICANT FAX #:	
APPLICANT EMAIL:	Dombrowa@jtdarchitects.com
PROJECT DESCRIPTION:	Addition, NOWTS, pool

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

✓ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☑ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Thomas — **Signature**

February 5, 2024 — **Date**

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

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

* Refer to Environmental Health conformance review conditions for building plan check dated 10-20-2022, attached hereto. The existing onsite wastewater treatment system (OWTS) and proposed OWTS must be shown on the final architectural and grading plans.

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department **REVISED DATE** 09/13/2022

PROJECT NUMBER:	CDPWF 22-003
JOB ADDRESS:	29738 CUTHBERT RD
APPLICANT / CONTACT:	Janek Dombrowa
APPLICANT ADDRESS:	1111 N Topanga Cayn Blvd Topanga, CA 90290
APPLICANT PHONE #:	(818)943-4198
APPLICANT FAX #:	
APPLICANT EMAIL:	jtdombrowa@gmail.com
PROJECT DESCRIPTION:	(n) SFR

TO: Malibu Planning Department and/or Applicant

FROM: City of Malibu Environmental Health Reviewer

✓ **Conformance Review Complete** for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Municipal Code (MMC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

____ **Conformance Review Incomplete** for the City of Malibu LCP/LIP and MMC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☐ **NOT REQUIRED**

☑ **REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Matthew Guzman — October 20, 2022

Signature **Date**

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

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

City of Malibu

Environmental Health ● Environmental Sustainability Department
23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Janek Dombrowa jtdombrowa@gmail.com		
Project Address:	**29738 Cuthbert Road** Malibu, California 90265		
Planning Case No.:	CDPWF 22-003		
Project Description:	(n) SFR		
Date of Review:	October 20, 2022		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	jtd: Plans dated 1-25-2022; revised plans dated 6-2-2022; revised plans dated 8-29-2022 (received 9-13-2022)
Grading Plans:	Pacific Coast Civil: Plans dated 1-24-2022
Landscape Plans:	jtd: Plans dated 1-25-2022
OWTS Plan:	Larry Young: OWTS plans dated 1-18-2022, 5-25-2022, 8-22-2022
OWTS Report:	Larry Young: OWTS reports dated 1-18-2022, 5-25-2022, 8-22-2022; Percolation Test report dated 1-18-2022; DFU worksheets dated 1-18-2022 and 5-25-2022
Geology Report:	GeoConcepts: Supporting Geologic and Geotechnical Report dated 1-11-2022
Miscellaneous:	Compliance Agreement dated 1-24-2022
Previous Reviews:	3-17-2022, 6-14-2022

REVIEW FINDINGS

Planning Stage:	☒	**CONFORMANCE REVIEW COMPLETE** for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	☐	**CONFORMANCE REVIEW INCOMPLETE** for the City of Malibu LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

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

Conditions of Planning Conformance Review for Building Plan Check Approval:

1) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all 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, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend.

2) **Final OWTS Design Report, Plans, and System Specifications:** *If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review*, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, 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 the design basis for engineered systems.

   d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including

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

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) **Existing OWTS to be Abandoned:** 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 Malibu Municipal Code.

4) **Worker Safety Note and Abandonment of Existing OWTS:** 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 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.*"

5) **Reference Plans:** Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the proposed OWTS. Approvable building plans will show a new (fire rebuild) single family residence with no more than 8 bedrooms and 122 drainage fixture units, and a new tennis pavilion 0 bedrooms and 9 drainage fixture units.

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

7) **Operations & Maintenance Manual:** 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.

8) **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 advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. ***Please note only original "wet* signature" documents are acceptable.**

9) **Advanced Onsite Wastewater Treatment System (OWTS) 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 City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code.

Said covenant shall be provided by the City of Malibu Environmental Health Administrator. ***Please submit a certified* copy issued by the City of Malibu Recorder.**

10) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

11) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

12) **City of Malibu Public Works Approval:** City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

13) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

14) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

15) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

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

cc: Environmental Health file
Planning Department

29738 CUTHBERT ROAD (FIRE REBUILD)
MALIBU, CA 90265 (CDPWF 22-003)

S.F.D.:	8 Bedroom/122 Fixture Units (N)
TENNIS PAVILION:	0 Bedroom/9 Fixture Units (N)
SEPTIC TANKS:	1,500 Gallon Tank w/Effluent Filter (N) and Existing 2,000 Gallon Septic Tank to be replaced with 5,000 Gallon Tank w/Effluent Filter (N)
ACTIVE:	3 – 3′ x 80′ Leach Trenches w/3′ Extra Rock (N)
FUTURE:	3 – 3′ x 80′ Leach Trenches w/3′ Extra Rock (F)
PERC RATE:	23 min/in
DESIGNER:	Larry Young, REHS 3738
REFERENCE:	Larry Young: OWTS reports dated 1-18-2022, 5-25-2022, 8-22-2022; Percolation Test report dated 1-18-2022
	GeoConcepts: Supporting Geologic and Geotechnical Report dated 1-11-2022

NOTES:

1. This conformance review is for an 8 bedroom (122 fixture units) new single family dwelling and a 0 bedroom (9 fixture units) new tennis pavilion. The new conventional onsite wastewater treatment system (OWIS) conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.

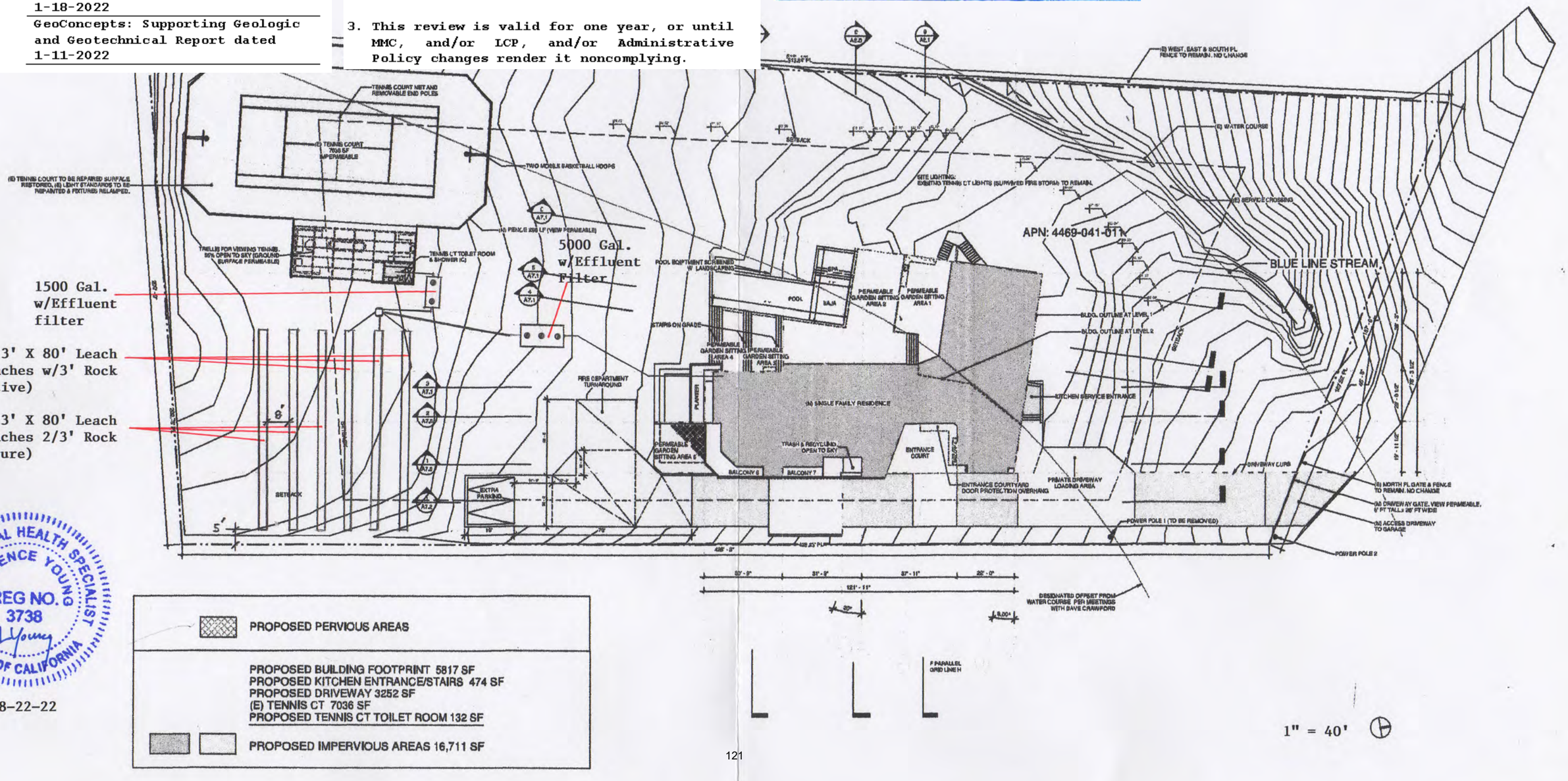
3. This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE 10/20/22

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



ENVIRONMENTAL HEALTH SPECIALIST
LAWRENCE YOUNG
REG NO. 3738
STATE OF CALIFORNIA

8-22-22

City of Malibu

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

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	January 17, 2024	**Review Log #:**	**678**
Site Address:	29738 Cuthbert Road		
Lot/Tract/PM #:		**Planning #:**	**CDPWF 23-004** PVWF 21-034
Applicant/Contact:	Janek Dombrowa, dombrowa@jtdarchitects.com	**BPC/GPC #:**	
Contact Phone #:	213-470-2723 **Fax #:**	**Planner:**	**Aakash Shah**
Project Type:	New single-family residence with additions > 10%; New Onsite Wastewater Treatment System (OWTS), swimming pool and spa, hardscape, trellis, grading, retaining walls		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	GeoConcepts, Inc. (Dermendjian, RCE 88261; Barrett, CEG 2088): **12-6-2023** GeoConcepts, Inc. (Walter, GE 2476; Barrett, CEG 2088): 1-10-2022, 1-11-2022 Lawrence Young (REHS # 3738): **12-1-2023**, 1-18-2022 (2 reports) **Architectural plans prepared by jtd architects dated August 8, 2023.** Total Grading Yardage Verification Certificate prepared by Richard E. Doss dated April 7, 2022. Grading plans prepared by Pacific Coast Civil, Inc. dated January 24, 2022. **OWTS Plot Plan prepared by Larry Young stamped on August 8, 2022.**
Previous Reviews:	11-22-2023; Ref: 4-21-2022; Environmental Health Review Sheet dated 10- 20-2022 (for CDPWF 22-003, withdrawn)

Review Findings

Planning Review

☒ The project is **ACCEPTABLE** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage completion.

☐ The project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to acceptance.

Project submittals were reviewed from a geotechnical perspective for conformance with applicable codes, guidelines, and standards of practice, including the following current City adopted standards:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Geotechnical Reports and Procedures for Report Submittal (November 2013) referred to herein as Geotechnical Report Guidelines

In the case of conflicting requirements between the Geotechnical Guidelines and any other referenced standards, the latest standard will apply. The Applicant is responsible for complying with the submittal requirements for all Planning variances, as appropriate; any questions regarding variances should be directed to the case Planner.

Remarks:

The applicant has withdrawn the application for CDPWF 22-003 on 7-17-2023. The scope of the project has not changed from that reviewed and accepted by the City's geotechnical consultants in the referenced review letter dated 4-21-2022.

The update geotechnical report and OWTS design letter were reviewed by the City's consultants from a geotechnical perspective. The proposed development includes rebuilding the single-family residence destroyed in the Woolsey Fire larger than the pre-fire residence, and in a different footprint with a new second-floor, two-car garage, new infinity-edge swimming pool and spa, new driveway, new hardscape, and new OWTS. The new residence will consist of 8,492 square feet with a 1,085 square foot trellis area with toilet room and shower for tennis court viewing, and permeable garden sitting terraces totaling 3,060 square feet. The existing tennis court will remain, and will be repaired, as needed.

Grading consists of 3,000 cubic yards of removal and re-compaction (R & R); 232 cubic yards of cut and 161 cubic yards of fill under structure; 44 cubic yards of cut and 205 cubic yards of fill for safety; 88 cubic yards of cut and 455 cubic yards of fill non-exempt; and 457 cubic yards of import.

A new onsite wastewater treatment system (OWTS) will be installed on the property that consists of a 5,000-gallon septic tank with effluent filter to serve the residence, a new 1,500-gallon septic tank with effluent filter to serve to tennis court bathroom, three 3-foot x 80-foot leach trenches with 3 feet of rock, and 100% expansion consisting of three 3-foot x 80-foot leach trenches with 3 feet of rock. A blueline stream is mapped on the property.

The site is located within 500 feet of a mapped fault (Treiman, FER-229). A fault rupture hazard investigation (trench) was conducted by the Project Geotechnical Consultant in the referenced geotechnical report.

Building Plan-Check Stage Review Comments:

1. Submit a fee of $1179.00 for the building plan check and $528 for the OWTS plan check to the City's consulting geotechnical reviewers for final plan check review.
2. Provide a detail for the hydrostatic relief valve recommended by the Project Geotechnical Consultant on the swimming pool plans.
3. Clearly illustrate the limits and depths of the proposed over-excavation (R & R) grading on the grading plan, Sheet 2 of 3.
4. Reference the geotechnical report(s) on the cover sheet of the Grading plans.
5. Include the Project Geotechnical Consultant's recommendations for the slot-cutting method along the property line on the Grading plans, as appropriate.
6. Submit foundation plans for review. Indicate the bearing material and depth for all foundation types on the foundation plans for the residence, garage, walls, and swimming pool/spa.
7. Include the following note on all the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Engineer prior to placement of reinforcing steel.*"
8. Include the following note on the foundation plans for the pool: "*The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for the City's files. The report shall include total depths of the piles, depth into the recommended bearing material, minimum required depth into the recommended bearing material, and a map depicting the locations of the piles.*"
9. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Consultant has recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed in accordance with ASTM E1643. Building plans shall reflect the Consultant's recommendation.
10. If retaining wall(s) are proposed, clearly depict the location of the proposed retaining wall(s) on the site plan. Include a retaining wall detail on the foundation plan that conforms to the Project Geotechnical Consultant's recommendations.
11. Submit a set of swimming pool and spa plans for review that conform to the Project Geotechnical Consultant's recommendations.
12. 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, a dry density and optimum moisture maximum curve(s), and a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms. 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.
13. One set of final electronic OWTS plans incorporating the Project Geotechnical and Environmental Health Specialists' recommendations and items in this review sheet must be **reviewed and e-stamped and e-signed by the Project Engineering Geologist**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet.
14. The final set of electronic grading, retaining wall, trellis, swimming pool and spa, and residence, plans (**APPROVED BY BUILDING AND SAFETY**) incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet must be **reviewed and e-stamped and e-signed by the Project Geotechnical Engineer and Engineering Geologist**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet.

Please direct questions regarding this review sheet to City's Geotechnical consultants listed below.

Geotechnical Engineering Review by: _____ *1-17-2024*

Matthew Janousek, G.E. #3005, Exp. 12-31-2024 Date
Geotechnical Engineering Reviewer (805-370-8710)
Email: mjanousek@malibucity.org

Engineering Geology Review by: _____ *1-17-2024*

Christopher Dean, C.E.G. #1751, Exp. 9-30-2024 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

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

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

GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants

City of Malibu

– GEOTECHNICAL –

NOTES FOR BUILDING PLAN-CHECK

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

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

Grading Plans (as Applicable)

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

Retaining Walls (As Applicable)

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

City of Malibu

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

PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department **REVISED DATE** 01/25/2024

PROJECT NUMBER:	CDPWF 23-004
JOB ADDRESS:	29738 CUTHBERT RD
APPLICANT / CONTACT:	Janek Dombrowa, JTD Architects
APPLICANT ADDRESS:	1111 N Topanga Canyon Blvd. Topanga, CA 90290
APPLICANT PHONE #:	(213) 470-2723
APPLICANT FAX #:	
APPLICANT EMAIL:	Dombrowa@jtdarchitects.com
PROJECT DESCRIPTION:	Addition to the new house, landscape, pool and OWTS. The project scope has not changed from what was previously withdrawn CDP.

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

____ The following items described on the attached memorandum shall be addressed and resubmitted.

X 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.

Nicholas Fahrner
SIGNATURE

2/6/2024
DATE

Rev 120910

City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Nadia Fahoum, Assistant Civil Engineer

Date: February 6, 2024

Re: Proposed Conditions of Approval for 29738 Cuthbert Rd, CDPWF 23-004

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

STREET IMPROVEMENTS

1. This project proposes to construct improvements within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road the City received a Safe Routes to School Grant for improving pedestrian safety. Any proposed street improvements along these streets shall consider the potential impact on the existing conditions, such as but not limited to decomposed granite and wood ties.

2. This project proposes to construct a new driveway within the City's right-of-way. Prior to the Public Works Department's approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed driveway. The driveway shall be constructed of either 6-inches of concrete over 4-inch of aggregate base, or 4-inches of asphalt concrete over 6-inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

GRADING AND DRAINAGE

3. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:

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

4. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with the City's LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**

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

6. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-

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

STORMWATER

7. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

8. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

9. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the

site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

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

MISCELLANOUS

10. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

11. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:

    - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    - There are sufficient BMPs in place to prevent soil erosion; and
    - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

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

City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW
REFERRAL SHEET

FROM: City of Malibu Planning Department **DATE: 2/14/2022**

PROJECT NUMBER: CDPWF 22-003
JOB ADDRESS: 29738 CUTHBERT RD
APPLICANT / CONTACT: Afshin Shidanshidy
APPLICANT EMAIL: afshin@jtdarchitects.com
APPLICANT PHONE #: (818)213-0499
PLANNER: Aakash Shah
PROJECT DESCRIPTION: (n) SFR

TO: Malibu Planning Department and/or Applicant

FROM: LACWD No. 29, Malibu

Compliance with the conditions checked below is required prior to Waterworks District approval

The project **DOES NOT** require any system improvements for domestic and/or fire flow conditions	
The project **DOES NOT** require capital improvement fees and/or participation fees	
The project **DOES** require a Will Serve Letter ***(Final Waterworks Districts approval)***	X
The project **DOES** require capital improvement fees and/or participation fees	X
The project **DOES** require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply	
The project **DOES** require private contract water system improvements for domestic and/or fire flow conditions	

The required fire flow for this project set by the Fire Department is 1,500* gallons per minute at 20 pounds per square inch for a 1* hour duration

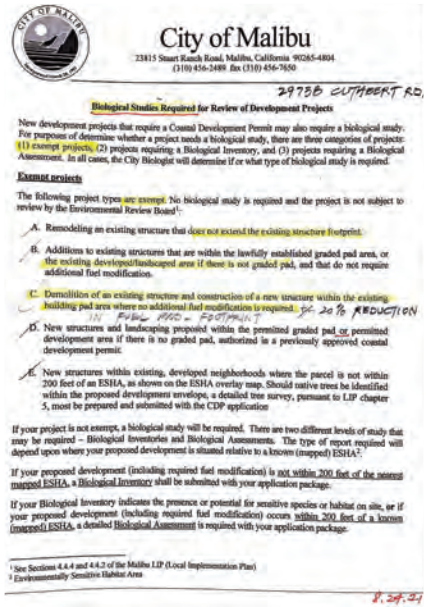
Scope of water system improvements required:
*Fire flow requirements provided by applicant.

Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Ange/es Fire Code an makes revisions to appli le ire Department regulations and standards.

William Ford — 5/13/2022

SIGNATURE **DATE**

Additional requirements/conditions may be imposed upon review of complete architectural plans.
Los Angeles County Waterworks District No. 29, Malibu may be contacted by phone at (310) 317-1389 or at the Waterworks Public Counter:
23533 Civic Center Way, Malibu CA 90265; Hours: Monday-Thursday 8:00am – 12:00pm



City of Malibu
23815 Stuart Ranch Road, Malibu, California 90265-4804
(310) 456-2489 fax (310) 456-7650

29735 CUTHBERT RD.

Biological Studies Required for Review of Development Projects

New development projects that require a Coastal Development Permit may also require a biological study. For purposes of determine whether a project needs a biological study, there are three categories of projects: (1) exempt projects, (2) projects requiring a Biological Inventory, and (3) projects requiring a Biological Assessment. In all cases, the City Biologist will determine if or what type of biological study is required.

Exempt projects

The following project types are exempt. No biological study is required and the project is not subject to review by the Environmental Review Board[1]:

A. Remodeling an existing structure that does not extend the existing structure footprint.

B. Additions to existing structures that are within the lawfully established graded pad area, or the existing developed/landscaped area if there is not graded pad, and that do not require additional fuel modification.

C. Demolition of an existing structure and construction of a new structure within the existing building pad area where no additional fuel modification is required. OK 20% REDUCTION IN FUEL MOD = FOOTPRINT

D. New structures and landscaping proposed within the permitted graded pad or permitted development area if there is no graded pad, authorized in a previously approved coastal development permit.

E. New structures within existing, developed neighborhoods where the parcel is not within 200 feet of an ESHA, as shown on the ESHA overlay map. Should native trees be identified within the proposed development envelope, a detailed tree survey, pursuant to LIP chapter 5, must be prepared and submitted with the CDP application.

If your project is not exempt, a biological study will be required. There are two different levels of study that may be required – Biological Inventories and Biological Assessments. The type of report required will depend upon where your proposed development is situated relative to a known (mapped) ESHA[2].

If your proposed development (including required fuel modification) is not within 200 feet of the nearest mapped ESHA, a Biological Inventory shall be submitted with your application package.

If your Biological Inventory indicates the presence or potential for sensitive species or habitat on site, or if your proposed development (including required fuel modification) occurs within 200 feet of a known (mapped) ESHA, a detailed Biological Assessment is required with your application package.

[1] See Sections 4.4.4 and 4.4.2 of the Malibu LIP (Local Implementation Plan)
[2] Environmentally Sensitive Habitat Area

8.24.21

PRE-FIRE FUEL MODIFICATION ZONE: APPRX. 310,000 SF

POST-FIRE REDUCED FUEL MODIFICATION ZONE: APPRX. 239,000 SF

REDUCED FUEL MODIFICATION ZONE IMPACT: APPRX. 71,000 SF



ATTACHMENT 3







ATTACHMENT 4

Planning Commission
Malibu, CA 90265

RE: Planning Commission Meeting of February 21, 2023
Agenda Item No. 5A - 29738 Cuthbert Road
Coastal Development Permit-Woolsey Fire No. 22-003

Sent Via Email: Planning Commission@malibucity.org February 18, 2023

Honorable Commissioners:

Malibu Park is historically an equestrian neighborhood that is treasured by residents of all ages for its quiet rural character and peaceful lifestyle.

SIZE
The proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is substantially larger than the properties on Harvester and Cuthbert.

The existing neighboring homes are substantially smaller:
29755 Harvester is 3,400 sf
29745 Harvester is 1,680 sf
29735 Harvester is 7,246 sf (per Zillow)
28725 Harvester's final sf is 4,600 sf and the Planning Commission has asked the owners to reduce the size of their guest house by 90sf
29800 Cuthbert is under construction and will be less than 6,000 sf.
29824 Cuthbert is less than 4,000sf

I question what guidelines were used to determine the 8,500sf.

With 8 ensuite bedrooms, interior hallway ramps not steps and an elevator, one also questions the use for this building. Rumors have spread that it will be a re-hab. This would shatter our quiet, equestrian neighborhood. Haven't we suffered enough since the Woolsey Fire?

Before the Woolsey Fire we had dark skies in Malibu Park. With the construction of so many homes with glass walls, the area is aglow.

Where is the landscape plan that would reduce the impact of such a large lightbox on our dark skies?

HEIGHT
The plans show that the roofline was raised unnecessarily. The project architect Janek Dombrowa, as an Assistant professor at USC, must teach his students to design to code. There is no reason he couldn't have designed to Malibu's 18-foot residential height limit. He certainly is not setting a good example for his students. Please enforce the existing height restrictions as you did for 29800 Cuthbert.

PARTY DECKS and **FIRE HAZARDS**.
Plans for 29738 Cuthbert including A5.2, A8.1, A.9 and A9.1 clearly show a large roof deck accessible from the second-floor gym as well as a staircase from the pool terrace.

Roof decks encourage outdoor gatherings attract loud party goers. The sound from such gatherings would shatter the nighttime peace and quiet for which Malibu Park is known.

Our neighborhood was almost completely destroyed by the Woolsey Fire.
All construction should be designed to prevent fires.
There is the unsafe possibility for portable fire pits, grills, tiki lights, heaters and other items that could send sparks into the wind including fireworks on July 4th.

As you are aware the velocity of the winds in our neighborhood has increased since the loss of thousands of trees. (We alone lost 300 on our property). Without trees, not only sparks but sound travels unimpeded throughout the canyon.

Having just been through the Woolsey Fire, it is astonishing that the Planning Department would even consider approving such menacing outdoor spaces.

Last April the Planning Commission denied a roof deck at 29846 Harvester Road. This one at 29738 Cuthbert should also be denied. Like the roof deck at 29846 Harvester, this roof deck would be adjacent to a horse corral and stable that has yet to be rebuilt.

Roof Decks are a threat to Malibu's peaceful lifestyle and clearly not in line with the Malibu Vision and Mission Statement. They also intrude upon neighbors' privacy as people can look down into neighboring properties.

TENNIS COURT LIGHTS

The existing tennis court lights should be removed to comply with Malibu's Dark Skies ordinance.

Site plan A1.1 states the 8 light standards are to be restored and the fixtures re-lamped.

This should be denied. It will not only disturb the neighboring homes and horse corrals but also the wildlife especially the owls that make this canyon their home. The Dark Skies ordinance was approved for a reason!

Please protect our homes from potential fire hazards.

Please respect our peaceful lifestyle and preserve the rural character of Malibu Park as per the Malibu Vision and Mission statement.

Please do not approve the construction of this roof deck, roof heights above 18ft and require the removal of the tennis court lights.

Thank you,

Charlotte M. Frieze

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
Phone (310) 456-2489
www.malibucity.org

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, June 3, 2024, at 6:30 p.m**. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA and via teleconference, for the project identified below.

COASTAL DEVELOPMENT PERMIT-WOOLSEY FIRE NO. 23-004, SITE PLAN REVIEW NO. 23-026, AND DEMOLITION PERMIT NO. 24-020 - An application to allow for the construction of a 4,620 square-foot addition to a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, extension of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system; including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height

LOCATION / APN / ZONING:	**29738 Cuthbert Rd** / 4469-041-011 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNE):	JTD Architects / Malibo LLC
APPEALABLE TO:	City Council and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15301(e), 15301(l), 15303(d), 15303(e), and 15304(b)
APPLICATION FILED:	October 26, 2023
CASE PLANNER:	Aakash Shah, Contract Planner, ashah@malibucity.org (310) 456-2489, ext. 385

A written staff report will be available at or before the hearing for the projects. All persons wishing to address the Commission regarding these matters will be afforded an opportunity in accordance with the Commission's procedures. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the Planning Commission on, or before, the date of the meeting.

LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

RICHARD MOLLICA, Planning Director Date: May 9, 2024

ATTACHMENT 6

Site Plan Review Request Findings:

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

The project has been reviewed for conformance and is consistent with all policies and provisions of the LCP.

2. The project does not adversely affect neighborhood character.

The proposed residence complies with the size, height, location, minimal grading, and residential development standards. The adjacent properties on the North side of Cuthbert Road have been oriented to the south to maximize ocean views. The neighborhood has residences that are one and two-story with varied size ranges and similar orientations to maximize views. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect.

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

There are no significant public views of mountains, canyons, or the ocean over the property from any public viewing areas on or near the property which could be impacted by the project. However, the project proposes to create public views through the site to the ocean from Cuthbert Road.

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

The proposed project will comply with all applicable requirements of State and local law.

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

The proposed project is consistent with the LCP .The proposed project is also consistent with the City’s General Plan and MMC.

6. 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 MMC Section 17.40.040(A)(17).

The maximum height of the proposed project is 24 feet, which may be permitted with the site plan review. But as the property across the street is at a higher elevation, they will not obstruct the views.

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 24-39

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–WOOLSEY FIRE NO. 23-004 FOR THE CONSTRUCTION OF A 4,620 SQUARE FOOT ADDITION TO A DESTROYED SINGLE-FAMILY RESIDENCE WITH AN ATTACHED GARAGE APPROVED UNDER PLANNING VERIFICATION-WOOLSEY FIRE NO. 21-034, EXTENSION OF THE EXISTING SWIMMING POOL AND SPA, DRIVEWAY RECONFIGURATION, IMPROVEMENTS TO EXISTING TENNIS COURT, NEW HARDSCAPING, LANDSCAPING, GRADING, AND ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING DEMOLITION PERMIT NO. 24-020 FOR THE DEMOLITION OF AN EXISTING HARDSCAPE AND LANDSCAPE; AND SITE PLAN REVIEW NO. 23-026 FOR CONSTRUCTION OF THE RESIDENCE OVER 18 FEET IN HEIGHT NOT TO EXCEED 24 FEET IN HEIGHT FOR A FLAT ROOF LOCATED IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT AT 29738 CUTHBERT ROAD (MALIBO, LLC).

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

SECTION 1. Recitals.

A. On September 28, 2021, Planning Verification-Woolsey Fire (PVWF) No. 21-034 was approved for the in-kind replacement of the single-family residence and swimming pool.

B. On October 26, 2023, an application for Coastal Development Permit-Woolsey Fire (CDPWF) No. 23-004, Site Plan Review (SPR) No. 23-026 and Demolition Permit (DP) No. 24-020 was submitted to the Planning Department by applicant, Janek Dombrowa, on behalf of the property owner, Malibo LLC. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Fire Department (LACFD) and Los Angeles County Waterworks District No. 29 (WD29) for review.

C. On April 22, 2024, a Notice of Coastal Development Permit (CDP) Application was posted on the subject property.

D. On April 25, 2024, the CDP application was deemed complete for processing.

E. On May 9, 2024, 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.

F. On June 3, 2024, the item was continued to the July 15, 2024, Regular Planning Commission meeting.

G. On July 15, 2024, 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. Commissioner Peak moved, and

Commissioner Smith seconded a motion to direct staff to return with a resolution for approval of Coastal Development Permit-Woolsey Fire No. the subject application including the following conditions of approval: 1) remove tennis court lighting; 2) comply with Dark Sky Ordinance; 3) Environmentally Sensitive Habitat Area restoration shall be completed prior to issuance of a Certificate of Occupancy to the satisfaction of the California Department of Fish and Wildlife; 4) a private party deed restriction shall be recorded to prevent an alcohol, drug or psychiatric recovery or sober living rehabilitation facility from being located on the property in the future; 5) a deed restriction shall be recorded to prevent future use of the property for short-term rentals; and 6) restrict lighting on the rooftop decks to one Dark Sky compliant luminaire per deck. The question was called, and the motion carried 3-2, Chair Mazza and Commissioner Hill dissenting.

H. On August 5, 2024, a resolution approving the subject application was presented to the Planning Commission for adoption.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301(e), (l) - Existing Facilities, 15303(d), (e) - New Construction or Conversion of Small Structures, 15304(b) - Minor Alterations to Land. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to the Local Coastal Program (LCP) 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 CDPWF No. 23-004 for the construction of a 4,620 square foot addition to a destroyed single-family residence with an attached garage approved under PVWF No. 21-034, extension of the existing swimming pool and spa, driveway reconfiguration, improvements to the existing tennis court, new hardscaping, landscaping, grading, and OWTS; including DP No. 24-020 for the demolition of an existing hardscape and landscape; and SPR No. 23-026 for construction of the residence over 18 feet in height not to exceed 24 feet in height for a flat roof located in the Rural Residential, Two-Acre (RR-2) zoning district at 29738 Cuthbert Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment requirements. With the inclusion of the site plan review, 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 is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements. The Planning Department, City

Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, LACFD, City Public Works Department, and WD29 reviewed the project for conformance with the LCP. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards inclusive of the site plan review.

2. Evidence in the record demonstrates that the proposed project conforms to the public access and recreational policies in Chapter 3 of the Coastal Act as the subject property offers no direct or indirect public beach access. The proposed development will not interfere or block existing public access to the beach.

3. The proposed project meets the development policies of the LCP and MMC inclusive of the requested SPR and has been determined to be the least environmentally damaging feasible alternative. The proposed residence has been sited and designed to limit disturbance of the property. The addition to the approved single-family residence is away from the stream. Therefore, the proposed project has been determined to be the least environmentally damaging feasible alternative.

B. Site Plan Review Findings for Construction in Excess of 18 Feet in Height (LIP Section 13.27)

1. The project has been reviewed for conformance with all relevant policies and provisions of the LCP. Based on submitted reports, visual impact analysis, and detailed site investigations, the project is consistent with all policies and provisions of the LCP and MMC inclusive of the site plan review.

2. The proposed replacement structure complies with the size, height, location, grading and residential development standards of the LCP and MMC, consistent with the RR-2 zoning designation. The majority of the development in the surrounding area was destroyed in the 2018 Woolsey Fire. To date, 11 of the 24 properties within 500 feet of the subject property that that were destroyed are currently taking part in the City's reconstruction efforts. The other affected properties have not yet submitted applications.

Lot sizes and homes in the Malibu Park neighborhood varied in size historically, as noted in the General Plan's description of the neighborhood. The adjacent properties on the north side of Cuthbert Road have historically been oriented away from the road to maximize ocean views. Story poles were placed on the subject parcel to demonstrate the project's potential for aesthetic changes to the neighborhood relative to siting, height, and bulk. Staff visited the site to inspect the story poles after installation. As demonstrated by the story poles, the project's location on the site, height and bulk is similar to other development in the adjacent area in that the neighborhood has historically been residentially developed with single and two-story residences with varied size ranges and similar orientation to maximize views toward the Pacific Ocean. Correspondence from neighbors were received objecting to the size and height of the residence, the outdoor patio, rooftop decks, and outdoor lighting for the tennis court. The applicant has provided analysis of the neighborhood, which shows that there are single-family residences that are similar types of projects within the neighborhood. There are no indications that the project, particularly the portions of the project that are higher than 18 feet, would have an adverse effect on neighborhood character.

3. There are no significant public views of mountains, canyons, or the ocean over the

property from any public viewing areas on or near the property which could be impacted by the applicant's project. The surrounding neighborhood is similarly developed with residential uses. Based on staff's site investigation, photos, review of the architectural plans and the nature of the surrounding area, the project, as proposed and conditioned, will have no significant adverse visual impacts to public views due to project design and location.

4. The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies.

5. The proposed project is consistent with the LCP in that the property is located in an area that has been identified and zoned for residential use and complies with all applicable development standards. The proposed project is also consistent with the City's General Plan and MMC. The goals and policies of the General Plan intend to maintain rural residential character in this area, and the zoning standards of the MMC implement those goals. All components of the project are consistent with these goals and standards inclusive of the site plan review.

6. The proposed development is infilling residential development that is consistent with characteristics of neighboring properties. The maximum height of the proposed project is 24 feet which may be permitted with the inclusion of a site plan review. A Notice of Application was mailed to all property owners and occupants within a 500-foot radius and staff did not receive any comments regarding view obstruction, presumably because surrounding properties have views oriented in a different direction, away from the project. 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, offshore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

C. Hazards (LIP Chapter 9)

1. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. 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.

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

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

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive resources.

D. Demolition Permit (MMC Chapter 17.70)

1. Conditions of approval included for this application ensure that the project will not create significant adverse environmental impacts.

2. The application is approved pursuant to MMC Section 17.70.030(B), which allows the concurrent processing of a demolition permit if all the other discretionary applications necessary for the proposed construction on the site are approved.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDPWF No. 23-004, SPR No. 23-026 and DP No. 24-020, subject to the following conditions, that are applicable to the project, as noted below.

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 following:

   a. 4,620 square foot additions to the previously approved residence;
      i. Total development square footage (TDSF) is 8,492-square feet.
   b. Expansion of the swimming pool and spa;
   c. Associated pool equipment (to be fully screened);
   d. Re-configuration of the existing driveway;
   e. Resurfacing existing tennis court;
   f. New 1,085 square foot outdoor seating area with trellis (less than 18 feet in height) for tennis court;
   g. New 132 square foot accessory structure;
   h. New 3,060 square foot permeable outdoor garden;
   i. New hardscape;
   j. 10,134 square feet of new landscape;
   k. New view permeable vehicular gate (up-to six feet in height);
   l. New fence (up-to six feet in height);
   m. New OWTS.

   Discretionary Requests:
   n. SPR No. 23-026 to allow for construction of the addition up to 24 feet in height for a flat roof; and
   o. DP No. 24-020 for the demolition of existing hardscape and landscape.

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 plans on file with the Planning Department date stamped May 23, 2024. 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 digitally submit a complete set of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. 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.

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

8. 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 consultant reviewers, City Public Works Department, WD29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.

9. 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.

10. 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.

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

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 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.

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.

Lighting

14. 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.

15. Night lighting for sports courts or other private recreational facilities shall be prohibited.

16. 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.

17. 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.

18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.

19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.

20. Three 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.

Fencing and Walls

21. 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.

Demolition/Solid Waste

22. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

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

Construction / Framing

30. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers, not within the public right of way.

31. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

32. 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.

33. 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.

Biology/Landscaping

34. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.

35. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.

36. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.

37. 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 violations of this condition will result in a requirement to permanently remove the vegetation from the site.

38. Construction fencing shall be placed within five feet of the southern limits of grading. Construction fencing shall be installed prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.

39. No non-native plant species shall be approved greater than 50 feet from the residential structure.

40. Invasive plant species, as determined by the City of Malibu, are prohibited.

41. 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).

42. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.

43. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides, or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

44. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

45. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

46. 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.

47. No planting or landscaping is permitted within the banks of the mapped blue line stream. The area between the banks lies within the jurisdiction of California Department of Fish and Wildlife and the bottom of the drainage is in the jurisdiction of US Army Corps of Engineers and Regional Water Quality Control Board. Any proposed changes in the drainage would require permits from each of the associated agencies.

48. 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.

Geology

49. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers 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 consultant reviewers prior to the issuance of a grading permit.

50. Final plans approved by the City geotechnical consultant reviewers 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.

Environmental Health

51. Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer 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).

52. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the 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 OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

53. 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.

54. Existing OWTS to be Abandoned: 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.

55. Worker Safety Note and Abandonment of Existing OWTS: 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."

56. Reference Plans: Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the proposed OWTS. Approvable building plans will show a single-family residence with no more than 8 bedrooms and 122 drainage fixture units, and a new tennis pavilion 0 bedrooms and 9 drainage fixture units.

57. Proof of Ownership: Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

58. Operations and Maintenance Manual: An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

59. Maintenance Contract: 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 onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.

60. Advanced OWTS Covenant: 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 Office of the Los Angeles County Recorder. 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.

61. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

62. City of Malibu Public Works Approval: City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

63. City of Malibu Geologist/Geotechnical Approval: City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

64. City of Malibu Planning Approval: City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

65. Environmental Health Final Review Fee: A final fee in accordance with the adopted fee schedule at the time of the final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specification.

66. Operating Permit Application and Fee: In accordance with MMC, an application shall be made to the Environmental Health office for an OWTS operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

Grading/Drainage/Hydrology

67. Prior to the Public Works Department's approval of the grading or building permit, The applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City's right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and Wildlife Road the City received a Safe Routes to School Grant for improving pedestrian safety. Any proposed street improvements along these streets shall consider the potential impact on the existing conditions, such as but not limited to decomposed granite and wood ties.

68. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.

69. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

70. The total grading yardage verification certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

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

72. 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. 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.
    b. Prohibits the discharge of trash.
    c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
    d. Elimination of non-storm water discharges.

73. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. 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 WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
    a. Site Design Best Management Practices (BMPs):
    b. Source Control BMPs;
    c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
    d. Drainage improvements;
    e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;

f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
g. Measures to treat and infiltrate runoff from impervious areas;
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 measure installed during construction prior to the issuance of grading or building permits; and
i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMPs, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

74. 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. 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 as required by the City Biologist;
f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes;
g. Private storm drain systems shall be shown on this plan. Systems greater than 12 inches in diameter shall also have a plan and profile for the system included with this plan; and
h. Public storm drain modifications shown on the grading plan shall be approved by the Public Works Department prior to the issuance of the grading permit.

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

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sandbag 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 (BMPs) shall be in accordance with 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.

76. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See LIP Chapter 17 Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading/building permits for this project.

77. 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.

78. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

Fuel Modification

79. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Screening

80. Any above-ground equipment 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).

Swimming Pool / Spa / Mechanical Equipment

81. Onsite noise, including that which emanates from swimming pool and air conditioning equipment, shall be limited as described in MMC Chapter 8.24 (Noise).

82. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.

83. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, algaecides, or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
    a. The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
    b. There are sufficient BMPs in place to prevent soil erosion; and
    c. The discharge does not reach into the MS4 or to the ASBS (including tributaries)

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

85. 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.

86. Pursuant to MMC Section 9.20.040(B), all ponds, decorative fountains shall require a water recirculating/recycling system.

Water Service

87. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from WD29 indicating the ability of the property to receive adequate water service.

Deed Restrictions

88. 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. 14-20. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

89. Prior to final Planning Department approval, the applicant shall be required to execute and record a private party deed restriction to prevent an alcohol, drug or psychiatric recovery

or sober living rehabilitation facility from being located on the property in the future. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval. This condition was offered by the applicant and was not requested by the Planning Commission nor was the condition required for the Commission's approval of the project.

90. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting that property shall not be rented, leased or otherwise made available for occupancy for a duration of less than 30 days at any time (referred to as short term rental). The property owner shall provide a copy of the recorded document to the Planning Department prior to final planning Department approval. This condition was offered by the applicant and was not requested by the Planning Commission nor was the condition required for the Commission's approval of the project.

Site Specific Conditions

91. No furniture or other attachment, whether temporary or fixed, may be placed on the roof top deck overnight.

92. All rooftop deck lighting must be limited to a single light fixture that meets Dark Sky compliant standards. This fixture must direct light downward and minimize light pollution, ensuring it does not contribute to skyglow or disrupt natural nighttime environments.

93. The tennis court lights, lights fixture, and light poles shall be removed prior to final planning inspection.

94. Prior to issuance of the Certificate of Occupancy, Restoration of Environmentally Sensitive Habitat Area to the satisfaction of the California Department of Fish and Wildlife shall be completed and approval. A copy of the approval shall be provided to Planning Department.

Prior to Occupancy

95. 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.

96. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP.

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

Fixed Conditions

98. This coastal development permit shall run with the land and bind all future owners of the property.

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

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

PASSED, APPROVED AND ADOPTED this 5th day of August 2024.

JOHN G. MAZZA, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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, in person at City Hall, or by calling (310) 456-2489, ext. 246.

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 24-39 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 5th day of August 2024 by the following vote:

AYES:	5	Commissioners: Hill, Peak, Smith, Leonard, Mazza
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

Rebecca Evans

REBECCA EVANS, Recording Secretary

From:	Bill Sampson
To:	Planning Commission
Cc:	Charlotte Frieze
Subject:	Item 5A, June 3, 2024 agenda
Date:	Sunday, June 2, 2024 5:39:52 PM

Received
06/03/24
Planning Dept.

Commissioners:

I have read the detailed letter from Charlotte Frieze to you concerning the proposed project. Although I do not live in the neighborhood I have enjoyed Charlotte's home and understand her concern. I'll adopt as my own the comments she has made and her request to deny the project - it is out of place in that it violates the letter and spirit of our Mission and Vision Statements also known as the Law of our Land.

Bill Sampson

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 1

Received
06/03/24
Planning Dept.

From: SKYLAR PEAK
To: Rebecca Evans
Subject: Fwd: 29738 Cuthbert
Date: Monday, June 3, 2024 6:33:06 PM

CAUTION: This email originated from outside of the organization. Do not click links,reply or open attachments unless you recognize the sender and know the content is safe.

FYI.

Just saw this.

Skylar

Begin forwarded message:

From: Charlotte Frieze <[redacted]>
Date: June 3, 2024 at 12:03:02 PM PDT
To: SKYLAR PEAK [redacted]>
Subject: 29738 Cuthbert

Dear Skylar,

You kindly supported our efforts a year ago.

The owners and architect have not responded to our opposition by making significant changes to the plan.

And as Jo has pointed out the water use is 1/3 that of Big Rock's annual usage. We have a tiny water tank that went dry during the fire.

Malibu Park is near the high school. It is meant to be a family community. Why improve the high school if there are no students?

Please read my email sent to all of you as well as all the other letters of objection. It is interesting to read all the different views.

We would appreciate your continued support in saving the essence of Malibu Park.

Hope you are well.

Warmly,

Charlotte

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 6:33 PM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

--
Charlotte M. Frieze
Malibu, CA



Received
5/31/24
Planning Dept.

FW: 29738 Cuthbert Road

Patricia Salazar <psalazar@malibucity.org>
Fri 5/31/2024 12:54 PM
To:Ana Veitia <aveitia@malibucity.org>
PC Correspondence.

From: CMFrieze <[redacted]>
Sent: Thursday, May 30, 2024 8:38 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: Re: 29738 Cuthbert Road

Thank you, Richard.

I and all on Harvester below this house would appreciate your reaching out to the Planning Commission to continue this item.

Thank you very much,

Charlotte

Charlotte M Frieze
[redacted]

Sent from my iPhone

> On May 30, 2024, at 5:49 PM, Richard Mollica <rmollica@malibucity.org> wrote:
>
> Hi Charlotte,
>
> Thank you for reaching out, I apologize that we could not publish the packet according to our normal practice, but unfortunately, I have a staffing issue right now.
>
> However, since it has been published, the determination to continue the item rests with the Planning Commission. For example, when I find something concerning with a project after publishing, I make a request to the Chair to continue the item. If you like I would be happy to share your request and reason with them for their consideration.
>
> Please advise,
>
> Richard
>
> Richard Mollica, AICP
> Planning Director
> City of Malibu
> 310.456.2489 ext 346
>
> ---
>
> **From:** Charlotte Frieze <[redacted]>
> **Sent:** Thursday, May 30, 2024 5:08 PM

To: Richard Mollica <rmollica@malibucity.org>
Subject: 29738 Cuthbert Road

Dear Richard-

The plans for Item #5A on the Agenda for the June 3rd Meeting were not released until 9PM on Tuesday the 28th.

We neighbors would appreciate a postponement so that we might have an opportunity to study the story poles and plans.

Thank you for your consideration.

Regards,

Charlotte Frieze Jones

--
Charlotte M. Frieze
Malibu, CA

[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 05/31/24 Time 7:30AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

From: Dawn Ericson
To: Planning Commission; Richard Mollica; Patricia Salazar; Dennis Smith; Skylar Peak; Kraig Hill; John Mazza
Subject: DENY proposal; Agenda Item No. 5A - 29738 Cuthbert Road
Date: Sunday, June 2, 2024 6:57:56 PM
Attachments: PLANNING COMMISSION-29738 Cuthbert .pdf

Received
06/03/24
Planning Dept.

Please review attached letter:
Dawn N Ericson

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

To: Members of the Planning Commission
From: Malibu Park Resident for 48 years - Dawn N. Ericson

June 2, 2024

RE: Planning Commission Meeting
Agenda Item No. 5A - 29738 Cuthbert Road.
Coastal Development Permit-Woolsey Fire No. 22-003

Honorable Commissioners,

May I request your attention to my concerns?
And, may I request that you deny this project as currently designed for the following reasons:

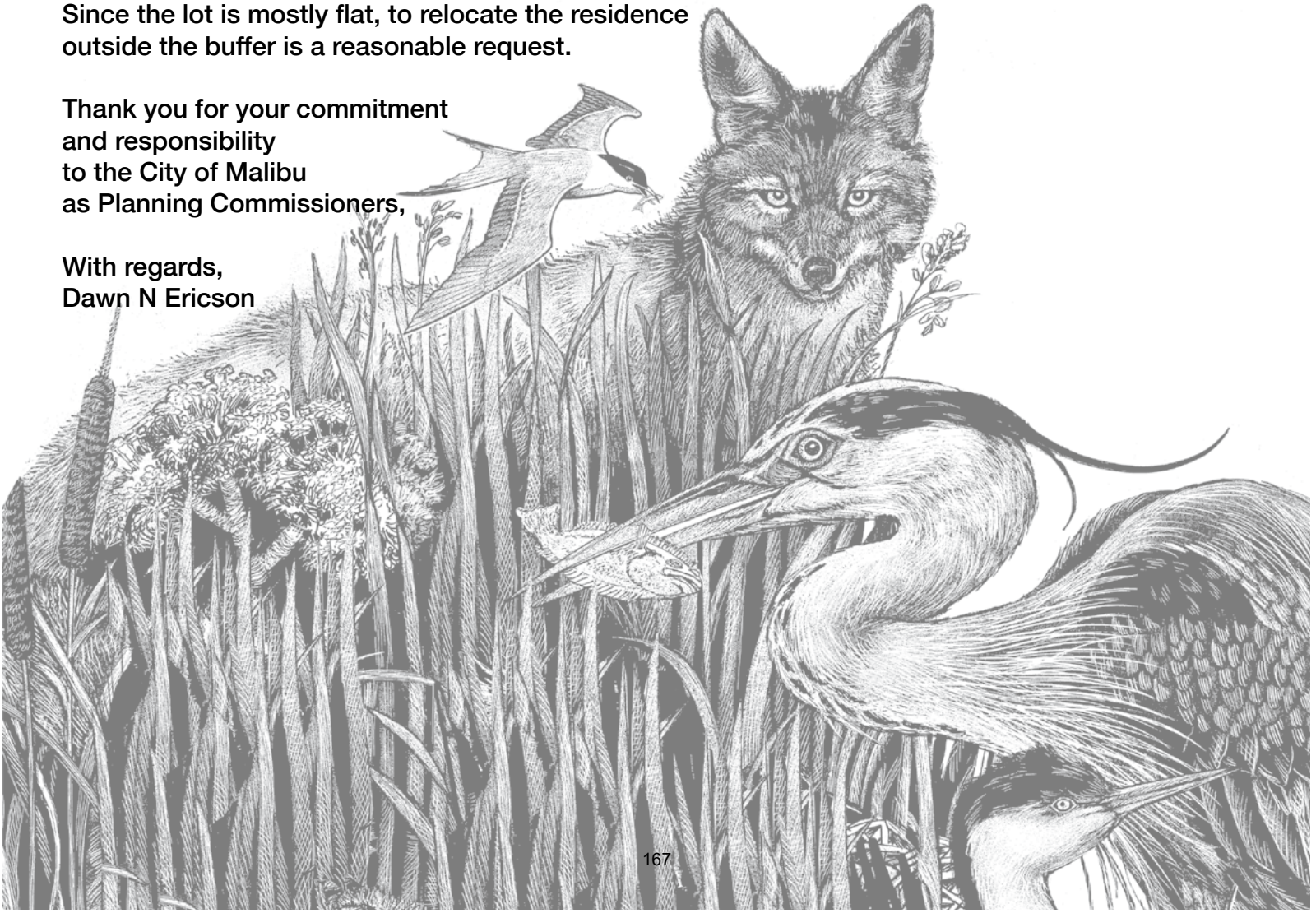
1. Malibu Park is historically and uniquely one of Malibu's family neighborhood where children could walk to the school or ride a horse to Malibu's only public equestrian center. Before the Woolsey Fire, it had a quiet rural character and peaceful lifestyle for the residents and wildlife.

The proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. This is NOT a single-family house, but a huge multi -purpose structure for possible usage by corporations or acitivties other than a family home..

2. The proposed structure is within an ESHA Stream without setbacks. A portion of this proposed residence is within the mapped blueline stream buffer area. It needs to be relocated outside the area to meet Malibu's LCP a 100-foot setback.
Since the lot is mostly flat, to relocate the residence outside the buffer is a reasonable request.

Thank you for your commitment
and responsibility
to the City of Malibu
as Planning Commissioners,

With regards,
Dawn N Ericson



Received
06/04/24
Planning Dept.

Planning Commission

From: Daphne Murphy [redacted]
Sent: Monday, June 3, 2024 6:22 PM
To: Planning Commission
Subject: Fwd: Item 5A, June 3, 2024 agenda

Follow Up Flag: Follow up
Flag Status: Flagged

---------- Forwarded message ---------
From: **Daphne Murphy** <[redacted]>
Date: Mon, Jun 3, 2024 at 6:16 PM
Subject: Fwd: Item 5A, June 3, 2024 agenda
To: <planningcomission@malibucity.org>
Cc: Charlotte Frieze <[redacted]>

Honorable Commissioners:

It has come to our attention that the property behind our property 29725 Harvester Road is requesting a permit to build their home.

Our main concerns are they do not exceed the maximum height of 24 ft and that it does not turn into a rehab.

We are just finishing rebuilding our house due to the fires and look forward to moving back in after 5 1/2 years. I believe everyone is entitled to build their dream home but work within the rules we had to follow.

Please be sure to follow the Malibu Mission Statement and keep the rules the same for all.

Regards,

Daphne & Gary Murphy
[redacted] Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/04/24 Time 7:30AM
Planning Commission meeting of 06/03.24
Agenda Item No. 5A
Total No. of Pages 1

Received
6/3/24
Planning Dept.

29738 Cuthbert Road - letters of support from neighbors

Janek Dombrowa <[redacted]>

Sun 6/2/2024 8:52 PM

To:Planning Commission <planningcommission@malibucity.org>;Patricia Salazar <psalazar@malibucity.org>;Aakash Shah <ashah@malibucity.org>
Cc:Michel Bolour <[redacted]>;Arsineh Baghoomian <[redacted]>

1 attachments (297 KB)
29738 Cuthbert Road ltrs. of support contiguous neighbors.pdf.pdf;

Honorable Commissioners,

Please see neighbors' Letters of Support for a new home at 29738 Cuthbert Road. The letters are from two contiguous neighbors and from neighbor across the street - uphill.

For JTD Architects,

--

Janek Dombrowa, AIA
Principal / J T D A R C H I T E C T S / [redacted]. Topanga, CA 90290/ t [redacted]
Adjunct Assistant Professor for the Practice of Architecture / U S C / t [redacted]

29738 Cuthbert Inbox ×

Ed ONeill
to [redacted]

Jun 1, 2024, 12:05 PM (1 day ago)

Dear Michael,

As you know we are your adjacent neighbor on your east side. We have reviewed the plans for your new home and have also visited the site to see your story pole model. We fully support the project as designed. The design is excellent and we realize you have made efforts to minimize the impact on neighboring properties. We look forward to having your family as our neighbor. Please feel free to share this letter with the City of Malibu to document our support of your project.

Regards,

Ed O'Neill
[redacted] Cuthbert Road

cell [redacted]

CONTIGUOUS EAST [redacted] Cuthbert Road----------

From: **Jack Huston** <[redacted]>
Date: Sun, Jun 2, 2024 at 5:40 PM
Subject: From your neighbors at 29756 Cuthbert...
To: <bo[redacted]>
Cc: [redacted]

Hello Mr. Bolour,

We have looked at the story poles and the design drawings, and as your next door neighbors, to the west, we do not have any objections to the project as proposed. The location, the layout, and the height of your building are acceptable. Thank you for consulting with us and we look forward to being your neighbors.

Sincerely,

Shannan and Jack Huston

CONTIGUOUS WEST [redacted] Cuthbert Road ----------

29738 Cuthbert Rd Inbox × [redacted]

Linda Nicholas
to [redacted]

The location of the proposed new house is fine with me
Sent from my iPhone

Great. | Works for me too. | Ok, thanks.

ACROSS THE STREET UP-HILL NORTH [redacted] Cuthbert Road ----------

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 6/3/24 Time 7:30AM
Planning Commission meeting of 6/3/24
Agenda Item No. 5A
Total No. of Pages 2

Received
06/03/24
Planning Dept.

From: Janek - Public
To: Planning Commission; Patricia Salazar; Aakash Shah
Cc: Janek Dombrowa; Arsineh Baghoomian
Subject: Re: 29738 Cuthbert Road - letters of support from neighbors
Date: Monday, June 3, 2024 9:12:29 AM
Attachments: Outlook-An image o.png

Thank you for forwarding the neighbors' emails.

Can you please forward this exhibit to the planning commissioners as well - thank you, Janek Dombrowa

From: "Tang, Victoria@Wildlife" <Victoria.Tang@wildlife.ca.gov>
Date: June 3, 2024 at 8:45:06 AM PDT
To: Arsineh Baghoomian <[redacted]>, Janek - Public <jtdombrowa@gmail.com>
Cc: "Aitken, Andrew@Wildlife" <Andrew.Aitken@wildlife.ca.gov>, "Rieman, Frederic@Wildlife" <Frederic.Rieman@wildlife.ca.gov>
Subject: RE: 29738 Cuthbert- restore blueline stream

Hi Arsineh and Janek,
Thanks for your email and phone call. I have CC'd our staff who should be the point of contact for this project. Unfortunately we will not be able to provide a response regarding your specific project by today. However, here is some general information that might be helpful to you:
California Law, Fish and Game Code Section 1602, requires an entity to notify CDFW prior to commencing any activity that may:

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or
- Deposit or dispose of debris, waste, or other materials containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

The notification requirement applies to **any**river, stream, or lake, including those that are dry for periods of time (**ephemeral/episodic**) as well as those that flow year round (**perennial**). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

If someone is not sure if their project will impact a river, stream, or

Date Received 06/03/24 Time 9:12 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 3

lake, our general guidance is that they should submit a Notification for Lake or Streambed Alteration. This affords them the opportunity to describe their project in detail and creates a written record.

Here are some helpful links that may assist in submitting a Notification for Lake or Streambed Alteration.

1. Here is a link to the current Fee Schedule:https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227743-fees
2. Here is a link to Lake and Streambed Alteration Program homepage:https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227742-notify-online
3. Here is a link to various beneficial resources that may assist in submitting a Notification:https://wildlife.ca.gov/Conservation/Environmental-Review/LSA#55227746-resources
4. Here is a link to the Environmental Permit Information Management System (EPIMS) where you can submit a Notification:https://epims.wildlife.ca.gov/index.do

Thank you.

Victoria Tang (She/Her)
Phone Number: (562) 233-6324

Janek Dombrowa, AIA
Principal / J T D A R C H I T E C T S / *1111 N Topanga Canyon Blvd. Topanga, CA 90290/ t 310 842 7616*
Adjunct Assistant Professor for the Practice of Architecture / U S C / *t 213 740 2723/ f 213 740 8884*

On Jun 3, 2024, at 8:19 AM, Planning Commission <planningcommission@malibucity.org> wrote:

Good morning,

Correspondence has been forwarded to commissioners for their

consideration.

Best,

<Outlook-Logo An i.png>

Ana Veitia (She/Her)

Administrative Assistant | Planning

Office: 310.456.2489

23825 Stuart Ranch Road | Malibu, CA 90265

<Outlook-An image o.png>

<Outlook-An image o.png>

<Outlook-An image o.png>

From: Janek Dombrowa <dombrowa@jtdarchitects.com>
Sent: Sunday, June 2, 2024 8:51 PM
To: Planning Commission <planningcommission@malibucity.org>; Patricia Salazar <psalazar@malibucity.org>; Aakash Shah <ashah@malibucity.org>
Cc: Michel Bolour <bolours@pacbell.net>; Arsineh Baghoomian <arsineh@jtdarchitects.com>
Subject: 29738 Cuthbert Road - letters of support from neighbors

Honorable Commissioners,

Please see neighbors' Letters of Support for a new home at 29738 Cuthbert Road. The letters are from two contiguous neighbors and from neighbor across the street - uphill.

For JTD Architects,

--
Janek Dombrowa, AIA
Principal / J T D A R C H I T E C T S / *1111 N Topanga Canyon Blvd. Topanga, CA 90290*/ t 310 842 7616
Adjunct Assistant Professor for the Practice of Architecture / U S C / t 213 740 2092 x 213 / f 213 740 8884

Received
06/03/24
Planning Dept.

Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003

Jo Drummond <[redacted]>

Mon 6/3/2024 9:46 AM

To:Planning Commission <planningcommission@malibucity.org>;Kraig Hill <[redacted]>;John Mazza <[redacted]>;Rebecca Evans <revans@malibucity.org>;Patricia Salazar <psalazar@malibucity.org>
Cc:Patt Healy <[redacted]>;R. Y. A. N. <[redacted]>;Charlotte Frieze <[redacted]>;Dawn Ericson <[redacted]>;Dru Ann Jacobson <[redacted]>;Bill Sampson <[redacted]>;Ann Doneen <[redacted]>;Colin Drummond <[redacted]>;Scott Dittrich <[redacted]>;Gerhardt & Rosemarie Ihde <[redacted]>;Robert Wolff <[redacted]>;Bob <[redacted]>;Dorina Schiro - Neighbour <[redacted]>

Honorable Chair Mazza and Planning Commission,

The proposed structure at almost 9000 sq feet is NOT a fire rebuild but is a precedent setting change to Malibu Park's neighborhood character and violates the “neighborhood standards” code in Section 3.6 of Malibu’s LIP.

This is more than THREE TIMES the size of my own house that fits very comfortably and generously our family of five plus our dog. This proposal is not a family home being created but a complex and a profit making investment that could possibly house a rehab center or multiple parties/events and vacation tenants in this quiet neighborhood that is the closest to Malibu High.

On page 5 of the staff report the surrounding uses are displayed yet **OMITS the square footage of each home** or former home on the lots. The average square footage of recorded assessor values of these five surrounding homes is ONLY **2476 sq feet.** That is THREE AND A HALF TIMES SMALLER than this proposed structure. This is not even DOUBLING the average home size but **more than tripling it**, thereby changing the neighborhood character, violating neighborhood standards and IS NOT in line with our City's Vision and Mission Statement.

We should be encouraging like for like plus 10% rebuilds that regular families who will attend our schools can afford and not continuously change our once rural, quaint and quiet neighborhoods with these mega mansion properties that only an elite few can buy as most likely an investment and/or second non-primary residence. From just one of the renderings (attached from p 10 of the staff report) it looks like a HOTEL RESORT and NOT a family home. It can seat between 14 and 28 people at the dining tables alone. And there’s at least 8 bedrooms and 12 bathrooms! Plus a “viewing gallery” by the tennis courts. This project will also be using over 53000 gallons of water per year - that is more than 1/3 of the entire community of Big Rock’s water usage, one of the largest neighborhoods in Malibu with over 400 residents. It’s planned to be a venue not a home.

Also MOST importantly and often ignored mistakenly is this project is WITHIN a mapped blue line stream buffer area. It needs to be set back 100 feet from this ESHA which is possible on this large flat lot, especially with its new larger septic system and huge potential water usage. A LARGE portion of this house is WITHIN the buffer area and there should be NO EXEMPTION for this.

Between all this and the rooftop deck/s how will peace be maintained for the wildlife and neighbors?

No site plan review can be granted for any home altering the neighborhood character as this one will do. A proposed huge complex like this again, also violates our residential development standards. How this overbuilt project can be approved so quickly before several modest like for like plus 10% fire rebuilds are still in planning is a travesty.

Please deny this project and send it back to planning for redesign of a smaller more modest project that is designed to be a family home, without ANY rooftop decks and NOT a lit up hotel.

Thank you,

Jo Drummond



CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 9:46AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

From:	Architectural Sculpture
To:	Planning Commission
Cc:	Patricia Salazar; Richard Mollica
Subject:	29738 Cuthburt Road project
Date:	Sunday, June 2, 2024 6:26:45 PM

Received
06/03/24
Planning Dept.

Dear Commissioners,
I just wanted to write in support of Charlotte Frieze's letter to you with regard to 29738 Cuthbert Road. The proposed project does not seem to fit the environment at all, and the time given for review by the affected parties is too short to be proper.
Please support the neighbors, as well as neighborhood character, in your review of this project and insist on due diligence by the applicant.
Respectfully,
Lotte Cherin

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 1

Received
06/03/24
Planning Dept.

Planning Commission

From: LSGLA [redacted]
Sent: Monday, June 3, 2024 11:59 AM
To: Planning Commission; Richard Mollica; Patricia Salazar; Steve McClary
Cc: Bruce Silverstein; Steve Uhring; Kelsey Pettijohn
Subject: Item 5A: An Institution Masquerading as a Residence! 29738 Cuthbert

Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003

Hello:

The proposed structure at almost 9000 sq feet is NOT a fire rebuild but is a precedent setting change to Malibu Park's neighborhood character and violates the “neighborhood standards” code in Section 3.6 of Malibu’s LIP. In addition to other objections!

It’s positively ‘institutional’ in its hideous design, an unconscious, excessive size, and a blight on the lovely, country feel of rural Malibu Park.

When will you finally stop giving Carte Blanche to mega developers and do what’s right? While this home is not a Woolsey fire rebuild, have you checked the number of Woolsey fire “rebuilds” that have been flipped? Strictly — investments for profit.

We live here — full time. Give residents a break!

LS

Lynn Saunders
[redacted]
Malibu, CA 90265
[redacted]

CONFIDENTIAL: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any reproduction, dissemination or distribution of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 11:59AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 1

Received
06/03/24
Planning Dept.

RE: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A.

Michel Bolour <[redacted]>
Mon 6/3/2024 3:05 PM
To:Planning Commission <planningcommission@malibucity.org>

Thanks Ana,
Can I respond to other correspondence via email now or in person tonight?
Thanks
Michel Bolour
Applicant

From: Planning Commission <planningcommission@malibucity.org>
Sent: Monday, June 3, 2024 2:47 PM
To: Michel Bolour <[redacted]>
Subject: Re: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A.

Good afternoon,

Correspondence has been forwarded to commissioners for their consideration.

Best,

Ana Veitia (She/Her)

Administrative Assistant | Planning

Office: 310.456.2489

23825 Stuart Ranch Road | Malibu, CA 90265

From: Michel Bolour <[redacted]>
Sent: Monday, June 3, 2024 2:27 PM
To: [redacted] <[redacted]>
Cc: Planning Commission <planningcommission@malibucity.org>; 'Janek Dombrowa' <[redacted]>
Subject: FW: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A.

Dear cousin Mark,
I hope you and your family are in good health and spirit. It has been a while since our last family reunion.
As you might know, I have been trying to rebuild our family house in Malibu for the last 5 years. We have a planning commission hearing today at 06:30 PM.
Apparently a few neighbors think that my family and I are somehow connected to Bolour & Associates (please refer to page 3 of the attached) and that this house rebuild is a development project of your company.
Please confirm by replying to this email (**reply to all**) that neither I (Michel Bolour) nor Homa Bolour Fani nor Hava Bolour Rahimian nor Malibo, LLC are affiliated with Bolour & Associates plus that your company has no interest in this project.
Thanks

Michel

From: Planning Commission <planningcommission@malibucity.org>
Sent: Monday, June 3, 2024 9:42 AM
Subject: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A. and 5.C.

Commissioners,

Attached is correspondence regarding Item Nos. 5.A and 5.C. on this evening's agenda.

Regards,

Rebecca Evans
Senior Administrative Analyst | Planning
Office: (310) 456-2489 ext. 246
23825 Stuart Ranch Road | Malibu, CA 90265

An image of the Instagram logo, with hyperlink to the City of Malibu Instagram account.

An image of the YouTube logo, with hyperlink to the City of Malibu YouTube account.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 3:05PM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

Received
06/04/24
Planning Dept.

Planning Commission

From: Mark Bolour <[redacted]>
Sent: Tuesday, June 4, 2024 12:01 AM
To: Michel Bolour
Cc: Planning Commission; 'Janek Dombrowa'
Subject: Re: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A.

Michel good to hear from you. Rebecca Michel is my cousin and we have absolutely no business relationship nor does Bolour Associates Inc or any affiliates associated with Bolour Associates Inc have any interest in the Malibu land referenced below. Michel, Homa and Hava Bolour have absolutely no relationship to Bolour Associates Inc. Furthermore I have no relationship to Malibo LLC.

I am copying my General Council Michael Black on the e mail trail. If you need confirmation on anything else please let us know.

Thanks

Mark Bolour

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

Mark Bolour
Principal

BOLOUR
8383 Wilshire Blvd. Suite 460
Beverly Hills, CA 90211
[redacted]

BOLOURASSOCIATES.COM
CA BRE Corporate License No: 01918696

BOLOUR | FINANCE INVESTMENT DEVELOPMENT

This correspondence is not intended or written to bind Bolour Associates, Inc. or any affiliate ("Bolour") to an enforceable agreement, nor shall it constitute a commitment to lend or an agreement to undertake or deliver such a commitment by Bolour. Bolour does not consent to this communication being used as an electronic equivalent for written execution. Only a written agreement or debt instrument executed by the hand of Bolour's President or an officer he expressly authorizes shall be binding on Bolour. This message and any attachments is intended solely for the addressees and is confidential. If you receive this message in error, please delete it and immediately notify the sender. Any use not in accord with its purpose, any dissemination or disclosure, either whole or partial, is prohibited except formal approval.

From: Michel Bolour [redacted]t>
Sent: Monday, June 3, 2024 2:27:48 PM
To: Mark Bolour [redacted]>
Cc: planningcommission@malibucity.org <planningcommission@malibucity.org>; 'Janek Dombrowa'

[redacted]>
Subject: FW: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A.

Dear cousin Mark,
I hope you and your family are in good health and spirit. It has been a while since our last family reunion.
As you might know, I have been trying to rebuild our family house in Malibu for the last 5 years. We have a planning commission hearing today at 06:30 PM.
Apparently a few neighbors think that my family and I are somehow connected to Bolour & Associates (please refer to page 3 of the attached) and that this house rebuild is a development project of your company.
Please confirm by replying to this email (**reply to all**) that neither I (Michel Bolour) nor Homa Bolour Fani nor Hava Bolour Rahimian nor Malibo, LLC are affiliated with Bolour & Associates plus that your company has no interest in this project.
Thanks
Michel

From: Planning Commission <planningcommission@malibucity.org>
Sent: Monday, June 3, 2024 9:42 AM
Subject: June 3, 2024 Regular Planning Commission meeting, Item Nos. 5.A. and 5.C.

Commissioners,

Attached is correspondence regarding Item Nos. 5.A. and 5.C. on this evening's agenda.

Regards,

Rebecca Evans
Senior Administrative Analyst | Planning
Office: (310) 456-2489 ext. 246
23825 Stuart Ranch Road | Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/04/24 Time 7:30AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

Received
06/03/24
Planning Dept.

Rebecca Evans

From: healypatt@aol.com
Sent: Sunday, June 2, 2024 11:46 PM
To: John Mazza; Dennis Smith; Skylar Peak; Drew Leonard; Kraig Hill; Patricia Salazar; Richard Mollica; Rebecca Evans
Subject: item 5A 6-3-24 meeting Cuthbert
Attachments: pc item 5A 6-3-24 29738 Cuthbert Road ff.pdf

Commissiones , attached are my comments on the above referenced project.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

Honorable Commissioners,

Please deny this project for the following reasons:

The staff report is deficient in that it failed to list the required findings and whether they can be met. Clearly, this addition is not the least environmentally damaging alternative. A smaller project in keeping with the neighborhood character, less glass, a lower height would meet this requirement.

.

The size of this proposed addition 4620 sq ft is more than double the size of the original residence's 3872 sq ft. and is clearly out of character with the surrounding homes which are all smaller.

The rooftop deck must be eliminated. Decks of this nature create a nuisance. The only thing allowed on roofs are chimneys and antennas . It is clearly not the intention of the LCP to allow rooftop decks.

Tennis court's are not allowed to be lit and the current property lighting doesn't meet the dark sky ordinance.

Site Plan review allows staff to recommend a structure be increased in height from 18 ft to 24 ft tall. However, the Planning Commission has the discretion to keep the height at 18 ft. Deny the height increase to 24 ft.

The Dark Sky ordinance doesn't control interior lighting. With a glass structure such as this the interior lighting can be so bright it defeats the purpose of the Dark Sky Ordinance. To mitigate such an impact, require that the project be heavily landscaped to block out the impacts of the interior lighting from this structure.

No development should be allowed within the 100 ft buffer of the stream. The 100 ft buffer area needs to be restored with native riparian plants.

Respectfully,
Patt Healy

Received
06/03/24
Planning Dept.

From: Peter C Jones
To: Charlotte Frieze; Planning Commission; Richard Mollica; Patricia Salazar; Steve Uhring; Bruce Silverstei [redacted]; Rebecca Evans; jmazza [redacted] dleonard [redacted]; khil [redacted] dsmith [redacted]
Subject: Re: Agenda Item 5# Planning Commission meeting Meeting June 3, 2024
Date: Sunday, June 2, 2024 5:51:27 PM
Attachments: 2024-6-2 Planning Commission 29738 Cuthbert Signed.pdf

---

Dear Malibu Planning Commissioners,

Attached please find my wife Charlotte Frieze's letter addressing the proposed development at 29738 Cuthbert Road.

Please also find an additional photograph of the proposed building site location on Cuthbert Road.

I am in total and complete agreement with Charlotte's letter.

Please deny this project and record my request the records.

Sincerely,

Peter C. Jones
[redacted]
Mobile: [redacted]

Dear Rebecca,

I would appreciate your distributing this letter to the Planning Commissioners prior to tomorrow evening's meeting. Please also attach it to the meeting notes.

Thank you very much,

Charlotte M. Frieze

[redacted] Harvester Rd
Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 10

--
Charlotte M. Frieze
Malibu, CA

[redacted]

--
Charlotte M. Frieze
Malibu, CA

[redacted]



Planning Commission
Malibu, CA 90265

RE: Planning Commission Meeting of June 3, 2024
Agenda Item No. 5A - 29738 Cuthbert Road

Sent Via Email: Planning Commission@malibucity.org June 2, 2024

Cc: Richard Mollica rmollica@malibucity.org
Patricia Salazar <psalazar@malibucity.org>

Please note: The plans were not released until 9 PM on Tuesday night, May 28th providing little time for those who own the adjacent parcels to review the documents and view the story poles. The properties to the east and west have not been rebuilt. The owners live elsewhere. The owners to the south only just returned to the country on June 1.

Honorable Commissioners:

Please direct the Planning Department to adhere to the Malibu Vision and Mission Statements:

VISION STATEMENT

Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations.

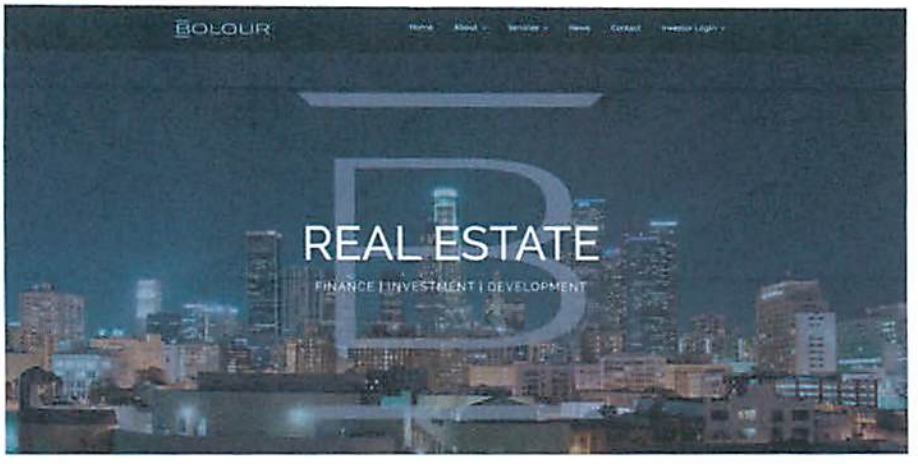
Malibu Municipal Code Section 17.02.030

MISSION STATEMENT

Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

The Bolour Family of developers are known primarily for urban development. Malibu is not URBAN. We in Malibu strive to maintain the rural character of each neighborhood.



Malibu Park is historically an equestrian neighborhood that is treasured by residents of all ages for its quiet rural character and peaceful lifestyle. The properties are flyways for migrating birds and welcome natural wildlife. Malibu respects and preserves ESHA.

SIZE

With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is substantially larger than the nearby properties on Harvester and Cuthbert.

The existing neighboring homes are substantially smaller:
29755 Harvester is 3,400 sf
29745 Harvester is 1,680 sf
29735 Harvester is 7,246 sf (per Zillow)
28725 Harvester's final sf is 4,600 sf and the Planning Commission required the owners to reduce the size of their guest house by 90sf
29800 Cuthbert is under construction and will be less than 5,500 sf.
29824 Cuthbert is less than 4,000sf

With 8 ensuite bedrooms, interior hallway ramps and an elevator and intrusive balconies overlooking the neighbors to the east, one also questions the use for this building. It is hard to imagine this as a single family house. Rumors have spread that it will be a re-hab, Airbnb, or a Party Rental house. This would shatter our quiet, equestrian neighborhood. Haven't we suffered enough since the Woolsey Fire?

Before the Woolsey Fire we had dark skies in Malibu Park. With the construction of so many homes with glass walls, the area is aglow.

HEIGHT
The roof height has not been changed. It is still 24 ft high which is 6 ft above the code. Please enforce the existing height restrictions as you did for 29800 Cuthbert.

PARTY DECKS and **FIRE HAZARDS**.
Plans for 29738 Cuthbert clearly show a large roof deck accessible from the second-floor gym as well as a staircase from the pool terrace. One need not ring the door bell to reach the roof deck.

Roof decks encourage outdoor gatherings attract loud party goers. The sound from such gatherings would shatter the nighttime peace and quiet for which Malibu Park is known.

Our neighborhood was almost completely destroyed by the Woolsey Fire.
All construction should be designed to prevent fires.

This roof deck would be a magnet for portable fire pits, grills, tiki lights, heaters and other items that could send sparks into the wind and onto the proposed mulch including fireworks on July 4th. Nowadays people set off fireworks at all times of the year.

As you are aware the velocity of the winds in our neighborhood has increased since the loss of thousands of trees. (We alone lost 300 trees on our property). Without trees, not only sparks but sound travels unimpeded throughout the canyon.

Having just been through the Woolsey Fire, it is astonishing that the Planning Department would even consider approving such menacing outdoor spaces.

Last April the Planning Commission denied a roof deck at 29846 Harvester Road. This one at 29738 Cuthbert should also be denied. Like the roof deck at 29846 Harvester, this roof deck would be adjacent to a horse corral and stable that has yet to be rebuilt.

Roof decks are a threat to Malibu's peaceful lifestyle and clearly not in line with the Malibu Vision and Mission Statement. They also intrude upon neighbors' privacy as people can look down into neighboring properties.

TENNIS COURT PAVILION

Labeling this 1,085 square foot outdoor seating area is misleading. It is actually An entertainment pavilion with dining area with seating for 14, kitchenette/bar with sink, toilet and shower.

This pavilion, which will undoubtedly be illuminated at night, should be denied as the noise will shatter the peaceful canyon setting.

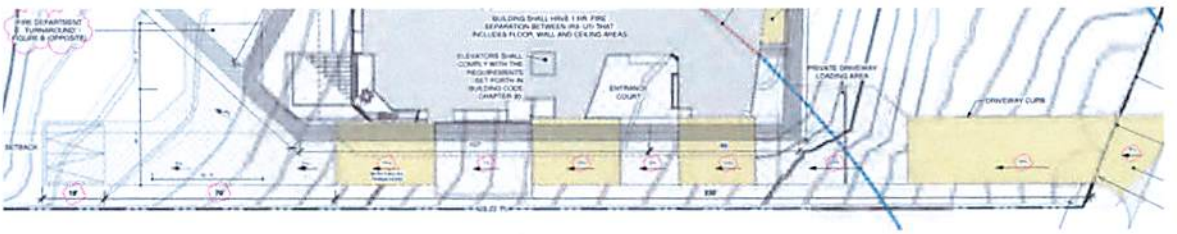
TENNIS COURT LIGHTS

The tennis court existing tennis court lights remain on the plans. These tennis court lights should be removed to comply with Malibu's Dark Skies ordinance not restored and the fixtures re-lamped.

This excessive outdoor lighting should be denied. It will not only disturb the neighboring homes and horse corrals but also the wildlife especially the owls that make this canyon their home.

The Dark Skies ordinance was approved for a reason!

DRIVEWAY



The driveway plan (from F1) is perplexing.



Firstly, they have placed the kitchen staircase and unloading area in ESHA.
To achieve a flat off-loading area will require grading into ESHA.
One always tries to grade away from a structure.
The driveway at this point is at 5%.

The driveway between the house and east property line alternates between 1% and 15%. One of the 12% panels begins its descent partially in front of the entrance court. Perhaps there is a planting area and this is a walkway not a drive-in entry.

One cannot back cars out of the three-car garage. One needs at least the length of a car before one can even begin to turn the wheels. The driveway is just 20ft wide. 42 feet is standard; 35 ft if there is enough room for a three-point turn. Honestly, with the size of SUVs and luxury vehicles this garage is only good for golf carts and minis. Additionally, the grade opposite the garage is on a steep slope. Are they planning to re-purpose the garage stalls after receiving their Certificate of Occupancy?

What is fascinating to me is how the fire department approved the entrance drive and parking. There is not enough room for parking for this number of bedrooms and staff. There is no parking on Cuthbert.

How will they evacuate?

As before there is a planting strip adjacent to the east property line.
Instead of the spreading trees drawn on the east elevation A9.0, the planting plan shows Podocarpus that grow upright and generally narrow (6-8 ft). or most often maintained as a hedge.

NIGHT SKIES

This building will indeed have an effect on the environment.
The glass box will light up the sky especially on foggy nights. Attached are photographs of a 5,500 sf house also on Cuthbert. Before its construction there were families of owls in the trees. Now I rarely hear the owls.





Where on the landscape plan are the large trees that would reduce the impact of this monumental lightbox on our dark skies?

PUBLIC VIEW CORRIDOR
The view will be mostly of mulch and tennis court!

Mulch is flammable!
Sadly, I know from experience.



The non-native ornamentals are being removed from the ESHA areas but the native plants are not being restored.

Please respect our peaceful lifestyle and preserve the rural character of Malibu Park as per the Malibu Vision and Mission statement.

Please DENY this project.

Thank you,

Charlotte M. Frieze

Charlotte M. Frieze

Received
06/03.24
Planning Dept.

Re: Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 003

Rosemarie Ihde <[redacted]>

Mon 6/3/2024 11:37 AM

To:Jo Drummond <[redacted]>
Cc:Planning Commission <planningcommission@malibucity.org>;Kraig Hill <[redacted]>;John Mazza <[redacted]>;Rebecca Evans <revans@malibucity.org>;Patricia Salazar <psalazar@malibucity.org>;Patt Healy <[redacted]>;Y. A. N. <[redacted]>;Charlotte Frieze <[redacted]>;Dawn Ericson <[redacted]>;Dru Ann Jacobson <[redacted]>;Bill Sampson <[redacted]>;Ann Doneen <[redacted]>;Colin Drummond <[redacted]>;Scott Dittrich <[redacted]>;Robert Wolff <[redacted]>;Bob <[redacted]>;Dorina Schiro - Neighbou[redacted]

Very well said.
Rosemarie

On Mon, Jun 3, 2024 at 9:46 AM Jo Drummond <[redacted]> wrote:

> Honorable Chair Mazza and Planning Commission,
>
> The proposed structure at almost 9000 sq feet is NOT a fire rebuild but is a precedent setting change to Malibu Park's neighborhood character and violates the “neighborhood standards” code in Section 3.6 of Malibu’s LIP.
>
> This is more than THREE TIMES the size of my own house that fits very comfortably and generously our family of five plus our dog. This proposal is not a family home being created but a complex and a profit making investment that could possibly house a rehab center or multiple parties/events and vacation tenants in this quiet neighborhood that is the closest to Malibu High.
>
> On page 5 of the staff report the surrounding uses are displayed yet **OMITS the square footage of each home** or former home on the lots. The average square footage of recorded assessor values of these five surrounding homes is ONLY **2476 sq feet.** That is THREE AND A HALF TIMES SMALLER than this proposed structure. This is not even DOUBLING the average home size but **more than tripling it**, thereby changing the neighborhood character, violating neighborhood standards and IS NOT in line with our City's Vision and Mission Statement.
>
> We should be encouraging like for like plus 10% rebuilds that regular families who will attend our schools can afford and not continuously change our once rural, quaint and quiet neighborhoods with these mega mansion properties that only an elite few can buy as most likely an investment and/or second non-primary residence. From just one of the renderings (attached from p 10 of the staff report) it looks like a HOTEL RESORT and NOT a family home. It can seat between 14 and 28 people at the dining tables alone. And there’s at least 8 bedrooms and 12 bathrooms! Plus a “viewing gallery” by the tennis courts. This project will also be using over 53000 gallons of water per year - that is more than 1/3 of the entire community of Big Rock’s water usage, one of the largest neighborhoods in Malibu with over 400 residents. It’s planned to be a venue not a home.
>
> Also MOST importantly and often ignored mistakenly is this project is WITHIN a mapped blue line stream buffer area. It needs to be set back 100 feet from this ESHA which is possible on this large flat lot, especially with its new larger septic system and huge potential water usage.

A LARGE portion of this house is WITHIN the buffer area and there should be NO EXEMPTION for this.

Between all this and the rooftop deck/s how will peace be maintained for the wildlife and neighbors?

No site plan review can be granted for any home altering the neighborhood character as this one will do. A proposed huge complex like this again, also violates our residential development standards. How this overbuilt project can be approved so quickly before several modest like for like plus 10% fire rebuilds are still in planning is a travesty.

Please deny this project and send it back to planning for redesign of a smaller more modest project that is designed to be a family home, without ANY rooftop decks and NOT a lit up hotel.

Thank you,

Jo Drummond



CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 11:37AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 2

Received
06/03/24
Planning Dept.

From: Richard Stutsman
To: Planning Commission
Subject: 29738 Cuthbert plans
Date: Sunday, June 2, 2024 5:55:31 PM

We have just now (Sunday, June 2nd) been made aware of this proposal coming before the Commission. We live at [redacted] Harvester, directly below this project. This is the property that did boring and perc testing several months ago right above our house. About 6 hours after they filled the holes, water began to free flow down the hillside above us, on to our property. I videoed the event and forwarded it to the City geology department. This house MUST NOT BE ALLOWED TO BE BUILT AS DRAWN. It is so out of scale for our neighborhood and is obviously being built as ANOTHER spec house. I am not normally one to complain about someone else's private affairs but this project is above and beyond reasonable. It will become another barnacle we will be forced to deal with (noise, parties, lights, etc)and contribute nothing to the community. Like the boondoggle house at Harvester and Busch (29600 Harvester) that has been vacant for years and is lit up like a shopping mall all night long, this project is ill conceived. We URGE you to stop this foolishness of bigger is always better. Respectfully yours, Richard & Laurel Stutsman [redacted] Harvester Rd.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 06/03/24 Time 7:30 AM
Planning Commission meeting of 06/03/24
Agenda Item No. 5A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: DARLENE LUSKIN [redacted] >
Sent: Sunday, July 14, 2024 11:02 PM
To: Planning Commission
Subject: Object to permit continuous building

We in Malibu do not want continuous building of homes, hotels that will only become increase traffic, etc.
Let's try to leave Malibu with less traffic and not increase it.
Becomes inconvenient for residents and brings more people.
The billionaires don't need to control our city.
Speaking out as a resident.
Darlene Addesso
Not to mention what the city did not do to prevent another death July 4th.
Nobu should not be fined but closed down for a length of time.
The license company ABC should take action. Just as if someone left a residence and an accident occurred they are supposed to be responsible.
It just goes to show it's all about the $$$$$$. You know who you are and hope you sleep at night.
Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 2A
Total No. of Pages 1

Received
7/9/24
Planning Dept.

From: Sales Only
To: Planning Commission
Subject: 29738 Cuthbert
Date: Tuesday, July 9, 2024 9:17:36 PM

Hello,

I'm a resident of Malibu Park and I'm writing to express my concerns about the very questionable potential build at 29738 Cuthbert. As it is, we are inundated with horrendous speeding all day long while city council, fully aware of this fact, does absolutely nothing to stop it from happening even though this is a well known problem and now we're being told there's a potential rehabilitation center being built using Busch as a main road. This is an unacceptable build, and you folks in the planning commission cannot let this pass. Our neighborhood is being destroyed by morons who can't drive as it is on top of major construction traffic from the rebuilds that starts as early as 5:30am, and this would make matters significantly worse. Please do the right thing.

Thank you

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/9/24 Time 9:17 PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received

7/10/24

Planning Dept.

From: andrea slosberg-philipson
To: Rebecca Evans; Planning Commission
Subject: Re:July 15, 2024 Regular Meeting ITEM 4A-Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road
Date: Wednesday, July 10, 2024 4:15:12 PM
Attachments: Malibu Planning Commission.docx

Hi Rebecca and Planning,

Please find my attached letter to the commissioners.

Thank you,
Andrea

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/10/24 Time 4:15 PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 2

July 10, 2024

City of Malibu Planning Commission

Re: July 15, 2024 Regular Meeting ITEM 4A-Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road

Dear Commissioners,

It seems that Malibu Park has become designated as a Gold Rush for developers since the Woolsey fire. As a Malibu Park resident for the last 21 years, we know the joys and challenges of returning to our precious neighborhood. I specifically say neighborhood, because Malibu Park has unique areas within its boundaries, but it was a place where families lived, engaged with the local elementary and High School and uniquely experienced a rural life with horses and trails. Our rural residential community and wildlife ecosystem is seriously being wiped away and now we get to this specific proposal at 29738 Cuthbert Road receiving city staff approval with multiple variances that threaten everything that Malibu Park has left.

Developers have taken on rebuilds and super-sized them to at least 2-3X larger than their neighbors only to then flip, lease, Airbnb or worse. While families, residents and wildlife must fight to survive the threats by these "ghostly neighbors". The current proposal on Cuthbert is without regard for what is being lost. As a resident, I question the decision-making by the planning staff which appears to ignore residents' real concerns and gives a blind eye to monied developers who have no intention of inhabiting their overly lit, massively built, grand proposals. It ignores dark skies requirements and so many other code requirements and endangers our neighborhood character and community. Is our city only giving favor to profit over everything else? Apparently, there is gold in the hills.

The size and scope of this project is not in keeping with the neighborhood and it does not adhere to a slow growth commitment and maintenance of our rural residential community.

Malibu lost so many families after the fire and the schools are struggling to maintain enrollment. The size of the proposed "single-family" home stamped for approval despite clear and desperate cries from neighbors and residents who object to losing our unique neighborhood rural life is a gross deviation from what the residential community deserves and repeatedly must plead for. There seems to be NO objection by the city to how neighbors are being adversely affected by these inappropriate proposals. Please deny this proposal and stop this precedent of size and variances or REQUIRE the proposal to adhere to the dark sky lighting, height and ESHA requirements, adding native plants replacements, roof terrace removal and reduce the overall detrimental impact to our neighborhood.

As stewards of Malibu's future, I hope you will listen to the residents of Malibu Park and support our desire to make Malibu a safer, stronger and more environmentally sensitive place for all.

Kind Regards,

Andrea Philipson
Malibu Park

Received
7/9/24
Planning Dept.

From: Bryan Abrams
To: Planning Commission
Subject: Item 4A - Deny 29738 Cuthbert Drive
Date: Tuesday, July 9, 2024 9:06:33 PM

To whom it may concern,

I'm writing to object to the proposed variance for 29738 Cuthbert Dr. The square feet prior to the fire was 2,235 square feet (3 bedroom, 2 bath) per the tax records. The proposed 8,492 sqft is significantly larger than the previous 2,235 sqft home, almost 4 times larger!!! Please DO NOT APPROVE this variance. They should only be allowed to build 2,235 plus 10%. PLEASE SAVE OUR MALIBU PARK NEIGHBORHOOD.

Sincerely,

Bryan Abrams
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/9/24 Time 9:06 PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Bill Sampson
To: Planning Commission; John Mazza; Kraig Hill; Jo Drummond
Cc: Charlotte Frieze; Patt Healy; R. Y. A. N.; Ann Doneen; Rosemarie Ihde; Sam Hall Kaplan; Scott Dittrich; Dru Ann Jacobson; Charlotte Drummond
Subject: Re: Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003
Date: Monday, July 15, 2024 8:01:30 AM

I second Ms. Drummond's analysis. I've previously sent my own remarks

Bill Sampson
44+ year Malibu resident and citizen

On Monday, July 15, 2024 at 06:48:57 AM PDT, Jo Drummond [redacted] wrote:

Attention Chair Mazza and Planning Commission,

In addition to the letter below please note the following:

1. In the Geoconcepts report dated Jan 10, 2022, it states under “Drainage” on p 5, “Much of this water drains as sheet flow, down descending slopes to low lying areas, **the creek bed**, and lower areas offsite.” Given the MASSIVE amount of water and effluent, this project will release, this is UNACCEPTABLE so close to ESHA and a creek bed.

2. This project has already come and gone in its practically identical form to the Planning Commission and has been DENIED once already in February of 2023. It was NEVER a fire rebuild as it is TRIPLING the former home's size and therefore CANNOT be allowed in ESHA. It is NOT on the original footprint and should not have ANY parking so close to ESHA.

3. The full bath and kitchen area in the tennis pavilion also need to be calculated into the TDSF which has been omitted for some reason,

4. The walls of glass and rooftop decks will disturb all the wildlife creatures and neighbors with the major light emission, noise, etc. coming out from this design. Therefore, the height should also not be more than 18 ft.

5. The application after the original denial was withdrawn so that the applicant could "try again" with the planning commission - this can not be allowed and must be denied. This is a WASTE of the planning department's time and money. This should have NEVER been brought back to the Planning Commission.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:01AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 4

6. The pool is very large and is a hazard to small children or pets staying on the property as guests and should be fenced in and covered. Covering it would also keep it warm and conserve water.

7. The findings CAN NOT be made for a home this size as it is out of the neighborhood's character and standards. An addition also CAN NOT be made onto a structure that has NOT been built yet.

Please send this back for a redesign to a much smaller home that is not more than two times the original home. We are TRYING to attract FAMILIES back to Malibu, not sober living/rehab/vacation/event rentals.

Thank you very much for your consideration,

Jo Drummond

Begin forwarded message:

From: Jo Drummond [redacted]
Date: June 3, 2024 at 12:46:11 PM EDT
To: Planning Commission <planningcommission@malibucity.org>, "K. Hill" [redacted], John Mazza [redacted], Rebecca Evans <revans@malibucity.org>, Patricia Salazar <psalazar@malibucity.org>
Cc: Patt Healy [redacted], "R. Y. A. N." [redacted], Charlotte Frieze [redacted], Dawn Ericson [redacted], Dru Ann Jacobson [redacted], Bill Sampson [redacted], Ann Doneen [redacted], Colin Drummond [redacted], Scott Dittrich [redacted], Gerhardt & Rosemarie Ihde [redacted], Robert Wolff [redacted], Bob [redacted], Dorina Schiro - Neighbour [redacted]
Subject: Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003

Honorable Chair Mazza and Planning Commission,

The proposed structure at almost 9000 sq feet is NOT a fire rebuild but is a precedent-setting change to Malibu Park's neighborhood character and violates the “neighborhood standards” code in Section 3.6 of Malibu’s LIP.

This is more than THREE TIMES the size of my own house that fits very comfortably and generously our family of five plus our dog. This proposal is not a family home being created but a complex and profit-making investment that could house a rehab center or multiple parties/events and vacation tenants in this quiet neighborhood that is the closest to Malibu High.

On page 5 of the staff report the surrounding uses are displayed yet **OMITS the square footage of each home** or former home on the lots. The average square footage of recorded assessor values of these five surrounding homes is ONLY **2476 sq feet.** That is THREE AND A HALF TIMES SMALLER than this proposed structure. This is not even DOUBLING the average home size but **more than tripling it**, thereby changing the neighborhood character, violating neighborhood standards, and IS NOT in line with our City's Vision and Mission Statement.

We should be encouraging like-for-like plus 10% rebuilds that regular families who will attend our schools can afford and not continuously change our once rural, quaint, and quiet neighborhoods with these mega mansion properties that only an elite few can buy as most likely an investment and/or second non-primary residence. From just one of the renderings (attached from p 10 of the staff report) it looks like a HOTEL RESORT and NOT a family home. It can seat between 14 and 28 people at the dining tables alone. And there are at least 8 bedrooms and 12 bathrooms! Plus a “viewing gallery” by the tennis courts. This project will also be using over 53000 gallons of water per year - that is more than 1/3 of the entire community of Big Rock’s water usage, one of the largest neighborhoods in Malibu with over 400 residents. It’s planned to be a venue, not a home.

Also MOST importantly and often ignored mistakenly is this project is WITHIN a mapped blue line stream buffer area. It needs to be set back 100 feet from this ESHA which is possible on this large flat lot, especially with its new larger septic system and huge potential water usage. A LARGE portion of this house is WITHIN the buffer area and there should be NO EXEMPTION for this.

Between all this and the rooftop deck/s how will peace be maintained for the wildlife and neighbors?

No site plan review can be granted for any home altering the neighborhood character as this one will do. A proposed huge complex like this again, also violates our residential development standards. How this overbuilt project can be approved so quickly before several modest like-for-like plus 10% fire rebuilds that are still in planning is a travesty.

Please deny this project and send it back to planning for the redesign of a smaller more modest project that is designed to be a family home, without ANY rooftop decks and NOT a lit-up hotel.

Thank you,

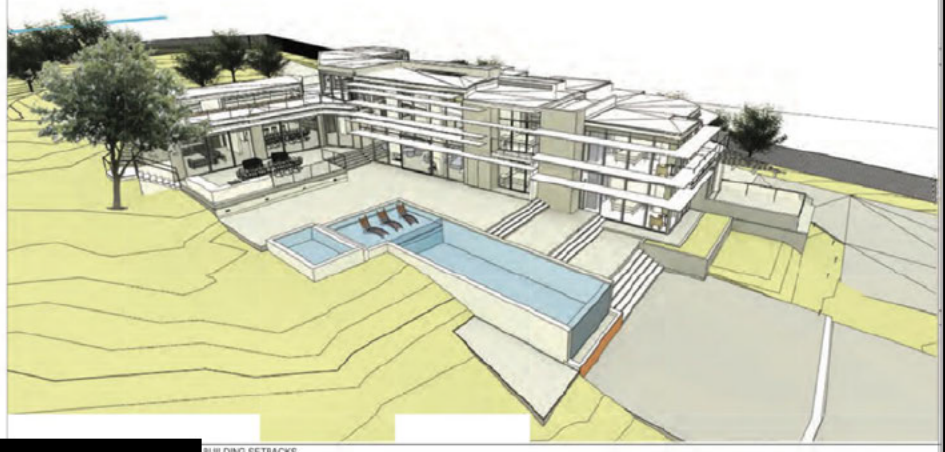
Jo Drummond

[redacted]

CUTHBERT ROAD

29738 CUTHBERT RD, MALIBU, CA 90265

RENDERING OF THE BUILDING



[redacted]

BUILDING SETBACKS

Received
07/08/24
Planning Dept.

From: Bill Sampson
To: Planning Commission
Subject: July 15, 2024 Item 4A
Date: Sunday, July 7, 2024 6:17:41 PM

29738 Cuthbert. The proposed development is as anti-Malibu as you can get. Please deny this attack on Malibu and its families.

Bill Sampson

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 7:30 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: B. Wadkins [redacted]
Sent: Sunday, July 14, 2024 9:02 PM
To: malibu planning <mplanning@malibucity.org>
Cc: Marianne Riggins <mriggins@malibucity.org>; Doug Stewart <dstewart@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; Paul Grisanti <pgrisanti@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: DENY 29738 Cuthbert Road

Honorable Planning Commissioners:

The following has been brought to the attention of all Malibu residents who are fed up with over development in our town.
With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is dramatically larger than the nearby properties on Harvester and Cuthbert. The existing neighboring homes are substantially smaller: 29756 Cuthbert Road was approximately 1,225 sf prior to the fire. Even if the rebuild is 3,000 sf., 29738 Cuthbert would be close to 300% larger than its neighbor. 28725 Harvester's final sf is 4,600 sf 29745 Harvester is 1,680 sf 29748 Harvester Rd is 1900 sf 29735 Harvester is 7,246 sf (per Zillow) 29755 Harvester is 3,400 sf 29800 Cuthbert is 5,500 sf. 29824 Cuthbert is less than 3,000sf (Per Zillow) With 9 ensuite bedrooms including the ADU, interior hallway ramps and an elevator, one also questions the use for this building. It is hard to imagine this as a single-family residence. Rumors have spread that it will be a rehab, Airbnb, or a Party Rental house. This would shatter our quiet, residential neighborhood in which one hears the music of birds not DJ's. As the height is in excess of the code height of 18', the building will cast more nighttime light effecting the neighbors, dark skies and wildlife in ESHA. The Planning Commission has the discretion to keep the height at 18 ft. PLEASE DENY THE EXCESSIVE 24' HEIGHT. The rooftop deck and exterior staircase must be eliminated. Decks of this nature create a nuisance. The only thing allowed on roofs are chimneys and antennas. It is clearly not the intention of the LCP to allow rooftop decks and entertaining areas. PLEASE REQUIRE THE REMOVAL OF THE ROOFTOP DECK AND EXTERIOR STAIRCASE. When the planning department analyzed the size and impact of the building, they were only considering the ocean view impact on the buildings above the property on Cuthbert Road. This building has much greater impact on the residents of Harvester Road who live downhill. Its size, glass walls and large outdoor entertaining areas are excessive. The walls of glass, will illuminate the canyon at night. When neighbors on Harvester look up at the mountains they will be looking into a glistening wall of reflective glass. The noise from party goers will resound throughout the neighborhood. Nothing that would diminish the impact of this structure has been included on the plans. The trees that are currently screening the story poles will be demolished and not replaced as per L-5.1. The trees on the elevations are deceptive. They do not appear on the planting plan (L-3.1). Only three ornamental trees with a maximum height of between 12-20 feet will be planted. The hedge on the eastern property line will be maintained at 6'. A majority of the plants are low growing shrubs, roses, perennials and succulents. Wouldn't it be better for wildlife as well

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:51AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 2

as the neighborhood to include native trees such as oaks and toyons on the landscape plan? Mulch and crushed stone are the predominant groundcovers. Mulch is only permitted to temporarily control erosion into ESHA areas during construction. The plans should include the planting of NATIVE VEGETATION to replace the mulch in ESHA. The Lighting Plan (LT 1) illuminates the whole property. Although the plans no longer note the re-lamping of the tennis court lights, the light poles remain on the plans. THE TENNIS COURT LIGHT POLES MUST BE REMOVED FROM ALL PLANS. Additional exterior lighting also includes: A light that illuminates the staircase that ascends over ESHA. This would cast light over ESHA. PLEASE REQUIRE THE REMOVAL OF THIS LIGHT. Over 20 39 ½" tall bronze finished bollards are shown on the steps to the tennis court as well as the herb garden, ornamental garden, and decorative garden. Bollards are not appropriate for area lighting to tend gardens at night. If the tennis court is not illuminated and the tennis viewing pavilion is not illuminated, why would they need these lights that would augment the night time illumination of the entire property. This is the antithesis of the Dark Skies guidelines. PLEASE REQUIRE THE REMOVAL OF THESE LIGHTS. The tennis court rises up dramatically at the southwest corner of the property where it meets the neighboring properties. (See the post Woolsey Fire aerial photograph.) Many of the shielding trees have since been removed. PLEASE REQUIRE THAT THE TENNIS COURT BE PLANTED OUT TO ENHANCE PRIVACY TOWARD HARVESTER ROAD AND TO REDUCE NOISE. Malibu parking code for single-family dwellings requires two enclosed and two unenclosed spaces per unit. The garage does not meet minimum building construction standards. The garage stalls on A5.0 measure 9' x 18'. An average garage stall is min 12 ft wide by 22ft Common sizes are 14 x 22 and 16 x 24 especially with today's SUV's. Perhaps they plan to convert this space after receiving the Certificate of Occupancy. Please confirm that the developer may not convert this space. The standard minimum back out distance required is 35'. (The car must clear the garage walls before turning). The adjacent driveway shown on A1.0 measures just 25' between the house and the edge of the planting. Ten feet less than the minimum required to back out and turn to head out the driveway. There is not enough outdoor parking space for the cars that would accompany 9 bedrooms and the necessary staff. They should not be allowed to depend on parking on Cuthbert. If they stack up in the driveway, a swift exit would be impossible during an emergency. Please ensure that Malibu Park remains a tranquil, friendly, equestrian neighborhood. PLEASE DENY THIS PROJECT. Thank you

Received
07/15/24
Planning Dept.

Planning Commission

From: Charlotte Frieze [redacted]
Sent: Friday, July 12, 2024 5:44 PM
To: Planning Commission; Rebecca Evans; Patricia Salazar
Subject: Planning Commission Meeting of July 15, 2024 Agenda Item No. 4A - 29738 Cuthbert Road

TO: Planning Commission
Malibu, CA 90265

RE: Planning Commission Meeting of July 15, 2024
Agenda Item No. 4A - 29738 Cuthbert Road

Recommendation: Deny Project

Sent Via Email

Date: July 12, 2024

Honorable Planning Commissioners:

Reviewing the February 21, 2023 Planning Commission Meeting video, it seemed appropriate to update my July 8, 2024 correspondence.

It is clear that three of the Commissioners – Mr. Hill, Mr. Mazza and Mr. Peak - agreed that the proposed 8500 sf house is too big for the neighborhood. All three questioned how this project was allowed to develop from a Fire Rebuild + 10% into a structure that is substantially larger than the neighboring houses.

My notes from the February 21, 2023 meeting follow:

- Richard Mollica: "**The applicant will be required to comply with Dark Skies**."
- The first plans approved were for an In Kind Rebuild which is why the building was permitted to be put back in ESHA.
- Hill: The Total Development Square Footage is in question.
- There were many unpermitted additions to the house prior to the Woolsey Fire. The square footage allowed for the Rebuild is questionable.

CC: Planning Commission, PD,
Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 3

- Mollica: “As Commissioners, if you feel you cannot make the findings and you would like to see a smaller home on the site and you feel it is out of character …that is where the Commission has its discretion here. **You have the ability to say you can’t make the findings. It is out of character**. **As a Commission you can always ask for less.”**
- Mazza: “When they got the first permit there was no roof deck. No light mitigation was needed.
- Mazza: “This house should not be before us. They have a permit” (for 110% Rebuild).
- Mazza: At 110% they can build in the same footprint in ESHA. Coastal cautioned us to not do any more at 150%. Over 200% requires a CDP. **CDPs cannot be serial**.
- Mazza: “If they want an 8500sf house, they start and build an 8500sf house. **This is no way a Woolsey Fire Rebuild!”**
- Mazza: “We have a big house going in where a not big 1-story house was”.
- Mazza: “**You can’t take a Woolsey Fire Rebuild, take advantage of all you get with just a review and no Planning Commission approval and in two steps convert it into a giant house …It is not allowed**.”
- Mazza: “This is what Kraig asked. How did this go from a number we don’t know for sure was the original burnout to 8000 something almost 9000sf without us being able to look at it?
- Peak: “**I have a lot of the same concerns that John has and would like to make a motion to deny this project**”.
- Mazza: I would second this motion.
- Attorney Donegan: I just want to be clear. The draft resolution is for one of approval. **You must direct Staff to come back with a draft resolution for denial**.
- Mollica: This is a CDP for an Addition to a Fire Rebuild.

Only minor changes have been made to the Plans since the February Meeting. The building and site design must all adhere to the Dark Sky Ordinance. The TDSF must be recalculated to include the tennis pavilion full bath and other areas not listed. The roof deck must be omitted as it not only is in ESHA but also would create noise and lighting issues.

The video reveals how the owners have tried to parlay an approximately 2000 sf home into an almost 9000 sf home with a 1085 sf tennis pavilion that comprises a full bath and kitchen area, a substantially larger swimming pool, Baja pool and spa.

Clearly this project should be denied and reviewed as one new project. As the Rebuild has not been constructed, you cannot request approval for an addition. The two sets of plans should be merged into one set of plans to be reviewed as one new, smaller project that is not in the ESHA Buffer.

This project is not in keeping with the quiet, equestrian neighborhood. Perhaps the Applicant can find a more appropriate site for this building design in amongst other large homes.

For the above reasons, I respectfully urge the Commission to deny this project.

Thank you,

Charlotte M. Frieze

--
Charlotte M. Frieze
Malibu, CA

[redacted]

Received
07/08/24
Planning Dept.

From: Dru Ann Jacobson
To: Planning Commission
Subject: Malibu Park
Date: Monday, July 8, 2024 8:30:03 AM

Dear Members of Malibu Planning Commission,

I want to state my total opposition to the plans for the one/two mega mansions/rehabs/ industrial style buildings… whatever they may be…asking to be built in the quite, rural, neighborhood of Malibu Park!
Please tell me "why" such a huge "home" would even be considered in an area that was was already ravaged by the Woolsey Fire.
I grew up in Malibu Park…as a young girl, riding our horses, all the way from our home on Busch Dr. to Little Trancas market, no fences, no walked in mansions, only freedom and the friendship of wonderful neighbors and friends…
Malibu needs to preserve the little bit of "neighborhood" we have left…
Please don't allow this request to be granted!
Thank you,
Dru Ann Jacobson

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8:30 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Rebecca Evans
Sent: Monday, July 15, 2024 2:42 PM
To: Planning Commission
Subject: FW: 29738 Cuthbert Rd

From: Aakash Shah <ashah@malibucity.org>
Sent: Monday, July 15, 2024 2:39 PM
To: Rebecca Evans <revans@malibucity.org>
Subject: FW: 29738 Cuthbert Rd

Hey,

Some correspondence for this project.

Thank you,

Aakash Shah | Contract Planner | City of Malibu
23825 Stuart Ranch Road, Malibu CA, 90265
Phone: (310) 456-2489 ext. 385

From: Doug Burdge [redacted]
Sent: Monday, July 15, 2024 2:03 PM
To: Aakash Shah <ashah@malibucity.org>
Cc: Yuliatmo Upadi <[redacted]
Subject: 29738 Cuthbert Rd

Greetings.. want to offer our full support for this well designed project .. besides being in full compliance to all local codes & regulations, this project has gone 'above and beyond' in being sympathetic to the local ESHA conditions .. and should be a considered a model project on how best to work together with the Malibu Biology Department on the restoration efforts along the adjacent natural drainage course

Thanks for your consideration
Douglas W Burdge AIA

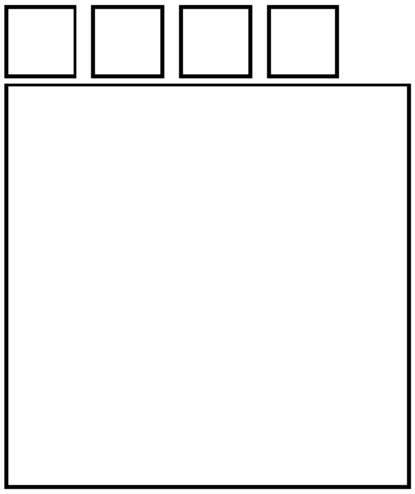
Douglas W. Burdge, AIA Principal
[redacted] aia.com
[redacted]

Date Received 07/15/24 Time 2:39PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 2

CC: Planning Commission, PD,

Recording Secretary, File

[redacted]
Malibu CA 90265
[redacted]



Received
07/15/24
Planning Dept.

Planning Commission

From: DANA CHRISTIAANSEN [redacted]
Sent: Monday, July 15, 2024 1:15 PM
To: Rebecca Evans; Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road

Please distribute this to all Planning Commissioners.
I live at [redacted]. and would be adversely affected by any commercial development beyond what we already have allowed in this neighborhood.
My contact info is below.

Thank you,

Dana

DANA CHRISTIAANSEN
[redacted]

Date Received 07/15/24 Time 1:15PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
07/12/24
Planning Dept.

Planning Commission

From: Debra Cole [redacted] >
Sent: Friday, July 12, 2024 1:52 PM
To: Rebecca Evans; Planning Commission
Subject: Item 4A - DENY - 29738 Cuthbert Road

I am writing to object to the proposed project at 29738 Cuthbert Road. I ask that you DENY approval of this project.

Thank you
Debra Cole
[redacted]e

Sent from my iPad

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/12/24 Time 1:52PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

To: Members of the Planning Commission
From: Malibu Park Resident for 48 years - Dawn N. Ericson

Received
7/9/24
Planning Dept.

July 14, 2024

RE: Planning Commission Meeting
Item 4A -29738 Cuthbert Road.
Coastal Development Permit-Woolsey Fire No. 23-004

Honorable Commissioners,

May I request that you deny this project as currently designed for the following reasons:

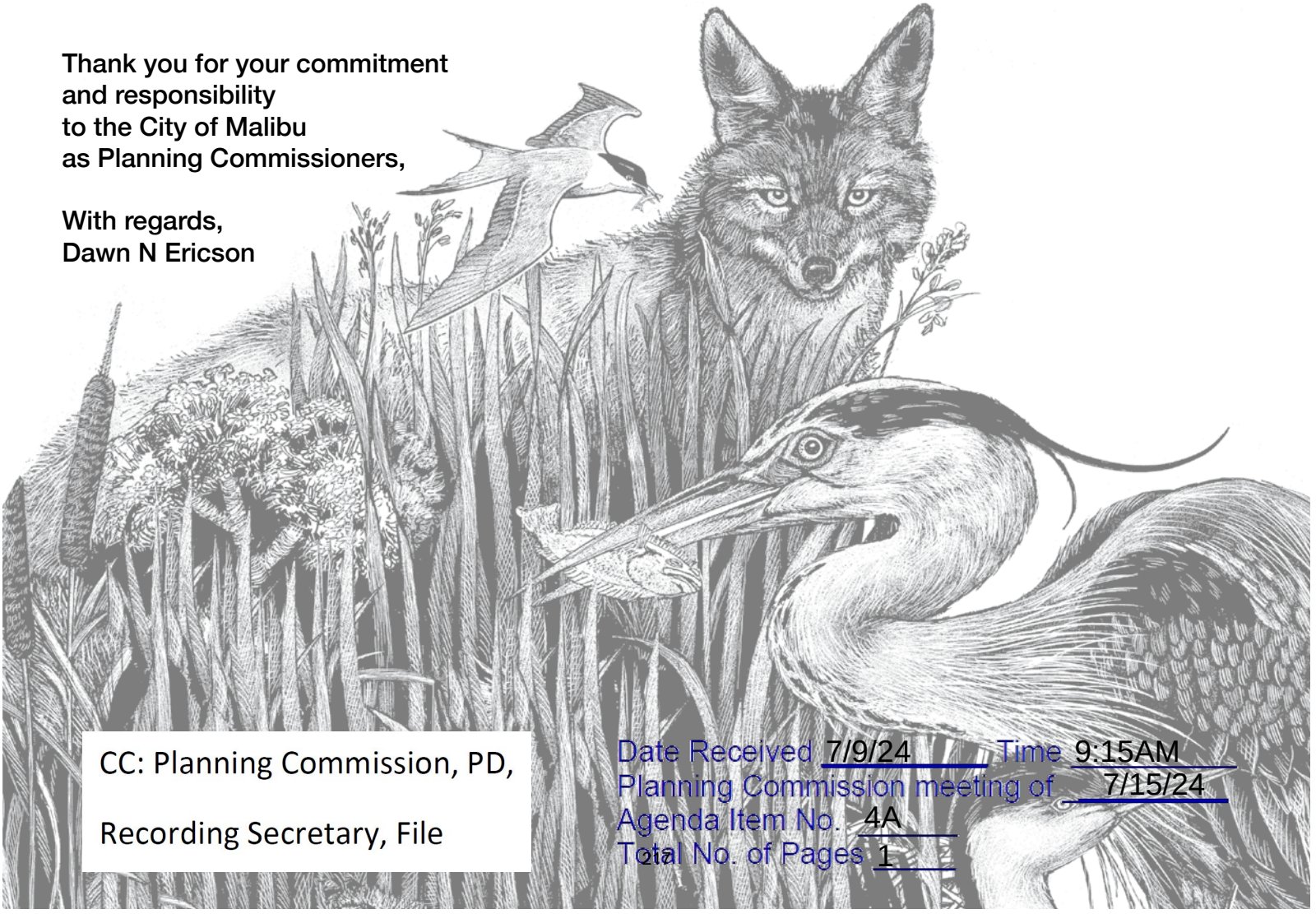
1. I disagree with: C. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4). The proposed structure is within an ESHA Stream without setbacks. A portion of this proposed residence is within the mapped blueline stream buffer area. It needs to be relocated outside the area to meet Malibu's LCP a 100-foot setback.

Since the lot is mostly flat, relocating the residence outside the buffer is a simple and reasonable solution for meeting the City's building guidelines.

2. Before the Woolsey Fire, it had a quiet rural character and peaceful lifestyle for the residents and wildlife. This proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. This is NOT a single-family house, but a huge multi -purpose structure for possible usage by corporations or acitivties other than a family home..

Thank you for your commitment
and responsibility
to the City of Malibu
as Planning Commissioners,

With regards,
Dawn N Ericson



CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/9/24 Time 9:15AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/10/24
Planning Dept.

From: Dominick Guillemot
To: Planning Commission
Cc: *Dominick Guillemot
Subject: RE: Planning Commission Meeting of July 15, 2024 Agenda Item No. 4A - 29738 Cuthbert Road
Date: Wednesday, July 10, 2024 4:22:43 PM

Honorable Planning Commissioners:

At the June meeting a representative of the Bolour family yelled at me "what are you complaining about? You won't see this building."

Actually, I will. As will others who live on Harvester Road.

We would not only see it, but we would also hear the endless activity threatening the calm tranquility that pervades Malibu Park.

With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is dramatically larger than the nearby properties on Harvester and Cuthbert.

The existing neighboring homes are substantially smaller:

29756 Cuthbert Road was approximately 1,225 sf prior to the fire. Even if the rebuild is 3,000 sf., 29738 Cuthbert would be close to 300% larger than its neighbor.

28725 Harvester's final sf is 4,600 sf
29745 Harvester is 1,680 sf
29748 Harvester Rd is 1900 sf
29735 Harvester is 7,246 sf (per Zillow)
29755 Harvester is 3,400 sf
29800 Cuthbert is 5,500 sf.
29824 Cuthbert is less than 3,000sf (Per Zillow)

With 9 ensuite bedrooms including the ADU, interior hallway ramps and an elevator, one also questions the use for this building. It is hard to imagine this as a single-family residence. Rumors have spread that it will be a rehab, Airbnb, or a Party Rental house. This would shatter our quiet, residential neighborhood in which one hears the music of birds not DJ's.

As the height is in excess of the code height of 18', the building will cast

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/10/24 Time 4:20 PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 4

more nighttime light effecting the neighbors, dark skies and wildlife in ESHA. The Planning Commission has the discretion to keep the height at 18 ft. PLEASE DENY THE EXCESSIVE 24' HEIGHT.

The rooftop deck and exterior staircase must be eliminated. Decks of this nature create a nuisance. The only thing allowed on roofs are chimneys and antennas. It is clearly not the intention of the LCP to allow rooftop decks and entertaining areas.
PLEASE REQUIRE THE REMOVAL OF THE ROOFTOP DECK AND EXTERIOR STAIRCASE.

When the planning department analyzed the size and impact of the building, they were only considering the ocean view impact on the buildings above the property on Cuthbert Road.

This building has much greater impact on the residents of Harvester Road who live downhill. Its size, glass walls and large outdoor entertaining areas are excessive. The walls of glass, will illuminate the canyon at night. When neighbors on Harvester look up at the mountains they will be looking into a glistening wall of reflective glass. The noise from party goers will resound throughout the neighborhood.

Nothing that would diminish the impact of this structure has been included on the plans. The trees that are currently screening the story poles will be demolished and not replaced as per L-5.1. The trees on the elevations are deceptive. They do not appear on the planting plan (L-3.1).

Only three ornamental trees with a maximum height of between 12-20 feet will be planted. The hedge on the eastern property line will be maintained at 6'. A majority of the plants are low growing shrubs, roses, perennials and succulents. Wouldn't it be better for wildlife as well as the neighborhood to include native trees such as oaks and toyons on the landscape plan?

Mulch and crushed stone are the predominant groundcovers. Mulch is only permitted to **temporarily** control erosion into ESHA areas during construction. The plans should include the planting of NATIVE VEGETATION to replace the mulch in ESHA.

The Lighting Plan (LT 1) illuminates the whole property. Although the plans no longer note the re-lamping of the tennis court lights, the light poles remain on the plans. THE TENNIS COURT LIGHT POLES MUST BE REMOVED FROM ALL PLANS.

Additional exterior lighting also includes:
A light that illuminates the staircase that ascends over ESHA. This would cast light over ESHA. PLEASE REQUIRE THE REMOVAL OF THIS LIGHT.

Over 20 39 ½" tall bronze finished bollards are shown on the steps to the tennis court as well as the herb garden, ornamental garden, and decorative garden. Bollards are not appropriate for area lighting to tend gardens at night. If the tennis court is not illuminated and the tennis viewing pavilion is not illuminated, why would they need these lights that would augment the night time illumination of the entire property. This is the antithesis of the Dark Skies guidelines.
PLEASE REQUIRE THE REMOVAL OF THESE LIGHTS.

The tennis court rises up dramatically at the southwest corner of the property where it meets the neighboring properties. (See the post Woolsey Fire aerial photograph.) Many of the shielding trees have since been removed. PLEASE REQUIRE THAT THE TENNIS COURT BE PLANTED OUT TO ENHANCE PRIVACY TOWARD HARVESTER ROAD AND TO REDUCE NOISE.



Malibu parking code for single-family dwellings **requires** *two enclosed and two unenclosed spaces per unit.*

The garage does not meet minimum building construction standards.

The garage stalls on A5.0 measure 9' x 18'.
An average garage stall is min 12 ft wide by 22ft
Common sizes are 14 x 22 and 16 x 24 especially with today's SUV's.

Perhaps they plan to convert this space after receiving the Certificate of Occupancy. Please confirm that the developer may not convert this space.

The standard minimum back out distance required is 35'.

(The car must clear the garage walls before turning).

The adjacent driveway shown on A1.0 measures just 25' between the house and the edge of the planting. Ten feet less than the minimum required to back out and turn to head out the driveway.

There is not enough outdoor parking space for the cars that would accompany 9 bedrooms and the necessary staff. They should not be allowed to depend on parking on Cuthbert. If they stack up in the driveway, a swift exit would be impossible during an emergency.

Please ensure that Malibu Park remains a tranquil, friendly, equestrian neighborhood.

PLEASE DENY THIS PROJECT.

Thank you

Dominick Guillemot.
[redacted] Clover Heights avenue
Malibu. Ca. 90265
[redacted]

Planning Commission

From: Rebecca Evans
Sent: Monday, July 15, 2024 2:20 PM
To: Planning Commission
Subject: FW: Item 4A DENY: 29738 Cuthbert Rd

-----Original Message-----
From: Debra Weir [redacted]
Sent: Sunday, July 14, 2024 1:06 PM
To: Rebecca Evans <revans@malibucity.org>
Subject: Item 4A DENY: 29738 Cuthbert Rd

Save our neighborhood. Save our school. VOTE NO Thank you Sent from my iPad

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

From: Emily Goodman
To: Rebecca Evans
Cc: Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road
Date: Monday, July 8, 2024 8:13:43 AM

Save our neighborhood. Save our school. Vote No.
Thank you,
Emily Scher

Sent from Yahoo Mail for iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8:13 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/8/24
Planning Dept.

From: Gayle Abrams
To: Planning Commission
Subject: Item 4A - Deny: 29738 Cuthbert
Date: Monday, July 8, 2024 9:23:11 PM

To whom it may concern,

I'm writing to object to the proposed variance for 29738 Cuthbert. Please save our neighborhood. Thank you!

Sincerely,
Gayle Abrams
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/8/24 Time 9:23PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/12/24
Planning Dept.

Planning Commission

From: Geraldine Chollet [redacted]
Sent: Friday, July 12, 2024 1:14 PM
To: Rebecca Evans; Planning Commission
Cc: Gregory Lefevre
Subject: Item 4A - Development Permit No. 23-004 - DENY: 29738 Cuthbert Road

Honorable Planning Commissioners,

Please **deny** this rebuild.

We live in Malibu Park at 5617 Busch Drive and are firmly against the large construction project planned at 29738 Cuthbert Road composed of 9 ensuite bedrooms including the ADU, interior hallway ramps and an elevator... We do not want new rehab centers in Malibu Park. Please save our neighborhood!

Thank you for your understanding,

Geraldine Chollet & Gregory Lefevre
[redacted]
Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/12/24 Time 1:14PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/12/24
Planning Dept.

Planning Commission

From: Gail Fuhrman [redacted] >
Sent: Friday, July 12, 2024 2:56 PM
To: Planning Commission
Subject: Item 4A-DENY 29738 Cuthbert Road

Please save our neighborhood. Vote NO.
Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/12/24 Time 2:56PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: [redacted]
Sent: Saturday, July 13, 2024 3:48 PM
To: Planning Commission
Cc: Rebecca Evans
Subject: Item 4A Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road
Attachments: Comment. Planning Commission. Cuthbert (2) 24.07.13.docx

Dear Commissioners,

Please see attached comment and DENY this project.

Georgia Goldfarb

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 2

Dear Commissioners,

Creative math and a wink and a nod:

This house is significantly over the limits established for rebuilds in Malibu. It significantly exceeds the 110% rebuild that was permitted. How does the 2000 sq foot burnout become a 9000 sq ft house? By planners not following our codes. This makes a mockery of Malibu regulations and codes that we have agreed upon.

An enlarged house would further encroach on ESHA and would be out of neighborhood character. I oppose any further encroachment on ESHA and any degradation of community character. These too, are Malibu and coastal codes or regulations that have been grossly flaunted by Planning.

The roof deck must be omitted. It encroaches on ESHA and its use will emit light prohibited by our Dark Skies ordinance. It should be removed. Lighting for tennis courts must be eliminated.

Landscape plantings must be included in the petition and must indicate native plants including trees.

The approval of this project which so flagrantly violates Malibu codes and mission once again raises the question: Why are we paying for planners who refuse to apply the codes? Where is the oversight? A development this inappropriate should not encounter its first critique at the level of the Planning Commission.

Georgia Goldfarb

Received
7/10/24
Planning Dept.

From: Gina Odian
To: Planning Commission; Rebecca Evans
Subject: Item 4A -- DENY: 29738 Cuthbert Rd
Date: Wednesday, July 10, 2024 2:04:54 PM

Please do not allow a rehab facility posing as a SFR to be approved. Please do not allow them any variances. We do not need a commercial venture with employees and trucks racing through our neighborhood.

Thank you,
Gina Odian
Harvester Rd

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/10/24 Time 2:04 PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Steve Uhring
To: Planning Commission; Planning Commissioners
Subject: FW: 29738 Cuthbert Rd. (Development Project)
Date: Sunday, July 14, 2024 7:03:37 PM

This should have been sent to you.
steveU

From: George Poptsis [redacted]
Sent: Sunday, July 14, 2024 6:55 PM
To: Doug Stewart <dstewart@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; prisanti@malibucity.org
Subject: 29738 Cuthbert Rd. (Development Project)

I am a resident of [redacted] Cuthbert Rd. Myself and my wife just moved back into our new home 3 weeks ago after 5.5 years of planning, development and city code laws. We followed all the rules and city requirements to complete our rebuild after the Woolsey fire. This has been a long hard process which required major financial, physical and mental efforts to complete the project successfully. We are still working to finish the final details for our home. Looking back before the fire we experienced a large influx of drug rehab. housing in our neighborhood. We personally experience break-ins to our parked vehicles and actually had one of the patients try to enter our home on a Saturday morning. Since the Woolsey fire had burned down a lot of the housing in our neighborhood, we are now able to rebuild in a more responsible fashion and not allow unchecked drug housing or oversized structures to be approved on new development projects. There is a lot of money being made by irresponsible investors along with the city collecting large fees from these projects. I disapprove of the city allowing any new over sized housing development projects that create more drug rehab centers. We as long time Malibu residents don't deserve this after all we have gone through to remain in our precious Malibu neighborhood. Please vote against this project.

George Poptsis
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Hugh Arian [redacted]
Sent: Sunday, July 14, 2024 4:25 PM
To: Rebecca Evans; Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road

Save our neighborhood.
Save our school.
Vote No.

Hugh Arlan
[redacted]
Malibu, Ca 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

From: John Paul
To: Planning Commission
Subject: Fw: July 15, 2024 Regular Meeting ITEM 4A-Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road
Date: Monday, July 8, 2024 2:17:00 PM

Planning Commission
Malibu, CA 90265

RE: Planning Commission Meeting of July 15, 2024
Agenda Item No. 4A - 29738 Cuthbert Road

Sent Via Email: Planning Commission@malibucity.org July 8, 2024

Honorable Planning Commissioners:

At the June meeting a representative of the Bolour family yelled at me "what are you complaining about? You won't see this building."

Actually, I will. As will others who live on Harvester Road.

We would not only see it, but we would also hear the endless activity threatening the calm tranquility that pervades Malibu Park.

With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is dramatically larger than the nearby properties on Harvester and Cuthbert.

The existing neighboring homes are substantially smaller:

29756 Cuthbert Road was approximately 1,225 sf prior to the fire. Even if the rebuild is 3,000 sf., 29738 Cuthbert would be close to 300% larger than its neighbor.

28725 Harvester's final sf is 4,600 sf
29745 Harvester is 1,680 sf
29748 Harvester Rd is 1900 sf
29735 Harvester is 7,246 sf (per Zillow)
29755 Harvester is 3,400 sf
29800 Cuthbert is 5,500 sf.
29824 Cuthbert is less than 3,000sf (Per Zillow)

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 2:17 PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 4

With 9 ensuite bedrooms including the ADU, interior hallway ramps and an elevator, one also questions the use for this building. It is hard to imagine this as a single-family residence. Rumors have spread that it will be a rehab, Airbnb, or a Party Rental house. This would shatter our quiet, residential neighborhood in which one hears the music of birds not DJ's.

As the height is in excess of the code height of 18', the building will cast more nighttime light effecting the neighbors, dark skies and wildlife in ESHA. The Planning Commission has the discretion to keep the height at 18 ft. PLEASE DENY THE EXCESSIVE 24' HEIGHT.

The rooftop deck and exterior staircase must be eliminated. Decks of this nature create a nuisance. The only thing allowed on roofs are chimneys and antennas. It is clearly not the intention of the LCP to allow rooftop decks and entertaining areas.
PLEASE REQUIRE THE REMOVAL OF THE ROOFTOP DECK AND EXTERIOR STAIRCASE.

When the planning department analyzed the size and impact of the building, they were only considering the ocean view impact on the buildings above the property on Cuthbert Road.

This building has much greater impact on the residents of Harvester Road who live downhill. Its size, glass walls and large outdoor entertaining areas are excessive. The walls of glass, will illuminate the canyon at night. When neighbors on Harvester look up at the mountains they will be looking into a glistening wall of reflective glass. The noise from party goers will resound throughout the neighborhood.

Nothing that would diminish the impact of this structure has been included on the plans. The trees that are currently screening the story poles will be demolished and not replaced as per L-5.1. The trees on the elevations are deceptive. They do not appear on the planting plan (L-3.1).

Only three ornamental trees with a maximum height of between 12-20 feet will be planted. The hedge on the eastern property line will be maintained at 6'. A majority of the plants are low growing shrubs, roses, perennials and succulents. Wouldn't it be better for wildlife as well as the neighborhood to include native trees such as oaks and toyons on the landscape plan?

Mulch and crushed stone are the predominant groundcovers. Mulch is

only permitted to **temporarily** control erosion into ESHA areas during construction. The plans should include the planting of NATIVE VEGETATION to replace the mulch in ESHA.

The Lighting Plan (LT 1) illuminates the whole property. Although the plans no longer note the re-lamping of the tennis court lights, the light poles remain on the plans. THE TENNIS COURT LIGHT POLES MUST BE REMOVED FROM ALL PLANS.

Additional exterior lighting also includes:
A light that illuminates the staircase that ascends over ESHA. This would cast light over ESHA. PLEASE REQUIRE THE REMOVAL OF THIS LIGHT.

Over 20 39 ½" tall bronze finished bollards are shown on the steps to the tennis court as well as the herb garden, ornamental garden, and decorative garden. Bollards are not appropriate for area lighting to tend gardens at night. If the tennis court is not illuminated and the tennis viewing pavilion is not illuminated, why would they need these lights that would augment the night time illumination of the entire property. This is the antithesis of the Dark Skies guidelines.
PLEASE REQUIRE THE REMOVAL OF THESE LIGHTS.

The tennis court rises up dramatically at the southwest corner of the property where it meets the neighboring properties. (See the post Woolsey Fire aerial photograph.) Many of the shielding trees have since been removed. PLEASE REQUIRE THAT THE TENNIS COURT BE PLANTED OUT TO ENHANCE PRIVACY TOWARD HARVESTER ROAD AND TO REDUCE NOISE.



Malibu parking code for single-family dwellings **requires** *two enclosed and two unenclosed spaces per unit.*

The garage does not meet minimum building construction standards.

The garage stalls on A5.0 measure 9’ x 18’.
An average garage stall is min 12 ft wide by 22ft
Common sizes are 14 x 22 and 16 x 24 especially with today’s SUV’s.

Perhaps they plan to convert this space after receiving the Certificate of Occupancy. Please confirm that the developer may not convert this space.

The standard minimum back out distance required is 35’.
(The car must clear the garage walls before turning).

The adjacent driveway shown on A1.0 measures just 25’ between the house and the edge of the planting. Ten feet less than the minimum required to back out and turn to head out the driveway.

There is not enough outdoor parking space for the cars that would accompany 9 bedrooms and the necessary staff. They should not be allowed to depend on parking on Cuthbert. If they stack up in the driveway, a swift exit would be impossible during an emergency.

Please ensure that Malibu Park remains a tranquil, friendly, equestrian neighborhood.

PLEASE DENY THIS PROJECT.

Thank you

-- John Densmore
[redacted] Harvester Rd.
Malibu, Ca

Received
7/15/24
Planning Dept.

From: Janek Dombrowa
To: Planning Commission
Cc: Richard Mollica; Aakash Shah
Subject: 29738 CUTHBERT ROAD
Date: Monday, July 15, 2024 12:21:42 PM

Dear Commissioners and Planning Department,

Please share this with Ms. Frieze. I do not have her email.

Thank you,

Janek Dombrowa, Architect

Applicant will present 10 concessions requested by Ms. Charlotte Frieze

1. Site lighting – none - safety step lights only (may add ramp near pool)
2. Balcony lighting - none
3. Dining room and family room glass has louvers that break up the incoming and outgoing light
4. Dining room and family room glass to receive special light spillage limiting film
5. (9) large landscape screens to contain any light spillage (native planting)
6. PERMITTED TENNIS COURT LIGHTS to be REMOVED
7. NO VARIANCES EVER REQUESTED
8. Building size meets MMC - for context, see slide of Malibu Park development (home size 5.6% to 22% of lot area. Proposed project 9.6%)
9. HEIGHT of 24' PERMITTED by MMC 17.40.40(A)(5)(c) by director's determination following site plan review findings – 6 findings have been made:

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

Finding 2. The project does not adversely affect neighborhood character.

Finding 3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Finding 4. The proposed project complies with all applicable requirements of State and local law.

Finding 5. The project is consistent with the City's general plan and local coastal program.

Finding 6. 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 MMC Section 17.40.040(A)(17)

10. DEED RESTRICTION – house will not be used as a substance abuse rehabilitation or mental health clinic

--
Janek Dombrowa, AIA
Principal / J T D A R C H I T E C T S /
Adjunct Assistant Professor for the Practice of Architecture / U S C /

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 12:21PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 2

Received
7/15/24
Planning Dept.

From: Jo Drummond
To: Planning Commission; John Mazza; Kraig Hill
Cc: Charlotte Frieze; Patt Healy; R. Y. A. N.; Ann Doneen; Bill Sampson; Rosemarie Ihde; Sam Hall Kaplan; Scott Dittrich; Dru Ann Jacobson; Charlotte Drummond
Subject: Fwd: Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003
Date: Monday, July 15, 2024 6:49:05 AM

Attention Chair Mazza and Planning Commission,

In addition to the letter below please note the following:

1. In the Geoconcepts report dated Jan 10, 2022, it states under “Drainage” on p 5, “Much of this water drains as sheet flow, down descending slopes to low lying areas, **the creek bed**, and lower areas offsite.” Given the MASSIVE amount of water and effluent, this project will release, this is UNACCEPTABLE so close to ESHA and a creek bed.

2. This project has already come and gone in its practically identical form to the Planning Commission and has been DENIED once already in February of 2023. It was NEVER a fire rebuild as it is TRIPLING the former home's size and therefore CANNOT be allowed in ESHA. It is NOT on the original footprint and should not have ANY parking so close to ESHA.

3. The full bath and kitchen area in the tennis pavilion also need to be calculated into the TDSF which has been omitted for some reason,

4. The walls of glass and rooftop decks will disturb all the wildlife creatures and neighbors with the major light emission, noise, etc. coming out from this design. Therefore, the height should also not be more than 18 ft.

5. The application after the original denial was withdrawn so that the applicant could "try again" with the planning commission - this can not be allowed and must be denied. This is a WASTE of the planning department's time and money. This should have NEVER been brought back to the Planning Commission.

6. The pool is very large and is a hazard to small children or pets staying on the property as guests and should be fenced in and covered. Covering it would also keep it warm and conserve water.

7. The findings CAN NOT be made for a home this size as it is out of the neighborhood's character and standards. An addition also CAN NOT be made onto a structure that has NOT been built yet.

Please send this back for a redesign to a much smaller home that is not more than two times the original home. We are TRYING to attract FAMILIES back to Malibu, not sober living/rehab/vacation/event rentals.

Thank you very much for your consideration,

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 4

Jo Drummond

Begin forwarded message:

From: Jo Drummond [redacted]
Date: June 3, 2024 at 12:46:11 PM EDT
To: Planning Commission <planningcommission@malibucity.org>, "K. Hill" [redacted], John Mazza [redacted], Rebecca Evans <revans@malibucity.org>, Patricia Salazar <psalazar@malibucity.org>
Cc: Patt Healy [redacted], "R. Y. A. N." [redacted], Charlotte Frieze [redacted], Dawn Ericson [redacted], Dru Ann Jacobson [redacted], Bill Sampson [redacted], Ann Doneen [redacted], Colin Drummond [redacted], Scott Dittrich [redacted], Gerhardt & Rosemarie Ihde [redacted], Robert Wolff [redacted], Bob [redacted], Dorina Schiro - Neighbour [redacted]
Subject: Item 5A - 29738 Cuthbert Road. Coastal Development Permit-Woolsey Fire No. 22-003

Honorable Chair Mazza and Planning Commission,

The proposed structure at almost 9000 sq feet is NOT a fire rebuild but is a precedent-setting change to Malibu Park's neighborhood character and violates the “neighborhood standards” code in Section 3.6 of Malibu’s LIP.

This is more than THREE TIMES the size of my own house that fits very comfortably and generously our family of five plus our dog. This proposal is not a family home being created but a complex and profit-making investment that could house a rehab center or multiple parties/events and vacation tenants in this quiet neighborhood that is the closest to Malibu High.

On page 5 of the staff report the surrounding uses are displayed yet **OMITS the square footage of each home** or former home on the lots. The average square footage of recorded assessor values of these five surrounding homes is ONLY **2476 sq feet.** That is THREE AND A HALF TIMES SMALLER than this proposed structure. This is not even DOUBLING the average home size but **more than tripling it**, thereby changing the neighborhood character, violating neighborhood standards, and IS NOT in line with our City's Vision and Mission Statement.

We should be encouraging like-for-like plus 10% rebuilds that regular families who will attend our schools can afford and not continuously change our once rural, quaint, and quiet neighborhoods with these mega mansion properties that only an elite few can buy as most likely an investment and/or second non-primary residence. From just one of the renderings (attached from p 10 of the staff report) it looks like a HOTEL

RESORT and NOT a family home. It can seat between 14 and 28 people at the dining tables alone. And there are at least 8 bedrooms and 12 bathrooms! Plus a "viewing gallery" by the tennis courts. This project will also be using over 53000 gallons of water per year - that is more than 1/3 of the entire community of Big Rock's water usage, one of the largest neighborhoods in Malibu with over 400 residents. It's planned to be a venue, not a home.

Also MOST importantly and often ignored mistakenly is this project is WITHIN a mapped blue line stream buffer area. It needs to be set back 100 feet from this ESHA which is possible on this large flat lot, especially with its new larger septic system and huge potential water usage. A LARGE portion of this house is WITHIN the buffer area and there should be NO EXEMPTION for this.

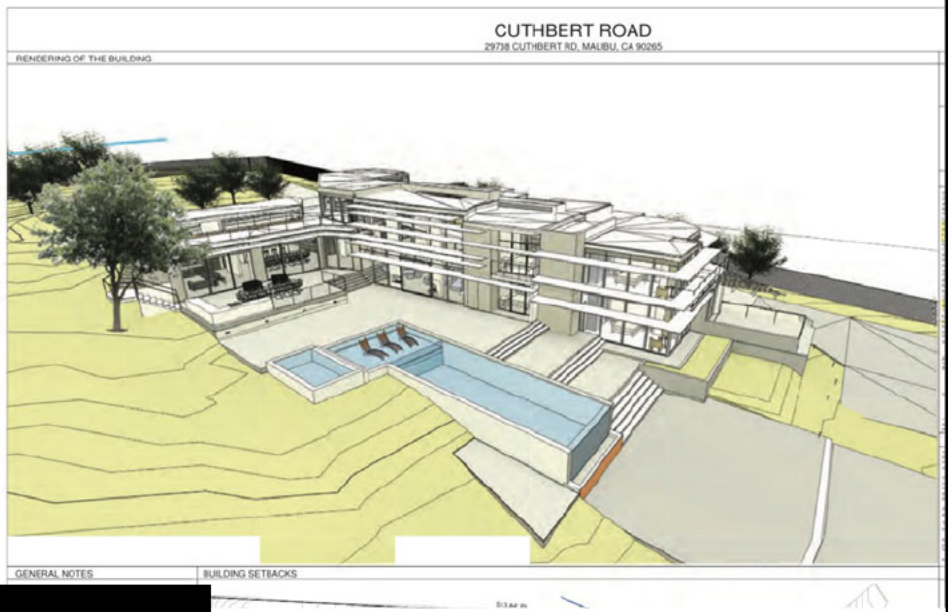
Between all this and the rooftop deck/s how will peace be maintained for the wildlife and neighbors?

No site plan review can be granted for any home altering the neighborhood character as this one will do. A proposed huge complex like this again, also violates our residential development standards. How this overbuilt project can be approved so quickly before several modest like-for-like plus 10% fire rebuilds that are still in planning is a travesty.

Please deny this project and send it back to planning for the redesign of a smaller more modest project that is designed to be a family home, without ANY rooftop decks and NOT a lit-up hotel.

Thank you,

Jo Drummond



[redacted]

[redacted]

Received
07/15/24
Planning Dept.

Planning Commission

From: James Ludwig [redacted]
Sent: Monday, July 15, 2024 12:43 PM
To: Planning Commission; Rebecca Evans
Cc: James Ludwig
Subject: Please Deny - Item 4A Coastal Development Permit ("CDP") - Woolsey fire No. 23-004/29738 Cuthbert Rd.

Honorable Planning Commissioners and Staff, My family and I are 48 year residents of Malibu Park. We raised our family here and are staunch supporters of our local community and public schools. We lost our home in the Woolsey Fire, were fortunate to rebuild, and once again occupy our quiet neighborhood. The above referenced project has all the appearances of a re-hab facility and not a single family home. It appears to be totally out of character of our local neighborhood and not conducive to the restoration of our family friendly environment. We thus request denial of the CDP in hopes the owners will seek build a more appropriate family friendly home which will contribute to the restoration of our neighborhood. Thank you for your consideration, James Ludwig, [redacted], Malibu

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 12:43PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

Planning Commission

From: Jennifer Pietro [redacted] >
Sent: Saturday, July 6, 2024 11:48 AM
To: Planning Commission
Cc: Charlotte Frieze; Brian Pietro; Carol Bretonne
Subject: Item 4A - Deny

Please do your job is planning commission members, and deny item 4A regarding a large “home”proposed for Malibu Park.

Our community is counting on you to protect one of Malibu‘s oldest rural neighborhoods.

Thank you,
Jennie and Brian Pietro

Fire survivors, and Malibu Park residents for over three decades (and witnesses to the destruction of our neighborhood with permitted projects that have become lucrative commercial enterprises).

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Candace Brown
To: Planning Commission; Rebecca Evans
Subject: Item 4A - DENY: 29738 Cuthbert Road
Date: Monday, July 15, 2024 3:20:18 PM

Dear Planning Commissioners,

The project before you is for an expansive, over-average for the neighborhood standards, complex that should be denied and reevaluated for a smaller home.

The denial should be based on standings not considering potential commercial rehab.

Again, you cannot deny on prospective use of the property, but on the nature of 9000 square feet in a 4000-5000 sq ft neighborhood.

Please add my statement of denial to the many that you will receive soon.

Thanks,
Jefferson Wagner
Former 2-time council member
A.S.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 3:20PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Steve Uhring
To: Kim Devane
Cc: Planning Commissioners
Subject: RE: Opponent to 29738 Cuthbert Rd Malibu, CA 90265 : Proposed Neighborhood Over Build
Date: Sunday, July 14, 2024 7:21:57 PM

Thank you Kim
steveU

From: Kim Devane [redacted]
Sent: Sunday, July 14, 2024 7:13 PM
To: Doug Stewart <dstewart@malibucity.org>; Marianne Riggins <mriggins@malibucity.org>; Steve Uhring <suhring@malibucity.org>; Bruce Silverstein <bsilverstein@malibucity.org>; prisanti@malibucity.org
Subject: Opponent to 29738 Cuthbert Rd Malibu, CA 90265 : Proposed Neighborhood Over Build

I have lived in Malibu for over 30 years and own a home at [redacted] Cuthbert Rd. I strongly oppose the over build of the proposed 9000 sq ft monstrosity at 29738 Cuthbert Rd Malibu, CA 90265 which was already denied once for all the correct reasons.

The house is too large for the neighborhood and has proposed numerous variances outside of our neighborhood and City codes and seeks to cheat the system and rules in place for rebuild criteria and protocol following the Woolsey fire: **"one must build the same structure in the same place and it can be no larger than 10% of the previous building. The footprint of the building must remain the same, but the architectural style may be updated or changed."**

My home burned down in the Woolsey fire as did many of my neighbors and friends' homes. We all followed the strict rules that were in place and painstakingly underwent the permitting process and thankfully 6 years later many of us have finished the long arduous experience.

The City of Malibu should unilaterally deny any building permit that is not in keeping with the rules and protocols of the City and neighborhood and abjectly attempts to supersede and subvert the laws and rules to safeguard against such an overbuild.

To **NOT** deny this is a slap in the face to all those that endured the hardship and limitations of rebuilding our homes after Woolsey and to those homes

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 2

and homeowners that survived the fire and do not want to be subjected to unlawful , out-of-scope building in our bucolic neighborhood.

Sincerely,
Kim Devane
[redacted] Cuthbert Rd. Malibu CA 90265

Kimberly Devane, President
Divine is Open for Business!!
Divine Imaging Inc. | A SMALL, WOMAN-OWNED, BUSINESS
[redacted]
Phone: [redacted] | Fax: [redacted]
[redacted]

Received
07/08/24
Planning Dept.

Planning Commission

From: Kelly Flor [redacted] >
Sent: Saturday, July 6, 2024 1:39 PM
To: Rebecca Evans; Planning Commission
Subject: Coastal Development Permit-Woolsey fire No. 23-004/29738 Cuthbert Road

Dear Planning Commissioners,

My home thankfully did not burn down during the Woolsey fire and I have gratefully witnessed my neighborhood rebuild and flourish. My home is a modest original 1950's Malibu bungalow totaling about 1900 square feet. I bought my home in 1997 and raised my family here in this sweet beautiful neighborhood. My children walked to Juan Cabrillo and Malibu High. We have cherished our neighbors and loved the beauty of Malibu Park.

When I learned of the proposed rebuild (single family dwelling on 29738 Cuthbert) I was shocked at the size and proposed interior of eight ensuite bedrooms, meeting rooms and hallways. This is clearly not an intended single family dwelling and does not fit the character and charm of our rural coastal Malibu Park. I hope that you do not approved this ridiculous rebuild plan in our beloved community.

Sincerely,

Kelly Flor
[redacted]
Malibu, CA 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/12/24
Planning Dept.

Planning Commission

From: Katharine Marinaro [redacted] >
Sent: Friday, July 12, 2024 1:44 PM
To: Planning Commission
Cc: Rebecca Evans
Subject: Item 4A DENY Please 23-400/29738 Cuthbert Road

Please help keep our neighborhoods full of families and not big corporate rehabs.

Warmly,

Katharine

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/12/24 Time 07/15/24
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/11/24
Planning Dept.

Planning Commission

From: Architectural Sculpture [redacted]
Sent: Thursday, July 11, 2024 12:34 PM
To: Planning Commission
Cc: Steve Uhring; Bruce Silverstein
Subject: re: ⚑SAVE MALIBU PARK! ⚑DENY BOLOUR OVERREACH 29738 CUTHBERT ROAD
Attachments: PC240715_Item4A_Correspondence_LSaunders.pdf

Dear Commissioners,
I just received the attached correspondence and think it states more clearly than I could my own objection to this project.

Please reject this project. The poor residents in this neighborhood deserve better, and have certainly suffered enough between fires, flooding, and rebuilds; on top of everything they do not need this monster in their vicinity.

Malibu does not need another rehab, or hotel, or whatever this is proposed to be. Please do not let it happen.

Respectfully,
Lotte Cherin

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/11/24 Time 12:34PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 5

Planning Commission

From: LSGLA [redacted] >
Sent: Thursday, July 11, 2024 10:39 AM
To: Planning Commission; Rebecca Evans
Cc: Steve McClary; Bruce Silverstein; Steve Uhring; Doug Stewart; Kelsey Pettijohn
Subject: ⚑SAVE MALIBU PARK! ⚑DENY BOLOUR OVERREACH 29738 CUTHBERT ROAD

Item 4A ⚑

Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road

Honorable Planning Commissioners:

I am forwarding a friend's correspondence regarding 29738 Cuthbert Road, as we are in complete agreement with him. Please deny this project and save Malibu Park!

By Sam Hall Kaplan

There are fire rebuilds and then there is 29738 Cuthbert Road, a proposed questioned rebuild with all the frills of a rehab facility posing as a single-family residence in a compromised Malibu Park.
And just as the Woolsey disaster laid to waste most of the Park's pastoral ambience, turning homes into ash, 29738 as proposed would further unwarrantably and tragically damage the community, as well as property values.
It should be rejected.
The dubious proposal before the Commission calls for the reasonable rebuilding of the previous residence of 3872 sq. ft., but with an unreasonable questioned addition of 4620 sq. ft., for a total project of 8492 sq. ft.
This is more than double the size of the original residence and clearly an abuse of neighborhood standards and character, an architectural conceit infringing on an environmentally sensitive buffer zone, requiring several variances, including exceeding the height limitation.
These design issues and questionable variances are typically proposed by avaricious developers and compliant architects, and tend to be greeted favorably by a covetous city staff and its chummy consultants.

But what makes the proposal for 29738 so egregious and deserving a slap down rejection is not noted in the reams of City Hall's bureaucratic babble and boilerplate, which identifies the project as a single-family residence.

And this when the plans reveal the addition to feature eight ensuite bedrooms, several auxiliary meeting rooms, served by an interior hallway, ramps and an elevator. This architectural program suggests one of three uses:

A motel, which would be a patently zoning violation in Malibu Park's designation as a rural residential equestrian community.

A house of ill repute, the addition's eight bedrooms commonly called cribs and housed prostitutes in the mining towns of the historic West.

This leaves the third use, a drug and alcohol addiction rehab center or sober living facility. Publicly decried by the city and impacted neighborhoods, the fact is that these facilities are protected by State law that super cedes local zoning, and cannot be barred per se.

Still, whatever the proposal is called, 29738, a residential or rehab structure, it fails to meet local building codes, and as indicated by the variances requested and a simple reading of neighborhood character.

But the prospects of profits have made the rehab community guileful, and local governments and their consultants wary, particularly of the prospects of appeals, given the history of its legal representation.

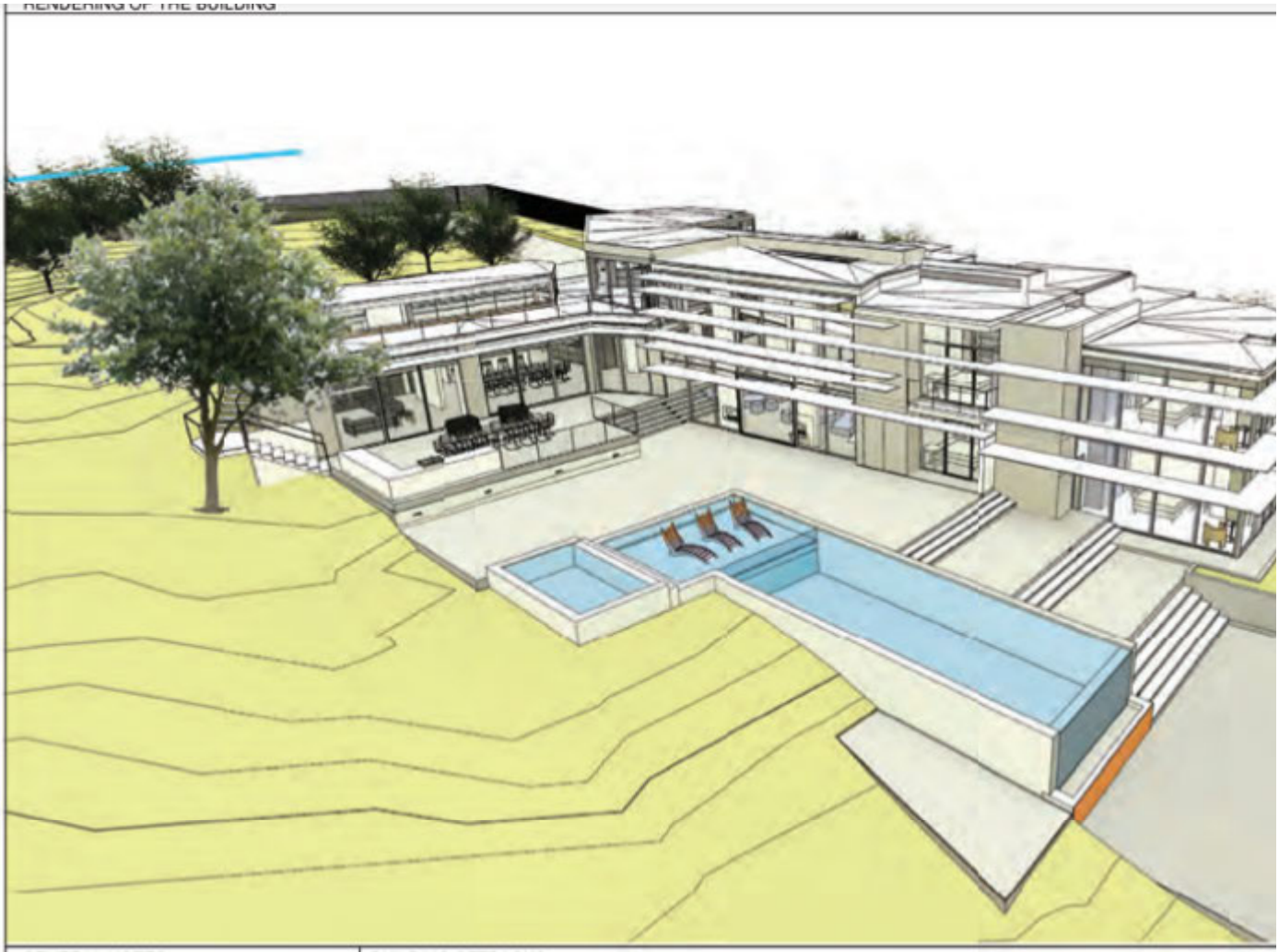
To be sure, at the urging of select neighborhoods where rehab centers have in the past located in Malibu, the city has spent thousands of dollars hiring lobbyists and underwriting numerous forays to Sacramento.

Whatever, it has been no matching the deep pocketed, politically connected facility developers and operators, especially of the exclusive luxury archetype models with Malibu addresses catering to the rich and famous to the tune of astronomical prices.

As for the fate of the proposed Cuthbert rebuild, the vote will be a moment of truth for the Planning Commission, and the future of Malibu Park. You would think it has suffered enough from the Woolsey Fire.

This sham project sets a dangerous, damning precedent for Malibu Park, and should be rejected

RENDERING OF THE BUILDING



GENERAL NOTES

BUILDING SETBACKS



LOT DEPTH: 470.69' FT
FRONT SETBACK 20% (94.14' FT) OR 65' FT, WHICHEVER IS LESS = 65.00' FT
REAR SETBACK 15% (70.60' FT) OR 15' FT, WHICHEVER IS GREATER = 70.60' FT

LOT WIDTH: 187.75' FT
SIDE SETBACK CUMULATIVELY 25% OF WIDTH (46.93' FT/2 = 23.47' FT) OR 10% OF WIDTH (18.78' FT), WHICHEVER IS GREATER = 2

Lynn Saunders Guilburt
David Guilburt

[redacted]
Malibu, CA 90265
[redacted]

CONFIDENTIAL: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any reproduction, dissemination or distribution of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Received
07/15/24
Planning Dept.

Planning Commission

From: Rebecca Evans
Sent: Monday, July 15, 2024 2:14 PM
To: Planning Commission
Subject: FW: Item 4A - DENY: 29738 Cuthbert Road

From: Leanne Hirsh <[redacted]>
Sent: Sunday, July 14, 2024 10:45 PM
To: Rebecca Evans <revans@malibucity.org>
Subject: Item 4A - DENY: 29738 Cuthbert Road

revans@malibucity.org and PlanningCommission@malibucity.org Please ask your neighbors to write. Ask everyone in your household to write. Inspire your children to write. All they need to say is: Save our neighborhood. Save our school. Vote No. Thank you!"



LEANNE HIRSH
Emmy Winning MAKE UP ARTIST
Leanne Hirsh Beauty
WEB | SOCIAL

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 2

Founder / CEO
Perfumera Curandera
"Woman who Heals with Fragrant Plants"
WEB | SOCIAL
Phone: [redacted]
Email: [redacted]

From: [redacted]
To: Planning Commission
Cc: Rebecca Evans
Subject: Item 4A DENY 29738 Cuthbert Road
Date: Monday, July 8, 2024 3:50:18 AM

Received
07/08/24
Planning Dept.

Please vote NO on planning permission to this project!
We very much would like to bring back the family neighborhood that existed before the Woolsey fire devastated our neighborhood, this over sized building in no way contributes in manner to that objective, quite the opposite if it is then used as a Rehab.
Kind regards
Lisa and Mike McKean
Harvester Road

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 7:30 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: LSGLA [redacted] >
Sent: Friday, July 12, 2024 7:01 PM
To: Planning Commission; Kelsey Pettijohn; Steve McClary; Patricia Salazar; Yolanda Bundy
Cc: Bruce Silverstein; Steve Uhring
Subject: DENY PLANNING AGENDA ITEM 4A! NO WAY!

Dear Commissioners:

Please find below correspondence from Charlotte Frieze, Malibu Park resident, friend and neighbor.

Enough is enough. Please follow the codes and stop with all the variances.

May I suggest that the Mission and Vision Statement be read at the beginning of each meeting.

Please respect the rural character of our neighborhoods! C'mon sheesh.

###

RE: Planning Commission Meeting of July 15, 2024
Agenda Item No. 4A - 29738 Cuthbert Road

Recommendation: Deny Project

Sent Via Email: PlanningCommission@malibucity.org July 12, 2024

Honorable Planning Commissioners:

Reviewing the February 21, 2023 Planning Commission Meeting video, it seemed appropriate to update my July 8, 2024 correspondence.

It is clear that three of the Commissioners – Mr. Hill, Mr. Mazza and Mr. Peak - agreed that the proposed 8500 sf house is too big for the neighborhood. All three questioned how this project was allowed to develop from a Fire Rebuild + 10% into a structure that is substantially larger than the neighboring houses.

My notes from the February 21, 2023 meeting follow:

- Richard Mollica: "**The applicant will be required to comply with Dark Skies**."

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 3

- The first plans approved were for an In Kind Rebuild which is why the building was permitted to be put back in ESHA.
- Hill: The Total Development Square Footage is in question.
- There were many unpermitted additions to the house prior to the Woolsey Fire. The square footage allowed for the Rebuild is questionable.
- Mollica: "As Commissioners, if you feel you cannot make the findings and you would like to see a smaller home on the site and you feel it is out of character …that is where the Commission has its discretion here. **You have the ability to say you can't make the findings. It is out of character**. **As a Commission you can always ask for less."**
- Mazza: "When they got the first permit there was no roof deck. No light mitigation was needed.
- Mazza: "This house should not be before us. They have a permit" (for 110% Rebuild).
- Mazza: At 110% they can build in the same footprint in ESHA. Coastal cautioned us to not do any more at 150%. Over 200% requires a CDP. **CDPs cannot be serial**.
- Mazza: "If they want 8500sf house they start and build an 8500sf house. **This is no way a Woolsey Fire Rebuild!"**
- Mazza: "We have a big house going in where a not big 1-story house was".
- Mazza: "**You can't take a Woolsey Fire Rebuild, take advantage of all you get with just a review and no Planning Commission approval and in two steps convert it into a giant house …It is not allowed**."
- Mazza: "This is what Kraig asked. How did this go from a number we don't know for sure was the original burnout to 8000 something almost 9000sf without us being able to look at it?
- Peak: "**I have a lot of the same concerns that John has and would like to make a motion to deny this project**".
- Mazza: I would second this motion.
- Attorney Donegan: I just want to be clear. The draft resolution is for one of approval. **You must direct Staff to come back with a draft resolution for denial**.
- Mollica: This is a CDP for an Addition to a Fire Rebuild.

Only minor changes have been made to the Plans since the February Meeting. The building and site design must all adhere to the Dark Sky Ordinance. The TDSF must be recalculated to include the tennis pavilion full bath and other areas not listed. The roof deck must be omitted as it not only is in ESHA but also would create noise and lighting issues.

The video reveals how the owners have tried to parlay an approximately 2000 sf home into an almost 9000 sf home with a 1085 sf tennis pavilion that comprises a full bath and kitchen area, a substantially larger swimming pool, Baja pool and spa.

Clearly this project should be denied and reviewed as one new project. As the Rebuild has not been constructed you cannot request approval for an addition. The two sets of plans should be merged into one set of plans to be reviewed as one new, smaller project that is not in the ESHA Buffer.

This project is not in keeping with the quiet, equestrian neighborhood. Perhaps the Applicant can find a more appropriate site for this building in amongst other large homes.

For the above reasons, I respectfully urge the Commission to deny this project.

Thank you,

Charlotte M. Frieze

Sincerely,

Lynn Saunders

[redacted]
Malibu, CA 90265
[redacted]

CONFIDENTIAL: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any reproduction, dissemination or distribution of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Received
07/11/24
Planning Dept.

Planning Commission

From: LSGLA [redacted] >
Sent: Thursday, July 11, 2024 10:39 AM
To: Planning Commission; Rebecca Evans
Cc: Steve McClary; Bruce Silverstein; Steve Uhring; Doug Stewart; Kelsey Pettijohn
Subject: SAVE MALIBU PARK! DENY BOLOUR OVERREACH 29738 CUTHBERT ROAD

Item 4A

Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road

Honorable Planning Commissioners:

I am forwarding a friend's correspondence regarding 29738 Cuthbert Road, as we are in complete agreement with him. Please deny this project and save Malibu Park!

By Sam Hall Kaplan

There are fire rebuilds and then there is 29738 Cuthbert Road, a proposed questioned rebuild with all the frills of a rehab facility posing as a single-family residence in a compromised Malibu Park.
And just as the Woolsey disaster laid to waste most of the Park's pastoral ambience, turning homes into ash, 29738 as proposed would further unwarrantably and tragically damage the community, as well as property values.
It should be rejected.
The dubious proposal before the Commission calls for the reasonable rebuilding of the previous residence of 3872 sq. ft., but with an unreasonable questioned addition of 4620 sq. ft., for a total project of 8492 sq. ft.
This is more than double the size of the original residence and clearly an abuse of neighborhood standards and character, an architectural conceit infringing on an environmentally sensitive buffer zone, requiring several variances, including exceeding the height limitation.
These design issues and questionable variances are typically proposed by avaricious developers and compliant architects, and tend to be greeted favorably by a covetous city staff and its chummy consultants.

But what makes the proposal for 29738 so egregious and deserving a slap down rejection is not noted in the reams of City Hall's bureaucratic babble and boilerplate, which identifies the project as a single-family residence.

And this when the plans reveal the addition to feature eight ensuite bedrooms, several auxiliary meeting rooms, served by an interior hallway, ramps and an elevator. This architectural program suggests one of three uses:

A motel, which would be a patently zoning violation in Malibu Park's designation as a rural residential equestrian community.

A house of ill repute, the addition's eight bedrooms commonly called cribs and housed prostitutes in the mining towns of the historic West.

This leaves the third use, a drug and alcohol addiction rehab center or sober living facility. Publicly decried by the city and impacted neighborhoods, the fact is that these facilities are protected by State law that super cedes local zoning, and cannot be barred per se.

Still, whatever the proposal is called, 29738, a residential or rehab structure, it fails to meet local building codes, and as indicated by the variances requested and a simple reading of neighborhood character.

But the prospects of profits have made the rehab community guileful, and local governments and their consultants wary, particularly of the prospects of appeals, given the history of its legal representation.

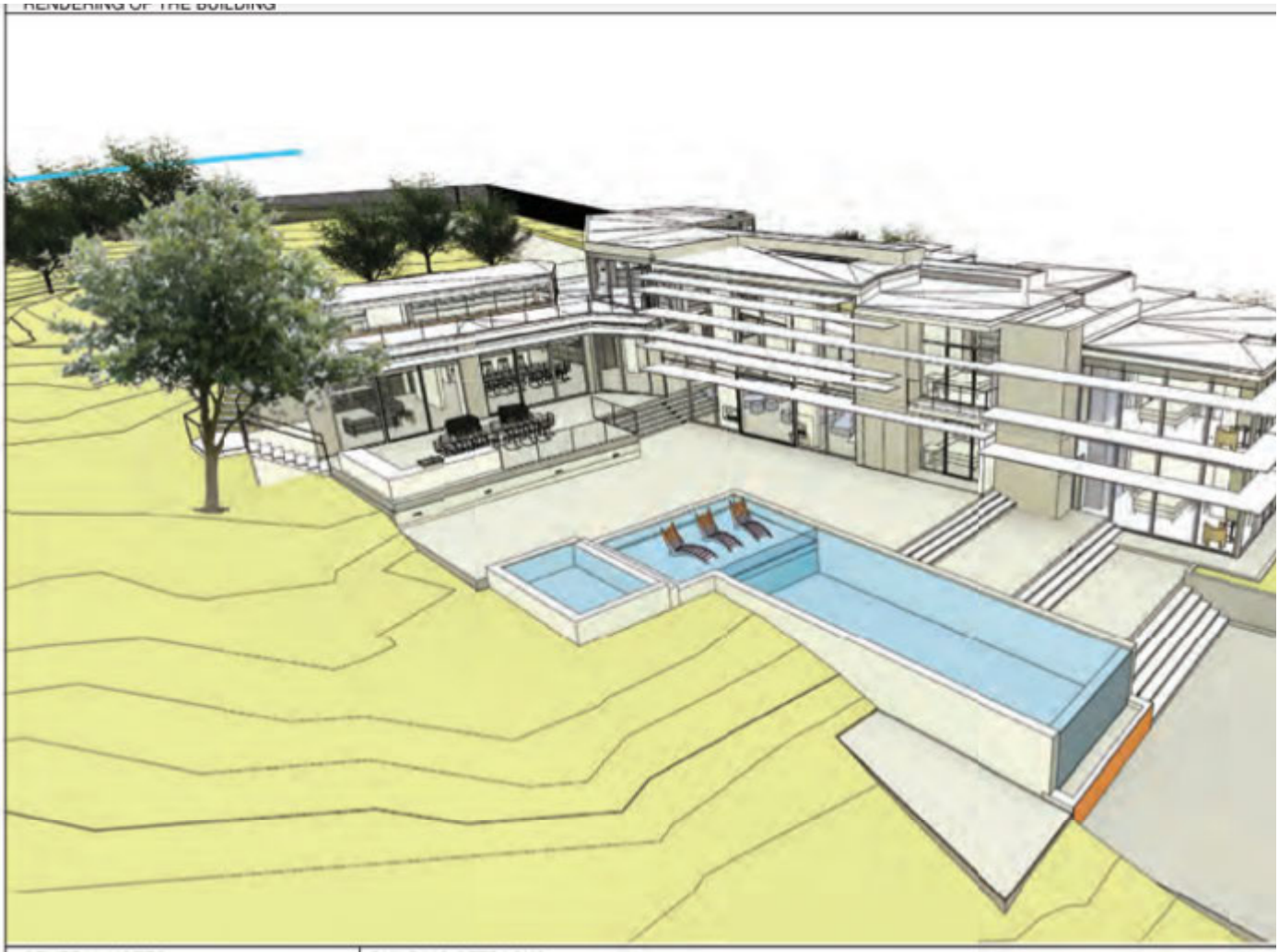
To be sure, at the urging of select neighborhoods where rehab centers have in the past located in Malibu, the city has spent thousands of dollars hiring lobbyists and underwriting numerous forays to Sacramento.

Whatever, it has been no matching the deep pocketed, politically connected facility developers and operators, especially of the exclusive luxury archetype models with Malibu addresses catering to the rich and famous to the tune of astronomical prices.

As for the fate of the proposed Cuthbert rebuild, the vote will be a moment of truth for the Planning Commission, and the future of Malibu Park. You would think it has suffered enough from the Woolsey Fire.

This sham project sets a dangerous, damning precedent for Malibu Park, and should be rejected

RENDERING OF THE BUILDING



GENERAL NOTES

BUILDING SETBACKS



LOT DEPTH: 470.69' FT
FRONT SETBACK 20% (94.14' FT) OR 65' FT, WHICHEVER IS LESS = 65.00' FT
REAR SETBACK 15% (70.60' FT) OR 15' FT, WHICHEVER IS GREATER = 70.60' FT

LOT WIDTH: 187.75' FT
SIDE SETBACK CUMULATIVELY 25% OF WIDTH (46.93' FT/2 = 23.47' FT) OR 10% OF WIDTH (18.78' FT), WHICHEVER IS GREATER = 2

Lynn Saunders Guilburt
David Guilburt

[redacted]
Malibu, CA 90265
[redacted]

CONFIDENTIAL: The information contained in this message may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any reproduction, dissemination or distribution of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/11/24 Time 10:39 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 4

Received

7/15/24

Planning Dept.

From: Mariela
To: Rebecca Evans; Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road
Date: Monday, July 15, 2024 7:54:51 AM

Good morning,

SAVE our neighborhood. SAVE our school. Do not allow this project to grow through. Western Malibu has been one of the rural neighborhoods, quiet and peaceful. This 9,000 soft project can be built in the mountains not in a family area. It is not a mega-mansion area and most neighbors intend to keep it lower scale. Already some very large houses had been approved and built after the fires.

Please work with us - the community of Malibu- and help us keep the low key character we envision There is enough land in many other places.

Thanks for supporting the vision we want to maintain.

Mariela Guastavino
[redacted]
phone [redacted]



CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Mark Hutman [redacted]
Sent: Sunday, July 14, 2024 2:11 PM
To: Planning Commission
Subject: Voting no on Cuthbert 9000 sq ft proposal again

Please confirm having received this.

Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Mark Hutman <[redacted]>
Sent: Sunday, July 14, 2024 2:15 PM
To: Planning Commission
Subject: Fwd: Item 4a deny: 29738 Cuthbert rd.

Sent from my iPhone

Begin forwarded message:

> **From:** Mark Hutman [redacted]
> **Date:** July 14, 2024 at 2:14:49 PM PDT
> **To:** revans@malibucity.org
> **Subject: Fwd: Item 4a deny: 29738 Cuthbert rd.**
>
> Save our neighborhood.
> Save our school.
> Voting no again.
>
> Please confirm having received this.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Mark Hutman [redacted]
> > **Date:** July 7, 2024 at 6:48:17 PM PDT
> > **To:** revans@malibucity.org, PlanningCommission@malibucity.org
> > **Subject: Item 4a deny: 29738 Cuthbert rd.**
> >
> > Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Margaret Maglione [redacted]
Sent: Monday, July 15, 2024 12:08 PM
To: Planning Commission
Subject: DENY 29738 Cuthbert Road

Enough with the approval of variances! Please deny this monstrosity for the sake of Malibu.
Malibu needs to become a ZERO variance town, like many other towns that emphasize preservation over development.
Please ensure that Malibu Park remains a tranquil, friendly, equestrian neighborhood.
PLEASE DENY THIS PROJECT.
Thank you,
Margaret

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 12:08PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

Planning Commission

From: Peter C Jones [redacted] >
Sent: Saturday, July 6, 2024 12:39 PM
To: Planning Commission; Rebecca Evans
Subject: 29738 Cuthbert Road
Attachments: 2024-07-06 - 29738 Cuthbert Road.docx

Dear Ms. Evans,

Please distribute my attached letter regarding 29738 Cuthbert Road to the Planning Commissioners.

With many thanks,

Peter C. Jones
[redacted]

July 6, 2024

Honorable Commissioners:

Question: When is a nine bedroom, 8,500 square foot home not a home?

Answer: When the occupants would rather be any place else.

If the variances are granted future residents of 29738 Cuthbert Road will have been sent there by someone: a judge, a doctor, a sibling, a parent, even a friend. At best this building would be a rehabilitation facility cloaked in residential clothing.

Clearly, this 8,492 square foot, nine en suite bedroom behemoth with ramps instead of stairs, a light up tennis court, a light up outdoor dining facility with a light up kitchen, and a light up dinner table with chairs for twenty-two, plus a light up roof deck does not comply with the Malibu residential code. The code requires that new construction be in keeping with the scale of the immediate neighborhood where the largest building is 40% smaller and properties are dark in the quiet of the night:

> The proposed structure is clearly an abuse of neighborhood standards and character, an architectural conceit infringing on an environmentally sensitive buffer zone, requiring several variances, including the right to exceed the height limitation.

The residents of Western Malibu live peacefully with each other, send their children to school, and take care of their neighbors in times of distress.

The residents of Western Malibu do not snort coke at the dinner table or drench their brains with alcohol or scream and rant about their addictions while pretending to play tennis at night. They do not race their cars through this lovely neighborhood at seventy miles per hour.

But they do go horseback riding.

Planning Commission Director Richard Mollica has unexpectedly resigned amid a swirl of rumored allegations. Assistant City Planner Adrian Fernandez discredited himself with his disingenuous testimony before the City Council about the application to build The Malibu Inn on PCH. Mr. Mollica championed the proposed Malibu Inn but, without explanation, failed to attend the hearing.

Mr. Fernandez wrote a letter to the City Council in which, according to *The Malibu Times*, he "alleged personal harassment from two city council members and from

members of the public during a council meeting concerning an application to build a property in mid-Malibu right across from the Malibu Pier called the Malibu Inn. Indeed, his letter stated that he had experienced death threats, public attacks, and private verbal abuse from many sides."

The application to build the Malibu Inn on PCH was also championed by Mr. Fernandez but defeated by a City Council vote of four to one. The lone holdout was Paul Grisanti who claimed that the massive coastal bluff is actually a hill.

Now Malibu is faced with a Planning Department with no Director, a staff plagued by heavy turnover, and a department compromised by the imminent departure of Mr. Mollica and the uncertain future of Mr. Fernandez.

To assist those seeking the position, Malibu has created a dedicated telephone number: 310-456-2489. Applicants are encouraged to call in.

While the heart of Malibu is it's beaches, Western Malibu is its soul.

Do we really want to entrust the soul of Malibu to the Bolour Family of Real Estate Developers:

1. Bolour Family News: https://bolourassociates.com/bolour-closes-construction-take-out-loan/

2. Bolour Family News: https://bolourassociates.com/bolour-completes-latest-investment-on-pico-boulevard-with-4-45-million-retail-center-acquisition/

3. Bolour Family News: https://bolourassociates.com/bolour-provides-over-20m-in-debt-for-three-site-southern-california-portfolio/

Sincerely,

Peter C. Jones, Arts Commissioner
M. [redacted]
E. [redacted]

July 6, 2024

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 3

Received
07/12/24
Planning Dept.

Planning Commission

From: [redacted]
Sent: Friday, July 12, 2024 3:59 PM
To: Planning Commission
Subject: Fw: 29738 Cuthbert item 4A
Attachments: pc 29758 cuthbert 7-15-24 ff.pdf

Commissioners attached are Slow Growth's comments on the above refereed project

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/12/24 Time 3:59PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 11

To: Members of the Planning Commission
From: Malibu Coalition for Slow Growth (MCSG)
Agenda Item: 4A
Date: 7-15-24
Recommendation :Deny Project

Honorable Members of the Planning Commission,

The Malibu Coalition for Slow Growth asks that you deny this project for the following reasons.

Slow Growth's Comments

Modifications to original project

Staff was very helpful in providing us with the changes made in the previously 2-21-23 denied project which are reflected in the current proposed project. They are minimal *"The design of the house is not changing much or at all. 1.They are removing few trees from the front of the property, so they can open the view towards the ocean for public. 2, They are going to remove those lights and poles from the tennis court to follow dark sky ordinance. 3.Changes to the landscape and hardscape. 4.The are no internal or external design changes to the residence*."

One new project

It is puzzling to Slow Growth how the Commission can be asked to approve an addition to a fire rebuild when the rebuild has not been constructed. The Commission would be approving plans to be added onto the fire rebuild plans. In essence, since nothing has been constructed , these 2 sets of plans should be merged into one set of plans to be renewed as one new project. And should be considered as such.

Neighborhood Character

This project should be denied and required to be made smaller to fit into the neighborhood character.

ESHA

Since this is one new project, the portions of the project in the ESHA setback should be required to be moved out of the ESHA buffer.

Roof Decks

Roof Decks are not allowed under LIP 3.6.E Height 1. Only chimney's and antenna are allowed on structures 18 feet or higher. Therefore , roof deck must be removed not only because it is not allowed but also these decks create safety, noise and lighting nuisances to both the neighbors and the wildlife in the vicinity.

LIP 3.6.E Height reads1. Non-beachfront lots. Every residence and every other building or structure associated with a residential development, including satellite dish antenna, shall not be higher than 18 feet above natural or finished grade, including rooftop, parapet and deck walls and railings, whichever results in a lower building height, except for chimneys and rooftop antenna other than satellite dish antenna.

Lighting

Not only should the Tennis Courts not be lit but the whole projects lighting must adhere to the Dark Sky Ordinance.

Hearing of Project Previously Denied

This project is substantially the same project that the Commission denied at the February 21, 2023 hearing.
We urge the Commission to look at that meeting deliberations to refresh your memory as to the reasons given to deny.

Only minor changes were made in the project before you.

The project before you on July 15, indicates that the residence is the same size, bulk and height as it was in the February hearing .As Commission Peak pointed out at the previous hearing, the project doesn't conform to the neighborhood character. To conform to the neighborhood character a smaller project is required. Portions of the project is still located in the ESHA buffer which is not allowed.

View Video of 2-21-23 hearing

What the Planning Commission decided previously regarding this project can be found under item 5A on 2-21-23 agenda. The hearing video starts at 2:01, at 2.20 applicant presents project, at 2:27 Commission deliberations begin ,at 2.38

Richard Mollica states the Commission has the discretion to require a smaller project if the Commission finds it is out of the neighborhood character .

Findings for Denial 2-21-24 Hearing

The city attorney wrote down eleven reasons the Commission talked about which would be the basis for the findings for denial of the project.

Some of them are: project out of character of neighborhood, square footage to large , to close to streambed, tennis courts lighting doesn't adhere to Dark Sky ordinance , 2/3 rule violated if count stairwell, not setback far enough from stream , roof deck within ESHA creating noise ,lighting issues., not an addition it's a new project,

The project before you should be denied this time for the same reasons you voted for denial at the 2-21-23 hearing for nothing has changed except for the removal of the tennis court lighting

Conclusion

For the reasons stated above we respectfully urge the Commission to deny this project. Thank you for considering our comments.

fire rebuild has yet to be built. Don't additions have to be to existing buildings rather than to plans for a future structure.

Since the fire rebuild doesn't exist this project should be looked at as a whole and as one new project.

This project is in an ESHA setback which is not allowed especially when the project can be moved outside the ESHA set back.

Received
07/12/24
Planning Dept.

Planning Commission

From: [redacted]
Sent: Thursday, July 11, 2024 7:05 PM
To: Planning Commission; Patricia Salazar
Subject: Fw: 29738 Cuthbert Item 4A 7-15-24

Honorable Commissioners,

Please deny this project for the following reasons:

Clearly, this addition is not the least environmentally damaging alternative. A smaller project in keeping with the neighborhood character, with less glass and a lower height would meet this requirement. The Commission has the discretion to reduce the size and bulk of the project to a size that is in keeping with the neighborhood character. Richard Mollica confirmed this fact at the 2-21-23 hearing.

The size of this proposed addition 4620 sq ft is far larger than the size of the original residence's 3872 sq ft. and is clearly out of character with the surrounding homes which are all smaller.

The rooftop deck must be eliminated. Decks of this nature create a nuisance. The only thing allowed on roofs are chimneys and antennas. It is clearly not the intention of the LCP to allow rooftop decks.

Tennis court lights are not allowed to be lit at night and the current property lighting doesn't meet the Dark Sky Ordinance. The plans show bollard lights along the path to the tennis court The applicant has removed the note about re-lamping the tennis court lights but not the lamp posts. Please require that the lamp posts be removed. Keeping the poles is an invitation for the Applicant to bootleg lighting at a later date. Should you want to approve this project, the poles as well as the bollard lighting, should be removed. There is no reason to have bollard lights leading to a dark tennis court and it is questionable if the Bollard lights meet the dark Sky Ordinance

Site Plan review allows staff to recommend a structure be increased in height from 18 ft to 24 ft tall. However, the Planning Commission has the discretion to keep the height at 18 ft. Deny the height increase to 24 ft.

The Dark Sky Ordinance doesn't control interior lighting. With a glass structure such as this the interior lighting can be so bright it defeats the purpose of the Dark Sky Ordinance. If you are going to approve this project, to mitigate such an impact, require that the project be heavily landscaped with tall trees and shrubs to block out the impact of the interior lighting from this structure.

No development should be allowed within the 100 ft buffer of the stream. The 100 ft buffer area needs to be restored with native riparian plants. Mulch is being placed within the 100ft steam buffer. Not only can mulch runoff into the stream, but it is highly flammable and should not be allowed in the buffer.

Please note there will most likely be construction intrusion into the 100 ft buffer by the removal of existing non-native plants. If you allow the demolition permit to remove all plants and trees on site, the impact of the heavy construction equipment will intrude into the ESHA Buffer which should not be allowed.

Date Received 07/12/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 2

CC: Planning Commission, PD,

Recording Secretary, File

Heavy equipment whether for demolition, grading, or construction should not be permitted within the ESHA Buffer. Construction equipment should approach from the south side of the plan to limit disturbance within ESHA.

Respectfully,
Patt Healy
July 10,2024

Received
07/08/24
Planning Dept.

Planning Commission

From: ROBERT BRINKMANN [redacted]
Sent: Monday, July 8, 2024 2:39 PM
To: Planning Commission
Subject: Agenda Item No. 4A - 29738 Cuthbert Road

Dear Planning Commissioners,

I am writing to urge you to vote against the proposed development at 29738 Cuthbert Road. I am a resident of Malibu Park, who is dismayed about the way our neighborhood has changed in the aftermath of the Woolsey Fire. The reason we and many of our neighbors moved here was the rural character of this area of Malibu. It is what sets Malibu Park apart. Our neighbors have horses, donkeys, chickens, and pigs - and we even have the Thorne Family Farm. There are no sidewalks in our neighborhood, nor is there street lighting, which makes it a real get away from the urban areas that surround us.

Many of the fire rebuilds have been rebuilt bigger than before. Most only by 10% to fall under the expedited rebuild guidelines, but there are a few that are clearly changing the character of the neighborhood; this is one of them. An even greater concern is that the eventual home(?) / facility will not be residential at all, but a business. Inviting more traffic into our neighborhood, which already requires us to take our life into our hands when we only want to walk our dog on Harvester or Cuthbert is a serious safety issue. Rumor has it that this might become a rehab facility or a “party house” - after all, which family really needs 9 bedrooms with ensuite baths?

We already lost our local elementary school, Juan Cabrillo, because too many families were forced to move out after the fire. Allowing this type of development will make it even more difficult for families to come back and fundamentally changes the character of this idyllic neighborhood - not to mention the serious safety concerns of inviting ever more traffic into an area not built for it. Please don’t let that happen.

Thank you,

Robert Brinkmann
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 2:39PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Rosie Strickland [redacted]
Sent: Friday, July 12, 2024 9:34 PM
To: Planning Commission; Rebecca Evans
Subject: Item 4A-Deny

I urge the Planning Commission to deny Item 4A as it is shocking that the home at 29738 Cuthbert Rd. was previously approximately 2,000 sq. ft and the current "Fire Rebuild" plans are for a home that is almost 9,000 sq. ft. This is not a fire rebuild!

When we lost our home in the 1993 Malibu fire, we were very strictly allowed to rebuild with no more than a 10 percent increase. This insured, among other things, that our new home would conform to the neighborhood.

Malibu Park is a quiet, residential neighborhood and this new project seems to be not only illegal, but really out of place with surrounding homes.

It seems likely that it is possibly being developed as a rehab facility, and in addition is not accordance with the Dark Sky requirements.

Please Item DENY 4A!

Thank you,
Rosalie Strickland

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

CC: Planning Commission, PD,

Recording Secretary, File

Received
07/15/24
Planning Dept.

Planning Commission

From: Rosie Strickland <[redacted]>
Sent: Friday, July 12, 2024 9:53 PM
To: Bob Strickland
Cc: Planning Commission; Rebecca Evans
Subject: Item 4A

I'm writing to urge the Planning Commission to DENY Item 4 A, the property at 29738 Cuthbert Rd.
It is appalling that this project with it's more than quadrupled increase in square footage is being dubbed a Fire Rebuild.

Malibu Park is a quiet, equestrian community and this proposed home is out of sync with, and will destroy the peaceful, rural feeling of the neighborhood.

It seems very likely that this enormous project, with its roof top deck, tennis pavilion, enlarged pool and extensive out of compliance outdoor lighting, is being developed to become a rehab facility.

Please prevent Malibu mansionization and DENY Item 4A!

Sincerely,
Robert Strickland

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

Planning Commission

From: Beloquartz [redacted] >
Sent: Friday, July 12, 2024 10:02 PM
To: Planning Commission; Rebecca Evans
Subject: Item 4A

I am writing to urge the Planning Commission to DENY item 4A, the property at 29738 Cuthbert Rd. It is appallilng that this project with its more than quadrupled increase in square footage is being dubbed a Fire Rebuild.

Malibu Park is a quiet equestrian community and this proposed home is out of sync with, and with destroy the peaceful, rural feeling of the neighborhood.

It seems very likely that this enormous project with its roof top deck tennis pavilion, enlarged pool and extensive out of compliance outdoor lighting, is being developed to become a rehab facility.

Please prevent Malibu mansionization and DENY Item 4A!

Sincerely,

Robert Strickland

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 7:30AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

From: Rena Patterson
To: Rebecca Evans; Planning Commission; Bill Patterson
Subject: Item 4A - DENY 29738 Cuthbert Road
Date: Saturday, July 6, 2024 1:57:09 PM

Address: 29738 Cuthbert Road

Commissioners,
We live in Malibu Park, on Deerhead. We were stunned to hear of the enormous structure proposed for 29738 Cuthbert Road. We already have so many rehab facilities in Malibu Park, especially up Horizon. I understand these are allowed by state law, but the proposal for this facility, with almost 9,000 square feet and 8 bedrooms, is not at all in keeping with our neighborhood character. So many of our neighbors could not afford to rebuild after Woolsey and moved away. We would love to see families return to Malibu Park.

I've included Sam Hall Kaplan's letter in our email. He has expressed very eloquently what we feel.

Thank you for your consideration.
Sincerely,

William and Rowena Patterson
[redacted] Deerhead Road
Malibu, CA 90265

Honorable Commissioners:
There are fire rebuilds and then there is 29738 Cuthbert Road, a proposed questioned rebuild with all the frills of a rehab facility posing as a single-family residence in a compromised Malibu Park.
And just as the Woolsey disaster laid to waste most of the Park's pastoral ambience, turning homes into ash, 29738 as proposed would further unwarrantably and tragically damage the community, as well as property values.
It should be rejected.
The dubious proposal before the Commission calls for the reasonable rebuilding of the previous residence of 3872 sq. ft., but with an unreasonable questioned addition of 4620 sq. ft., for a total project of 8492 sq. ft.
This is more than double the size of the original residence and clearly an abuse of neighborhood standards and character, an architectural conceit infringing on an environmentally sensitive buffer zone, requiring several variances, including exceeding the

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 7:30 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 3

height limitation.

These design issues and questionable variances are typically proposed by avaricious developers and compliant architects, and tend to be greeted favorably by a covetous city staff and its chummy consultants.

But what makes the proposal for 29738 so egregious and deserving a slap down rejection is not noted in the reams of City Hall's bureaucratic babble and boilerplate, which identifies the project as a single-family residence.

And this when the plans reveal the addition to feature eight ensuite bedrooms, several auxiliary meeting rooms, served by an interior hallway, ramps and an elevator. This architectural program suggests one of three uses:

A motel, which would be a patently zoning violation in Malibu Park's designation as a rural residential equestrian community.

A house of ill repute, the addition's eight bedrooms commonly called cribs and housed prostitutes in the mining towns of the historic West.

This leaves the third use, a drug and alcohol addiction rehab center or sober living facility. Publicly decried by the city and impacted neighborhoods, the fact is that these facilities are protected by State law that super cedes local zoning, and cannot be barred per se.

Still, whatever the proposal is called, 29738, a residential or rehab structure, it fails to meet local building codes, and as indicated by the variances requested and a simple reading of neighborhood character.

But the prospects of profits have made the rehab community guileful, and local governments and their consultants wary, particularly of the prospects of appeals, given the history of its legal representation.

To be sure, at the urging of select neighborhoods where rehab centers have in the past located in Malibu, the city has spent thousands of dollars hiring lobbyists and underwriting numerous forays to Sacramento.

Whatever, it has been no matching the deep pocketed, politically

connected facility developers and operators, especially of the exclusive luxury archetype models with Malibu addresses catering to the rich and famous to the tune of astronomical prices.

As for the fate of the proposed Cuthbert rebuild, the vote will be a moment of truth for the Planning Commission, and the future of Malibu Park. You would think it has suffered enough from the Woolsey Fire.

This sham project sets a dangerous, damning precedent for Malibu Park, and should rejected.

Received
07/08/24
Planning Dept.

From: Sal Fish
To: Rebecca Evans
Subject: Item 4A-Deny.29738 Cuthbert Rd.
Date: Monday, July 8, 2024 4:55:44 PM

Save our neighborhood. Save our School. Vote NO.

Thank you,
Sal&Barbara Fish
[redacted] Dr. Malibu, Cal. 90265

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 4:55 PM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Shelleylyn Brandler
To: Planning Commission
Subject: Malibu Park
Date: Monday, July 15, 2024 9:04:13 AM

As a long time resident and property owner, I'm writing to express my concern for development in Malibu Park.
I'm in favor of less development in Malibu.
PCH can't handle any more traffic.
Please vote for no more development at Malibu Park, or anywhere.
Keep Malibu country living. Thank you.
Sending good vibes Shelleylyn Brandler's iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 9:04AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/9/24
Planning Dept.

From: STEVEN COLE
To: Planning Commission
Cc: Debra Cole
Subject: 29738 Cuthbert Road Project.
Date: Tuesday, July 9, 2024 12:30:09 PM

Planning Commission
Malibu, CA 90265

RE: Planning Commission Meeting of July 15, 2024
Agenda Item No. 4A - 29738 Cuthbert Road

Dear Planning Commissioners.

We have lived on Clover Heights Ave, off of Harvester in Malibu Park for 39 years. We are concerned about the size and scope of the proposed new structure at 29738 Cuthbert Road. We will be able to see this structure from our house and we are concerned that it will alter the quiet residential nature of our Malibu Park community.

The existing neighboring homes are substantially smaller. With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's character as it is dramatically larger than the nearby properties on Harvester and Cuthbert.

With 9 ensuite bedrooms including the ADU, interior hallway ramps and an elevator, we question the purported use for this building. It is hard to imagine this as a single-family residence. We are concerned that it will become a rehab, Airbnb, or a Party Rental house.

As the height is in excess of the code height of 18', the building will cast more nighttime light effecting the neighbors, dark skies and wildlife in ESHA. The Planning Commission has the discretion to keep the height at 18 ft.

The rooftop deck and exterior staircase must be eliminated. Decks of this nature create a visual and noise nuisance. The only thing allowed on roofs are chimneys and antennas. It is clearly not the intention of the LCP to allow rooftop decks and entertaining areas.

When the planning department analyzed the size and impact of the building, they were only considering the ocean view impact on the buildings above the property on Cuthbert Road. This building has much greater impact on the residents of Harvester Road and Clover Heights who live downhill. Its size, glass walls and large outdoor entertaining areas are excessive. The walls of glass, will illuminate the canyon at night. When neighbors on Harvester look up at the mountains they will be looking into a wall of reflective glass. The noise from parties will be heard throughout the neighborhood.

The Lighting Plan (LT 1) illuminates the whole property. Tennis court light poles remain on the plans. Additional exterior lighting also includes a light that illuminates the staircase that ascends over an ESHA. This would cast light over the ESHA.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/9/24 Time 12:30PM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 2

Over 20 39 ½" tall bronze finished bollards are shown on the steps to the tennis court as well as the herb garden, ornamental garden, and decorative garden. Bollards are not appropriate for area lighting to tend gardens at night. If the tennis court is not illuminated and the tennis viewing pavilion is not illuminated, why would these lights that would augment the night time illumination of the entire property be necessary? This is not in keeping with Dark Skies guidelines.

The tennis court rises up dramatically at the southwest corner of the property where it meets the neighboring properties. (See the post Woolsey Fire aerial photograph.) Many of the shielding trees have since been removed.

There is not enough outdoor parking space for the cars that would accompany 9 bedrooms and the necessary staff. They should not be allowed to depend on parking on Cuthbert. If they stack up in the driveway, a swift exit would be impossible during an emergency.

Please ensure that Malibu Park remains a tranquil, friendly neighborhood and vote to deny this project as it is currently planned.

Sincerely,

Steven and Debra Cole
[redacted]
Malibu

Received
7/15/24
Planning Dept.

From: Scott Dittrich
To: Jo Drummond; Planning Commission
Cc: Rebecca Evans; Patricia Salazar; Charlotte Frieze; Patt Healy; R. Y. A. N.; Ann Doneen; Bill Sampson; Rosemarie Ihde; Sam Hall Kaplan; Dru Ann Jacobson; Charlotte Drummond; Georgia Goldfarb; Mari Ellen
Subject: Re: Item 4A and 5B
Date: Monday, July 15, 2024 9:00:27 AM

Dear Commissioners,

Both on Cuthbert and Las Flores Mesa the staff has ignored neighborhood standards. If we do not want Malibu to become a town of mansions, both of these projects should be rejected. There is something seriously wrong with staff moving such development forward. You guys end up arguing about other defects in such proposals but by neighborhood standards they should be rejected by staff and never waste your time and then the expected appeals to Council.

Thanks

Scott Dittrich

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 9:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/08/24
Planning Dept.

Planning Commission

From: Sam Hall Kaplan [redacted]
Sent: Saturday, July 6, 2024 8:15 AM
To: Planning Commission
Cc: Steve McClary; Steve Uhring; Bruce Silverstein; Doug Stewart
Subject: Item 4A July 15th hearing, Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road\

Honorable Commissioners:

There are fire rebuilds and then there is 29738 Cuthbert Road, a proposed questioned rebuild with all the frills of a rehab facility posing as a single-family residence in a compromised Malibu Park.

And just as the Woolsey disaster laid to waste most of the Park's pastoral ambience, turning homes into ash, 29738 as proposed would further unwarrantably and tragically damage the community, as well as property values.

It should be rejected.

The dubious proposal before the Commission calls for the reasonable rebuilding of the previous residence of 3872 sq. ft., but with an unreasonable questioned addition of 4620 sq. ft., for a total project of 8492 sq. ft.

This is more than double the size of the original residence and clearly an abuse of neighborhood standards and character, an architectural conceit infringing on an environmentally sensitive buffer zone, requiring several variances, including exceeding the height limitation.

These design issues and questionable variances are typically proposed by avaricious developers and compliant architects, and tend to be greeted favorably by a covetous city staff and its chummy consultants.

But what makes the proposal for 29738 so egregious and deserving a slap down rejection is not noted in the reams of City Hall's bureaucratic babble and boilerplate, which identifies the project as a single-family residence.

And this when the plans reveal the addition to feature eight ensuite bedrooms, several auxiliary meeting rooms, served by an interior hallway, ramps and an elevator. This architectural program suggests one of three uses:

A motel, which would be a patently zoning violation in Malibu Park's designation as a rural residential equestrian community.

A house of ill repute, the addition's eight bedrooms commonly called cribs and housed prostitutes in the mining towns of the historic West.

This leaves the third use, a drug and alcohol addiction rehab center or sober living facility. Publicly decried by the city and impacted neighborhoods, the fact is that these facilities are protected by State law that super cedes local zoning, and cannot be barred per se.

Still, whatever the proposal is called, 29738, a residential or rehab structure, it fails to meet local building codes, and as indicated by the variances requested and a simple reading of neighborhood character.

But the prospects of profits have made the rehab community guileful, and local governments and their consultants wary, particularly of the prospects of appeals, given the history of its legal representation.

To be sure, at the urging of select neighborhoods where rehab centers have in the past located in Malibu, the city has spent thousands of dollars hiring lobbyists and underwriting numerous forays to Sacramento.

Whatever, it has been no matching the deep pocketed, politically connected facility developers and operators, especially of the exclusive luxury archetype models with Malibu addresses catering to the rich and famous to the tune of astronomical prices.

As for the fate of the proposed Cuthbert rebuild, the vote will be a moment of truth for the Planning Commission, and the future of Malibu Park. You would think it has suffered enough from the Woolsey Fire.

This sham project sets a dangerous, damning precedent for Malibu Park, and should rejected.

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/08/24 Time 8AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 2

Received
7/15/24
Planning Dept.

From: SHARI HAYNES
To: Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road
Date: Monday, July 15, 2024 8:37:56 AM

My husband and I live in the house I grew up in at [redacted] Calpine drive. My father built it in 1960. I still ride horses in the Malibu Park neighborhood and on the Zuma trail. Please keep Malibu Park just for families with no commercial activity. Thank you. Shari and Tony Haynes.
Sent from my iPhone

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:37AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: Stephanie Kuluva
To: Rebecca Evans; Planning Commission
Subject: Item 4A - DENY: 29738 Cuthbert Road
Date: Monday, July 15, 2024 12:25:56 AM

To Whom It May Concern,

Please vote NO. Please, 9,000 sf monstrosity estates have no place in our neighborhood! Please save Malibu Park, our family and residential neighborhood and community. Please respect and preserve the quiet, rural, family- and environmentally-friendly small town character of our neighborhood. Please do the right thing and uphold the Malibu City Mission Statement. Please VOTE NO on Item 4A Coastal Development Permit-Woolsey Fire No. 23-004 / 29738 Cuthbert Road.

Thank you.
Stephanie Kuluva

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:00AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
7/15/24
Planning Dept.

From: STEPHANIE STEPHENS
To: Planning Commission
Cc: Stephanie Stephens
Subject: Item 4A- DENY 29738 Cuthbert"s egregious plan
Date: Monday, July 15, 2024 8:55:25 AM

Thank you for your service on behalf of the city of Malibu and its residents.

Protecting what makes Malibu special, while still allowing property owners to have some freedom in creating unique properties I know is a constant balance.

I'm writing to share that everything I'm seeing related to the huge structure designed for **29738 Cuthbert** is not only grossly out of proportion for the neighborhood… it's clearly designed for a business.
A neighborhood killing, for-profit drug rehab most likely.

There are already enough rehabs opening in Malibu West and all over the city.
Neighbors constantly having to jump out of roadways to avoid speeding residents and visitors, break ins suspiciously happening near the rehabs and more.

Most ardently, taking properties designated for single family use and allowing them to become businesses … pulls, very directly, support from local schools and businesses like restaurants/dry cleaners/nurseries/and more.

A refocus on encouraging properties to be residents, single family homes will help Malibu get back so much of the community nature and local business support - that was lost in the Woolsey disaster and since.

This property is not even hiding its intent.
Please **deny all requests** for this property.

(Noted that a contractor has bought the property next door and I hear is in agreement with its ridiculous requests. That makes sense as a contractor is not a family and they will not be living there. They are simply pushing that issue down the road to whoever they sell to.)

Please do the right thing for Malibu West and its concerned home owners.
Thank you,
Stephanie Stephens
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 7/15/24 Time 8:55AM
Planning Commission meeting of 7/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

From: Thomas Trafalski
To: Planning Commission
Cc: Tom Trafalski; Amanda Parrish-Trafalski
Subject: Please no 9000 sq Foot rehab facilities in Malibu Park
Date: Monday, July 15, 2024 11:28:56 AM

Please no 9000 sq Foot rehab facilities in Malibu Park

Tom Trafalski & Amanda Parrish

Tom Trafalski
[redacted]
[redacted] Trancas Canyon Rd.
Malibu CA 90265
Cell: [redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 11:29 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

Received
07/15/24
Planning Dept.

From: Yvonne EsquerraBard
To: Rebecca Evans
Subject: Request they DENY 29738 Cuthbert Road
Date: Monday, July 15, 2024 8:11:11 AM

Please do not ruin our neighborhood. We already have a rehab on our street on Morning View. Let's protect our neighborhood for families and future generations.

DENY 29738 Cuthbert Road

Thank you,

Yvonne Esquerra Bard
[redacted]

CC: Planning Commission, PD,

Recording Secretary, File

Date Received 07/15/24 Time 8:11 AM
Planning Commission meeting of 07/15/24
Agenda Item No. 4A
Total No. of Pages 1

29738 CUTHBERT RD

MALIBU PLANNING COMMISSION PRESENTATION

JTD ARCHITECTS. 06.03.2024

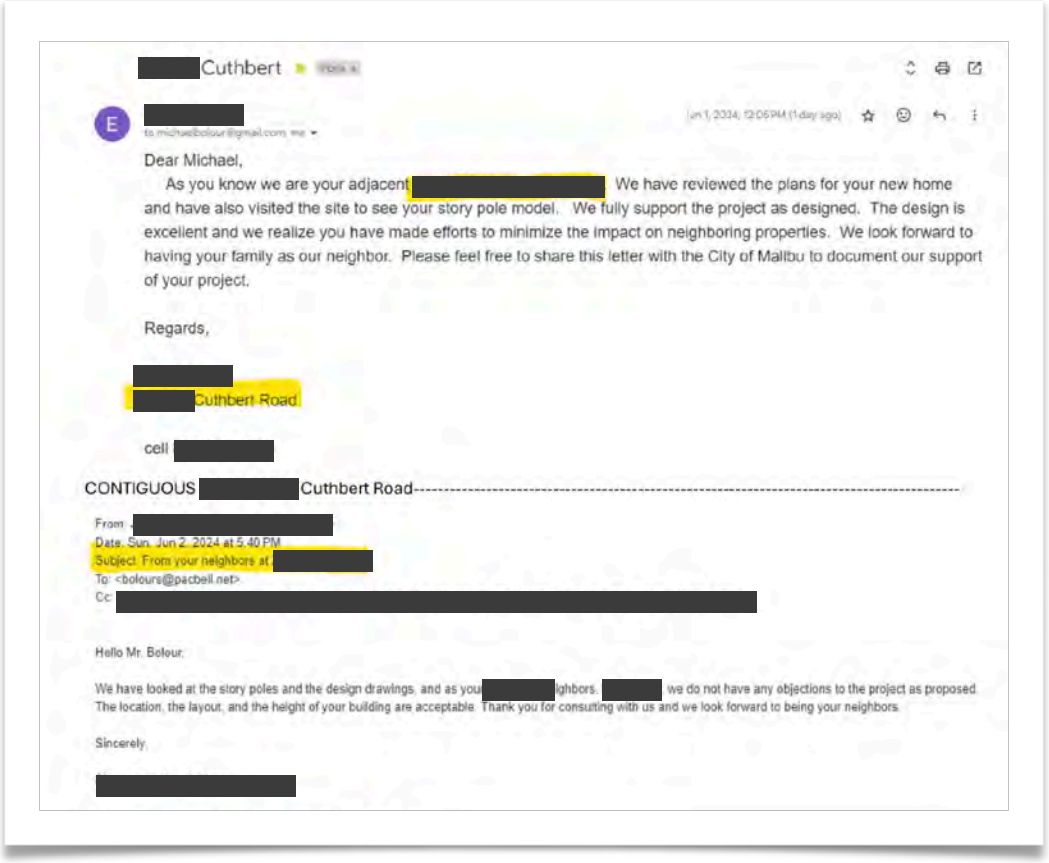
1111 N TOPANGA CYN BLVD | TOPANGA CA 90290

EXHIBIT D

PROPRIETARY & CONFIDENTIAL

1. CONTIGUOUS NEIGHBORS IN SUPPORT
2. ACTIVIST AND REMOTE COMMUNITY MEMBERS IN OPPOSITION
3. SUPPOSITIONS AND RUMORS
4. SIZE
5. HEIGHT
6. PARTY DECKS AND FIRE HAZARDS
7. TENNIS COURT PAVILION & TENNIS COURT LIGHTS
8. DRIVEWAY SLOPE AND BACKUP
9. NIGHT SKIES
10. PUBLIC VIEW CORRIDOR

1. CONTIGUOUS NEIGHBORS IN SUPPORT



[redacted] Cuthbert

E [redacted]

to michaelbolour@gmail.com, me

Jun 1, 2024, 12:06 PM (1 day ago)

Dear Michael,

As you know we are your adjacent [redacted] We have reviewed the plans for your new home and have also visited the site to see your story pole model. We fully support the project as designed. The design is excellent and we realize you have made efforts to minimize the impact on neighboring properties. We look forward to having your family as our neighbor. Please feel free to share this letter with the City of Malibu to document our support of your project.

Regards,

[redacted]

[redacted] Cuthbert Road

cell [redacted]

CONTIGUOUS [redacted] Cuthbert Road----------

From: [redacted]

Date: Sun, Jun 2, 2024 at 5:40 PM

Subject: From your neighbors at [redacted]

To: <bolours@pacbell.net>

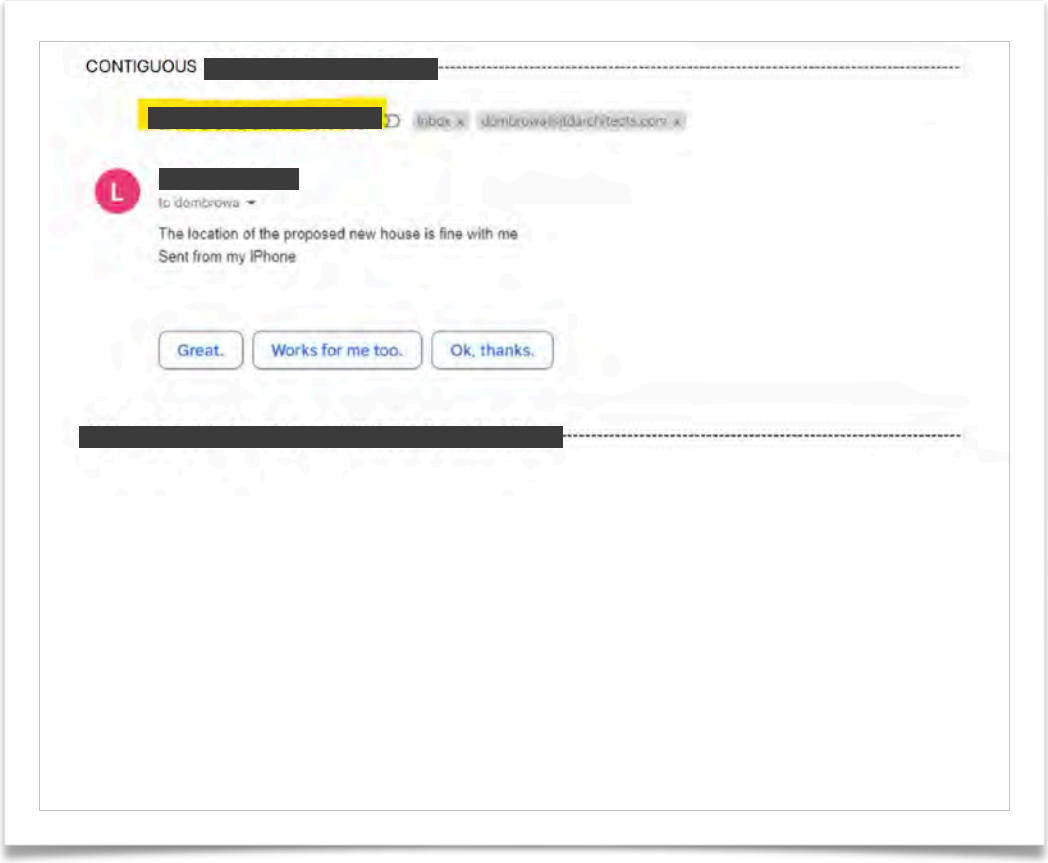
Cc: [redacted]

Hello Mr. Bolour,

We have looked at the story poles and the design drawings, and as you[redacted]ighbors, [redacted] we do not have any objections to the project as proposed. The location, the layout, and the height of your building are acceptable. Thank you for consulting with us and we look forward to being your neighbors.

Sincerely,

[redacted]



CONTIGUOUS [redacted]----------

[redacted] Inbox x dombrowa@jtdarchitects.com x

L [redacted]

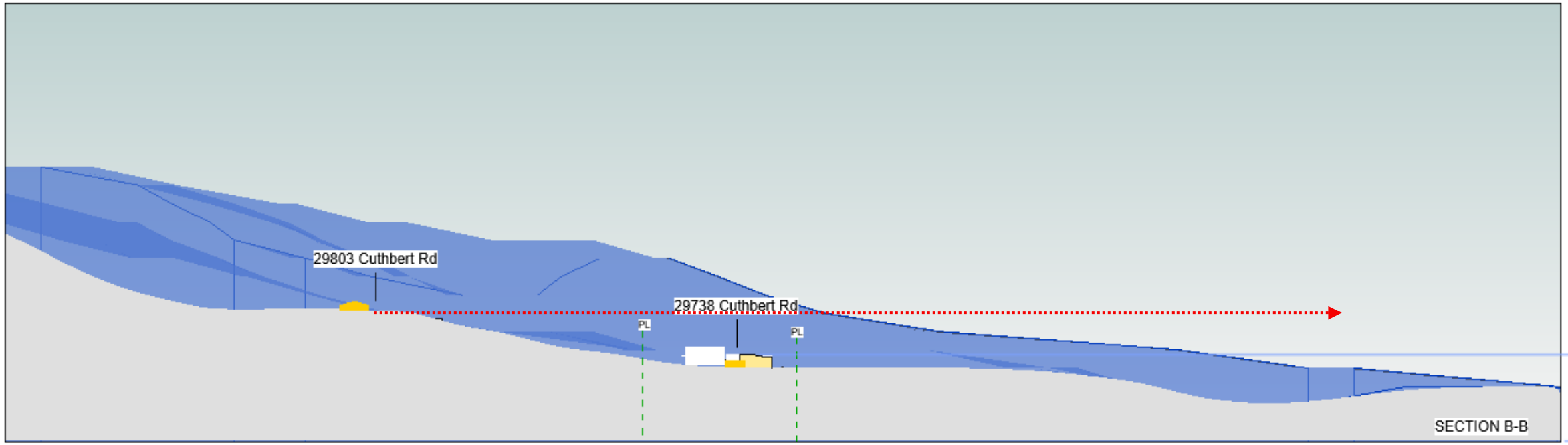
to dombrowa

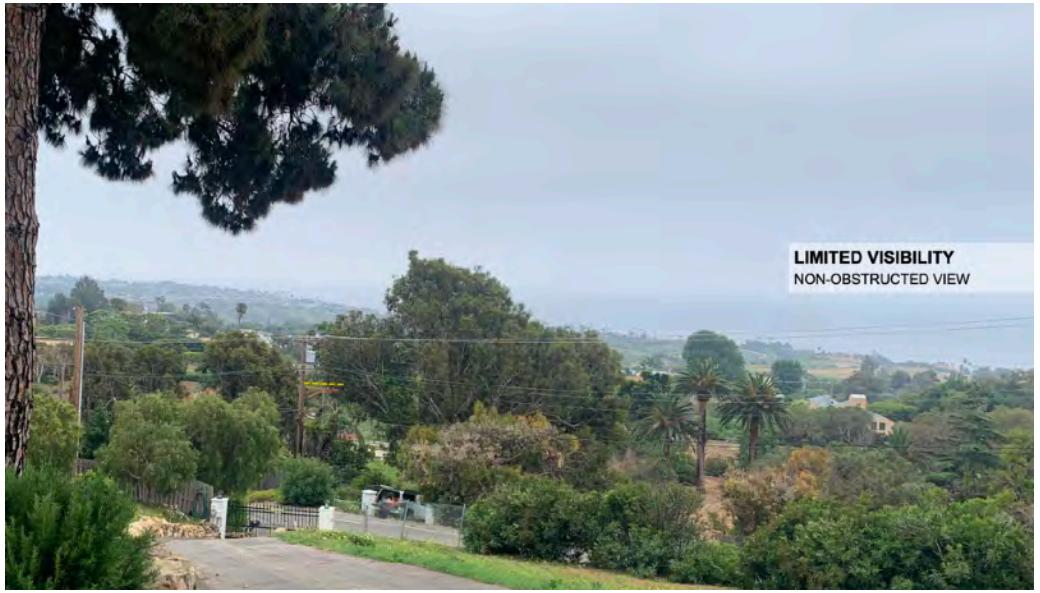
The location of the proposed new house is fine with me

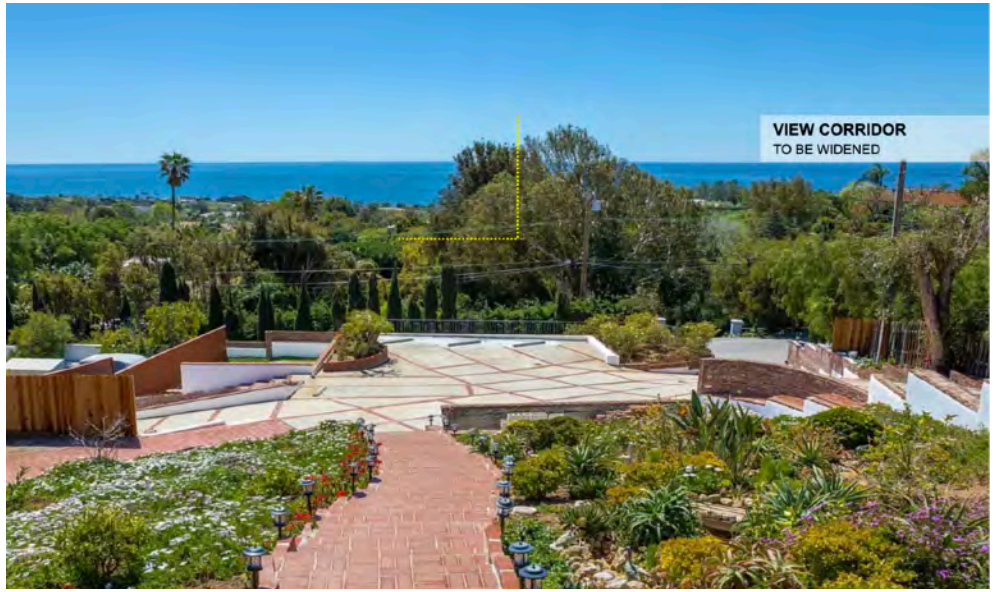
Sent from my IPhone

Great. Works for me too. Ok, thanks.

[redacted]----------

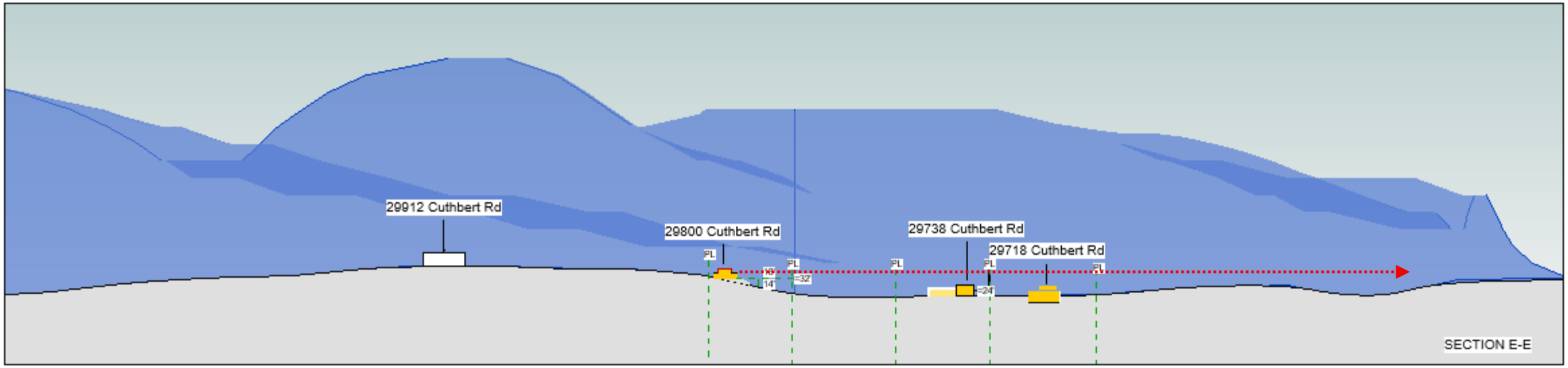


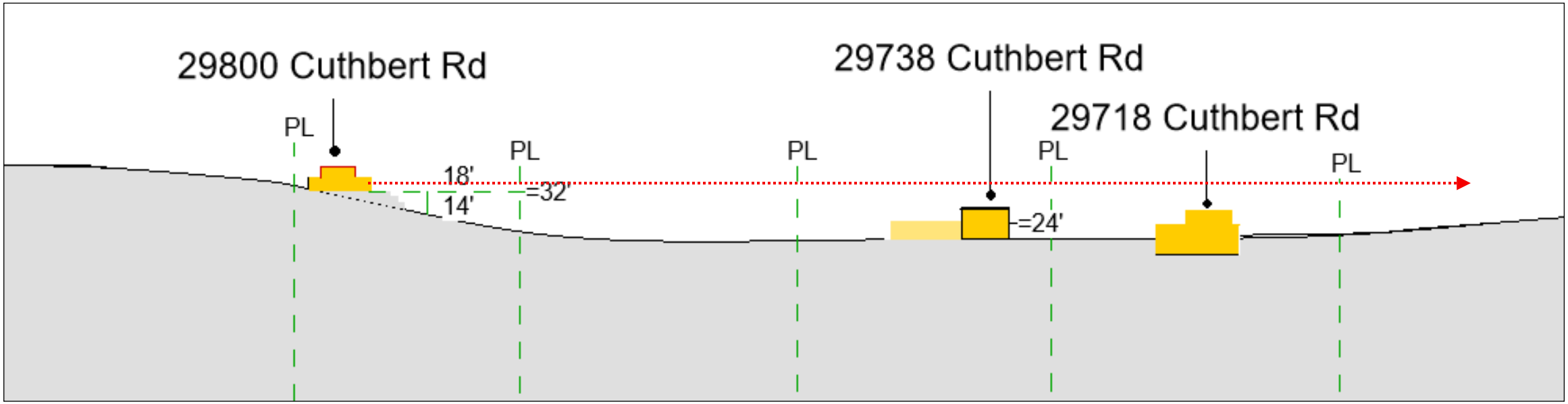




NEIGHBOR VIEWS

JTD ARCHITECTS 2024


29912 Cuthbert Rd
29800 Cuthbert Rd
29738 Cuthbert Rd
29718 Cuthbert Rd
PL
18'
14'
=32'
=24'
SECTION E-E


29800 Cuthbert Rd
29738 Cuthbert Rd
29718 Cuthbert Rd
PL
18'
14'
=32'
=24'

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

The Bolour Family of developers are known primarily for urban development. Malibu is not URBAN. We in Malibu strive to maintain the rural character of each neighborhood.



Malibu Park is historically an equestrian neighborhood that is treasured by residents of all ages for its quiet rural character and peaceful lifestyle. The properties are flyways for migrating birds and welcome natural wildlife. Malibu respects and preserves ESHA.

SIZE

With the proposed addition of 4,620 square feet for a total of 8,492 sq ft., the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect our quiet neighborhood's friendly character as it is substantially larger than the nearby properties on Harvester and Cuthbert.

The existing neighboring homes are substantially smaller:

* 29755 Harvester is 3,400 sf IN BLUELINE ZONE
~~29745 Harvester is 1,600 sf~~
* 29735 Harvester is 7,246 sf (per Zillow) 12.8% VS. 9.6%. 30% LARGER
~~29725 Harvester's final sf is 4,600 sf and the Planning Commission required the owners to reduce the size of their guest house by 90sf~~
* 29800 Cuthbert is under construction and will be less than 5,500 sf. ON BUILT-UP PLATFORM, HOVERS IN NEIGHBORHOOD
~~29824 Cuthbert is less than 4,000sf~~

NOT OUR APPLICANT

PRE-FIRE 5,500 SF

[redacted]

3

With 8 ensuite bedrooms, interior hallway ramps and an elevator and intrusive balconies overlooking the neighbors to the east, one also questions the use for this building. It is hard to imagine this as a single family house. Rumors have spread that it will be a re-hab, Airbnb, or a Party Rental house. This would shatter our quiet, equestrian neighborhood. Haven't we suffered enough since the Woolsey Fire?

Before the Woolsey Fire we had dark skies in Malibu Park. With the construction of so many homes with glass walls, the area is aglow.

HEIGHT
The roof height has not been changed. It is still 24 ft high which is 6 ft above the code. Please enforce the existing height restrictions as you did for 29800 Cuthbert.

PARTY DECKS and **FIRE HAZARDS**.
Plans for 29738 Cuthbert clearly show a large roof deck accessible from the second-floor gym as well as a staircase from the pool terrace. One need not ring the door bell to reach the roof deck.

Roof decks encourage outdoor gatherings attract loud party goers. The sound from such gatherings would shatter the nighttime peace and quiet for which Malibu Park is known.

Our neighborhood was almost completely destroyed by the Woolsey Fire. All construction should be designed to prevent fires.

This roof deck would be a magnet for portable fire pits, grills, tiki lights, heaters and other items that could send sparks into the wind and onto the proposed mulch including fireworks on July 4th. Nowadays people set off fireworks at all times of the year.

As you are aware the velocity of the winds in our neighborhood has increased since the loss of thousands of trees. (We alone lost 300 trees on our property). Without trees, not only sparks but sound travels unimpeded throughout the canyon.

SUPPOSITIONS AND RUMORS

29800 CUTHBERT ON LARGE BUILT-UP PLATFORM APPLICANT FOLLOWS EXISTING GRADE

SUPPOSITIONS

ACOUSTICS – NOT A CANYON
300 TREES? REALLY?

UCLA Health

UCLA Medicine Pediatrics Comprehensive Care Center
1245 16TH ST
SUITE 204
SANTA MONICA CA 90404
Phone: 310-315-8900
Fax: 310-315-8902

May 14, 2024

Homa Fani
412 Homewood Rd
Los Angeles CA 90049

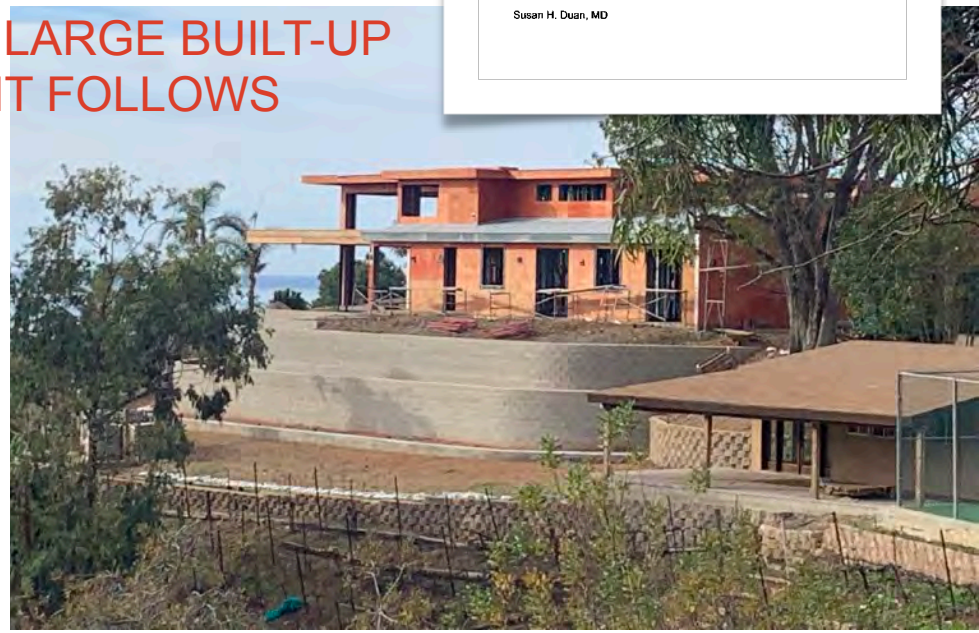
To whom it may concern:

My patient Homa Bolour-Fani has a diagnosis of multiple sclerosis.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,

Susan H. Duan, MD



Having just been through the Woolsey Fire, it is astonishing that the Planning Department would even consider approving such menacing outdoor spaces.

Last April the Planning Commission denied a roof deck at 29846 Harvester Road. This one at 29738 Cuthbert should also be denied. Like the roof deck at 29846 Harvester, this roof deck would be adjacent to a horse corral and stable that has yet to be rebuilt.

Roof decks are a threat to Malibu's peaceful lifestyle and clearly not in line with the Malibu Vision and Mission Statement. They also intrude upon neighbors' privacy as people can look down into neighboring properties.

TENNIS COURT PAVILION

Labeling this 1,085 square foot outdoor seating area is misleading. It is actually An entertainment pavilion with dining area with seating for 14, kitchenette/bar with sink, toilet and shower.

This pavilion, which will undoubtedly be illuminated at night, should be denied as the noise will shatter the peaceful canyon setting.

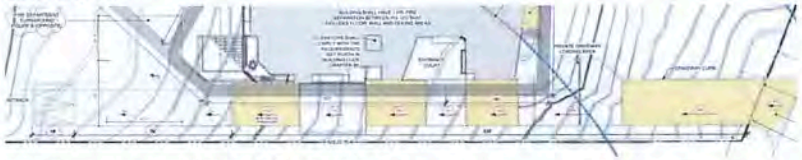
TENNIS COURT LIGHTS

The tennis court existing tennis court lights remain on the plans. These tennis court lights should be removed to comply with Malibu's Dark Skies ordinance not restored and the fixtures re-lamped.

This excessive outdoor lighting should be denied. It will not only disturb the neighboring homes and horse corrals but also the wildlife especially the owls that make this canyon their home.

The Dark Skies ordinance was approved for a reason!

DRIVEWAY



The driveway plan (from F1) is perplexing.

ACCESS WAS CLOSE TO STREET
– APPLICANT'S ACCESS HIDDEN

SUPPOSITIONS
– NO CORRAL / NO STABLES

REMOVED

DRIVEWAY MATERIALS PERMEABLE WHERE PERMITTED BY FIRE DEPT.



Firstly, they have placed the kitchen staircase and unloading area in ESHA.
To achieve a flat off-loading area will require grading into ESHA.
One always tries to grade away from a structure.
The driveway at this point is at 5%.

The driveway between the house and east property line alternates between 1% and 15%. One of the 12% panels begins its descent partially in front of the entrance court. Perhaps there is a planting area and this is a walkway not a drive-in entry.

One cannot back cars out of the three-car garage. One needs at least the length of a car before one can even begin to turn the wheels. The driveway is just 20ft wide. ~~42 feet is standard;~~ 35 ft if there is enough room for a three-point turn. Honestly, with the size of SUVs and luxury vehicles this garage is only good for golf carts and minis. Additionally, the grade opposite the garage is on a steep slope. Are they planning to re-purpose the garage stalls after receiving their Certificate of Occupancy?

What is fascinating to me is how the fire department approved the ~~entrance~~ drive and parking. There is not enough ~~room for~~ parking for this number of bedrooms and ~~staff. There~~ is no parking on Cuthbert.

How will they evacuate?

As before there is a planting strip adjacent to the east property line. Instead of the spreading trees drawn on the ~~east~~ elevation A9.0, the planting plan shows Podocarpus ~~that~~ grow upright and generally narrow (6-8 ft). or most often ~~maintained~~ as a hedge.

KITCHEN DOOR 75 FT FROM BLUE LINE
REPLACING PRE-FIRE DOOR.

NORM: 12-25 FT
BACKUP PROVIDED 25’6”

FALSE

APPLICANT HAS PRIVACY HEDGE
WORKING ON TREES W/ NEIGHBOR



NIGHT SKIES

This building will indeed have an effect on the environment.
The glass box will light up the sky especially on foggy nights. Attached are photographs of a 5,500 sf house also on Cuthbert. Before its construction there were families of owls in the trees. Now I rarely hear the owls.





Where on the landscape plan are the large trees that would reduce the impact of this monumental lightbox on our dark skies?

SUN CONTROL DEVICES USED
TO BREAK UP INTERIOR LIGHTING
– NO DIRECT SOURCE LIGHTING
EXCEPT KITCHEN AND BATHROOMS

APPLICANT'S PROJECT NOT
ON RAISED PLATFORM

[redacted]

7

PUBLIC VIEW CORRIDOR

The view will be mostly of mulch and tennis court!

Mulch is flammable!
Sadly, I know from experience.



The non-native ornamentals are being removed from the ESHA areas but the native plants are not being restored.

Please respect our peaceful lifestyle and preserve the rural character of Malibu Park as per the Malibu Vision and Mission statement.

Please DENY this project.

Thank you,

[redacted]

PUBLIC VIEW WILL BE OF RESTORED HABITAT

HABITAT TO BE RESTORED



RELATIVE SIZE AND BLUE LINE



VIEW OF BUILDING SITE FROM **29755 HARVESTER RD.**



REVERSE VIEW ONTO 3-STORY TOWER

PRE-FIRE SF



PRE-FIRE TDSF

PROPOSED SF



PROPOSED FIRST FLOOR AREA	A	5505 SF
PROPOSED SECOND FLOOR AREA	B	2855 SF
TENNIS COURT BATHROOM	C	132 SF
PROPOSED BUILDING		8,492 SF

TOTAL DEVELOPMENT SQUARE FOOTAGE

MAXIMUM ALLOWABLE SQUARE FOOTAGE
TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
FOR A RESIDENTIAL PARCEL

PERCENTAGES:

Up to ½ acre: 21,780 x .177 = 3,855 + 1,000 =
½ acre to 1 acre: 43,560 – 21,780 = 21,780 x .10 =
1 acre to 1 ½ acres: 65,340 – 43,560 = 21,780 x .05 =
1 ½ acres or more: remaining acres – 65,340 = (square footage) x .02 =

29738 CUTHBERT:

Our parcel to be developed has a total net area of 2.023 acres (or 88,156 square feet).
To determine the maximum allowable square footage for the parcel, we used the formula above.
Up to ½ acre: 21,780 x .177 = 3,855 + 1,000 = 4,855
½ acre to 1 acre: 43,560 – 21,780 = 21,780 x .10 = 2,178
1 acre to 1 ½ acres: 65,340 – 43,560 = 21,780 x .05 = 1,089
1 ½ acres or more: 88,156 – 65,340 = 22,816 x .02 = 456

The total maximum allowable square footage of our parcel is 8,578.

29738 CUTHBERT RD

MALIBU PLANNING COMMISSION PRESENTATION

JTD ARCHITECTS. 07.15.2024

1111 N TOPANGA CYN BLVD | TOPANGA CA 90290

PROPRIETARY & CONFIDENTIAL

0 OBJECTIONS FROM COASTAL COMMISSION

0 VARIANCES REQUESTED

0 CLINICS PLANNED
(site use will be deed restricted as a guarantee)

NEIGHBORHOOD CHARACTER:

MIX of LARGE and SMALL

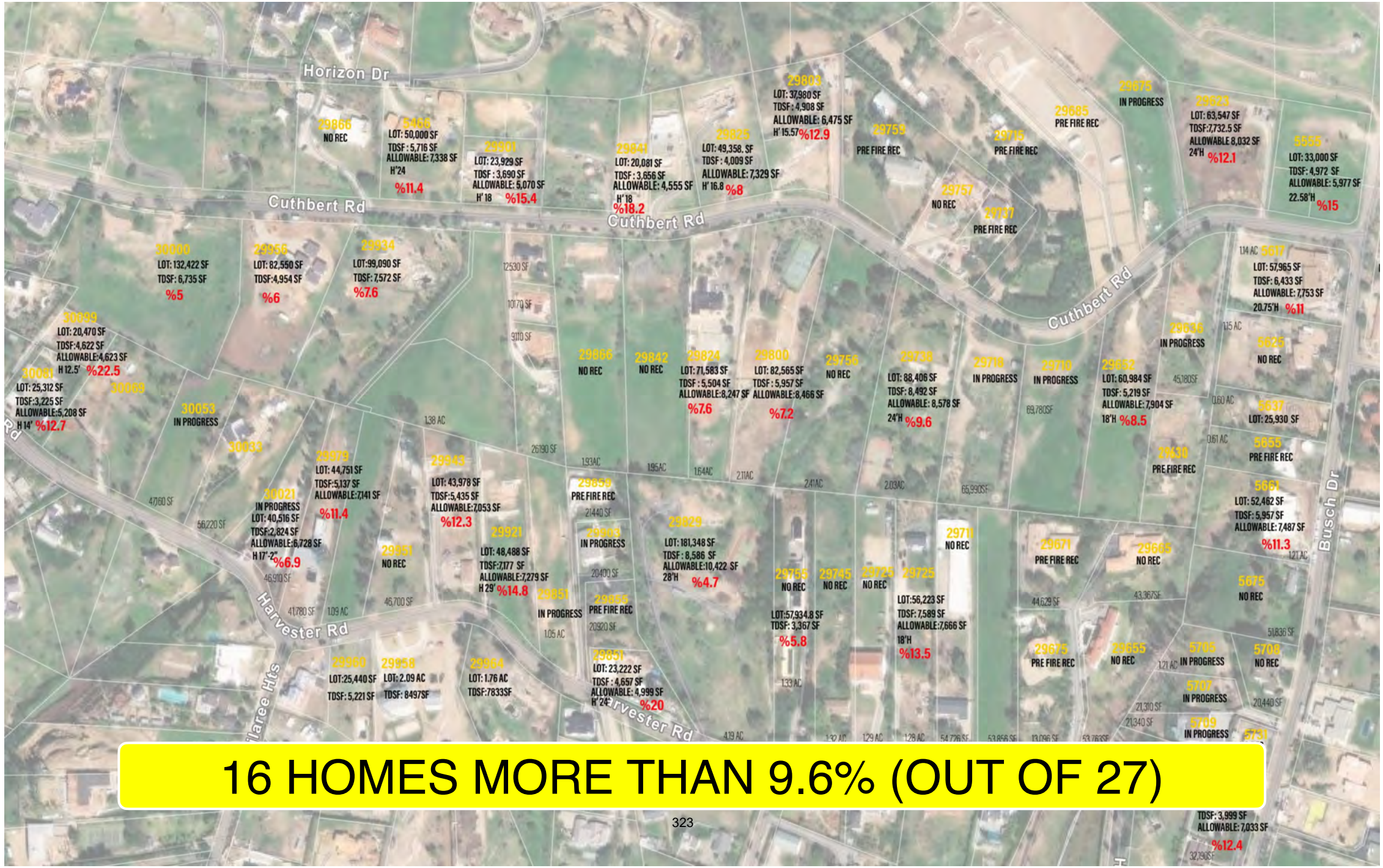
LOTS VARY FROM 20,081 TO 181,348
HOMES VARY FROM 2,824 TO 9,315
HOME SIZE TO LOT SIZE 4.7% TO 22.5%

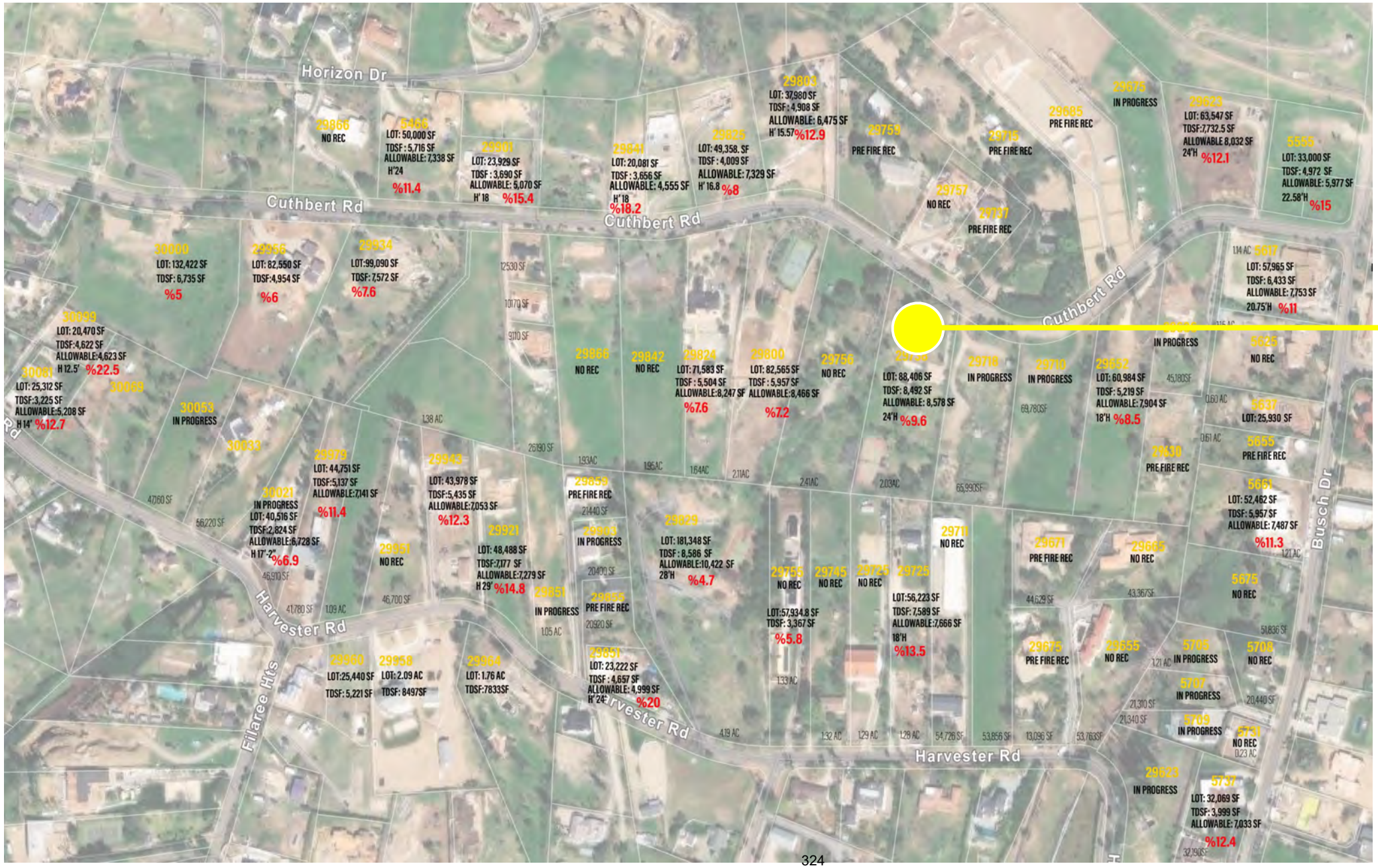
NO TRANSITIONAL ZONING – ALL MIXED

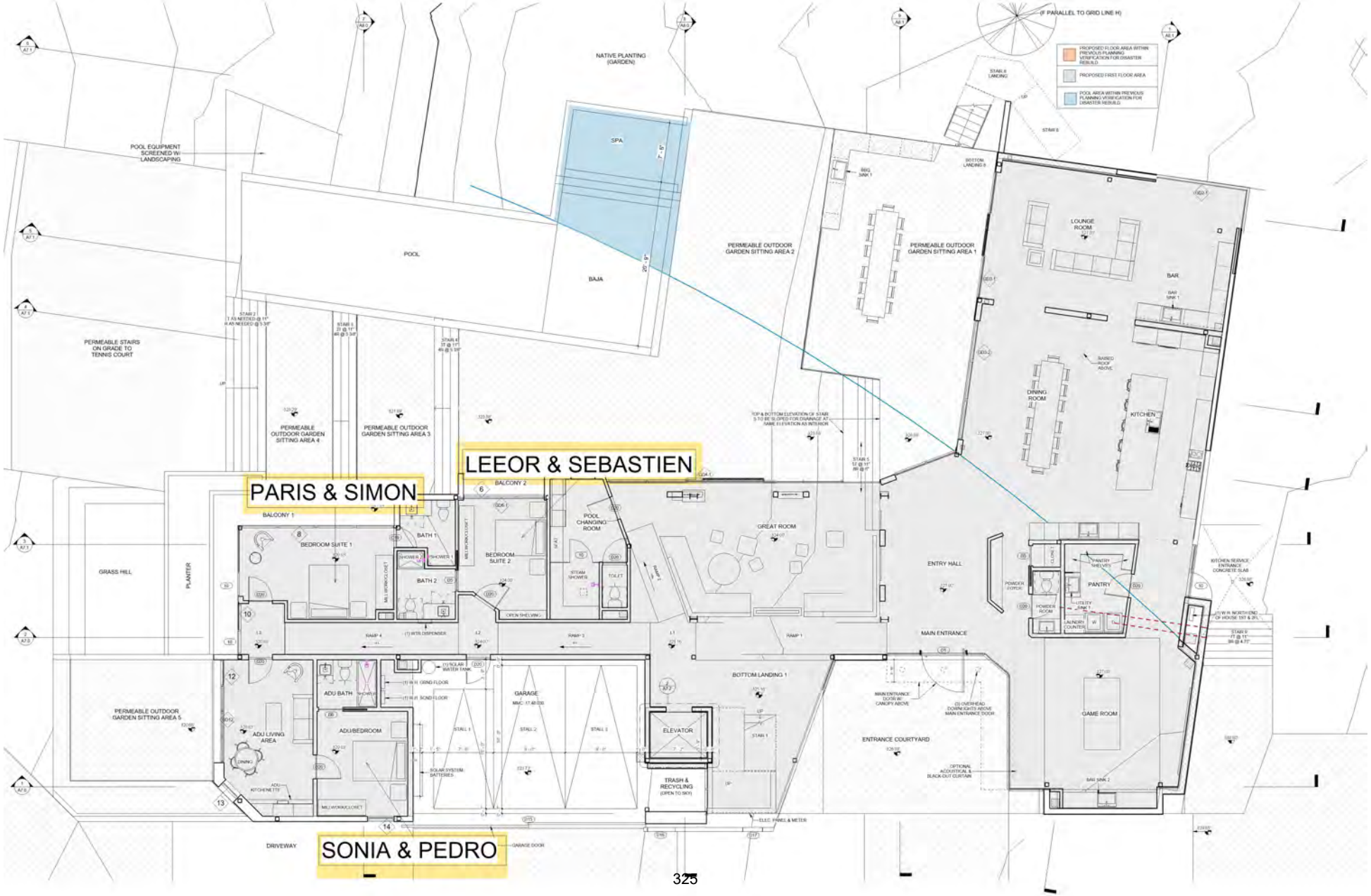
JTD ARCHITECTS 2024



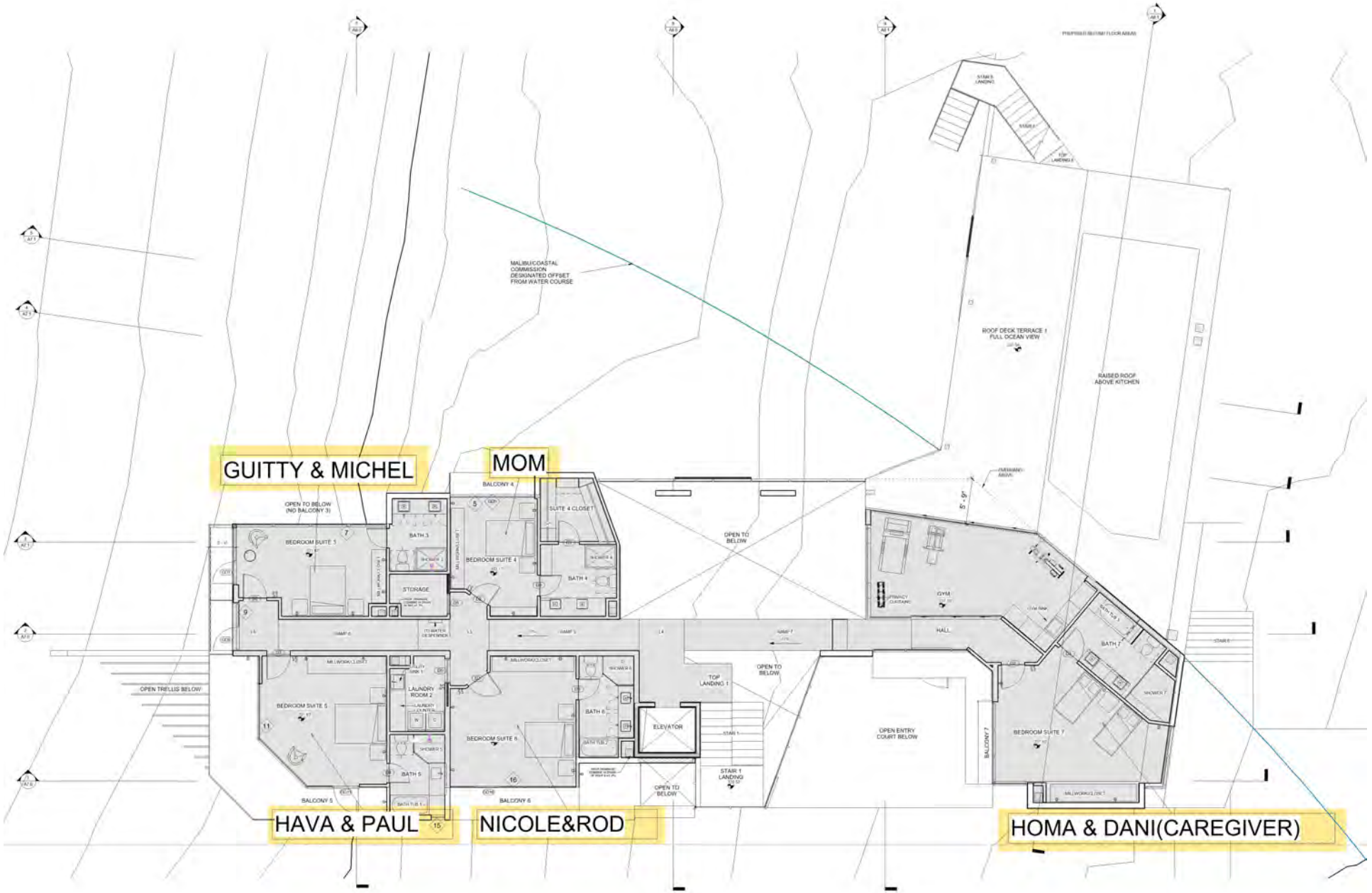
LARGE & SMALL LOTS MIXED 20,081 TO 181,348


Horizon Dr
Cuthbert Rd
Cuthbert Rd
Cuthbert Rd
Harvester Rd
Harvester Rd
Busch Dr
29866 NO REC
5466 LOT: 50,000 SF TDSF : 5,716 SF ALLOWABLE: 7,338 SF H'24 %11.4
29801 LOT: 23,929 SF TDSF : 3,690 SF ALLOWABLE: 5,070 SF H' 18 %15.4
29841 LOT: 20,081 SF TDSF : 3,656 SF ALLOWABLE: 4,555 SF H' 18 %18.2
29825 LOT: 49,358. SF TDSF : 4,009 SF ALLOWABLE: 7,329 SF H' 16.8 %8
29803 LOT: 37,980 SF TDSF : 4,908 SF ALLOWABLE: 6,475 SF H' 15.57 %12.9
29759 PRE FIRE REC
29715 PRE FIRE REC
29685 PRE FIRE REC
29675 IN PROGRESS
29623 LOT: 63,547 SF TDSF:7,732.5 SF ALLOWABLE 8,032 SF 24'H %12.1
5525 LOT: 33,000 SF TDSF: 4,972 SF ALLOWABLE: 5,977 SF 22.58'H %15
29757 NO REC
29737 PRE FIRE REC
30000 LOT: 132,422 SF TDSF: 6,735 SF %5
29956 LOT: 82,550 SF TDSF:4,954 SF %6
29934 LOT:99,090 SF TDSF: 7,572 SF %7.6
30099 LOT: 20,470 SF TDSF:4,622 SF ALLOWABLE:4,623 SF H 12.5' %22.5
30081 LOT: 25,312 SF TDSF:3,225 SF ALLOWABLE:5,208 SF H 14' %12.7
30069
30053 IN PROGRESS
30032
29973 LOT: 44,751 SF TDSF:5,137 SF ALLOWABLE:7,141 SF %11.4
30021 IN PROGRESS LOT: 40,516 SF TDSF:2,824 SF ALLOWABLE:6,728 SF H 17'-2" %6.9
29851 NO REC
29943 LOT: 43,978 SF TDSF:5,435 SF ALLOWABLE:7,053 SF %12.3
29921 LOT: 48,488 SF TDSF:7,177 SF ALLOWABLE:7,279 SF H 29' %14.8
29851 IN PROGRESS
29866 NO REC
29842 NO REC
29824 LOT: 71,583 SF TDSF : 5,504 SF ALLOWABLE:8,247 SF %7.6
29800 LOT: 82,565 SF TDSF : 5,957 SF ALLOWABLE:8,466 SF %7.2
29756 NO REC
29859 PRE FIRE REC
29863 IN PROGRESS
29829 LOT: 181,348 SF TDSF : 8,586 SF ALLOWABLE:10,422 SF 28'H %4.7
29856 PRE FIRE REC
29851 LOT: 23,222 SF TDSF : 4,657 SF ALLOWABLE: 4,999 SF H' 24' %20
29960 LOT:25,440 SF TDSF: 5,221 SF
29958 LOT: 2.09 AC TDSF: 8497SF
29964 LOT: 1.76 AC TDSF:7833SF
29738 LOT: 88,406 SF TDSF: 8,492 SF ALLOWABLE: 8,578 SF 24'H %9.6
29710 IN PROGRESS
29710 IN PROGRESS
29652 LOT: 60,984 SF TDSF: 5,219 SF ALLOWABLE: 7,904 SF 18'H %8.5
29634 IN PROGRESS
5617 LOT: 57,965 SF TDSF: 6,433 SF ALLOWABLE: 7,753 SF 20.75'H %11
5625 NO REC
5637 LOT: 25,930 SF
5655 PRE FIRE REC
29630 PRE FIRE REC
5661 LOT: 52,462 SF TDSF: 5,957 SF ALLOWABLE: 7,487 SF %11.3
29755 NO REC
29745 NO REC
29725 NO REC
29725 LOT:56,223 SF TDSF: 7,589 SF ALLOWABLE:7,666 SF 18'H %13.5
29711 NO REC
LOT:57,934.8 SF TDSF: 3,367 SF %5.8
29671 PRE FIRE REC
29665 NO REC
5675 NO REC
29675 PRE FIRE REC
29655 NO REC
5705 IN PROGRESS
5708 NO REC
5707 IN PROGRESS
5709 IN PROGRESS
5731
TDSF: 3,999 SF ALLOWABLE: 7,033 SF %12.4
16 HOMES MORE THAN 9.6% (OUT OF 27)


Horizon Dr
Cuthbert Rd
Cuthbert Rd
Cuthbert Rd
Harvester Rd
Harvester Rd
Harvester Rd
Filaree Hts
Busch Dr
29866 NO REC
5566 LOT: 50,000 SF TDSF : 5,716 SF ALLOWABLE: 7,338 SF H'24 %11.4
29901 LOT: 23,929 SF TDSF : 3,690 SF ALLOWABLE: 5,070 SF H' 18 %15.4
29841 LOT: 20,081 SF TDSF : 3,656 SF ALLOWABLE: 4,555 SF H' 18 %18.2
29825 LOT: 49,358. SF TDSF : 4,009 SF ALLOWABLE: 7,329 SF H' 16.8 %8
29803 LOT: 37,980 SF TDSF : 4,908 SF ALLOWABLE: 6,475 SF H' 15.57 %12.9
29759 PRE FIRE REC
29715 PRE FIRE REC
29685 PRE FIRE REC
29675 IN PROGRESS
29623 LOT: 63,547 SF TDSF:7,732.5 SF ALLOWABLE 8,032 SF 24'H %12.1
5555 LOT: 33,000 SF TDSF: 4,972 SF ALLOWABLE: 5,977 SF 22.58'H %15
29757 NO REC
29737 PRE FIRE REC
30000 LOT: 132,422 SF TDSF: 6,735 SF %5
29966 LOT: 82,550 SF TDSF:4,954 SF %6
29934 LOT:99,090 SF TDSF: 7,572 SF %7.6
30099 LOT: 20,470 SF TDSF:4,622 SF ALLOWABLE:4,623 SF H 12.5' %22.5
30061 LOT: 25,312 SF TDSF:3,225 SF ALLOWABLE:5,208 SF H 14' %12.7
30053 IN PROGRESS
30033
29979 LOT: 44,751 SF TDSF:5,137 SF ALLOWABLE:7,141 SF %11.4
30021 IN PROGRESS LOT: 40,516 SF TDSF:2,824 SF ALLOWABLE:6,728 SF H 17'-2" %6.9
29943 LOT: 43,978 SF TDSF:5,435 SF ALLOWABLE:7,053 SF %12.3
29921 LOT: 48,488 SF TDSF:7,177 SF ALLOWABLE:7,279 SF H 29' %14.8
29951 NO REC
29851 IN PROGRESS
29866 NO REC
29842 NO REC
29824 LOT: 71,583 SF TDSF : 5,504 SF ALLOWABLE:8,247 SF %7.6
29800 LOT: 82,565 SF TDSF : 5,957 SF ALLOWABLE:8,466 SF %7.2
29756 NO REC
29859 PRE FIRE REC
29903 IN PROGRESS
29859 PRE FIRE REC
29829 LOT: 181,348 SF TDSF : 8,586 SF ALLOWABLE:10,422 SF 28'H %4.7
29851 LOT: 23,222 SF TDSF : 4,657 SF ALLOWABLE: 4,999 SF H' 24 %20
29960 LOT:25,440 SF TDSF: 5,221 SF
29958 LOT: 2.09 AC TDSF: 8497SF
29964 LOT: 1.76 AC TDSF:7833SF
29755 NO REC
29745 NO REC
29725 NO REC
29725 LOT:57,934.8 SF TDSF: 3,367 SF %5.8
29725 LOT:56,223 SF TDSF: 7,589 SF ALLOWABLE:7,666 SF 18'H %13.5
29711 NO REC
29718 IN PROGRESS
29710 IN PROGRESS
29652 LOT: 60,984 SF TDSF: 5,219 SF ALLOWABLE: 7,904 SF 18'H %8.5
29671 PRE FIRE REC
29665 NO REC
29675 PRE FIRE REC
29655 NO REC
5705 IN PROGRESS
5708 NO REC
5707 IN PROGRESS
5709 IN PROGRESS
5731 NO REC
29623 IN PROGRESS
5737 LOT: 32,069 SF TDSF: 3,999 SF ALLOWABLE: 7,033 SF %12.4
5617 LOT: 57,965 SF TDSF: 6,433 SF ALLOWABLE: 7,753 SF 20.75'H %11
5625 NO REC
5637 LOT: 25,930 SF
5655 PRE FIRE REC
29630 PRE FIRE REC
5661 LOT: 52,462 SF TDSF: 5,957 SF ALLOWABLE: 7,487 SF %11.3
5675 NO REC
PROJECT
9.6%



JTD ARCHITECTS 2024



JTD ARCHITECTS 2024







- 29623 Cuthbert Rd, Malibu, CA 90265
- Lot 63,547
- 7,732.5 SF











- 29600 Harvester Rd
- Lot 145,926 SF
- 9315 SF










Horizon Dr
Cuthbert Rd
Cuthbert Rd
Cuthbert Rd
Harvester Rd
Harvester Rd
Busch Dr
29866 NO REC
5468 LOT: 50,000 SF TDSF : 5,716 SF ALLOWABLE: 7,338 SF H'24 %11.4
29901 LOT: 23,929 SF TDSF : 3,690 SF ALLOWABLE: 5,070 SF H' 18 %15.4
29841 LOT: 20,081 SF TDSF : 3,656 SF ALLOWABLE: 4,555 SF H' 18 %18.2
29825 LOT: 49,358. SF TDSF : 4,009 SF ALLOWABLE: 7,329 SF H' 16.8 %8
29803 LOT: 37,980 SF TDSF : 4,908 SF ALLOWABLE: 6,475 SF H' 15.57 %12.9
29759 PRE FIRE REC
29757 NO REC
29737 PRE FIRE REC
29715 PRE FIRE REC
29685 PRE FIRE REC
29675 IN PROGRESS
29623 LOT: 63,547 SF TDSF:7,732.5 SF ALLOWABLE 8,032 SF 24'H %12.1
5555 LOT: 33,000 SF TDSF: 4,972 SF ALLOWABLE: 5,977 SF 22.58'H %15
30000 LOT: 132,422 SF TDSF: 6,735 SF %5
29956 LOT: 82,550 SF TDSF:4,954 SF %6
29934 LOT:99,090 SF TDSF: 7,572 SF %7.6
30099 LOT: 20,470 SF TDSF:4,622 SF ALLOWABLE:4,623 SF H 12.5' %22.5
30081 LOT: 25,312 SF TDSF:3,225 SF ALLOWABLE:5,208 SF H 14' %12.7
30069
30053 IN PROGRESS
30033
29866 NO REC
29842 NO REC
29824 LOT: 71,583 SF TDSF : 5,504 SF ALLOWABLE:8,247 SF %7.6
29800 LOT: 82,565 SF TDSF : 5,957 SF ALLOWABLE:8,466 SF %7.2
29756 NO REC
29738 LOT: 88,406 SF TDSF: 8,492 SF ALLOWABLE: 8,578 SF 24'H %9.6
29718 IN PROGRESS
29710 IN PROGRESS
29652 LOT: 60,984 SF TDSF: 5,219 SF ALLOWABLE: 7,904 SF 18'H %8.5
29634 IN PROGRESS
5623 NO REC
5617 LOT: 57,965 SF TDSF: 6,433 SF ALLOWABLE: 7,753 SF 20.75'H %11
5647 LOT: 25,930 SF
5655 PRE FIRE REC
29630 PRE FIRE REC
5661 LOT: 52,462 SF TDSF: 5,957 SF ALLOWABLE: 7,487 SF %11.3
5675 NO REC
29973 LOT: 44,751 SF TDSF:5,137 SF ALLOWABLE:7,141 SF %11.4
29943 LOT: 43,978 SF TDSF:5,435 SF ALLOWABLE:7,053 SF %12.3
29859 PRE FIRE REC
30021 IN PROGRESS LOT: 40,516 SF TDSF:2,824 SF ALLOWABLE:6,728 SF H 17'-2" %6.9
29951 NO REC
29921 LOT: 48,488 SF TDSF:7,177 SF ALLOWABLE:7,279 SF H 29' %14.8
29869 IN PROGRESS
29829 LOT: 181,348 SF TDSF : 8,586 SF ALLOWABLE:10,422 SF 28'H %4.7
29851 IN PROGRESS
29855 PRE FIRE REC
29753 NO REC
29745 NO REC
29725 NO REC
29725
2971 NO REC
LOT:57,934.8 SF TDSF: 3,367 SF %5.8
LOT:56,223 SF TDSF: 7,589 SF ALLOWABLE:7,666 SF 18'H %13.5
29671 PRE FIRE REC
29665 NO REC
29960 LOT:25,440 SF TDSF: 5,221 SF
29958 LOT: 2.09 AC TDSF: 8497SF
29964 LOT: 1.76 AC TDSF:7833SF
29851 LOT: 23,222 SF TDSF : 4,657 SF ALLOWABLE: 4,999 SF H' 24' %20
29675 PRE FIRE REC
29655 NO REC
5705 IN PROGRESS
5708 NO REC
5737 IN PROGRESS
5709 IN PROGRESS
5731 NO REC
HEIGHT VARIES. AT LEAST 5 HOMES 24FT OR TALLER IN THE IMMEDIATE AREA.

HEIGHT 24’

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

Finding 2. ***The project does not*** *adversely affect neighborhood character.*

Finding 3. ***The project provides maximum feasible protection*** *to significant public views as required by Chapter 6 of the Malibu LIP.*

Finding 4. ***The proposed project complies with*** *all applicable requirements of State and local law.*

Finding 5. ***The project is consistent*** *with the City's general plan and local coastal program.*

Finding 6. ***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 MMC Section 17.40.040(A)(17)*

LCP: Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State.

General Plan: Footnote 6 Table 7-24 For non-beachfront lots, heights of 24 feet for flat roof structures and 28 feet for pitched roof structures may be permitted by site plan review.

BALANCED SITE, NO EXPORT, NO BASEMENT

CREATING A BASEMENT OF 1,000 SF = 45 TRUCKS

PARKING

10’x18’ PER TABLE 7-26 WITH 25’-6” BACKUP

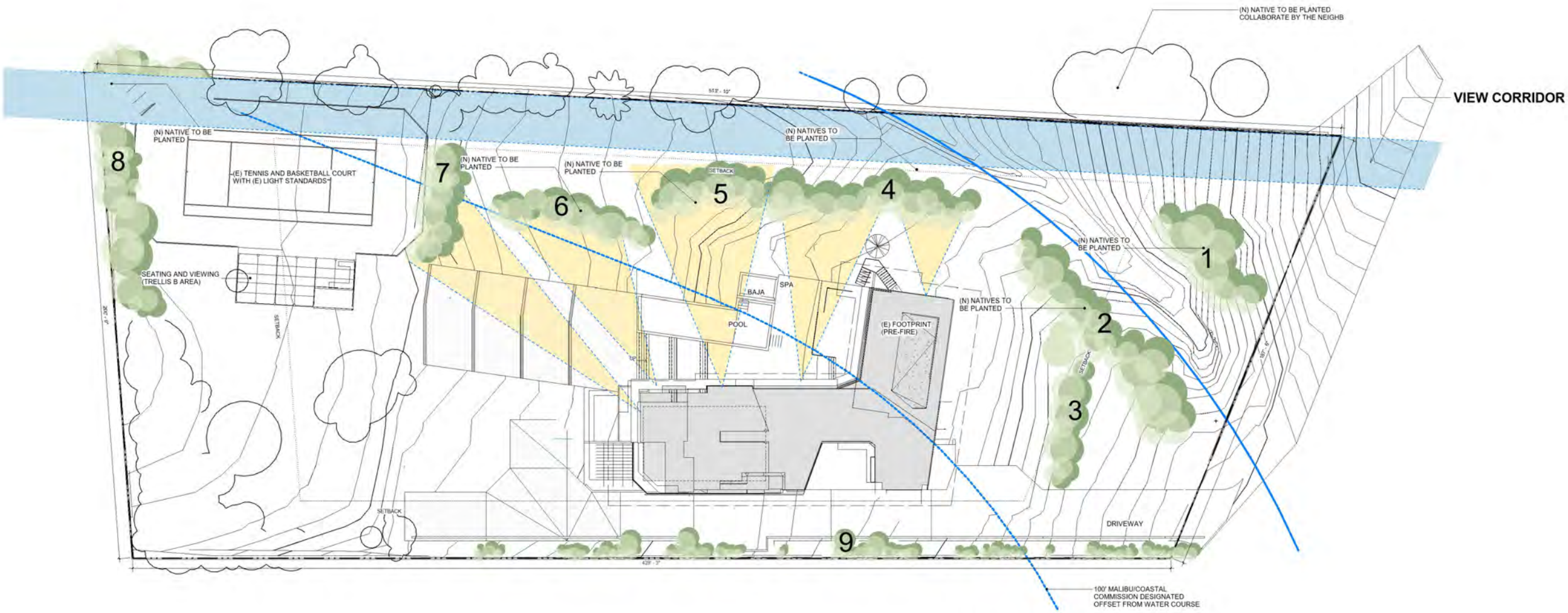
OWTS

PRETREATMENT - 3,000 GALLON SYSTEM

POOL

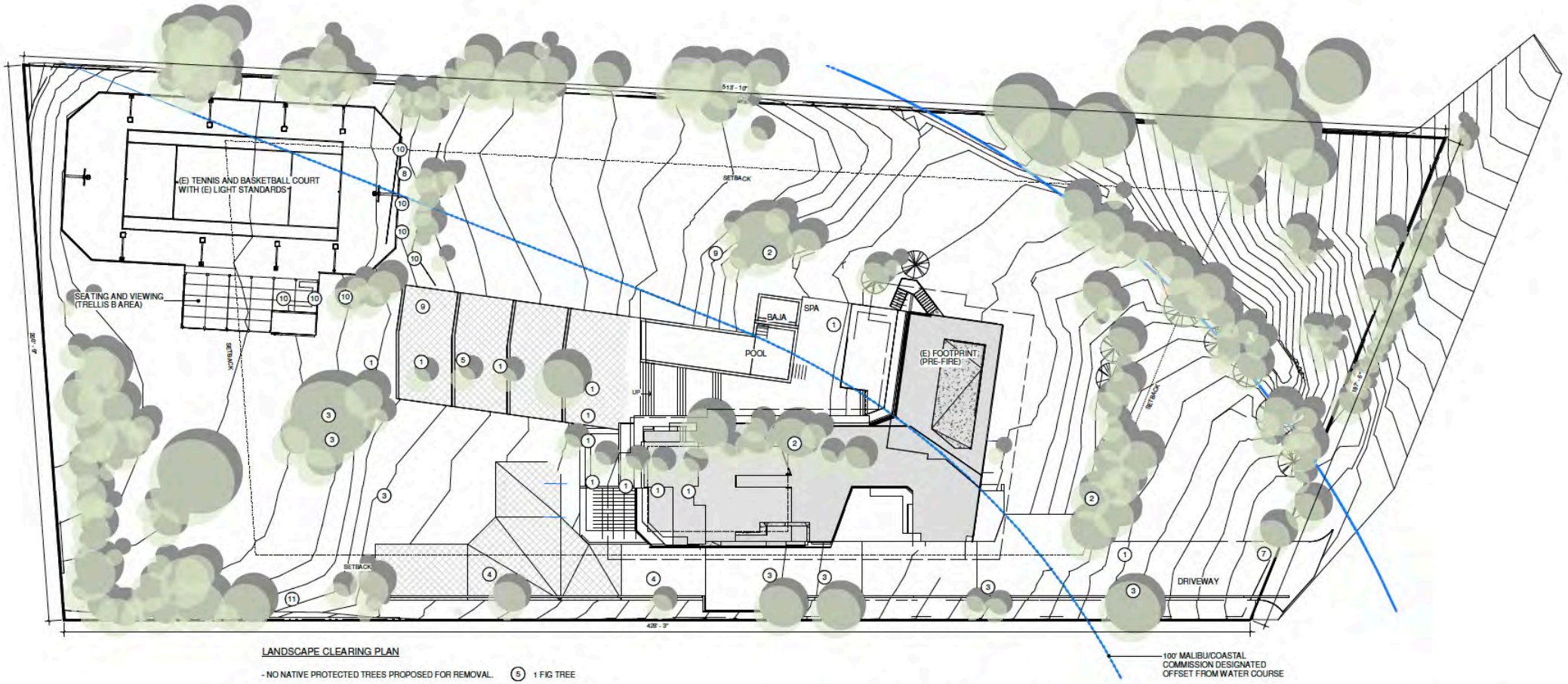
WATER STORED ON SITE 20,000 GALLONS / STANDARD POOL COVER

JTD ARCHITECTS 2024



LOUVERS, GLASS FILM NEW PLANTING

- PROJECT ADHERES TO CODE
- PROJECT PROPOSES TO REPAIR A SENSITIVE ENVIRONMENTAL AREA – WITH THE PARTICIPATION OF CA. FISH AND WILDLIFE
- PROJECT HAS BEEN VETTED WITH CONTIGUOUS NEIGHBORS - EAST, WEST AND NORTH
- PROJECT PROVIDES A PUBLIC BENEFIT BY CREATING A PUBLIC VIEW CORRIDOR TO THE OCEAN
- PROJECT STRUCTURE IS SHIELDED FROM DAILY VIEW
- PROJECT STRUCTURE IS SHIELDED FROM NIGHT LIGHT SPILLAGE



LANDSCAPE CLEARING PLAN

- NO NATIVE PROTECTED TREES PROPOSED FOR REMOVAL.

1. 12 BERMUDA PALM TREES 12"ø
2. 3 BIRDS OF PARADISE ~7' FT TALL
3. 7 PEPPER TREES 20-48"ø
4. 2 SPRUCE TREES 18-20"ø
5. 1 FIG TREE
7. 1 CYPRESS TREE
8. 1 WASHINGTONIA ROBUSTA
9. 1 YUCCA
10. 7 OLEANDER BUSHES ~8' FT TALL
11. 1 FICUS BENJAMINA ~ 10' FT TALL

EXISTING PLANTING POST FIRE

JTD ARCHITECTS 2024

- **0** OBJECTIONS FROM COASTAL COMMISSION
- **0** VARIANCES REQUESTED
- **0** CLINICS PLANNED
  (site use will be deed restricted as a guarantee)



REMAINING PLANTING AND NEW PLANTING COMBINED

JTD ARCHITECTS 2024

29738 CUTHBERT ROAD
REASONS FOR APPEAL

APPLICANT RESPONSE:

PART ONE

Project Being Appealed

Coastal Development Permit-Woolsey Fire No. 23-004, An application to allow for the construction of a 4,620 square-foot addition to a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, extension of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; tennis pavilion; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system; including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height.

Background Summary

Owner's 2,276sf (2,499sf) residence, garage 484sf (488 sf), guest house 484sf (592 sf) and pool house 276sf (367sf) and barn 1,500sf were destroyed in the Woolsey Fire. Owner applied for a Planning Verification to build 3,872sf (3,520sf plus 10%) which was approved on 9-28-2021. A 1,520sf portion of the main house - the proposed kitchen - was located in the ESHA buffer of a mapped blue line stream. See Planning Verification Plans AO.0 (8492sf residence); A0.00 Portion in red is 1520sf kitchen area portion in ESHA buffer) and A0.8 (Open roof deck and raised kitchen roof in ESHA buffer).

Planning Verifications are granted if an Owner is rebuilding their new home in the same location as the destroyed home plus 10%. In this instance the original home was located in the ESHA buffer. The Planning Commission and Public were under the impression that this was a fire rebuild and the only reason it was allowed in the ESHA buffer was because the new residence was grandfathered.

The Planning Verification process is designed to expedite approval if in-kind and up to 10% expansion of the building envelope (bulk, height, and square footage) for fire rebuilds. The Planning Verification approval for this project is consistent with all applicable regulations.

What was never revealed to the Commissioners and the Public was that the Planning Verification was not for a new "like for like" residence but rather for the kitchen area of a new 8,492sf residence which is what the Owner always planned to build. The Owner never intended to rebuild the former residence plus 10%.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

The Appellants' speculation as to the Owner's intent in this case is misguided. The project has been completely and fully described throughout the City approval processes. The Owner has been transparent with its intentions regarding the project, and City staff and the Planning Commission are in agreement as to the propriety of the processes pursued in this case. The Owner has applied for an addition to the approved in-kind replacement of the home that burned in the Woolsey Fire. The current Coastal Development Permit is the correct process for approval of the requested addition.

After the Planning Commission approval, the Appellant, when prepping for this appeal, discovered the Planning Verification was not for a fire rebuild but for the kitchen area of a much larger 8,492sf structure.

This was never a fire-rebuild. Nothing should have been grandfathered. This is a new house and cannot be built in ESHA buffer per code.

If this information had been known to the Planning Commission, they would have most likely denied this Addition and the project as a whole. We are asking the Council to deny this Addition and uphold this appeal.

The Planning Verification approval is for the fire rebuild, which was issued in compliance with all applicable regulations. The current CDP application is for the addition to the previously approved fire rebuild.

PART TWO

Denial Required

A denial of this so-called Addition is required for the following reasons:

1. **This is Not a Fire Rebuild.** Correct. The fire rebuild was previously approved via the Planning Verification. The pending CDP is for approval of an addition to the previously approved fire rebuild.

Rebuilds must meet all the requirements described in the City of Malibu LCP Local Implementation Plan 13.4.6 Structures Destroyed by Natural Disaster.

The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the following criteria:
A. It is for the same use as the destroyed structure;
B. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and
C. It is sited in the same location on the affected property as the destroyed structure.
As used in this section, "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

This replacement structure exceeds the size of the structure destroyed by the Woolsey Fire, a Natural Disaster.

A. Above cannot be met. It is not the same use as the destroyed structure. The destroyed structure was a rebuild of the residence and this is a 1,520sf kitchen.

B. These cannot meet the requirements. The proposed structure at 29738 Cuthbert exceeds the floor area, height and bulk of the destroyed structure by more than 10%.

C. This is not located in the same location. The proposed structure cannot meet the footprint of the pre-fire building, pool, terraces and driveway. This exceeds that of the original structure in excess of 10%.

This is not a like for like fire rebuild.
The CDP for this Addition project must be denied.

The above requirements do not apply to the requested addition.

2. This Is Not An Addition.

In more than one instance in the July 15, 2024 staff report The Project was described as an Addition,

29738 CUTHBERT ROAD
REASONS FOR APPEAL

An example: *"the project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements"* (7-15-24 Staff Report page 9).

It is important to note additions are made to an existing structure and in this instance, there is no existing residence for the Addition to be added on to. For this reason, this is not an approval of an Addition but rather one for a new 8,492sf residence.

The Appellant claims that additions to an existing structure may only be considered if the structure physically exists at the time of the application. There is no basis in law for this claim. The Applicant's election to proceed with construction of the fire rebuild and the proposed addition simultaneously is a benefit to its neighbors, who otherwise would be inconvenienced by two separate construction phases.

Even if one determines that it doesn't have to be an existing structure, this Addition cannot be approved because it is to be attached not to a fire rebuild of a destroyed residence but rather to the kitchen area of the 8,492sf residence which is not grandfathered to be in the ESHA buffer.

The kitchen, dining, and living areas remain in the same location as they were prior to the fire. The previously scattered structures, including the pool room, garage, and storage, have been reconfigured into a more consolidated layout. This enhances overall site efficiency and functionality.

3. It Is a New Project.

This property is in the same ownership both pre and post Woolsey fire. If it were the intention of the Owners to rebuild just their former residence plus the allowable 10%, it would be a 2,276sf fire rebuild plus 10% and could be constructed in the same buffer location as the original house.

As you can see in the original Fire rebuild plans approved 9-28-21, this so-called 4,620sf Addition, was always part of a much larger 8,492sf residence and was on the plans submitted with the Woolsey Fire Planning Verification portion of the residence which is located in the ESHA buffer This was always to be an 8,492sf residence with the kitchen area located in the ESHA buffer (See PVWF page A0.0). Thus, this is not an Addition and therefore it must be denied.

The proposed addition is a new project, as evidenced by the fact that it is the subject of the pending CDP. The fire rebuild portion of the project was previously approved consistent with all applicable regulations by Planning Verification.

The addition and total floor area have been properly calculated based on the lot size and fully comply with all applicable Malibu City codes and regulations.

4. Necessary Findings for a CDP Cannot Be Made. Project Must be Denied.

In order to approve a Coastal Development Permit for this proposed addition, all of the 4 findings set forth in LIP 13.9 must be made.

13.9. FINDINGS are:

All decisions on Coastal Development Permits shall be accompanied by written findings:

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

B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

C. The project is the least environmentally damaging alternative.
D. 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 following 2 necessary findings cannot be made:
Finding A. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program.

The portion of the residence was allowed in ESHA buffer because it was supposed to be a rebuild of the original home in that location. However, this was never intended to be a fire rebuild. It was designed to be the kitchen area of an 8,492sf residence.
In fact, the application for the Planning Verification says:
'The project proposes a *single-family residence using* a *combination of existing house footprint and* a *new footprint" (page 1 Fire rebuild plans approved 9-28-21).* The original foot print is the portion of the residence in the ESHA buffer and the new footprint is the so-called Addition.

The Owner is taking advantage of the Woolsey Fire Verification procedure to obtain approval of the kitchen area portion of an 8,492sf proposed residence under the guise of the reconstruction of the residence destroyed in a fire. This kitchen area and the steps leading to the proposed kitchen roof deck clearly are not a fire rebuild and therefore are not allowed in the buffer setback from a blue line stream.
Since this, in reality, is not a fire rebuild of the existing residence, the kitchen portion of the 8,492sf proposed residence is not allowed in the buffer. It, therefore, doesn't conform to the certified Malibu Local Coastal Program.

The Planning Commission properly found that the project, as modified by the conditions of approval, conforms with certified City of Malibu Local Coastal Program. The project is located in the RR-2 residential zoning district, an area designated for residential uses. The proposed project additions to the residence approved under the Planning Verification and other exterior site improvements. The Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, and WD29 reviewed the project for conformance with the LCP. As discussed in detail in the Planning Commission's staff report, the project as conditioned conforms to the LCP in that it meets all applicable residential development standards inclusive of the site plan review.

The Appellant seems to take issue with the fact that the Applicant has elected to proceed with the construction of the fire rebuild and addition portions of the project simultaneously rather than as independent construction projects. The Applicant's election in this regard is entirely permissible under the City's applicable codes and regulations, and in fact reduces any inconveniences to its neighbors that may be caused by the construction phase of the project.

Finding C. The project is the least environmentally damaging alternative.
This project is not the least environmentally damaging. To qualify as such, the portion of the structure in the ESHA Buffer must be taken out of the buffer and a smaller project be designed that conforms to the neighborhood character.

The Technical Review Sheet dated January 17, 2024 indicates they are grading almost the entire site except in ESHA and the tennis court.

And a smaller project would require less grading so it would be less environmentally damaging.

The Planning Commission properly found that the project is the least environmentally damaging alternative. As detailed in the Planning Commission staff report, the project meets the development policies of the LCP and MMC, inclusive of the requested SPR, and has been determined to be the least environmentally damaging feasible alternative. The project has been sited and designed to limit disturbance of the property. The addition that is the subject of this CDP is located away from the stream.

The project does include the replacement of the pre-fire septic system, relocated away from the stream. In addition, the project has been developed in collaboration with the Department of Fish and Wildlife to enhance the condition of the stream, protect its habitat, and remove nonnative materials.

Additionally, the project has been designed in a thoughtful manner to follow the contour lines of the land, stepping down gradually to minimize grading. The concentrated layout allows for more open space and landscaping, contributing to an environmentally sustainable design.

Since 2 of the four necessary findings can't be made, the CDP for this addition project must be denied.

A new application has to be submitted for a new project that is not in the ESHA buffer. Since it was always the Owners' intention to rebuild one 8,492sf house, this Addition also has to be denied because it would be attached to a proposed kitchen structure which is not allowed in an ESHA buffer. In the future, when the Owner applies for a new residential project, no portion of it can be constructed in the ESHA buffer.

But the intention of the Owner was always to construct an 8,492sf structure which they have said is allegedly for family gatherings and use by family members.

The Owner took advantage of the fire rebuild rules to have the kitchen area portion of the residence built in the pre-fire home's location in an ESHA Buffer. Under the LIP, construction is not allowed in an ESHA Buffer when a project can be built outside the buffer in a different location on the site.

In reality, this is the construction of a new 8,492sf residence, a portion of which is being constructed in ESHA buffer in violation of the Malibu Local Coastal Program.

The Applicant has followed all applicable rules and regulations in obtaining a Planning Verification for the fire rebuild portion of the project and pursuing a CDP for the proposed addition. While the overall project approvals have followed a two-step process, there is no requirement that the construction similarly be done in two separate phases.

5. Piecemealing Development

This is one residence being processed in 2 stages. Stage one is the kitchen and stage two is the Addition. This should not be allowed especially since 1,520sf are to be constructed in an ESHA buffer which is prohibited under these circumstances. A Planning Verification should have never been issued for this kitchen area since it is not a Fire Rebuild.

The kitchen, dining, and living areas remain in the same location as they were prior to the fire. The Applicant has followed all applicable rules and regulations in obtaining a Planning Verification for the fire rebuild portion of the project and pursuing a CDP for the proposed addition. While the overall project approvals have followed a two-step process, there is no requirement that the construction similarly be done in two separate phases.

6. Smaller Project is Allowed Under LIP.

The total maximum allowable square footage is the maximum size residence allowed. It is not guaranteed by right. The LIP says a structure can be "up to" the maximum TMSF. The Planning Commission and the Council always have the discretion to deny this addition and require a smaller project.

Then planning director Richard Mollica, stated in the first hearing on this project on February 21, 2023 that the project could be smaller and could be denied on the basis it is too large.
Mr. Mollica said at 2:38 on the video "As *Commissioners you feel you cannot make the findings and you would like to see a smaller home on the site and you feel it is out of character, that is where the Commission has its discretion. You have the ability to say you can't make the findings for it is out of character."*

In fact, a smaller project is required to meet the Character of the Neighborhood.

The Applicant has provided a neighborhood context analysis that demonstrates that the project is consistent with the character of the existing neighborhood. This analysis shows that the neighborhood is truly mixed in terms of lot size, which vary from 20,081 to 181,348 square feet in size, size of the homes upon those lots, which vary from 2,824 to 9,305 square feet in size, and lot coverage of those homes, which varies from 4.7% to 22.5%.

Here, the project site consists of an 88,406 square foot lot, and the 8,492 TDSF represents only 9.6% of the lot.

7. Neighborhood Character

Preservation of neighborhood character is another reason for this project to be denied. Neighborhood character refers to the 'look and feel of an area'.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

Prior to the Woolsey Fire, the residence was 2,276sf. With the addition of the square feet of the garage, guest house and pool house, the area totaled 3,520sf. The 10% brought the rebuild total to 3,872sf.

This 4,620sf proposed Addition to a yet to be constructed 3,872sf Woolsey Fire rebuild will result in an 8,492sf residence that is out of character with the neighborhood and should be denied.

Malibu Park is made up of many different neighborhoods. Among the properties that make up this particular Malibu Park neighborhood are the following:
The existing neighboring homes are substantially
smaller: 29755 Harvester is 3,400 sf plus a guest
house 900sf 29748 Harvester is 1,944 sf
29745 Harvester is 1,680 sf
29735 Harvester is 7,246 sf (per Zillow)

28725 Harvester's final sf is 4,600 sf and the Planning Commission required the owners to reduce the size of their guest house by 90sf
29756 Cuthbert was 1,720sf prior to the Woolsey Fire 29718 Cuthbert was 3,827sf prior to the Woolsey Fire 29800 Cuthbert is 5,500 sf.
29824 Cuthbert is less than 4,000sf

The average size of these nearby homes is 3,868.55sf.
The proposed house is more than two times the neighborhood average.

The Applicant has provided a neighborhood context analysis that demonstrates that the project is consistent with the character of the existing neighborhood. This analysis shows that the neighborhood is truly mixed in terms of lot size, which vary from 20,081 to 181,348 square feet in size, size of the homes upon those lots, which vary from 2,824 to 9,305 square feet in size, and lot coverage of those homes, which varies from 4.7% to 22.5%.

Here, the project site consists of an 88,406 square foot lot, and the 8,492 TDSF represents only 9.6% of the lot. That the project exceeds the size of the home that burned in the fire is irrelevant in terms of its consistency with neighborhood character.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

With the proposed Addition of 4,620sf for a total of 8,492sf, the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect the quiet neighborhood's friendly character as it is substantially larger than the nearby properties on Harvester, Cuthbert, and Clover Heights.

Structures like this are destroying the quiet, rural character of this equestrian neighborhood. If this residence is approved others of similar size will follow.

The Applicant has provided a neighborhood context analysis that demonstrates that the project is consistent with the character of the existing neighborhood. This analysis shows that the neighborhood is truly mixed in terms of lot size, which vary from 20,081 to 181,348 square feet in size, size of the homes upon those lots, which vary from 2,824 to 9,305 square feet in size, and lot coverage of those homes, which varies from 4.7% to 22.5%.

Here, the project site consists of an 88,406 square foot lot, and the 8,492 TDSF represents only 9.6% of the lot. That the project exceeds the size of the home that burned in the fire is irrelevant in terms of its consistency with neighborhood character.

There is insufficient parking on the property for the number of bedrooms and the number of people who would be working on the property. Cuthbert is too narrow to allow street parking.

This plan more than doubles the number of bedrooms and has 6 times the number of bathrooms. This will put excessive strain on the water tank on Busch that failed the morning of the Woolsey Fire.

The number of bedrooms proposed is designed to meet the Applicant's needs. The Applicant's testimony at the Planning Commission hearing included that the home is designed to meet the needs of a multi-generational family, some of whom are elderly and require wheelchair access. The number of parking spaces proposed by the project meet City requirements and will meet the specific needs of the Applicant.

A structure this size does not allow for the re-planting of native trees and shrubs that were lost during the Woolsey Fire and would help provide habitat for wildlife.

The TDSF for the project represents only 9.6% of the project site. The project's thoughtful design allows for extensive open space and landscaping.

A much smaller footprint would be in character with the neighborhood. The Owners can still have their family gatherings in a smaller structure. Afterall, prior to the Woolsey Fire, these gatherings were held in a residence that was 2,276 sf with a 484sf guest house.

8. This Project Previously Denied

This project was heard by the Planning Commission twice. At the first Commission hearing on February 21, 2023 the project was denied.
After the denial, the Owner withdrew the application on July 17, 2023, almost 5 months after denial according to the Geotechnical Report contained in the 7-15-24 staff report. *"The scope of the project has not changed from that reviewed and accepted by the City's geotechnica/ consultants in the referenced review letter dated 4-21-2022."* (There was no resolution for denial written. Does it take five months to write a resolution of denial? Staff told Appellant that the findings for denial were never made. This seems odd to the Appellants, considering the project was denied on February 21, 2023

according to the Geotechnical Report. Then, the same project was brought before the Commission to be reheard a second time on July 15, 2024 in the hope of getting a different result.

It was the same project because the scope of the project had not changed from that which was reviewed previously and accepted by the City's Geotechnical consultants, the City Biologist and Environment Health.

This second hearing should never have been allowed once the project was denied by the Commission on February 21, 2023. Stare decisis applies. This is settled law. Every resident deserves certainty as applies to the City's decisions.

Once a project is denied, an Owner should not be allowed a second hearing on essentially the same project in the hope of getting a positive result. The first decision of denial by the Planning Commission should have been the final and only decision.
The project before you is the same project that was previously denied on a 3-2 vote. It is in the exact same location, the same size and the same design.

Commissioner Peak made the motion to deny the project giving these reasons for denial: he wasn't comfortable with the lighting, or with an 8,500sf house where a portion of the house was in the ESHA Buffer. He agreed with Commissioner Mazza that just because you can get "up to" the TDSF doesn't mean you get it and that the house doesn't fit the neighborhood. Commissioners Mazza, Hill and Peak agreed that a CDP could not be serial.

At the second hearing, without explanation, Commissioner Peak voted to approve the project stating the entire project was within the allowable TDSF. All of his previous reasons for denial miraculously no longer existed.

We ask that the first Planning Commission decision be upheld. Stare decisis applies. The Council must deny this project. It should not have been heard a second time.

The previous iteration of the project was withdrawn and never formally acted upon by the Planning Commission. The project that is the subject of the current CDP includes many features that were not considered by the Planning Commission in 2023. The project as currently proposed creates view corridors that are beneficial to the neighborhood. Additionally, the project includes improvements to the condition of the stream. The tennis court lights have been eliminated and the project's lighting design was otherwise revised to comply with the City's Dark Sky Ordinance.

PART THREE

29738 CUTHBERT ROAD
REASONS FOR APPEAL

Resolutions with Conditions of Approval: Inaccuracies

We would like to point out the following to the Council:

1. Recital A is not accurate for it states: *"that the Planning Varication for this project was approved for the in-kind replacement of* a *single-family residence."* This is inaccurate. The PVWF was for the kitchen area of an 8,492sf residence. Moreover, this kitchen area PVWF was located in an ESHA buffer which is not permitted. It would have been permitted if it were a replacement of the original house.

The Planning Verification approved the in-kind replacement of the home destroyed in the Woolsey Fire. That approval is not the subject of the pending CDP application.

2. Recital Resolution: History fails to state that project was previously before the Commission for the first time on February 21,2023 and was denied.
Under Section 2 Environmental Review

The previous iteration of the project was withdrawn prior to final action by the Planning Commission.

3. A. General Coastal Development Permit
It is inaccurate to state: *"the proposed project is/or an addition to an existing residence"* The approval was for the kitchen area of a proposed 8,492sf Residence and not an existing residence.

The proposed project is an addition to the previously approved fire rebuild. Despite the two-step application process for the project as a whole, there is no requirement that the project be built in two phases. Construction of the project in one phase reduces construction inconveniences for the project's neighbors.

Add these Conditions of Approval

It is the Applicant's position that the Planning Commission incorporated all appropriate conditions of approval.

Should the Council deny this appeal and uphold the Planning Commission's second decision on this project, please add the following to the Conditions of Approval:

Add a condition to deny rooftop decks because they create a noise nuisance that will disturb neighbors and wildlife. One of the decks is on top of the kitchen structure in the ESHA buffer and must be denied. The noise emanating from the deck could be harmful to wildlife especially as this is a migratory flyway.

Add that all lighting shall be 3000 Kelvin or less.

Add all windows including clerestory windows, skylights and glass doors to be covered with film to diminish the impact and spillage of interior lighting. The city biologist recommended interior night lighting be minimized.

Add condition that there be no lighting or light spill in the ESHA and ESHA buffer and that all lighting is not reflected off site.

Add a condition that the use of rodenticides is prohibited at all times on the property. The dumpsters must be rodent proofed. Include Poison Free Malibu guidelines.

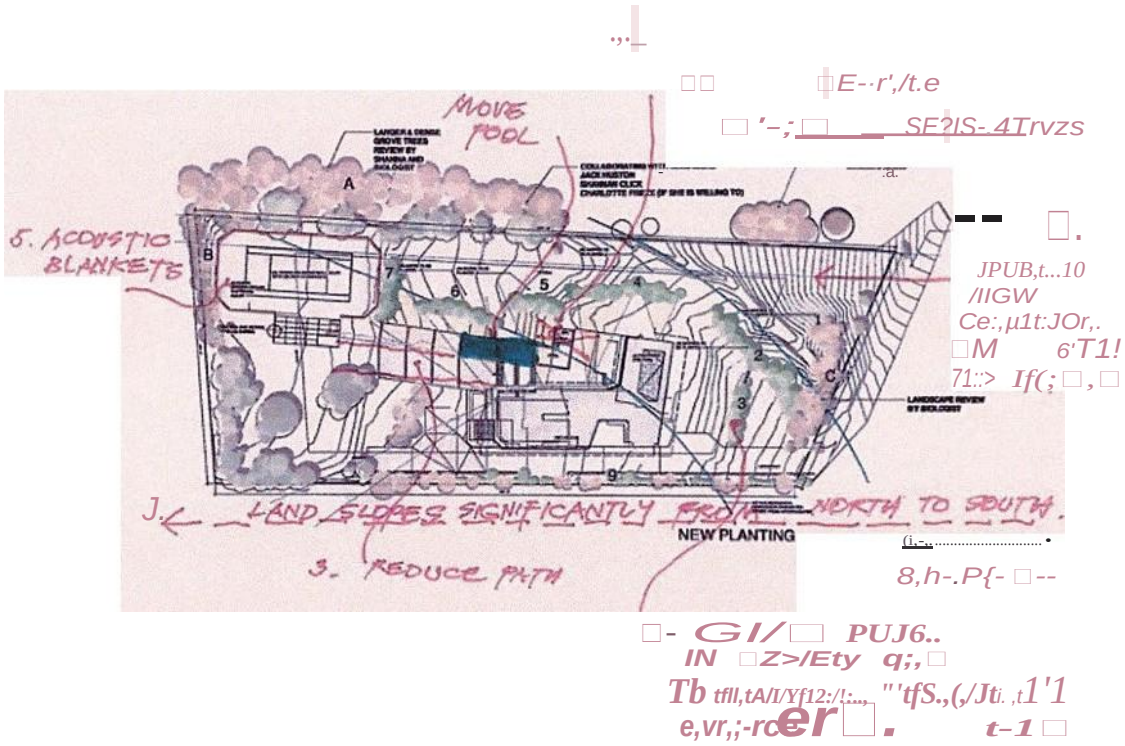
29738 CUTHBERT ROAD
REASONS FOR APPEAL

Add a condition that surface water runoff will be directed away from the OWTS.

Add a condition, if needed, an underground storm water detention basin will be installed.

Add condition that no parking either during or after construction shall be permitted in ESHA.

After the July 15, 2024 decision, the owner's architect on August 13, 2024 proposed the following landscape plan:



Add condition to remove the pre-fire swimming pool from ESHA.

Add a condition that all landscaping in the ESHA buffer shall include all native plants and trees.

Add condition that all plants used to landscape the banks of the blueline stream thrive in a riparian habitat buffer.

Add condition that the tennis court is to be screened with native trees such as Toyon.

Add condition that padded windscreen is to be added around the tennis court to reduce noise.

PART FOUR

Lack of a Fair and Impartial Hearing

The hearing was not fair because the Commission did not have critical information to make an informed decision and the Public did not have this

information either. The

missing information was the Planning Verification file that the Appellant obtained for this appeal. If the Commission and the Public had had this information, most likely a different Decision would have been reached.

Since this information was not presented in the staff report, the Decision was not impartial. The lack of this information favored the Applicant over the Public. What was unknown was that the plans for an 8,492sf structure was what the Owner had intended to build from the beginning. The Planning Verification was for just a portion of this huge residence. The Owner never intended to rebuild the grandfathered residence destroyed in the fire even though it was in the ESHA buffer but rather to build the kitchen and roof deck areas of the new residence in the ESHA buffer which is prohibited.

The Commission were not aware that the Addition was not to be attached to a fire rebuild but that it was just the kitchen area of a larger structure. If this had been known, this Addition would have been denied.

The Planning Verification approved the fire rebuild of the home destroyed by the Woolsey Fire. That approval is not at issue in the pending CDP. The only issue before the Council on this appeal is whether all of the required findings can be made for issuance of a CDP for the proposed addition. As detailed above and in the Planning Commission staff report, those findings can be, and have been, made.

PART FIVE

Decision was Contrary to Law.

This Addition didn't meet the requirements of the Local Coastal Program because a CDP was approved when 2 of the 4 necessary findings couldn't be made.

As detailed above and in the Planning Commission staff report, the required findings can be, and have been, made.

This project was never intended to be a fire rebuild but rather a large new 8,492sf residence. No portion of the structure was eligible for the Planning Verification process. The kitchen portion of the house was planned to be built in the ESHA buffer which is prohibited when there are other locations on the site the residence could be built. If there are no other locations on the property to locate the proposed residence, a smaller residence would have to be constructed.

It violates the General Plan which describes the character of Malibu Park as rural residential and this proposed project is urban in nature.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

It violates the Mission and Vision Statement of the City set forth below:

Vision Statement

"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a responsible custodian of the area's natural resources for present and future generations."

Malibu Municipal Code Section 17.02.030

Mission Statement

"Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.
Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.
Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.
Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use".
Malibu Municipal Code Section 17.02.030

CONCLUSION

This is a new 8,492sf structure and requires a totally new CDP.

Instead of applying for the kitchen area in ESHA as a fire rebuild and then asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492 sf residence located out of the ESHA Buffer.

The proposed 8,492sf structure is not a 3,872sf Woolsey Fire Re-build plus a 4,620sf Addition. The rebuild was never intended to be constructed.

At 8,492sf, more than double the size of neighboring houses, the structure is out of keeping with the neighborhood character. Since the Woolsey Fire, the neighborhood character is being eroded by developers who ignore the rural character and peaceful lifestyle enjoyed by residents and wildlife alike.

Instead of applying for the kitchen area in ESHA as a fire rebuild and simultaneously asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492sf residence located out of the ESHA Buffer. Most importantly, the Addition before you is not an Addition to a fire rebuild. It is an Addition to a proposed kitchen area in an ESHA buffer which is not allowed. In the PVWF plans you can see that this is one residence. Therefore, the Council must deny this Addition and tell the owner he has to come back with an application for a

residence that is located out of the ESHA buffer and fits in with the neighborhood character.

29738 CUTHBERT ROAD
REASONS FOR APPEAL

The proposed construction including kitchen, adjacent terrace, staircase and a portion of the swimming pool are in the ESHA buffer. A roof deck atop the kitchen and illuminated by the kitchen's clerestory windows intrudes noise, light and human activity into the ESHA and are not allowed in the ESHA buffer.

If this structure is approved, it will open the flood gates for future, irresponsible development in Malibu Park as well as other neighborhoods in Malibu. The properties on either side of 29738 Cuthbert are also burnouts poised for re-construction. The owners of these properties are the only neighbors to write letters of approval. There were over 50 letters requesting denial.

A structure this size will erode away at the beautiful setting at the interface of Malibu Park's residential neighborhood and the Santa Monica Mountains. It will chip away at the lifestyle that attracts people to Malibu. Malibu Park has historically been a family neighborhood comprised of residents who care profoundly about the wildlife that makes Malibu their home.

I am profoundly disappointed that we neighbors have had to come together to protect our neighborhood - to protect the Malibu we love. The decisions and actions of the Planning Department and the Planning Commission have placed an unfair burden upon our community.

Please uphold the Appeal and DENY the CDP for 29738 Cuthbert for the reasons stated above.

Each of these points have been responded to in detail above.

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold public hearings on **WEDNESDAY, February 18, 2026, at 2:00 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA on the project identified below.

APPEAL NO. 24-010 - An appeal of Planning Commission Resolution No 24-39 determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 23-004 for the construction of a 4,620 square foot addition to a destroyed single-family residence with an attached garage approved under Planning Verification-Woolsey Fire No. 21-034, extension of the existing swimming pool and spa, driveway reconfiguration, improvements to existing tennis court, new hardscaping, landscaping, grading, and onsite wastewater treatment system; including Demolition Permt No. 24-020 for the demolition of an existing hardscape and landscape; and Site Plan Review No. 23-026 for construction of the residence over 18 feet in height not to exceed 24 feet in height for a flat roof

Location:	29738 Cuthbert Road
APN:	4469-041-011
Zoning:	Rural Residential, Two-Acre (RR-2)
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15301(e) and (l), and 15303(d)
Applicant:	JTD Architects
Owner:	Malibo LLC
Appellant:	Charlotte Frieze Jones on behalf of Malibu Park Neighbors Group
Application Filed:	October 26, 2023
Appeal Filed:	August 15, 2024
Appealable to:	California Coastal Commission
Case Planner:	Aakash Shah, Contract Planner (310) 456-2489, extension 385 ashah@malibucity.org

APPEAL NO. 24-011 - An appeal of Planning Commission Resolution No 24-77 approving Coastal Development Permit No. 19-011 for the construction of a new 3,977.5 square foot, 28 foot high two-story single-family home with basement, pool, spa, retaining walls, new onsite wastewater treatment system and associated development; including Site Plan Review No. 24-022 for construction over 18 feet up to a maximum of 28 feet in height for a pitched roof and Minor Modification No. 24-006 to reduce the required front yard setback by 50 percent

Location:	33610 Pacific Coast Highway
APN(s):	4473-021-012
Zoning:	Rural Residential, Two-Acre (RR-2)
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15303(a), 15303(e) and 15304(b)
Applicant:	Block and Block
Owner:	Peaches LLC, DBA 33616 PCH
Appellant:	Matthew Mark
Application Filed:	March 4, 2019
Appeal Filed:	December 9, 2024
Appealable to:	California Coastal Commission

EXHIBIT F

Case Planner: Richard Greenbauer, Contract Planner
(949) 489-1442, extension 132
greenbauer@civicsolutions.com

For the projects identified above with a categorical exemption for environmental review, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Director has analyzed these proposed projects and found that they are listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the projects are categorically exempt from the provisions of CEQA. The Community Development Director has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

PROCEDURE: A written staff report will be available 30 days prior to the hearing for the projects. Any written comments or audiovisual materials from the applicants, appellants, and/or their representatives, including any that they intend to present at the hearing, must be submitted ten (10) business days in advance, by 5:00 p.m. on February 3, 2026. Any written comments or audiovisual materials from members of the public, including any that they intend to present at the hearing, must be submitted three (3) business days in advance, by 4:00 p.m. on February 12, 2026. No additional materials from any party or the public will be accepted after these deadlines. All materials should be emailed to citycouncil@malibucity.org

To view and participate during the public hearing, please review the meeting agenda posted at MalibuCity.org/AgendaCenter and follow the directions for public participation. All persons wishing to address the Council regarding this matter will be afforded an opportunity in accordance with the Council's procedures.

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

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

IF YOU CHALLENGE THE CITY COUNCIL'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR OTHERWISE HELD BY THE CITY, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, EITHER AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact the assigned case planner.

Yolanda Bundy, Community Development Director

Publish Date: January 15, 2026

Aakash Shah

From: Wolter Mehring [redacted]
Sent: Monday, November 17, 2025 4:41 PM
To: Aakash Shah
Subject: Re: Appeal no 24-010

Thank you!
Sent from my iPhone

On Nov 17, 2025, at 2:52 PM, Aakash Shah <ashah@malibucity.org> wrote:

Hello,

The original home was destroyed in Woolsey Fire. The owner submitted a Planning Verification Application (PVWF) No. 21-034 to rebuild 3,872 sq. ft. residence with attached garage. This was approved in Sep 2020. The construction for this approved rebuild has not started.

Then the owner submitted another application, a Coastal Development Permit (CDPWF) No. 23-004, to add 4,620 sq. ft. to the approved residence under PVWF application. So, the total size of the residence with attached garage and small restroom for the tennis court is : 8,492 sq. ft.

Let me know if you have more questions.

Thank you,

<image001.png>

Aakash Shah
Contract Planner | Community Development Department
Office: (310) 456-2489 ext.385
23825 Stuart Ranch Road | Malibu, CA 90265

<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

EXHIBIT G

From: Wolter Mehring [redacted]
Sent: Saturday, November 15, 2025 5:04 PM
To: Aakash Shah <ashah@malibucity.org>
Subject: Appeal no 24-010

Hi Aakash,
i hope this email finds you well.

i generally dont care much about what people do with their properties. But we received this notice for 29738 Cuthbert and am wondering if the 4,620 addition is actually an addition to an existing home and, if so, how bid the existing home is.

thanks for any clarification you can provide.

Regards,

Wolter Mehring
([redacted]

Supplemental Council Agenda Report

City Council Meeting
02-18-26
Item 1.A.

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

Prepared by: Aakash Shah, Contract Planner

Reviewed by: Yolanda Bundy, Community Development Director
Tyler Eaton, Assistant Community Development Director

Approved by: Rob Duboux, Interim City Manager
Trevor Rusin, Interim City Attorney

Date prepared: February 17, 2026 Meeting date: February 18, 2026

Subject: Appeal of Planning Commission Resolution No. 24-39 Regarding Coastal Development Permit No. 23-004 (29738 Cuthbert Road, APN 4469-041-011, Owner Malibo LLC, Appellant Charlotte Frieze Jones, for Malibu Park Neighbors Group)

RECOMMENDED ACTION: Either: 1) Adopt Resolution No. 26-05 denying Appeal No. 24-010, determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit-Woolsey Fire No. 23-004, Site Plan Review No. 23-026 and Demolition Permit No. 24-020, an application to allow for the construction of a 4,620 square-foot addition to a like-for like rebuild of a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, enlargement of the existing swimming pool and spa, reconfiguration of the existing driveway, hardscape, landscape, grading, improvements to the existing tennis court; demolition of existing hardscape and landscape, and installation of a new onsite wastewater treatment system; including a site plan review for construction of the residence over 18 feet in height not to exceed 24 feet in height located in the Rural Residential-Two acre (RR-2) zoning district at 29738 Cuthbert Road (Malibo LLC); or 2) Direct staff to bring back a resolution consistent with the City Council's decision.

DISCUSSION: After the distribution of the agenda report, it has come to staff's attention that correspondence submitted by the applicant on July 11, 2025, was inadvertently excluded from the agenda report. The correspondence is attached hereto.

ATTACHMENTS: Correspondence submitted by Applicant, dated July 11, 2025

From: Arsineh Baghoomian [redacted]
Sent: Friday, July 11, 2025 3:14 PM
To: Aakash Shah <ashah@malibucity.org>
Cc: Janek - Public [redacted]; Michael Bolour <[redacted]>; Michel Bolour <[redacted]>
Subject: Re: 29738 Cuthbert -Reasons for Appeal Applicant Response

Hi Aakash,
Please see the link below for the final draft of our response to the appeal.

https://www.dropbox.com/scl/fo/xcwwmaybirqiabqq04wbl/AEnxs2mAnpaQZjlZFNGtCfQ?rlkey=v4s31my9wylruwzxdv51mrezo&st=229ojiqw&dl=0

Please disregard previous email.

Best regards,
Arsineh

Applicant Response to Appeal

Project: 29738 Cuthbert Road - PVWF 21-034 & CDP 23-004

Text Key:

Appellant's Submitted Appeal

Applicant Comments/Response

PART ONE

Project Being Appealed

Coastal Development Permit-Woolsey Fire No. 23-004, An application to allow for the construction of a **(1)**4,620 square-foot addition to a destroyed single-family residence approved under Planning Verification-Woolsey Fire No. 21-034, **(2)**extension of the existing swimming pool and spa, **(3)**reconfiguration of the existing driveway, hardscape, **(4)**landscape, grading, **(5)**improvements to the existing tennis court; **(6)**tennis pavilion; demolition of existing hardscape and landscape, **(7)**and installation of a new onsite wastewater treatment system; including a site plan **(8)**Review for construction of the residence over 18 feet in height not to exceed 24 feet in height.

Applicant Response:

The introduction of the project by Charlotte shows she did not study the project well, and she made assumptions based on her provision and preferences.

(1) The project follows the 10% addition per code
(2) Not an extension of the pool, but changing its shape to stay 100 feet away from the water stream
(3) Not a reconfiguration of the driveway, but a replacement and comply with the fire codes
(4) The landscape stays the same except for removing the cypress trees in front to provide a view corridor from Cuthbert to the ocean
(5) The surface cracks are being repaired, surrounding landscape screening burnt by fire being replaced, and permitted lighting being removed to comply with the dark sky ordinance
(6) The tennis pavilion was an existing structure

(7) The existing septic system adjacent to water course abandoned and removed, new planned septic system is moved away from water course

(8) The project follows all the required height limits

Background Summary

The owner's 2,276sf residence, garage 484sf, guest house 484sf and pool house 276sf and barn 1,500sf were destroyed in the Woolsey Fire. Owner applied for a Planning Verification to build 3,872sf (3,520sf plus 10%) which was approved on 9-28-2021. A 1,520sf portion of the main house - the proposed kitchen - was located in the ESHA buffer of a mapped blue line stream. See Planning Verification Plans AO.0 (8492sf residence); A0.00 Portion in red is 1520 sf kitchen area portion in ESHA buffer) and A0.8 (Open roof deck and raised kitchen roof in ESHA buffer).

Planning Verifications are granted if an Owner is rebuilding their new home in the same location as the destroyed home plus 10%. In this instance the original home was located in the ESHA buffer. The Planning Commission and Public were under the impression that this was a fire rebuild and the only reason it was allowed in the ESHA buffer was because the new residence was grandfathered.

What was never revealed to the Commissioners and the Public was that the Planning Verification was not for a new "like for like" residence but rather for the kitchen area of a new 8,492sf residence which is what the Owner always planned to build. The Owner never intended to rebuild the former residence plus 10%.

Applicant Response:

Per the description of the CDP No. 23-004, the application was for an addition and not a new residence. As described in the project overview section of Page 2 of the July 15, 2024 and Page 2 of the February 21, 2023 Planning Agenda reports, the project was for additions to a previously approved residence that was approved under PVWF No. 21-034. The addition was processed as a coastal development permit application because the proposed addition did not qualify for an exemption from the Coastal Act based on the criteria contained in Chapter 13 of the City's Local Implementation Plan (LIP), specifically sections 13.4.1 and 13.4.6. LIP Section 13.4.1 could not be applied because the project was not an addition to an existing structure and the project was also adjacent to environmentally sensitive habitat area. Furthermore, the addition did not meet the criteria listed in LIP Section 13.4.6. Consistent with the requirements of LIP Section 13.3(A) the property owner filed a coastal development permit application consistent with LIP Section 13.6.1.

Additionally, it should be noted that the scope of work approved under PVWF No. 21-034 satisfied the criteria contained in LIP Section 13.4.6. Specifically, consistent with LIP Section 13.4.6(A)(1), the PVWF approved a replacement structure that met the LIP's definition of a dwelling including the required parking which was consistent with the previously existing use prior to the fire.

Consistent with LIP 13.4.6(A)(2), the approved replacement dwelling did not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent. Lastly, the replacement dwelling was generally sited in the same location on the affected property as the destroyed structure and did not reduce any required ESHA or structure setbacks. It should be noted that development approved under the PVWF application met the definition of a dwelling and included the required offsite parking and did not rely on proposed addition to be built. The CDP application and the PVWF application were not functionally related.

In addition, as discussed throughout the July 15, 2023 staff report, the development that was proposed as part of the CDP application was considered and reviewed as new development per the definitions section of the LIP. Consistent with the LIP ESHA requirements for new development, the scope of work that was approved provided the required 100-foot setback buffer as required by LIP Section 4.6.1(A) and no work was approved to take place within that buffer.

The development taking place within the 100-foot riparian buffer was approved through the PVWF application and consists of the replacement of development that previously was previously approved and existed in that area. That development is not part of the CDP application.

After the Planning Commission approval, the Appellant, when prepping for this appeal, discovered the Planning Verification was not for a fire rebuild but for the kitchen area of a much larger 8,492sf structure.

This was never a fire rebuild. Nothing should have been grandfathered. This is a new house and cannot be built in ESHA buffer per code.

Applicant Response:

The subject property is a Woolsey Fire affected parcel and the owner did obtain a PV approval for the main residence. The application that is the subject of this appeal was reviewed as new development and was not grandfathered.

The scope of work proposed under CDP No. 23-004 is considered new development and therefore is being treated as such and is being processed as a CDP application. The development is required to comply with LIP Section 4.6.1(A). Consistent with LIP Section 4.6.1(A) the scope of work proposed under the CDP application maintains the required 100 foot buffer and no work is proposed in that area.

If this information had been known to the Planning Commission, they would have most likely denied this Addition and the project as a whole. We are asking the Council to deny this Addition and uphold this appeal.

Applicant Response:

This project involves an addition. The original 2,276 sq. ft. main house remains entirely in its original pre-fire location. No variance is requested for this project. The entire building complies with PV requirements, and the new addition fully meets all current code standards.

As discussed throughout both Planning Commission Agenda reports, the project was for an addition to a previously approved Planning Verification. LIP Section 13.4.6 defines the criteria a rebuild application must meet to qualify for an exemption from the requirement of a CDP. The PVWF application did qualify for an exemption from 13.4.6, was processed pursuant to Malibu Municipal Code (MMC) Section 17.60.020, and that scope of work did not require review by the Planning Commission, nor was it included in the subject CDP.

PART TWO

Denial Required

A denial of this so-called Addition is required for the following reasons:

1. This is Not a Fire Rebuild

Rebuilds must meet all the requirements described in the City of Malibu LCP Local Implementation Plan 13.4.6 Structures Destroyed by Natural Disaster.

Applicant Response:

This rebuild satisfies all the requirements of LCP and Malibu Municipal Code.

As described in both the February 2023 and July 2024 applications the scope of work is for an addition to a previously approved PVWF application. Furthermore, should this application be denied it will not affect the status of PVWF No. 21-034 and the residence could commence construction.

The subject CDP is for an addition to the previously approved replacement structure and therefore not subject to LIP Section 13.4.6. LIP Section 13.4.6 is an exemption from the requirement of a CDP and therefore an exemption from meeting that standard of review.

Consistent with LIP Section 13.3 the scope of work proposed required the processing of a CDP application and one was filed pursuant to LIP Section LIP Section 13.6.1. The July 15, 2024 Planning Commission Agenda Report demonstrates the proposed addition's consistency with the requirements contained in the City's LCP for new development. The scope of work previously approved by the PVWF was not part of the scope of work under consideration by the Planning Commission nor does the review of the PVWF fall under the Planning Commission's purview for review.

This project follows all Malibu Municipal Code and Local Implementation Plan requirements.

LCP 13.4.6

LCP 13.4.6 refers to a specific section within the Malibu Local Implementation Plan (LIP). This section outlines the requirements for replacing structures destroyed by natural disasters, according to the California Coastal Commission. Specifically, it states that the replacement of any structure (other than a public works facility) destroyed by a disaster must comply with the LCP's provisions. If any other City permits are needed, they must also be obtained. This section emphasizes that the LCP's provisions take precedence over any conflicts with the City's Zoning Ordinance, meaning the LCP's guidelines must be followed, as stated in a Malibu City Council agenda report.

The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the following criteria:

A. It is *for the* same use as *the destroyed structure;*

Applicant Comment:
Yes, it was, and it is residential use.

B. It does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and

C.It is sited in the same *location on the affected property as the destroyed structure.*

Applicant Comment:
The main residence, pool, garage, and landscaping remains the same.

As *used in this section, "Structure" includes landscaping and any erosion control structure or device which* is *similar to that which existed prior to the occurrence of the disaster.*

This replacement structure exceeds the size of the structure destroyed by the Woolsey Fire, a Natural Disaster.

A. Above cannot be met. It is not the same use as the destroyed structure. The destroyed structure was a rebuild of the residence and this is a 1,520sf kitchen.

Applicant Comment:
The size of the kitchen does not alter the use of the project—it was, is, and will remain a residential use.

These cannot meet the requirements. The proposed structure at 29738 Cuthbert exceeds the floor area, height and bulk of the destroyed structure by more than 10%.

Applicant Comment:
The fire-destroyed house maintains its original footprint, and the proposed addition complies fully with all applicable floor area and height regulations.

This is not located in the same location. The proposed structure cannot meet the footprint of the pre-fire building, pool, terraces and driveway. This exceeds that of the original structure by more than 10%.

Applicant Comment:
The PV structures and the proposed structure share the same footprint as the original PV. The additional square footage complies fully with all current code requirements, requires no variances, and satisfies all applicable regulations.

This is not a like for like fire rebuild.

The CDP for this Addition project must be denied.

Applicant Comment:
The Appellant is attempting to include the scope of work previously approved under the Planning Verification with the CDP application. The CDP application is a separate scope of work from the PVWF application. The CDP application does not propose the development of a new residence (dwelling unit). Chapter 2 of the LIP defines a single-family dwelling, as containing a dwelling unit which is described as one or more rooms in a building or portion thereof designed, intended to be used or used for occupancy by one family for living and sleeping quarters and containing only one kitchen. The scope of the proposed addition does not constitute a dwelling but rather an addition to a dwelling because it does not contain a kitchen. Since the scope of work proposed under the CDP application is an addition, the City processed the addition as new development, and that scope of work was required to meet the requirements of the LIP for new development.

2. This Is Not An Addition.

In more than one instance in the July 15, 2024 staff report The Project was described as an Addition,

An example: *"the project is for additions to the existing residence approved under the Planning Verification and other exterior site improvements"* (7-15-24 Staff Report page 9). It is important to note additions are made to an existing structure and in this instance, there is no existing residence for the Addition to be added on to. For this reason, this is not an approval of an Addition but rather one for a new 8,492sf residence.

Applicant Response:

This is an existing permitted structure catastrophically destroyed by a wildfire. Under that existing permit the structure exists. This project is not categorized as a new development. There is a clear distinction between vacant land with no prior structure and rebuilding a structure that was lost due to fire.

The recommended action on page 1 of the July Planning Commission Agenda Report describes the project as, "Consider Coastal Development Permit-Woolsey Fire (CDPWF) No. 23-004 for the construction of a 4,620 square foot addition to a destroyed single-family residence with an attached garage approved under Planning Verification-Woolsey Fire (PVWF) No. 21-034. Furthermore, page 2 of that same report describes the project as, "The proposed additions to the previously approved residence are sited outside the 100-foot buffer from the stream." Lastly, given that a residential structure did not physically exist, the proposed scope of work did not qualify for an exemption per LIP 13.4.1 and therefore was required to obtain a CDP and comply with the development criteria contained in the City's LCP. The standard of review applied for the addition was not given any benefit of the exemption contained in LIP Section 13.4.6.

Even if one determines that it doesn't have to be an existing structure, this Addition cannot be approved because it is to be attached not to a fire rebuild of a destroyed residence but rather to the kitchen area of the 8,492sf residence, which is not grandfathered to be in the ESHA buffer.

Applicant Response:

The kitchen, dining, and living areas remain in the same location as they were prior to the fire. The previously scattered structures—such as the pool room, garage, and storage—have been reconfigured into a more consolidated layout, which reduces impact on the environment.

As discussed previously, the scope of work approved under PVWF 21-034 was consistent with the criteria contained in LIP Section 13.4.6. Specifically, 13.4.6(A)(1) in that the approved replacement structure was for the same use as the structure that it replaces; meaning that the replacement structure met the LCP's definition of single-family dwelling. A single-family dwelling contains sleeping, bathing, and cooking facilities. The Appellant's incorrect description of the project ignores the merits of the previously approved PV application and also the fact that the scope of work proposed in the CDP application is consistent with LIP Section 4.6.1(A) and provides the required 100 foot buffer between the proposed development and the onsite ESHA resource.

3. It Is a New Project.

This property is in the same ownership both pre and post Woolsey fire. If it were the intention of the Owners to rebuild just their former residence plus the allowable 10%, it would be a 2,276sf fire rebuild plus 10% and could be constructed in the same buffer location as the original house.

As you can see in the original Fire rebuild plans approved 9-28-21, this so-called 4,620sf Addition, was always part of a much larger 8,492sf residence and was on the plans submitted with the Woolsey Fire Planning Verification portion of the residence which is located in the ESHA buffer This was always to be an 8,492sf residence with the kitchen area located in the ESHA buffer (See PVWF page A0.0). Thus, this is not an Addition and therefore it must be denied.

Applicant Response:

This project is proposed for the Bolour Family to recover from the Woosley fire, and it follows the Malibu Municipal Code and Local Implementation Plan. There are no advanced comments from the Coastal Commission. The addition and total floor area have been calculated based on the lot size and fully comply with all applicable Malibu City Codes and regulations.

The PV application and CDP application are separate applications. The PV application determination was based on LIP Section 13.4.6 and MMC Section 17.60.020. The addition to the previously approved structure sought entitlement through the City's CDP process. No portion of the review for the addition benefited from an exemption from the LIP or from the City's nonconforming code allowances contained in MMC Section 17.60.020.

The addition was reviewed for conformance with the residential development standards contained in both LIP Section 3.6 and MMC 17.040.40; Furthermore, the project was also reviewed for conformance with LIP Chapters 4, 5, 6, 7, 9, 10, 12, 13, and 15. The determinations made by the Planning Commission in Resolution No. 24-39 demonstrate that the applicable LIP findings were made in the affirmative for the addition.

4. Necessary Findings for a CDP Cannot Be Made. Project Must be Denied.

In order to approve a Coastal Development Permit for this proposed addition, all of the 4 findings set forth in LIP 13.9 must be made.

13.9. FINDINGS are:

All decisions on Coastal Development Permits shall be accompanied by written findings:

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

B. If the project is located between the first public road and the sea, *that the project is in conformity with the public* access *and recreation policies of Chapter* 3 *of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).*

C. *The project is the least environmentally damaging alternative.*

D. 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 following 2 necessary findings cannot be made:

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

The portion of the residence was allowed in ESHA buffer because it was supposed to be a rebuild of the original home in that location. However, this was never intended to be a fire rebuild. It was designed to be the kitchen area of an 8,492sf residence.

In fact, the application for the Planning Verification says:

Finding B. 'The project proposes a single-family residence using a combination of existing house footprint and a new footprint" (page 1 Fire rebuild plans approved 9-28-21).

The original footprint is the portion of the residence in the ESHA buffer and the new footprint is the so-called Addition.

The Owner is taking advantage of the Woolsey Fire Verification procedure to obtain approval of the kitchen area portion of an 8,492sf proposed residence under the guise of the reconstruction of the residence destroyed in a fire. This kitchen area and the steps leading to the proposed kitchen roof deck clearly are not a fire rebuild and therefore are not allowed in the buffer setback from a blue line stream.

Since this, in reality, is not a fire rebuild of the existing residence, the kitchen portion of the 8,492sf proposed residence is not allowed in the buffer. It, therefore, doesn't conform to the certified Malibu Local Coastal Program.

Applicant Response:

As previously explained, the project approval sequence has been properly followed, and there is no doubt that this is an addition to a fire-rebuilt structure. The fact that the original building was destroyed in the fire should not prevent the addition—especially since it fully complies with all applicable codes. The proposed kitchen remains within the original pre-fire footprint.

As described in the Planning Commission Agenda Report for the CDP application, the PV application and CDP application are separate applications. The PV application met the requirements of LIP Section 13.4.6 and MMC Section 17.60.020 in that the application approved a

structure the per the definition of the LIP met the criteria of a single-family dwelling and therefore the replacement structure was for the same use as the structure that was destroyed.

As discussed previously, the scope of work approved through the PV application did not rely on the approval of the CDP. The CDP for the addition was reviewed for conformance with both the LCP and MMC. The concern that the CDP is approving development within the required ESHA buffer is erroneous in that the scope of work reviewed and approved by the Planning Commission through Resolution 24-39 demonstrates that the project is consistent with the requirements of LIP Section 4.6.1(A) and no development is being approved that will take place within the required 100-foot buffer.

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

This project is not the least environmentally damaging. To qualify as such, the portion of the structure in the ESHA Buffer must be taken out of the buffer and a smaller project be designed that conforms to the neighborhood character.

Applicant Comment:
The proposed project includes the replacement of the pre-fire septic system to ensure it is located away from the blue line stream. Additionally, the project is being developed in collaboration with Fish and Wildlife to enhance the condition of the blue line stream, protect its habitat, and remove unnatural materials.

The Technical Review Sheet dated January 17, 2024 indicates they are grading almost the entire site except in ESHA and the tennis court.

And a smaller project would require less grading so it would be less environmentally damaging.

Applicant Response:
The statement that a smaller house will necessarily be less environmentally damaging is not accurate. The thoughtfully designed project follows the contour lines of the land, stepping down gradually to minimize grading. The concentrated layout allows for more open space and landscaping, contributing to a more environmentally sustainable design.

The July 15, 2025 Planning Commission Agenda report discusses alternative projects to the proposed project and provides a basis for justification for why the proposed design is the least environmentally damaging alternative. As discussed in the Planning Commission Agenda Report, the site was previously developed and subsequently graded and cleared as part of the State of California's requirements for post disaster hazards remediation. Given the actions that have taken place to date, the amount or location of grading is not significantly reduced with a smaller development footprint.

Furthermore, the proposed development will not result in the enlargement of the previously approved and disturbed pre-fire building pad. Lastly, as described in the July 15, 2024 Planning Commission Agenda Report, relocation or reorientation of the structure may result in increased site disturbance to provide the required fire department access.

In addition, the term "least environmentally damaging alternative" is a principle within the California Coastal Act and does not have a specific definition. Nevertheless, the coastal act is concerned with finding alternatives that result in the least harm to coastal resources. As demonstrated in the Planning Commission's determinations that are contained in Resolution No. 24-39, the scope of work approved by the CDP is consistent with the City's LCP and was determined to not harm coastal resources, specifically the scope of work provides the required 100-foot buffer from the onsite ESHA resource.

The appellant cites conformance with neighborhood character; however, neighborhood character is specifically limited by LIP Section 13.27.5(A)(2) and 13.27.5(B)(2) to a finding for either a Site Plan Review request or Minor Modification request and not a general LCP finding that applies to the project as a whole nor is it required finding for residential development that is contained in LIP Section 3.6.

Neighborhood Character as criteria to consider as part of the review process for applications was initiated by the City Council on August 28, 2019. City Staff returned to the Council on February 25, 2019 to discuss various options to address the neighborhood character finding and at that meeting, staff was directed to return with an ordinance that proposed reducing TDSF and considering the average size of surrounding homes in

the neighborhood. Staff returned to the Council on July 8, 2019 regarding this matter and at that meeting, the City Council did not take action on the proposed zone text amendment (ordinance) and removed the program from the City's workplan and therefore no such criteria or ordinance was ever adopted.

Since 2 of the four necessary findings can't be made, the CDP for this addition project must be denied.

A new application has to be submitted for a new project that is not in the ESHA buffer. Since it was always the Owners' intention to rebuild one 8,492sf house, this Addition also has to be denied because it would be attached to a proposed kitchen structure which is not allowed in an ESHA buffer. In the future, when the Owner applies for a new residential project, no portion of it can be constructed in the ESHA buffer.

But the intention of the Owner was always to construct an 8,492sf structure which they have said is allegedly for family gatherings and use by family members.

The Owner took advantage of the fire rebuild rules to have the kitchen area portion of the residence built in the pre-fire home's location in an ESHA Buffer. Under the LIP, construction is not allowed in an ESHA Buffer when a project can be built outside the buffer in a different location on the site.

Applicant Response:

Prior to the fire, the addition to the house would not have been subject to any specific requirements, meaning the kitchen would have remained within the buffer zone. Preventing the client from adding the proposed addition and maintaining the pre-fire footprint would unfairly penalize the Applicant. The appeal must be denied due to a lack of evidence as it relies on hearsay and personal preference, rather than being based on code, facts, and tangible evidence.

In reality, this is the construction of a new 8,492sf residence, a portion of which is being constructed in the ESHA buffer in violation of the Malibu Local Coastal Program.

Applicant Response:

This project is a fire rebuild, as the house was destroyed in the Woolsey Fire. The seven years of delays in the process does not change the fact that this is a fire rebuild. If the fire had never occurred, the client would have completed the addition and would already be occupying the property, rather than being stuck in this prolonged process. The appeal is not based on substantial evidence or violations of any codes. Rather, it is driven by

accusations, attempts to sway public opinion, and false claims that the property will be turned into a rehabilitation facility. These unfounded assertions have unfairly burdened the Applicant, leading to the imposition of restrictions on the land deed.

The appellant misstates the project. The CDP is not for a residence; it is for the addition to a previously approved residence. The work that was approved to take place within the previously existing developed pad and building footprint was approved through a PV application. Both LIP Section 13.4.6 and MMC Section 17.60.020 allow for the replacement of a structure destroyed by disaster in its previously existing location and this is what took place. The scope of work that falls under the CDP application is consistent with LIP 4.6.1(A) in that no work was proposed or approved within 100 feet of the onsite stream ESHA. The construction of the residence is independent of the proposed addition considered under the CDP application.

5. Piecemealing Development

This is one residence being processed in 2 stages. Stage one is the kitchen and stage two is the Addition. This should not be allowed especially since 1,520sf are to be constructed in an ESHA buffer which is prohibited under these circumstances. A Planning Verification should have never been issued for this kitchen area since it is not a Fire Rebuild.

Applicant Response:

As discussed previously, the scope of work approved under the PV application consists of a standalone residential structure that meets the criteria contained in LIP Section 13.4.6 and MMC Section 17.60.020.

The addition was processed as a CDP since it did not qualify for an exemption from the requirements of a CDP. Furthermore, the City's LCP does not define the reconstruction of a structure destroyed by a disaster as New Development.

Since the replacement structure had been previously approved through a PV and did not meet the definition of new development, there were no other applications for new development pending with the City at the time that this CDP application was submitted. Lastly, had the house approved under the PV application or pre-fire house physically existed at the time

the CDP for the addition was submitted to the City, the standard of review would have been the same. With respect to zoning ordinances and review, the applicant, did not benefit from this being a fire affected property

6. Smaller Project is Allowed Under LIP.

The total maximum allowable square footage is the maximum size residence allowed. It is not guaranteed by right. The LIP says a structure can be "up to" the maximum TMSF. The Planning Commission and the Council always have the discretion to deny this addition and require a smaller project.

Then planning director Richard Mollica, stated in the first hearing on this project on February 21, 2023, that the project could be smaller and could be denied on the basis it is too large. Mr. Mollica said at 2:38 on the video "As *Commissioners you feel you cannot make the findings and you would like to see a smaller home on the site and you feel it is out of character, that is where the Commission has its discretion.*

Applicant Comment:
Taking former Director Mollica's comment into consideration, the Commission made an informed decision supporting the size as submitted and approved the project.

You have the ability to say you can't make the findings for it is out of character."

Applicant Comment:
The fact that this project has been approved by the Planning Commission demonstrates that it has been found to be in harmony with its surroundings. The design is tailored to meet the Applicant family's needs, incorporating features such as a ramp for a disabled family member and a kitchen that aligns with their requirements.

In fact, a smaller project is required to meet the Character of the Neighborhood.

Applicant Response:
Neighborhood character relates to a finding that must be made for the requested Site Plan Review (SPR) for construction over 18 feet in height per LIP Section 13.27.5(A)(2) and is not a residential development standard contained in LIP Section 3.6 and therefore only applies to the requested SPR. Per the LIP, the question is, does the portion of the residence that requires the SPR fit the character of the neighborhood; the

square footage, siting, and layout are guided by the development standards contained in LIP Section 3.6.

Furthermore, as discussed previously, the City Council directed staff to study and develop a neighborhood character development standard on August 28, 2017. City Staff returned to the Council on February 25, 2019 to discuss various options to address the neighborhood character finding and at that meeting staff was directed to return with an ordinance that looked at reducing TDSF as a way to regulate and evaluate neighborhood character. Staff returned to the Council on July 8, 2019 and at that meeting, the City Council did not take action on the zone text amendment and removed the program from the City's workplan and therefore no such criteria was ever adopted and neighborhood character remained only in the LIP section providing guidance on site plan review requests.

7. Neighborhood Character

Preservation of neighborhood character is another reason for this project to be denied. Neighborhood character refers to the 'look and feel of an area'.

Applicant Comment:

This argument appeared before the Council before, and when it did the Council voted against size as a measure of character based on outpouring of community sentiment.

As discussed previously, on July 8, 2019 the City Council did not take action on the zone text amendment that would have made neighborhood character a general development standard that would have affected the TDSF or size of a residence, and therefore no such criteria was ever adopted and neighborhood character remained only in the LIP section providing guidance on site plan review requests. Based on the actions of the City Council, this is not a development standard to be evaluated beyond its requirement of LIP Section 13.27.5(A)(2).

Prior to the Woolsey Fire, the residence was 2,276sf. With the addition of the square feet of the garage, guest house and pool house, the area totaled 3,520sf. The 10% brought the rebuild total to 3,872sf.

This 4,620sf proposed Addition to a yet to be constructed 3,872sf Woolsey Fire rebuild will result in an 8,492sf residence that is out of character with the neighborhood and should be denied.

Malibu Park is made up of many different neighborhoods. Among the properties that make up this particular Malibu Park neighborhood are the following:
The existing neighboring homes are substantially smaller:

29755 Harvester is 3,400 sf plus a guest house 900sf
29748 Harvester is 1,944 sf
29745 Harvester is 1,680 sf
29735 Harvester is 7,246 sf
28725 Harvester's final sf is 4,600 sf and the Planning Commission required the owners to reduce the size of their guest house by 90sf
29756 Cuthbert was 1,720sf prior to the Woolsey Fire
29718 Cuthbert was 3,827sf prior to the Woolsey Fire
29800 Cuthbert is 5,500 sf.
29824 Cuthbert is less than 4,000sf

The average size of these nearby homes is 3,868.55sf.

The proposed house is more than two times the neighborhood average.

Applicant Response:
Many large homes are omitted for the Appellant's list.
For example nearby:
29685 Cuthbert is 7,250 sf
29934 Cuthbert is 7,572 sf
29623 Cuthbert is 6,782 sf on a smaller lot with extreme visibility
29800 Cuthbert is 5,975 sf on a hillside lot with extreme visibility and significantly less flat buildable land
29735 Harvester is 7,246 sf (per public record)
29600 Harvester is 9,351 sf with extreme visibility and on a hillside with less flat buildable land

A fair assessment should be based on lot coverage and amounts of open space left to nature. The proposed residence is 9.6% of the lot area. The neighborhood is a mix of large and small parcels. The Applicant should not be penalized for owning a large parcel. The size of the house is determined by the lot size, both before and after the fire. An analysis of sites shows that lots range from 20,000 to 181,000 square feet, with

structures varying from 2,800 to 9,300 square feet. The building-to-lot ratio ranges from 4.7% to 22.5%. This project's ratio of building to land is 9.6% - median size.

As previously discussed, the neighborhood character determination that was made by the Planning Commission was required to assess the portion of the project that required the site plan review. The portion of the project related to the site plan review were the portions of the project that are over 18 feet in height and based on Resolution No. 24-39, the Planning Commission determined that the portions of the addition over 18 feet in height were consistent with the neighborhood. No part of LIP 13.27.5(A)(2) required the Planning Commission to consider the size of surrounding development. The ordinance that would have required that type of analysis was removed from the City's workplan and abandoned. The analysis requested by the Appellant is contrary to the City Council's specific direction to staff.

With the proposed Addition of 4,620sf for a total of 8,492sf, the proposed structure at 29738 Cuthbert more than doubles the pre-Woolsey Fire residential structure on the site. The proposed house would adversely affect the quiet neighborhood's friendly character as it is substantially larger than the nearby properties on Harvester, Cuthbert, and Clover Heights.

Structures like this are destroying the quiet, rural character of this equestrian neighborhood. If this residence is approved others of similar size will follow.

Applicant Comment:
This is conjecture and opinion.

There is insufficient parking on the property for the number of bedrooms and the number of people who would be working on the property. Cuthbert is too narrow to allow street parking.

Applicant Response:
There is ample covered and on site parking. The City's requirement for single-family residential parking has been to require two enclosed and two unenclosed parking spaces regardless of size or the number of bedrooms. This practice is consistent with LIP Section 3.14.3 in that it requires more than the minimum of two spaces for any use or development regardless of the size or scope of the use or development. In addition, the proposed project is consistent with LIP Section 3.14.3 in that each of the four spaces

provided meet the minimum size for a residential parking space which is 18 feet long by 10 feet wide.

This plan more than doubles the number of bedrooms and has 6 times the number of bathrooms. This will put excessive strain on the water tank on Busch that failed the morning of the Woolsey Fire.

Applicant Response:

The City is not the subject matter expert in this area and the review for adequate water flow for fire purposes and general water service is completed by the Los Angeles County Fire Department and Los Angele County Water District 29. Based on LIP Sections 9.4(S) and (T) projects are required to demonstrate adequate fire-flow water supply in compliance with applicable fire safety regulations and demonstrate the availability of an adequate water supply for fire protection in compliance with applicable fire safety regulations. Based on the Fire Department approved plan (page 34 of the July 15, 2024 Planning Commission Agenda Report) stamped March 18, 2024 and Waterworks approval dated May 13, 2022, the project was determined to have adequate water flow as required by the LIP and as described below.

LIP Section 9.4(S). New development shall provide for emergency vehicle access and adequate fire-flow water supply in compliance with applicable fire safety regulations.

LIP Section 9.4(T). Prior to approval all new development shall demonstrate the availability of an adequate water supply for fire protection in compliance with applicable fire safety regulations.

A structure this size does not allow for the re-planting of native trees and shrubs that were lost during the Woolsey Fire and would help provide habitat for wildlife.

Applicant Response:

This statement is incorrect. There is ample space for planting of habitat support. The Applicant has already volunteered to repair habitat and in response to Appellant's request to plant screening trees in the southwest corner of the parcel.

Per LCP ESHA Map No. 2, the only onsite ESHA resource is a stream and consistent with LIP Section 4.6.1(A) no development is taking place within the LIP's required 100-foot buffer area. Furthermore, based on the

site-specific information, plans, and review of the City's ESHA maps, no other ESHA habitat is present on the site.

Furthermore, as stated on page 10 of the July Agenda Report no native trees are or were present in the project area. As part of the CDP standard of review, LIP Chapter 5 requires an assessment for native trees and none were found.

Lastly, both the LIP and MMC ensure adequate planting area through the impermeable surface calculations contained in LIP Section 3.6(I)(1) and MMC Section 17.040.40(A)(11). The approved project results in greater softscape and planting areas than what previously existed. Based on the lot size, the code allows for 25,000 square feet of impervious surfaces (hardscape, building footprint, and driveways) and the project as approved by the Planning Commission proposes 16,932 square feet of impervious surfaces which is less than what previously existed prior to the fire. The addition as proposed results in greater landscaping opportunities than what previously existed prior to the Woolsey fire.

A much smaller footprint would be in character with the neighborhood. The Owners can still have their family gatherings in a smaller structure. Afterall, prior to the Woolsey Fire, these gatherings were held in a residence that was 2,276 sf with a 484sf guest house.

Applicant Response:

The assumption that the size of the house will result in excessive noise is not valid, as the primary residents are elderly individuals seeking a quiet place to enjoy the rural character of the site. This unfounded assumption prompted the applicant to bring Homa, one of the users with mobility issues, to the hearing. Despite her severe pain and difficult situation as a long-time and advanced Multiple Sclerosis (MS) patient, Homa attended the hearing to demonstrate that the house's ramp was specifically designed to accommodate her needs, not for use as a rehabilitation center, as falsely suggested by the Appellant. These baseless accusations, made without evidence, caused emotional distress and confusion, and further delays of the project. The number of bedrooms is carefully tailored to meet the client's specific needs. Similarly, the parking arrangements have been designed to accommodate the client's requirements, and the proposed number of spaces will be more than sufficient for their use.

As previously discussed, the neighborhood character determination that was made by the Planning Commission was required to assess the portion of the project that required a site plan review. The footprint of the development was not the subject of the site plan review request. The portion of the project related to the site plan review were the portions of the project that were over 18 feet in height and based on Resolution No. 24-39, the Planning Commission determined that the portions of the addition over 18 feet in height were consistent with the character of the neighborhood. No part of LIP 13.27.5(A)(2) required the Planning Commission to consider the footprint size of surrounding development. The ordinance that would have required that type of analysis was removed from the City's workplan and abandoned. The analysis requested by the appellant is contrary to the City Council's direction to staff.

8. This Project Previously Denied

This project was heard by the Planning Commission twice. At the first Commission hearing on February 21, 2023 the project was denied.

Applicant Comment:

The project was denied because of an unfortunate hot mike moment among the Commissioners with one of the Commissioners present via telephone only, on his way to an airport, and unable to fully participate.

On February 21, 2023, the Planning Commission considered CDP No. 22-003 which is a separate application from CDP No. 23-004. Furthermore, per the February 21, 2023 Planning Commission Hearing Actions Memorandum, no resolution for denial of the project was adopted. Per the action memorandum, the Planning Commission, "Directed staff to bring back a Resolution of denial…" In order to deny a project, the Planning Commission must adopt a resolution that contains findings for denial. That action did not occur. MMC 17.04.200 which addresses the required notification of a Planning Commission decisions, states that final decisions by the Planning Commission shall be made by resolution.

Furthermore, one cannot appeal direction to staff. Per 13.20.1(A) A decision or any portion of the decision made by the planning manager under the provisions of this chapter may be appealed to the planning commission by an aggrieved person as defined in Chapter 2 of the Malibu LIP (Definitions). Any decision made by the planning commission may be

appealed by an aggrieved person to the city council. In the case of the February 21, 2023 Planning Commission Hearing there was no decision to appeal, as the form of a decision is a resolution.

After the denial, the Owner withdrew the application on July 17, 2023, almost 5 months after denial according to the Geotechnical Report contained in the 7-15-24 staff report. *"The scope of the project has not changed from that reviewed and accepted by the City's geotechnical/ consultants in the referenced review letter dated 4-21-2022."* (There was no resolution for denial written. Does it take five months to write a resolution of denial? Staff told Appellant that the findings for denial were never made. This seems odd to the Appellants, considering the project was denied on February 21, 2023 according to the Geotechnical Report. Then, the same project was brought before the Commission to be reheard a second time on July 15, 2024 in the hope of getting a different result.

Applicant Comment:
To avoid embarrassment and legal consequences to the City, due to the inter-commissioner hot mike moment, the project was withdrawn and resubmitted with responses to Commission comments.

As stated previously, per the February 21, 2023 Planning Commission Hearing Actions Memorandum, no resolution for denial of the project was adopted. Per the action memorandum, the Planning Commission, "Directed staff to bring back a Resolution of denial…" In order to deny a project, the Planning Commission must adopt a resolution that contains findings for denial. That action did not occur. MMC 17.04.200 which addresses the required notification of a Planning Commission decisions, states that final decisions by the Planning Commission shall be made by resolution.

It was the same project because the scope of the project had not changed from that which was reviewed previously and accepted by the City's Geotechnical consultants, the City Biologist and Environment Health.

This second hearing should never have been allowed once the project was denied by the Commission on February 21, 2023. Stare decisis applies. This is settled law. Every resident deserves certainty as it applies to the City's decisions.

Applicant Comment:
Based on the February 21, 2023 Planning Commission Hearing Actions Memorandum no resolution of denial was approved. Furthermore, per the

meeting minutes it was stated that, "Vice Chair Mazza moved and Commissioner Hill seconded a motion to direct staff to bring back a resolution denying Coastal Development Permit-Woolsey Fire No. 22-003…" By making the motion and directing staff to bring back a resolution, it was made clear by the Commission that no decision was made that evening and that a resolution would be brought back at a later date for the Commission to vote on and memorialize their actions.

Once a project is denied, an Owner should not be allowed a second hearing on essentially the same project in the hope of getting a positive result. The first decision of denial by the Planning Commission should have been the final and only decision.

The project before you is the same project that was previously denied on a 3-2 vote. It is in the exact same location, the same size and the same design.

Applicant Comment:

The appeal misstates the actions of the planning commission as documented in the Planning Commission Actions Memorandum and the minutes of that meeting. The Planning Commission's action was as follows, "Vice Chair Mazza moved and Commissioner Hill seconded a motion to direct staff to bring back a resolution denying Coastal Development Permit-Woolsey Fire No. 22-003…" and no such resolution was adopted.

The initial hearing resulted in a 2-2 vote, in which Commissioner Jennings was absent, a hot mic incident occurred, and a Commissioner elected to depart his home and re-join the meeting while driving to the airport.

The approval, which is the subject of this appeal, was based on a 3-2 vote, after changes were made to the application, including a list of conditions:

- Voluntary Deed Restriction to restrict short term rentals under 30 days
- Voluntary Deed Restriction to prevent uses falling under the category of a drug and/or alcohol rehabilitation facility
- Voluntary removal of permitted tennis court lights, removal not required due to their existence predating the Dark Sky ordinance
- Condition that the Applicant and adjacent property owner restore creek, per Fish and Wildlife advisory and standards
- Condition to reduce lighting on rooftop deck.

Commissioner Peak made the motion to deny the project giving these reasons for denial: he wasn't comfortable with the lighting, or with an 8,500sf house where a portion of the house was in the ESHA Buffer. He agreed with Commissioner Mazza that just because you can get "up to" the TDSF doesn't mean you get it and that the house doesn't fit the neighborhood. Commissioners Mazza, Hill and Peak agreed that a CDP could not be serial.

At the second hearing, without explanation, Commissioner Peak voted to approve the project stating the entire project was within the allowable TDSF. All of his previous reasons for denial miraculously no longer existed.

We ask that the first Planning Commission decision be upheld. Stare decisis applies.

Applicant Comment:
The project includes the removal of cypress trees and the surrendering of a portion of the property to create view corridors. Additionally, the project has committed to improving the condition of the blue line stream, and the tennis court lights have been eliminated. The project's lighting design was also revised to comply with the Dark Sky ordinance.

The Council must deny this project. It should not have been heard a second time.

Applicant Comment:
As discussed previously, no action other than to direct staff to return with a resolution of denial was taken at the February hearing and therefore no decision was adopted through a formal resolution. Furthermore, if one were to stand by things decided, then the discussion would revolve around only the Planning Commission's direction. Direction by the Planning Commission is not a resolution and does not constitute a denial that can be appealed.

PART THREE

Resolutions with Conditions of Approval: Inaccuracies
We would like to point out the following to the Council:

1. Recital A is not accurate because it states: *"that the Planning Verification for this project was approved for the in-kind replacement of a single-family residence."* This is inaccurate. The PVWF was for the kitchen area of an 8,492sf residence. Moreover, this kitchen area PVWF was located in an ESHA buffer which is not

permitted. It would have been permitted if it were a replacement of the original house.

Applicant Comment:

The appellant does not accurately describe the scope of work that was approved in the PV application. The scope of work approved under PVWF No. 21-034 satisfied the criteria contained in LIP Section 13.4.6. Specifically, consistent with LIP Section 13.4.6(A)(1), PVWF No. 21-034 approved a structure that allowed for a residential use in that it met the LIP's definition of a dwelling which was the previously existing use prior to the fire. Consistent with LIP 13.4.6(A)(2), the approved dwelling did not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent. Lastly, the replacement dwelling was generally sited in the same location on the affected property as the destroyed structure and did not reduce any required ESHA or structure setbacks. It should be noted that because the development approved under the PVWF application met the definition of a dwelling, it was not functionally related to the scope of work proposed under the CDP and could function on its own.

2. Recital Resolution: History fails to state that the project was previously before the Commission for the first time on February 21,2023 and was denied.

Applicant Comment: The City's practice has been to list recitals that are related to the project under consideration and past milestones that are related to that Planning Commission determination because they had a bearing on the scope of work. This was done here.

Under Section 2 Environmental Review

3. A. General Coastal Development Permit

It is inaccurate to state: *"the proposed project is/or an addition to an existing residence"* The approval was for the kitchen area of a proposed 8,492sf Residence and not an existing residence.

Applicant Comment:

This comment is incorrect, as explained multiple times throughout these comments, with supporting evidence, code citations and Planning Commission concurrence.

In the General Coastal Development Permit findings section, the project is also described as an addition to a previously approved residence (Finding A3). Furthermore, throughout the Planning Commission Agenda Report, CDP No. 23-004 was described as an application for an addition and not a new residence. As described in the project overview section of Page 2 of the July 15, 2024 Planning Agenda Report, the project was for additions to a previously approved residence that was approved under PVWF No. 21-034. The project was processed as a coastal development permit application because the proposed project did not qualify for an exemption from the Coastal Act based on the criteria contained in Chapter 13 of the City's Local Implementation Plan (LIP), specifically sections 13.4.1 and 13.4.6. LIP Section 13.4.1 could not be applied because the project was not an addition to an existing structure and also was adjacent to an environmentally sensitive habitat area.

Furthermore, the addition did not meet the criteria listed in LIP Section 13.4.6. Consistent with the requirements of LIP Section 13.3(A) the property owner filed a coastal development permit application consistent with LIP Section 13.6.1.

Lastly, both the title of the resolution and the scope of work approved by the resolution have the project listed as an addition to a previously destroyed residence as well as an addition to a previously approved residence. Neither the project title or scope of work identify this an addition to an existing residence.

Add these Conditions of Approval:

Should the Council deny this appeal and uphold the Planning Commission's second decision on this project, please add the following to the Conditions of Approval:

Add a condition to deny rooftop decks because they create a noise nuisance that will disturb neighbors and wildlife. One of the decks is on top of the kitchen structure in the ESHA buffer and must be denied. The noise emanating from the deck could be harmful to wildlife especially as this is a migratory flyway.

Applicant Comment:

The Coastal Commission accepted the roof deck. Migratory flyway extends over the entire region, and it's not particular to this site. There would be no light on the deck which meets all City Code and LIP requirements.

Neither, the MMC or LCP contain criteria or development standards that would affect the location of the roof deck or govern its placement. The only development standard specific to roof decks is LIP Section 3.6(E)(3) which provides an allowance for extra height on beachfront properties to accommodate the required railing.

Add that all lighting shall be 3000 Kelvin or less.

Applicant Comment:
This is required by code, no condition is needed. MMC 17.41.040(A) requires both all properties and all new lighting to comply with the Malibu Dark Sky Ordinance and that would apply to this project.

Add all windows including clerestory windows, skylights and glass doors to be covered with film to diminish the impact and spillage of interior lighting. The city biologist recommended interior night lighting be minimized.

Applicant Comment:

There is no ordinance that addresses interior lighting. The biologist's comments are general guidance and are included as a condition of approval. The City Council when discussing the Malibu Dark Sky Ordinance discussed regulation of interior lighting, but did not include it in the ordinance. MMC Section 17.41.040(E)(1) states that the Malibu Dark Sky Ordinance does not apply to indoor lighting.

Add conditions that there be no lighting or light spill in the ESHA and ESHA buffer and that all lighting is not reflected off site.

Applicant Comment:

This is already addressed by MMC Section 17.41.050 of the Malibu Dark Sky Ordinance and all properties in the City are required to comply with this ordinance.

Add a condition that the use of rodenticides is prohibited at all times on the property. The dumpsters must be rodent proofed. Include Poison Free Malibu guidelines.

Applicant Comment:

The project will follow Malibu guidelines - no dumpsters.

Add a condition that surface water runoff will be directed away from the OWTS.

Applicant Comment:

All surface flow will be directed away from the OWTS.

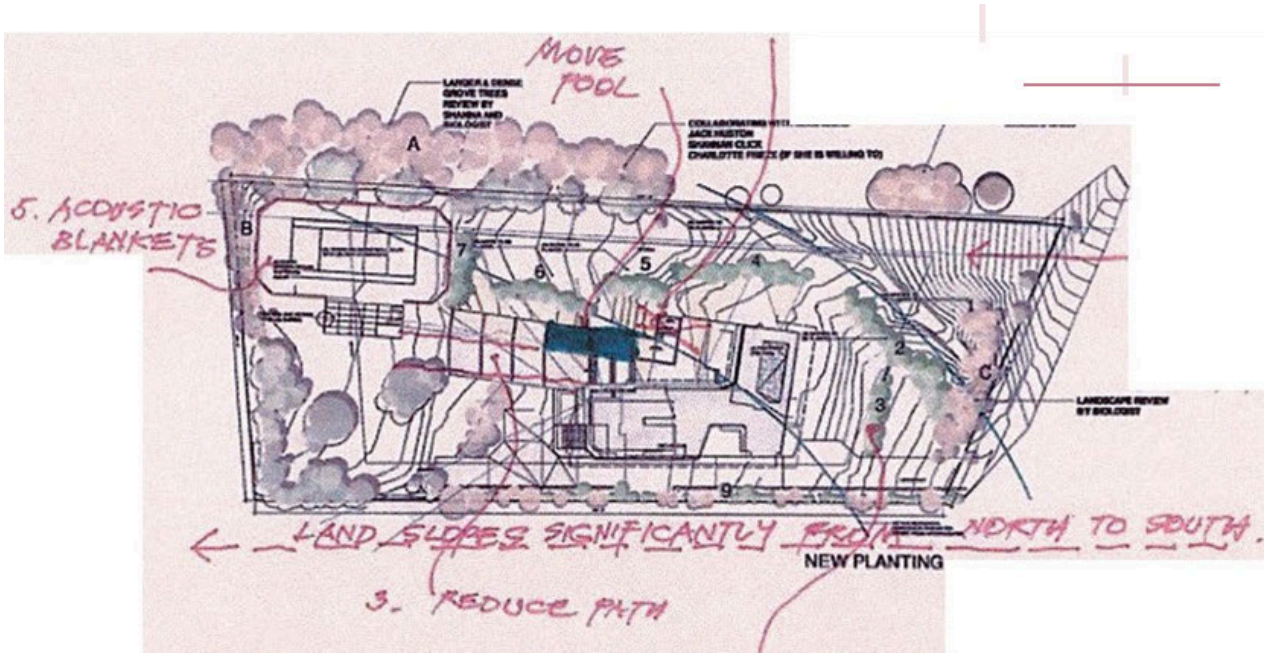
Add a condition, if needed, an underground stormwater detention basin will be installed.

Applicant Comment:
We will abide by the required code and city standards.

Add a condition that no parking either during or after construction shall be permitted in ESHA.

Applicant Comment:
We will abide by the required code and city standards.

After the July 15, 2024 decision, the owner's architect on August 13, 2024 proposed the following landscape plan:



Add conditions to remove the pre-fire swimming pool from ESHA.

Add a condition that all landscaping in the ESHA buffer shall include all native plants and trees.

Applicant Comment:
All future planting proposed in ESHA will be native and in compliance with California Department of Fish and Wildlife requirements.

Add the condition that all plants used to landscape the banks of the blueline stream thrive in a riparian habitat buffer.

Applicant Comment:

All future planting proposed in ESHA will be native and in compliance with California Department of Fish and Wildlife requirements.

The City Biologist has reviewed the proposed project including the landscaping plan and has already added the following conditions:

"No planting or landscaping is permitted within the banks of the mapped blue line stream. The area between the banks lies within the jurisdiction of California Department of Fish and Wildlife and the bottom of the drainage is in the jurisdiction of US Army Corps of Engineers and Regional Water Quality Control Board. Any proposed changes in the drainage would require permits from each of the associated agencies."

"No non-native plant species shall be approved greater than 50 feet from the residential structure."

In addition, the biologist reviewed the landscape plan for conformance with LIP Section 4.6.1 which prohibits the planting of non-native or invasive vegetation within the required ESHA buffer.

Add the condition that the tennis court is to be screened with native trees such as Toyon.

Applicant Comment:

This is already proposed. Please see Site Plan provided to Appellant prior to appeal.

Add condition that padded windscreen is to be added around the tennis court to reduce noise

Applicant Comment:

This is already proposed. Please see Site Plan provided to Appellant prior to appeal.

PART FOUR

Lack of a Fair and Impartial Hearing

The hearing was not fair because the Commission did not have critical information to make an informed decision and the Public did not have this information either. The missing information was the Planning Verification file that the Appellant obtained for this appeal. If the Commission and the Public had had this information, most likely a different Decision would have been reached.

Applicant Response:

This comment is inaccurate. The PVWF file was specifically cited and fully included with the Planning Commission decision. All parties were fully notified, and there is no evidence of impropriety.

Consistent with the requirements of LIP Section 13.6 the application for the addition was properly filed with the City of Malibu. Consistent with LIP Section 13.10, the Planning Department made a determination on the notice and hearing requirements. Consistent with LIP Section 13.11 a public hearing was noticed and conducted. Pursuant to LIP Section 13.12, the required public notice was published and notifications were sent out to surrounding neighboring properties and interested parties describing the project as an addition.

At the time of the hearing, the Planning Commission Agenda Report accurately described the project as an addition and based on the City's public record, the public hearing took place and both opponents and proponents of the project were afforded the opportunity to speak. Furthermore, the Planning Commission debated the proposed project for over two hours.

The PV application was not the subject of the CDP application and per both the MMC and LIP, the review and consideration of the PV application is not within the Planning Commission purview. The CDP application was completely separate from the PV application, in that PV application was previously approved and could be built without the issuance of the CDP.

Furthermore, while the PV application is available for public viewing, the PV application contains copyrighted material that the City is unable to publish without the copyright's owner permission.

A commissioner hot mike incident was the only inappropriate event that has occurred in relation to the initial hearing of this project.

See Planning Commission meeting dated February 13th, 2023, linked below:

https://www.youtube.com/watch?v=Ey31L2eawuc&t=8834s

Time Stamp: 3:07:45

Commissioner John Mazza left his microphone on during the virtual meeting while the meeting was in recess for a 5 minute period. He was heard to be talking to an unidentified party on the phone and communicating actions to be taken on the project.

The incident raised issues of bias and unwarranted private deliberations during the conduct of a public hearing. It compromised the Commission's impartial and independent position and decision making protocol. The end result was that the application was withdrawn and reheard at a later date.

Since this information was not presented in the staff report, the Decision was not impartial. The lack of this information favored the Applicant over the Public. What was unknown was that the plans for an 8,492sf structure was what the Owner had intended to build from the beginning. The Planning Verification was for just a portion of this huge residence. The Owner never intended to rebuild the grandfathered residence destroyed in the fire even though it was in the ESHA buffer but rather to build the kitchen and roof deck areas of the new residence in the ESHA buffer which is prohibited.

Applicant Comment:

All required information was made available. The Planning Commissioners knew the project and visited the site. The process followed was clear in both the Agenda Report and the Approval Resolution.

The application before the Planning Commission was for an addition. The CDP application was filed consistent with the requirements of LIP Section 13.6 and no part of that section requires the inclusion of the plans from the previously approved planning verification application. Lastly, the staff

properly described the CDP application as an addition to the previously approved PV application.

The Commission was not aware that the Addition was not to be attached to a fire rebuild but that it was just the kitchen area of a larger structure. If this had been known, this Addition would have been denied.

Applicant Comment:
This application has always been a clear CDP for an addition to a PVWF, per the Planning Department recommendation to approve, per the Planning Commission Approval Resolution, and per City Code.

PART FIVE

Decision was Contrary to Law.

This Addition didn't meet the requirements of the Local Coastal Program because a CDP was approved when 2 of the 4 necessary findings couldn't be made.

Applicant Comment:
This is incorrect. All 4 required findings were made and documented by the Agenda Report and Approval Resolution.

This project was never intended to be a fire rebuild but rather a large new 8,492sf residence. No portion of the structure was eligible for the Planning Verification process.

Applicant Comment:
That is incorrect. Per the City of Malibu Municipal Code, the owner is entitled to the replacement of the burned-down structures in their pre-fire positions. To build smarter and reduce environmental impact, the owner consolidated several independent structures into one. In addition, the owner removed a guest house adjoining the blue line and a 2500-gallon septic system.

The kitchen portion of the house was planned to be built in the ESHA buffer which is prohibited when there are other locations on the site the residence could be built. If there are no other locations on the property to locate the proposed residence, a smaller residence would have to be constructed.

Applicant Comment:

The project was intended as a consolidated footprint with reduced fuel modification impacts as reviewed and approved by the City Biologist. The project has an active PVWF permit. That permit is in effect and can be built.

Planning Commission Resolution No. 24-39 contains all of the required LIP findings and determinations pursuant to Chapter 13 for the issuance of a CDP. The majority of the Planning Commission determined that all of the required findings could be made in the affirmative.

It violates the General Plan, which describes the character of Malibu Park as rural residential and this proposed project is urban in nature.
It violates the Mission and Vision Statement of the City set forth below:

Applicant Comment:
Both the Malibu Municipal Code and the Local Implementation Plan contain development standards to implement the vision and mission statement of those documents. Specifically, MMC Sections 17.40.030 and 17.40.040 contain development standards that implement MMC Section 17.02.030. Furthermore, LIP Sections 3.5 and 3.6 as well as the associated chapters of the LIP contain development standards to implement the vision and mission statement of the Coastal Act. As demonstrated in both the determinations contained in Planning Commission Resolution No. 24-39 and as described in the conformance table shown on Page 7 of the Planning Commission Agenda Report, the project is consistent with the requirements of both the MMC and LIP and no variances are requested. The project does contain a site plan review for height, but per MMC Section 17.62.060 and LIP Section 13.27, a site plan review is not a variance. Furthermore, both MMC Section 17.62.060 and LIP Section 13.27 contain criteria that must be met to grant approval of the site plan review request; and the Planning Commission made the required findings in the affirmative per Resolution No. 24-39 to grant the site plan review request.

Vision Statement

"Malibu is a unique land and marine environment and residential community whose citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics. The people of Malibu are a

responsible custodian of the area's natural resources for present and future generations."

Malibu Municipal Code Section 17.02.030

Mission Statement

"Malibu is committed to ensure the physical and biological integrity of its environment through the development of land use programs and decisions, to protect the public and private health, safety and general welfare. Malibu will plan to preserve its natural and cultural resources, which include the ocean, marine life, tide pools, beaches, creeks, canyons, hills, mountains, ridges, views, wildlife and plant life, open spaces, archaeological, paleontological and historic sites, as well as other resources that contribute to Malibu's special natural and rural setting.

Malibu will maintain its rural character by establishing programs and policies that avoid suburbanization and commercialization of its natural and cultural resources.

Malibu will gradually recycle areas of deteriorated commercial development that detract from the public benefit or deteriorate the public values of its natural, cultural and rural resources.

Malibu will provide passive, coastal-dependent and resource-dependent visitor-serving recreational opportunities (at proper times, places and manners) that remain subordinate to their natural, cultural and rural setting, and which are consistent with the fragility of the natural resources of the area, the proximity of the access to residential uses, the need to protect the privacy of property owners, the aesthetic values of the area, and the capacity of the area to sustain particular levels of use".

Malibu Municipal Code Section 17.02.030

Applicant Comment:
As discussed previously, both the Malibu Municipal Code and the Local Implementation Plan contain development standards to implement the vision and mission statement of those documents. Specifically, MMC Sections 17.40.030 and 17.40.040 contain development standards that implement MMC Section 17.02.030. Furthermore, LIP Sections 3.5 and 3.6 as well as the associated chapters of the LIP contain development standards to implement the vision and mission statement of the Coastal Act. Planning Commission Resolution No. 24-39 demonstrates that the project meets the residential development standards contained in both the MMC and LIP.

CONCLUSION

This is a new 8,492sf structure and requires a totally new CDP.

> **Applicant Comment:**
> This is an addition to a current and approved PVWF rebuild. The current and approved PVWF could be built at this time.

Instead of applying for the kitchen area in ESHA as a fire rebuild and then asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492 sf residence located out of the ESHA Buffer.

> **Applicant Comment:**
> The Applicant followed the process as directed by City staff and consistent with the Malibu Municipal Code.

The proposed 8,492sf structure is not a 3,872sf Woolsey Fire Re-build plus a 4,620sf Addition. The rebuild was never intended to be constructed.

At 8,492sf, more than double the size of neighboring houses, the structure is out of keeping with the neighborhood character. Since the Woolsey Fire, the neighborhood character has been eroded by developers who ignore the rural character and peaceful lifestyle enjoyed by residents and wildlife alike.

Instead of applying for the kitchen area in ESHA as a fire rebuild and simultaneously asking for this 4,620 Addition, the owner should have applied for a CDP for an 8,492sf residence located out of the ESHA Buffer. Most importantly, the Addition before you is not an Addition to a fire rebuild. It is an Addition to a proposed kitchen area in an ESHA buffer which is not allowed. In the PVWF plans you can see that this is one residence. Therefore, the Council must deny this Addition and tell the owner he has to come back with an application for a residence that is located out of the ESHA buffer and fits in with the neighborhood character.

> **Applicant Comment:**
>
> The project footprint in ESHA buffer is a fire catastrophe replacement. Additionally, the pre-fire footprint has been significantly reduced, and a functioning septic system, 75' from blue line, is proposed to be voluntarily removed.

The proposed construction including kitchen, adjacent terrace, staircase and a portion of the swimming pool are in the ESHA buffer. A roof deck atop the kitchen and illuminated by the kitchen's clerestory windows intrudes noise, light and human activity into the ESHA and are not allowed in the ESHA buffer.

Applicant Comment:

As discussed previously, the CDP that was approved by the Planning Commission, does not propose any development within the required 100-foot ESHA buffer.

If this structure is approved, it will open the floodgates for future, irresponsible development in Malibu Park as well as other neighborhoods in Malibu. The properties on either side of 29738 Cuthbert are also burnouts poised for re-construction. The owners of these properties are the only neighbors to write letters of approval. There were over 50 letters requesting denial.

Applicant Comment:

Adjoining neighbors are most important to compatibility. Both adjoining neighbors have approved the project. Many of the 50 signatures are outside of this project area and are part of political organizations opposed to development.

The determination of this application is not precedent setting. As described there were no variances associated with the application. The proposed scope of work meets the criteria contained in MMC Sections 17.40.030 and 17.40.040 and LIP Sections 3.5 and 3.6 as well as other chapters as applicable. The siting or massing of the addition did not exceed the development standards that currently exist in the code. The Planning Commission's determinations were not contrary to law. As proposed the addition is consistent with the current zoning ordinances that have been adopted by the City Council as the vehicle to achieve the City's vision for how residential development should occur within the City.

Furthermore, the application was an addition to a previously issued PV application. The PV application met the criteria in both the MMC and LIP for rebuilds in that not only was the replacement structure within the massing and siting limitations, but the PV application also restored the pre-fire uses on the site. The PV application is independent of the CDP and does not rely on the CDP for compliance with the City's zoning codes.

A structure this size will erode away at the beautiful setting at the interface of Malibu Park's residential neighborhood and the Santa Monica Mountains. It will chip away at the lifestyle that attracts people to Malibu. Malibu Park has historically been a family

neighborhood composed of residents who care profoundly about the wildlife that makes Malibu their home.

Applicant Comment:

The size of the addition and resulting structure is consistent with the requirements of LIP Section 3.6(K) and MMC Section 17.40.040(A)(13). Furthermore, the siting of the addition is consistent with LIP Sections 3.6(F) and (J) and LIP Section 4.6.1

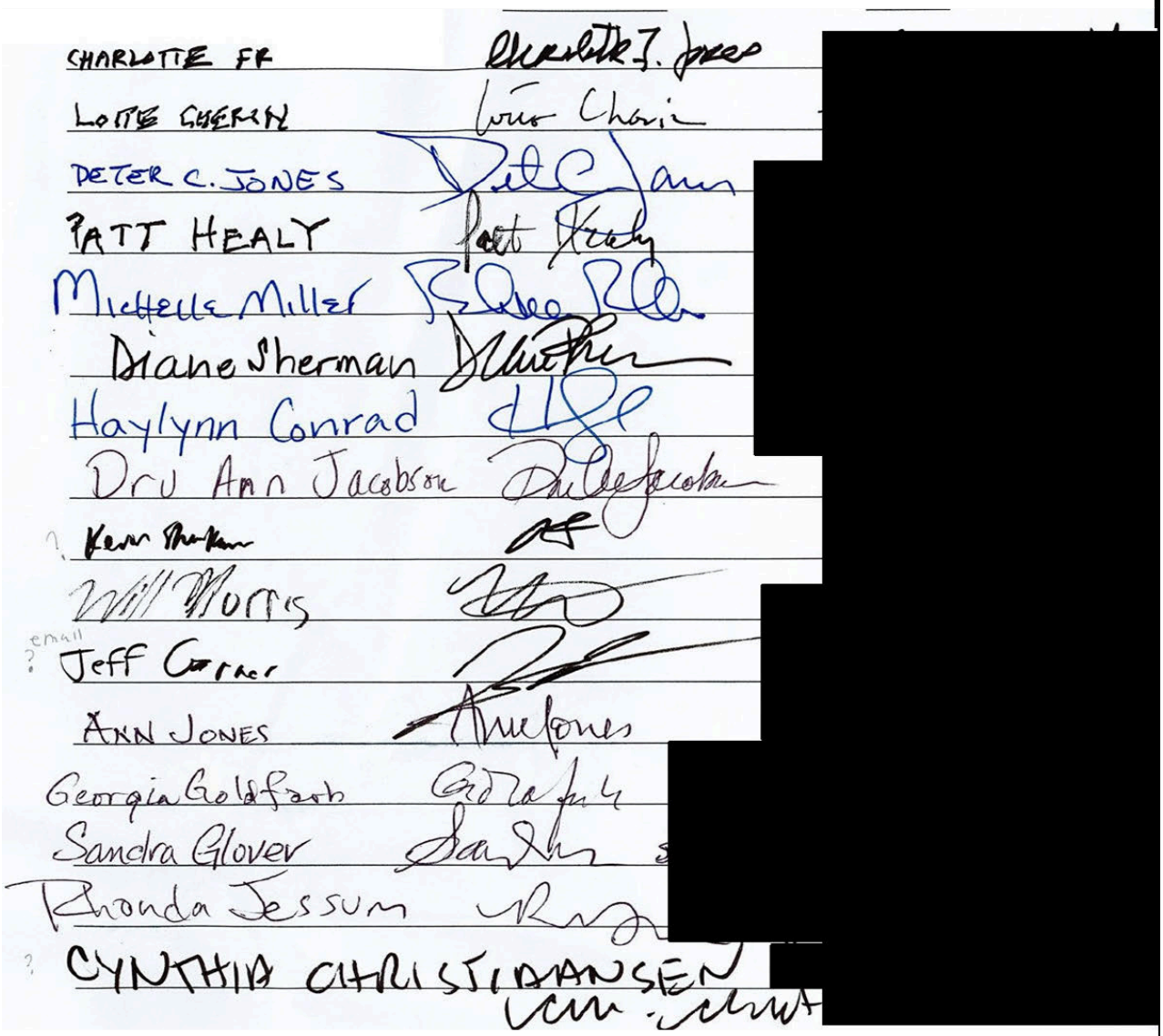
I am profoundly disappointed that we neighbors have had to come together to protect our neighborhood - to protect the Malibu we love. The decisions and actions of the Planning Department and the Planning Commission have placed an unfair burden upon our community.

Please uphold the Appeal and DENY the CDP for 29738 Cuthbert for the reasons stated above.

Applicant Comment:

Approval or denial of projects is based on the development standards contained in both the LIP and MMC and the Planning Commission determined that those findings can be made in the affirmative. Furthermore, the Planning Staff does not have the ability to issue approvals for CDP applications that per LIP Chapter 13 require a public hearing. LIP Chapter 13 contains standards that must be met in order for the Planning Commission to issue an approval and Planning Commission Resolution No. 24-39 is evidence of that.

Request for Recusal: Councilwoman Haylynn Conrad


CHARLOTTE FF
LOTTE GUERIN
Vice Chair
PETER C. JONES
PATT HEALY
Michelle Miller
Diane Sherman
Haylynn Conrad
Dru Ann Jacobson
Will Morris
email
Jeff
ANN JONES
Georgia Goldfarb
Sandra Glover
Rhonda Jessum
CYNTHIA CHRISTIANSEN

The Applicant requests that Councilwoman Haylynn Conrad recuse herself from participating in the hearing and City Council vote on this Appeal. As shown in the above image, Councilwoman Conrad signed the Appeal as an Appellant.

The City Council is required to uphold and execute a fair and impartial hearing when deliberating and determining the results of appeals. Councilwoman Conrad's recusal will satisfy this requirement and ensure an absence of bias and a preconceived position on the project.

The Applicant holds Councilwoman Conrad in the utmost esteem and is greatly appreciative of her tremendous service to the City. However, the Applicant is reasonably concerned that someone who signed the Appeal as an Appellant would likely hold a preconceived bias against the project. In order to insure a fair and impartial hearing and avoid any legal conflict, Applicant respectfully requests that Councilwoman Conrad recuse herself in this matter.