

Development Planning Program Documents
City of Malibu
FY 11-12

Special Provisions IV C. 1

C.1 Development Planning Program (Part 4.D)

Attach examples showing how storm water quality impacts were addressed in environmental documents for projects over the past year.

The Planning Department (ECD) section of the City's website www.malibucity.org contains planning documents and notices of interest locally, and California Environmental Quality Act (CEQA) notices. The [CEQA Notices](#) page on the City's website (in Public Notices/Press Releases/CEQA) contains information related to all environmental documents being administered or processed by the City Planning Division. In addition, the [Special Projects](#) link makes available documents for a few of the more significant projects proposed or pending in the City. Consistent with CEQA, environmental review is required for all discretionary projects, including City-initiated projects and private development projects. Those projects that are not exempt from CEQA require the preparation of an initial study, and (Mitigated) Negative Declaration or Environmental Impact Report (EIR). Also available on the website are archived environmental documents that have already been analyzed and adopted, as well as those that have not yet been certified through the planning review process.

An example of a project where stormwater quality impacts were addressed in an environmental document is the 31537 Anacapa View Drive project. The project proposes the development of a 10,718 square foot single-family residence on a vacant 35-acre parcel in an existing gated neighborhood with extensive steep slopes and sensitive habitat areas. A new 1,950 foot access drive is required to connect the building pad to the existing private street (Anacapa View Drive). A guest house, swimming pool and patios are also proposed. A storm water detention system is required to manage runoff from both the building site and the access road. A water quality mitigation plan including stormwater is required which will incorporate permanent site design, source control and treatment BMPs into the project. The project will disturb more than one acre of land so a state construction activity permit and WDID number will be required. A landscaping and restoration plan is required to re-vegetate disturbed areas, especially steep slopes, to minimize erosion and restore native habitat.

A new public water system extension and infrastructure project was proposed concurrently in order to bring potable water and utilities to the existing neighborhood. The 500,000 gallon water storage tank to serve the system will be located on the same 35-acre parcel as the residence, and will utilize the same access road. The infrastructure installation will involve trenching under existing paving and construction of a booster pump station. The work will occur on private streets and Trancas Canyon Road, a public street. Tank drainage, runoff and overflow will be captured by onsite drainage systems. A detailed construction management plan is required incorporating BMPs to protect water quality and habitat.

The projects were analyzed in a CEQA initial study and mitigated negative declaration was adopted, including mitigation measures and a mitigation monitoring reporting program. The MMRP was incorporated into each project approval (see attached excerpts from resolutions 11-64 and 11-65).

Attached are the City's standard conditions of approval applied to all projects including those relevant to water quality, and the Mitigation Monitoring and Reporting Program (MMRP) for the project on Anacapa View Drive.



City of Malibu

MEMORANDUM

Re: Standard Conditions of Approval

The Public Works Department reviews the plans submitted for a project and determines if sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan and the City's Municipal Code can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

- This project proposes grading on slopes equal to or greater than 25%. This project proposes grading in or adjoining an ESHA. Grading permits shall not be issued between November 1 and March 31 each year. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1.
- The Ocean between Latigo Point and the West City Limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. This designation prohibits the discharge of any waste including storm water runoff directly to the ASBS. The applicant shall provide a drainage system that accomplishes the following:
 - Prevents all non-storm water runoff to the ASBS; and
 - Maintains the natural water quality within the ASBS by limiting wastes in storm runoff and other activities that would cause a degradation of Ocean water quality in the ASBS.
- Los Angeles County Waterworks District No. 29 has responsibility for the street maintenance for Winding Way and Murphy Way (formerly DeButts Terrace). If a project abuts one of the streets and requires District 29 approval for any excavation within the paved right-of-way, the applicant must place a **prominent** note on the first sheet of plans to this effect.
- This project proposes to construct improvements within the public street right-of-way. The applicant shall obtain encroachment permits from the City Public Works Department prior to the commencement of any work within the Public right-of-way. For projects on Dume Drive, Grayfox Street, Fernhill Drive and

Wildlife Road, the City has received a Safe Routes to School Grant for improving pedestrian safety. Any street improvements along these streets shall consider the potential impact on proposed improvements.

- Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
- 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;
 - Slopes created for development shall not exceed 3 (hor) to 1 (vert);
 - The existing and proposed square footage of impermeable 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 a site specific Biological Assessment/Inventory prepared for the property, 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; and
 - 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.
- A Wet Weather Erosion and Sediment Control Plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
 - Locations where concentrated runoff will occur;
 - Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;

- Location and sizing criteria for silt basins, sandbag barriers, and silt fencing; and
 - Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.
- A Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to the issuance of the Grading permits for the project. This plan shall include:
 - Dust Control Plan for the management of fugitive dust during extended periods without rain;
 - Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
 - Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
 - Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
- A Storm Water Management Plan (SWMP) is required for this project. 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 (BMPs) that have been implemented in the design of the 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 LIP Section 17.3.2.
- A Water Quality Mitigation Plan (WQMP) is required for this project. This document is also commonly known as a Standard Urban Stormwater Management Plan (SUSMP). The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The following elements shall be included within the WQMP:
 - Site Design Best Management Practices (BMPs);
 - Source Control BMPs;
 - Treatment Control BMPs;
 - Drainage improvements;
 - Methods for on-site percolation, site re-vegetation and an analysis for off-site project impacts;
 - Measures to treat and infiltrate runoff from impervious areas;
 - A plan for the maintenance and monitoring of the proposed treatment BMPs 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; and

- The WQMP (SUSMP) shall be submitted to the Building and Safety Public Counter and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of the building plans for the project.
- A State Construction Activity Permit is required for this project due to the disturbance of more than one acre of land for development. Provide a copy of the letter from the State Water Quality Control Board containing the WDID number prior to the issuance of grading or building permits.

(New residential building)

- Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(New non-residential building)

- Proposed improvements are located within the Special Flood Hazard Area (SFHA). An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A separate certificate is required for floodproofing, if applicable. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum, and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(Substantial Improvement to the residential building)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and were evaluated as a substantial improvement. Any structure being substantially improved/repared is considered new construction and

must meet all the requirements of the City of Malibu Floodplain Management Ordinance. A copy of Elevation Certificate approved in the past for this building or a new Elevation Certificate based on the construction drawings for proposed improvements is required. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines, and to the street center line. The survey map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide information for the benchmark utilized, the vertical datum and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided the Public Works Department prior to final approval of the construction.

(Substantial Improvement to non- residential building)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and the project is subject to the National Flood Insurance Program (NFIP) regulations. The proposed improvement was evaluated as a substantial improvement. Any structure being substantially improved/repared is considered new construction and must meet all the requirements of the City of Malibu Floodplain Management Ordinance. An Elevation Certificate based on construction drawings is required for any building located within the SFHA. A separate certificate is required for floodproofing, if applicable. A survey map shall be attached to this certificate showing the location of the proposed building in relation to the property lines and to the street center line. The map shall delineate the boundary of the SFHA zone(s) based on the FIRM flood maps in effect and provide the information for the benchmark utilized, the vertical datum and any datum conversion. A post construction Elevation Certificate will be required to certify building elevations, when the construction is complete, and shall be provided to the Public Works Department prior to final approval of the construction.

(Building outside the SFHA but the portion of the parcel within the SFHA)

- The proposed improvements appear to be located outside the Special Flood Hazard Area (SFHA), and while the portion of the parcel is to found to be within the SFHA the project may be subject to the National Flood Insurance Program (NFIP) regulations. Floodplain determination for the project will be conducted during the review of construction plans for the permit application.

(Non substantial improvement)

- The proposed improvements are located within the Special Flood Hazard Area (SFHA) and the project is subject to the national Flood Insurance Program (NIFIP) regulations. The proposed improvements, at this point of conceptual review, were evaluated as a non substantial improvement. The final floodplain determination for the project will be conducted during the review of construction plans for the permit application. Any reconstruction, rehabilitation, addition or other improvement of a structure located within

SFHA must meet all requirements of the City of Malibu Floodplain Management Ordinance.

- Geology and Geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

COMMERCIAL DEVELOPMENT

All commercial developments shall be designed to control the runoff of pollutants from structures, parking and loading docks. The following measures shall be implemented to minimize the impacts of commercial developments on water quality

- Proper design of loading and unloading docks.
 - Cover loading/unloading dock areas or design drainage to minimize run-on and runoff of storm water
 - Direct connections to storm drains from depressed loading/unloading docks are prohibited.
- Properly design repair/maintenance bays
 - Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
 - Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.
- Properly design vehicle/equipment wash areas
 - Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
- Properly design of parking lots (5,000 square feet of impermeable surface or 25 parking spaces)
 - Minimize impermeable surfacing for parking area.
 - Infiltrate runoff before it reaches a storm drain system.
 - Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used.
 - Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal and system fouling and plugging prevention control.
- RESTAURANTS – Properly design equipment/accessory wash areas

- Install self-contained wash area, equipped with grease trap, and properly connected to sanitary sewer.
- If the wash area is located outdoors, it must be covered, paved, the area must have secondary containment and it shall be connected to the sanitary sewer.
- GASOLINE STATIONS, CAR WASHES AND AUTOMOTIVE REPAIR FACILITIES
 - Properly design fueling areas
 - The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade breaks. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
 - The fuel dispensing area must be paved with Portland cement concrete, and the use of asphalt concrete shall be prohibited.
 - The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the maximum extent possible.
 - The concrete fuel dispensing area must extend 6.5 feet from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less.
 - Properly design repair/maintenance bays.
 - Repair/maintenance bays must be indoors or designed to prohibit storm water runoff or contact with storm water runoff.
 - Repair/maintenance bays shall be designed to capture all wash water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain is prohibited. Obtain an Industrial waste discharge permit if required.
 - Properly design vehicle/equipment wash areas
 - Self-contained and/or covered wash areas shall be equipped with a clarifier or other pretreatment facility and properly connected to a sanitary sewer.
- OUTDOOR MATERIAL STORAGE
 - Materials with the potential to contaminate storm water must be: 1) placed in an enclosure such as a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or 2) protected by secondary containment structures such as berms, dikes or curbs.
 - The storage areas must be paved and sufficiently impervious to contain leaks and spills.

- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.
- TRASH STORAGE AREAS
 - Trash container areas must have drainage from adjoining roofs and pavement diverted around the area.
 - Trash container areas must be screened or walled to prevent off-site transport of trash.
- POOLS AND SPAS

The discharge of the water contained in a Pool or spa is an illegal discharge unless it is discharged to a sanitary sewer system. Malibu has limited sewers available so it is likely that your property cannot legally discharge the contents of the proposed pool or spa to the street without violating the Clean Water Act or the Malibu Water Quality Ordinance (LIP Chapter 17). Provide information on the plans regarding the type of sanitation that you propose to use for this installation.

 - Ozonation systems are an acceptable alternative to Chlorine. The release of clear water from this system is permitted to a public sewer.
 - Salt water sanitation is an acceptable alternative, but the discharge of the salt water is prohibited to both sewer systems and streets.
 - Highly chlorinated water from pools or spas shall be discharged to a public sewer or may be trucked to a POTW for discharge.

HYDROMODIFICATION

- Alteration or disturbance of streams or natural drainage courses or human-made or altered drainage courses that have replaced natural streams or drainages and serve the same function, **shall be prohibited**, with the following exceptions:
 - Necessary water supply projects where no feasible alternative exists.
 - Flood protection for existing development where there is no other feasible alternative.
 - The improvement of fish and wildlife habitat.

AGRICULTURE AND CONFINED ANIMAL FACILITIES

- New and/or expanded agricultural development, including vineyards and orchards, and the development of confined animal facilities, shall require a Coastal Development Permit.
 - Development shall not result in the placement of compost, fertilizer, or amended soil products in or within 100 feet of streams or other surface waters.
 - Development shall not result in the dispersal of animal wastes, wastewater, or any other byproducts of agricultural activities in or within 100 feet of streams or other surface waters.

- Confined animal facility development shall not produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.

WASTE MANAGEMENT FOR CONSTRUCTION SITES

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

1. All new construction (residential and nonresidential)
 2. Demolition (non-residential and apartment houses with 3 or more units)
 3. Addition/Alteration with construction valuation of \$50,000 or more.
- The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, the applicant must certify and sign an affidavit that a Waste Reduction and Recycling Plan (WRRP) will be implemented. The WRRP shall indicate means and measures for a minimum of 50% diversion goal.
 - Prior to the issuance of the Certificate of Occupancy, the applicant shall provide the Public Works Department with a Final Waste Reduction Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.

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 project described herein. The scope of work approved includes:

31537 Anacapa View

- a. Water tank pad, +/- 106 feet in diameter including 15 foot perimeter access driveway
- b. 500,000 gallon water tank, not to exceed 18 feet in height
- c. Security lighting per minimum District 29 requirements
- d. Access road, +/- 2,100 feet long and 20 feet wide, with fire department turn around connecting the water tank pad to Anacapa View Drive, including an adjacent +/- 50 foot diameter pad for temporary tank installation
- e. Five Retaining walls, with maximum heights of 13.5 feet, to support the access road
- f. Grading
- g. Security fencing, up to 8 feet in height where sited outside of required yards
- h. Landscaping to screen the water tank and revegetate disturbed areas with native plants
- i. Associated development, including but not limited to installation of a temporary +/- 50,000 gallon tank for a 2 to 3 month period, approximately every 10 years during maintenance of the proposed 500,000 gallon tank

Trancas Highlands private street/utility easements and Trancas Canyon Road

- j. Trenching and water main installation for single and dual water lines
- k. Pressure reducing stations
- l. Hydrants, valves, lateral lines, meters and other water system appurtenances
- m. Trenching and dry utility installation for electric, natural gas, cable and telephone lines
- n. Removal of overhead lines and poles
- o. Associated development, including but not limited to security fencing as needed for equipment and restoration of areas disturbed by construction.

Trancas Canyon Park District 29 Facility

- p. Booster pump station
 - i. Pumps
 - ii. Pump house building, 20 feet by 20 feet, 10 to 14 feet high, incorporating noise attenuating features to avoid negative impacts to surrounding properties and park users
 - iii. Ancillary electronic and other equipment

- iv. Security fencing as required by District 29
 - q. All-weather access drive +/- 20 feet wide
 - r. Security lighting per minimum District 29 requirements
 - s. Grading
 - t. Associated development
3. Subsequent submittals and final construction plans for this project shall be in substantial compliance with plans and documentation on file with the Planning Department, including Grading Plans (dated **February 20, 2011**) and Overall Aerial Project Map (dated **April 15, 2011**). In the event the project plans conflict with any condition of approval, the condition shall take precedence.
 4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and prior to issuance of any development permits.
 5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.
 6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental and Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
 7. The CDP shall be null and void if the project has not commenced within ten (10) years after issuance of the permit, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. If no building permit is required, the coastal development permit approval shall expire after ten years from the date of final planning approval if construction is not completed. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the period and shall set forth the reasons for the request.
 8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
 9. All construction shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Water Works District No. 29 and the LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
 10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the

project is still in compliance with the Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.
12. 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

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

Project-Specific Conditions

15. Prior to issuance of permits and initiation of construction activities, the applicant shall provide documentation to confirm to the satisfaction of the City that appropriate easements or agreements are in place, or have been acquired and recorded, to accommodate the work as shown in the final construction drawings and construction management plan. No work shall occur in an area for which the applicant has not demonstrated a legal right, interest or other entitlement to use the property for the proposed development.
16. Final construction plans for the water system shall be designed to District 29 engineering standards, as well as LACFD and utility provider specifications and requirements for separations, pressure, fire flow and other standards, as applicable. District 29 and LACFD approvals shall be submitted prior to permit issuance.
17. Final construction plans shall be designed to confine work to existing road limits and disturbed areas to the maximum extent feasible and as specifically required by Biology/Landscaping conditions of approval below.

18. Noise attenuating features shall be incorporated into the pump station building to ensure no objectionable noise levels occur that will negatively impact Trancas Canyon Park or surrounding residences. On-site noise shall be limited as described in M.M.C. Chapter 8.24 (Noise).
19. Final plans for the booster pump station shall minimize areas of Trancas Canyon Park disturbed by construction and incorporate design features such as recessing the pad into the site to blend into the natural setting.
20. Where site-specific conditions require above-ground installation of access road, water system or dry utility improvements, the project design shall not obstruct existing developed trails. In areas of proposed trail alignments, to the extent feasible based on available information, improvements shall be designed not to prevent future trail use.
21. Recorded offers to dedicate trail easements and recorded trails shall be shown on final construction plans.
22. Where the Planning Director determines final project plans cannot avoid significant adverse impacts to an existing dedicated trail, an offer to dedicate an equivalent trail alignment, as determined by the Planning Director in coordination with the easement owner and/or the approving authority for the easement (e.g., Coastal Commission), shall be made prior to issuance of grading permits for the project as required by LIP Chapter 12. Where dedication of a replacement trail segment is required to replace an existing developed trail, construction of the replacement trail segment shall be included in the project scope.

Construction Management / Construction Activities

23. Prior to issuance of a grading permit for the access road, the project applicant shall provide the City with a performance bond adequate in the opinion of the Building Official to guarantee completion of all work associated with that portion of the access road between Sta. 1+00 and Sta. 6+50 (near the property boundary with 31537 Anacapa View Drive) that has the potential to disrupt, inhibit, or degrade access to 31525 Anacapa View Drive compared to the condition of said access immediately prior to commencement of construction activities.
24. The construction management plan shall make reasonable alternate routes available for pedestrians and trail users whenever they can be safely accommodated around construction areas affecting existing trails or park areas. Limitations on use of any existing trails shall be minimized.
25. Existing development and landscaping disturbed by construction activities shall be returned to equal or better condition.
26. Affected pavement and other improvements disturbed by construction activities, including but not limited to the existing driveway access at 31525 Anacapa View Drive, shall be replaced to ensure conditions in the project construction area are returned to equal or better than pre-construction conditions. This driveway shall be reconfigured to comply with LACFD access requirements as applicable. Unpaved disturbed areas shall be seeded or replanted with native

plants as appropriate.

27. Per M.M.C. Chapter 8.24, 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. In order to minimize disruption of access to the Ramey property at 31525 Anacapa View Drive and facilitate completion of access road improvements as expeditiously as possible, the Planning Commission recommends the applicant apply for and the City Manager approve extension of construction hours acceptable to the Rameys, as permitted by Section 8.24.060.
28. During the construction phase, 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.
29. Prior to the issuance of a building or grading permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the owner or contractor. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
30. Contractors shall comply with all applicable Division of Industrial Regulations (CAL-OSHA) safety standards. If requested by the building inspector, the contractor shall provide proof of a permit from said division.
31. Prior to initiation of construction activities, the applicant shall prepare a spill prevention and control plan (SPCP). The SPCP shall be implemented throughout project construction.
32. No refueling or servicing will be done without absorbent material or drip pans underneath to collect spilled fuel. Any fluids drained from the machinery during servicing shall be collected in leak-proof containers and taken to an appropriate disposal or recycling facility. If such activities result in spillage or accumulation of a product on the soil, the contaminated soil shall be disposed of properly. Under no circumstances shall contaminated soils be added to a spoils pile or trench backfill.
33. All maintenance materials (e.g., oils, grease, lubricants, antifreeze) will be stored at staging areas in appropriate storage containers. If these materials are required during construction, they will be placed in a designated area away from site activities and sensitive resources.
34. The applicant shall contact Underground Service Alert 48 hours before construction, including any trenchless construction areas, to allow the underground utility companies to identify the location of their underground facilities and thus reduce the possibility of an interruption in utility service.
35. Open trenches shall be covered at the end of each working day so that there are no open trenches when work is not occurring and no open trenches exist that could pose risks to pedestrians, vehicles or wildlife (via entrapment).

36. The applicant shall contact Caltrans regarding required approvals for transportation of exported soil on Pacific Coast Highway. Staging of dump trucks and appropriate travel route along PCH will be regulated by Caltrans.
37. Transportation of heavy construction equipment and/or materials, which requires the use of oversized transport vehicles on State highways will require a transportation permit from Caltrans. The applicant shall coordinate with and obtain necessary approvals from Caltrans pertaining to oversized vehicles, off-peak trip scheduling and any other applicable Caltrans approvals for construction traffic management.
38. The applicant shall obtain encroachment permits from the City of Malibu Public Works Department prior to the commencement of any work with the public right of way.
39. All construction equipment shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust system.
40. The following noise reduction measures shall be implemented as appropriate and practical:
 - a. The location of stationary equipment shall be changed to an area with less sensitive receptors.
 - b. Equipment (i.e., construction equipment and trucks) shall be limited to five or fewer minutes of idling time, or rescheduled if possible.

Geology

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

Environmental Health Requirements

43. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the onsite wastewater treatment facilities.
44. The City Geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

Grading/Drainage/Hydrology

45. Tank drainage, runoff and any overflow shall be captured onsite by improved drainage systems designed in accordance with applicable City of Malibu storm water management and

water quality requirements.

46. The discharge of chlorinated water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited. The grading and drainage plan and construction management plan shall address the proper disposal of chlorinated water used in the certification of the water pipeline for use for potable water.
47. A variance for non-exempt grading has been approved for the water tank and access road improvements at 31537 Anacapa View Drive.
48. Final plans for the booster pump station at Trancas Canyon Park shall minimize landform alteration, and in no event shall non-exempt grading exceed 1,000 cubic yards.
49. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of all grading plan sets.
50. All new development, including construction, grading, and landscaping, shall include drainage and erosion control BMPs (structural and non-structural) designed by a licensed engineer to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17 (Water Quality), including:
 - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
 - b. Grading activities shall be planned during the southern California dry season (April through October);
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during onsite watering and periods of rain in order to minimize surface water contamination; and
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
51. A storm water management plan shall be submitted for review and approval of the Public Works Director. The storm water management plan shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.
52. Storm drainage improvements are required to mitigate increased runoff generated by property development, including the proposed access road. The applicant shall have the choice of one method specified within LIP Section 17.4.2(B)(2).
53. A water quality mitigation plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
 - a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs;

- d. Drainage improvements;
 - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - f. Measures to treat and infiltrate runoff from impervious areas;
 - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
 - i. The WQMP shall be submitted to the Building and Safety Public Counter and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
54. The proposed project shall be in compliance with the storm water management plan, water quality mitigation plan, storm water pollution prevention plan and wet-weather erosion and sedimentation control plan as conditioned by the City Public Works Department. These plans shall manage storm water runoff, protect drainage patterns and drainage systems and prevent erosion, dust and significant impacts to water quality standards in compliance with waste discharge requirements. BMPs will be undertaken in accordance with the design of the project to ensure proper drainage in both pre-development and post-development as required by LIP Chapter 17.
55. A grading and drainage plan containing the following information shall be submitted to the Public Works Department and approved, prior to the issuance of grading permits for the project:
- a. 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, as applicable);
 - b. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan, including temporary cuts made for retaining walls, buttresses, overexcavations for fill slopes, areas disturbed by grading equipment beyond the limits of grading, and areas disturbed for the installation of the detention system;
 - c. Private storm drain systems shall be shown, and for systems greater than 12 inch diameter, a plan and profile shall be included;
 - d. Any trees, rare and endangered species, or ESHA to be protected shall be shown on the plan as areas to be left undisturbed, and fenced as required by the City Biologist.
56. A wet weather erosion and sediment control plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits as grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective

- measures; and
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
57. A storm water pollution prevention plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of grading permits. This plan shall include:
- a. Dust Control Plan for the management of fugitive dust during extended periods without rain.
 - b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
 - c. Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
 - d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
58. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.
59. The Deputy Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.
60. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
61. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by City geotechnical staff shall be provided prior to the issuance of any permit for the project. The project geotechnical consultant shall sign the final plans prior to issuance of permits.
62. A state linear construction activity permit is required due to disturbance of more than one acre of land in streets and rights of way for development of the water and utility lines. A copy of the letter from the State Water Quality Control Board containing the waste discharge identification (WDID) number shall be provided to the Public Works Department prior to issuance of grading or building permits.
63. A state construction activity permit is required due to the disturbance of more than one acre of land for development at 31537 Anacapa View Drive. A copy of the letter from the State Water Quality Control Board containing the WDID number shall be provided to the Public Works Department prior to issuance of grading or building permits.

Water Service

64. Prior to the issuance of a building permit, the applicant shall submit documentation from Los Angeles County Waterworks District No. 29 indicating the ability of the property to receive adequate water service or other approval as applicable.

Colors and Materials

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

Lighting

68. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
 - a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - b. Security lighting controlled by motion detectors may be attached to the building or structure 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;
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited;
 - g. Night lighting for sports courts or other private recreational facilities in scenic areas

- designated for residential use shall be prohibited; and
- h. 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 shall not produce an illumination level greater than one foot candle.
69. Notwithstanding the above standard lighting condition, the Planning Director shall review and approve proposed safety lighting associated with the proposed water storage tank and booster pump station in accordance with LIP Section 6.5(G). Such lighting shall not exceed the minimum necessary to meet District 29 requirements for security.

Biology/Landscaping

70. During the appropriate upcoming season after CDP approval and prior to permitting, rare plant surveys shall be conducted to determine if rare plants are present in the proposed development envelope. The survey area shall include all potential developed areas at 31537 Anacapa View Drive, including all grading disturbed areas, as well as a 500 foot buffer extending out from those limits as they occur within the subject property boundaries. The results shall be submitted to the City Biologist. Should any rare plants be identified, the applicant shall notify the appropriate state and/or federal regulatory agencies such that the plants can be relocated pursuant to law and/or measure(s) agreed upon between the applicant and the regulatory agencies. This condition will ensure less than significant impacts to rare plants are further reduced.
71. Prior to issuance of a grading permit, a qualified biologist with a Section 10(a)(1)(A) Endangered Species Recovery Permit issued by the US Fish & Wildlife Service shall survey for the California gnatcatcher (*Polioptila californica*) pursuant to recommended survey protocol. The results shall be submitted to the City Biologist for review. In the unlikely event California gnatcatcher is detected on site, the project and associated MND may require reevaluation.
72. Final construction plans shall be designed to ensure the alignment for water and utility lines is as far away as possible from the blue line stream, preferably on the north side of that segment of Anacapa View Drive, and also avoid encroachment into the protected root zone of coast live oak trees to the maximum extent feasible. Any changes in the project design that involve potential stream impacts shall require the applicant to notify the California Department of Fish and Game and may require reevaluation of this CDP and the MND.
73. Should project engineering requirements call for water or utility lines to be constructed above-ground and/or outside of existing road limits or paving in the area of Beach View Estates Drive, construction drawings shall include utility alignments on the north and east sides of the street as far away from ESHA to the south and west as feasible.
74. Final construction plans shall minimize the area disturbed by the development of the booster pump station at Trancas Canyon Park.

75. The final project construction management plan shall site all construction staging areas to avoid disturbance of ESHA, ESHA buffer and native trees. These areas shall be indicated on all plans. All refueling, storage, servicing and maintenance of equipment shall be performed at designated sites and not within 50 feet of sensitive environmental resources.
76. All final construction plans and construction management and staging plans shall be reviewed and approved by the City Biologist prior to permitting.
77. Final construction plans shall have the following notes included:
 - a) No equipment or personnel shall encroach into the Beach View Estates ESHA, the stream channel or associated habitats, nor within the canopy or drip line of any oak tree except for those paved areas that currently exist.
 - b) No equipment shall be operated or staged under any oak tree or in an ESHA.
78. Revegetation is required on all graded slopes associated with the project, including the water tank, access road and booster pump station construction. Pursuant to LIP Chapter 4, native species of the Santa Monica Mountains, characteristic of the local habitat shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet apart between large woody shrubs (> 10-foot canopy) is recommended by LACFD. Lawns are prohibited on slopes greater than five percent. Restorative native habitat planting is not subject to the Landscape Water Conservation Ordinance.
79. Landscaping or revegetation shall provide 90 percent coverage within at least 5 years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for revegetation.
80. Prior to plan check submittal, the applicant shall provide a detailed native revegetation and 5 year monitoring plan for all graded slopes associated with that portion of the proposed project being submitted.
81. Any landscaping or revegetation shall be monitored for a period of at least 5 years following completion of planting. Performance criteria shall be designed to measure the success of the plantings. Mid-course corrections shall be implemented if necessary.
82. Five years from the date of final project sign-off, the applicant shall submit a landscape monitoring report prepared by a licensed landscape architect or qualified resource specialist that certifies that the onsite landscaping is in conformance with approved landscape plans. The monitoring report shall include photographic documentation of plant species and plant coverage.
83. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan. The revised landscaping plan must be prepared by a licensed landscape

architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.

84. Invasive plant species, as determined by the City of Malibu, are prohibited.
85. The native revegetation plan above shall include native habitat planting, including taller species, to screen the water tank from scenic areas to the north, and shall include measures to recontour and revegetate portions of the existing dirt road being replaced by the new access road.
86. Pursuant to LIP Section 5.6.1, all native oak trees whose canopies and/or protected zones are encroached upon shall be monitored for a period of no less than 10 years. An annual monitoring report shall be submitted for review by the City Biologist for each of the 10 years. Should any of these trees be lost or suffer worsened health or vigor as a result of the proposed project, the applicant shall mitigate the impacts as required in LIP Section 5.5. If replacement plantings are required as mitigation, monitoring of the replacement trees shall be provided as required by LIP Section 5.6.2.
87. Preliminary calculations of permanent native habitat disturbance include 21,945 square feet (.50 acre), including 19,805 square feet at 31537 Anacapa View and 2,140 square feet at Trancas Canyon Park. Pursuant to LIP Section 4.8.1, the development shall include mitigation for unavoidable impacts to ESHA. One of the following three habitat mitigation methods shall be required: habitat restoration, habitat conservation, or in-lieu fee for habitat conservation. Prior to final plan check approval and permit issuance, the applicant shall provide a final calculation of ESHA disturbance and either a detailed habitat restoration plan or evidence that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Santa Monica Mountains Conservancy to mitigate habitat impacts.
88. The landscape plan shall prohibit the use of building materials treated with toxic compounds (such as copper arsenate).
89. Grading/excavation shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval by the City Biologist prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
90. Grading, excavation or other site preparation activities scheduled between February 1st and August 15th shall require nesting bird surveys as specified in mitigation measure BIO-2 below.
91. The landscape and revegetation plans are conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the final approved plans. Failure to comply with the landscape conditions is a violation of the conditions of approval for the project.

92. Prior to final project sign-off, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resource are in compliance with the approved plans.
93. Construction fencing shall be installed within five feet of the outer limits of grading or excavation in and adjacent to ESHA prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.
94. Pursuant to LIP Section 4.8.1, the development shall include mitigation for unavoidable impacts to ESHA. One of the following three habitat impact mitigation methods shall be required: habitat restoration; habitat conservation; or in-lieu fee for habitat conservation. Prior to final plan check approval, the applicant shall provide a final calculation of ESHA disturbance and either a detailed habitat restoration plan or evidence that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Santa Monica Mountains Conservancy to mitigate habitat impacts.
95. 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.
96. The final project construction management plan shall site all construction staging areas to avoid disturbance of ESHA, ESHA buffer and native trees. These areas shall be indicated on the plans. All refueling, storage, servicing and maintenance of equipment shall be performed at designated sites and not within 50 feet of sensitive environmental resources.
97. 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).

Deed Restriction

98. As applicable, in order to effectuate an offer to dedicate a trail easement required by these conditions of approval to replace an existing trail segment obstructed by the project, prior to the issuance of any grading permit, the property owner shall execute and record a document in a form and content acceptable to the City of Malibu and the California Coastal Commission, an irrevocable offer to dedicate free of prior liens and any other encumbrances that the Coastal Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the City of Malibu and the California Coastal Commission, granting the public the permanent right of public access for the right to pass, repass and passive recreation for pedestrians, bicyclists and equestrians. The easement shall be equivalent to that which it replaces. The recorded document shall include legal descriptions and a map drawn to scale of both the subject parcel and the easement area. The offer to dedicate shall run with the land, in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years from the date of recordation. The Coastal Commission must review and approve the legal documents for the public access easement prior to recordation, consistent with LIP Section 12.8.1. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning approval.

99. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
100. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition No. 67. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

Prior to Final Sign Off

101. Prior to final sign-off of the project by the City, construction of any trail segment required by these conditions of approval shall be completed.
102. Prior to final project sign off, 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.
103. Prior to final inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.
104. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental and Building Safety Division. Final project sign-off shall not be issued by the Environmental and Sustainability Department until the Planning Department has determined that the project complies with this CDP.
105. 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 final project sign off.

Fixed Conditions

106. This coastal development permit shall run with the land and bind all future owners of the property.
107. 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.

Mitigation Monitoring and Reporting Program

Mitigation Measures for Air Quality Resources

108. AQ-1: An operational water truck shall be onsite at all times. Apply water to control dust as needed to prevent dust impacts offsite.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

109. AQ-2: Fugitive dust will be mitigated by applying water at all active construction sites (including graded areas, storage piles, excavated trenches, and backfilled trenches) at least three times daily. All unpaved driving and staging areas will be watered at least three times daily.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

110. AQ-3: All disturbed areas, including storage piles, which are not actively utilized for construction purposes shall be effectively stabilized of dust emissions using water or non-toxic soil stabilizers, covered with tarp, or other suitable cover of vegetative ground cover quickly.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

111. AQ-4: After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil will be treated. Treatment, which will also occur during non-work days if necessary, will include watering, revegetation, or spreading non-toxic soil binders to prevent wind pick-up of the soil until the area is paved or otherwise developed.

Implementation Phase: At the Completion of Site Clearance
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

112. AQ-5: The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

113. AQ-6: All on and off road construction vehicles shall adhere to the following criteria:

- a. Use aqueous diesel fuel;
- b. Be equipped with a diesel particulate filter;
- c. Use cooled exhaust gas recirculation (EGR); and
- d. Maintain a reduced speed less than 15 miles per hour on unpaved roads.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

114. AQ-7: Vehicle idling time shall be minimized to 10 minutes in order to save fuel and reduce emissions.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

115. AQ-8: Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site will adhere to the California Vehicle Code. In addition, they will be covered when necessary and their tires will be rinsed off prior to leaving the properties.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

116. AQ-9: Where feasible, during grading and construction activities, use of electricity from power poles should be utilized instead of temporary diesel or gasoline-powered generators.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Mitigation Measures for Biological Resources

117. BIO-1: A qualified biologist shall be onsite to monitor construction activities when any work or activities occur within 100 feet of the identified blue line stream or oak trees to ensure no encroachment of equipment, materials or other activities or personnel outside of disturbed areas of the road limits on the stream side of Anacapa View Drive occurs. The blue line stream, oak trees and 100 foot buffer shall be delineated on all construction plans, including staging plans.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department, City Biologist

118. BIO-2: If commencement of work on the site cannot avoid the active nesting season (February 1 through August 15), then a qualified biologist shall perform a focused nesting bird survey no less than one week prior to initiating the proposed work. If active nests are identified, a 300 foot radius buffer area (500 feet for raptors) shall be fenced off utilizing

highly visible fencing. The fencing area shall be supervised by a qualified biologist to ensure no work occurs in those areas until the biologist determines the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal on the site. Failure to abide by this condition may result in revocation of the CDP and penalties issued by the California Department of Fish and Game and/or US Wildlife Service.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department, City Biologist

Mitigation Measures for Geology and Soils

119. GEO-1: The water lines and utilities shall be constructed with sufficient sand bedding to protect the pipe from strong ground shaking and from potential seismically-induced ground settlement or ground lurching.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

120. GEO-2: Excavations for all trenches shall be observed and evaluated by an engineering geologist or soils engineer for the presence of unconsolidated fill or loose soil material underlying the utility trench. Unconsolidated fill or loose soil material underlying the proposed trenches shall be removed, extending down into underlying dense soil or into bedrock, and the resulting void shall be filled with 90 percent compacted earth fill or ¾ inch rock.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

121. GEO-3: Where necessary to mitigate adverse subsurface soils conditions, final engineering design of utility lines and equipment shall include realignment to avoid problem subsurface soils areas; or alternatively, utility lines and equipment shall be protected based upon recommendations of a soils engineer and structural engineer.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: Prior to issuance of grading permit
Enforcement Agency: City of Malibu Environmental and Sustainability Department, City Geologist

122. GEO-4: Where necessary to mitigate landslide hazard, final engineering design of utility lines and equipment shall include realignment to avoid construction within a landslide area; or alternatively, lines shall be constructed above ground within the landslide areas and shall incorporate ground movement sensors and automatic shut off valves that activate in the event

of landslide movements.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: Prior to issuance of grading permit
Enforcement Agency: City of Malibu Environmental and Sustainability Department,
City Geologist

Recommended Mitigation Measure for Hazards and Hazardous Materials:

123. HAZ-1: The construction contractor shall maintain convenient access to driveways, houses and buildings along the line of work. The crews shall have metal plates on site to cover any open trenches and allow for emergency and other access as required.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

124. HAZ-2: The applicant shall implement measures to minimize impacts on residential traffic within the proposed project area, including providing written notice via fliers or letters to affected residents at least two weeks prior to commencement of construction in their area with information about anticipated work dates, traffic controls, and the name and phone number of the applicant and contractor in charge of construction activities.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

125. HAZ-3: Contact information for the applicant and contractor in charge of construction activities shall be posted in areas affected by construction activities in a location easily visible to affected property owners, residents and emergency responders.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

126. HAZ-4: One-way traffic may be maintained in the area of work only during daylight hours and must provide continual access by at least one open lane of traffic to ensure emergency vehicle passage.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

127. HAZ-5: After preparation of the project construction drawings and prior to issuance of grading and building permits for the project, the applicant shall submit to the Planning Department a final construction management plan to be implemented during construction activities. The plan shall incorporate appropriate best management practices, standard

conditions of approval and required mitigation measures, and shall be approved by appropriate City departments, the LACFD and the Los Angeles County Sheriff.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Recommended Mitigation Measure for Transportation/Traffic:

128. TR-1: The final construction management plan shall include measures to minimize traffic flow interference from construction activities. The following measures should be included:

- Use of flagmen, signs, cones, and barricades to guide traffic safely on and off the construction site and to ensure safe public traffic flow around construction areas;
- Advance public notice of routing;
- Use of public transportation by workers;
- Satellite parking areas with a shuttle service for workers;
- Off-peak scheduling of operations affecting traffic;
- Staggering hauling truck trips to prevent stacking and potential traffic impacts; and
- Minimizing obstruction of through lanes.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Recommended Mitigation Measure for Utilities and Service Systems:

129. UT-1: Where necessary to ensure compliance with minimum State separation requirements from existing onsite private sewage disposal facilities, final project plans shall incorporate above-ground installation of water system components or other appropriate design measures.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: Prior to issuance of grading permit
Enforcement Agency: Los Angeles County Waterworks District No. 29

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of December 2011.



ROOHI STACK, Planning Commission Chair

ATTEST:



JESSICA BLAIR, Recording Secretary

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

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 11-64 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 6th day of December 2011, by the following vote:

AYES: COMMISSIONERS: HOUSE, JENNINGS, MAZZA AND STACK

NOES:

ABSTAIN:

ABSENT:



JESSICA BLAIR, Recording Secretary

been amended to make clear that the access road must also incorporate a detention system to capture runoff associated with the road surface to maintain or reduce pre-development discharge rates.

Standard conditions of approval also address water quality impacts during construction. These conditions mandate that erosion and sedimentation control plans and storm water pollution prevention plans (SWPPP) are included in final grading and drainage plans reviewed and approved by Public Works. The proposed development will disturb more than one acre of land. This threshold triggers the requirement for the applicant to obtain a state construction activity permit (a linear permit is required for the trenching) and a waste discharge identification number (WDID) from the State Water Resources Control Board. These permits are similar to the SWPPP but include more extensive measures and monitoring for managing runoff and erosion. As conditioned, the Public Works Department approved the project for conformance with LIP Chapter 17.

Q. Onsite Wastewater Treatment System (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements. The proposed project includes a new AOWTS which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, M.M.C. and LCP. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 3,436 gallon tank, ultraviolet disinfection units, and seepage pits for dispersal. The new system will provide the proposed development with secondary and tertiary treatment.

An operation and maintenance contract and recorded covenant covering such must be in compliance with City of Malibu Environmental Health requirements. Conditions of approval have been included in Planning Commission Resolution No. 11-65 which require continued operation, maintenance and monitoring of onsite facilities.

Section 5. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 07-121, Variance Nos. 08-068, 11-011, 11-019, 11-020 and 11-021, Site Plan Review No. 07-114 and Offer to Dedicate No. 11-009, subject to the following conditions.

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 project described herein. The scope of work approved includes the following, with total development square footage not to exceed 11,165 square feet:
 - a. New two-story single-family residence, not to exceed 28 feet in height, with attached garage, covered porches, and basement (10,718 square feet of TDSF)
 - b. Detached one-story guest house (447 square feet)
 - c. Access road, +/- 1,950 feet long and 20 feet wide connecting the building site to Anacapa View Drive, including
 - i. Fire department turn around at existing driveway of 31525 Anacapa View Drive
 - ii. Five retaining walls, with maximum heights of 13.5 feet, to support the access road
 - d. Motor court with fire department turnaround
 - e. Landscaping to screen the residence and revegetate disturbed areas with native plants
 - f. Fuel modification with alternative measures and no encroachment into ESHA
 - g. Swimming pool (15 feet by 52.5 feet)
 - h. Pool decking and terraces, which shall be permeable, and other hardscape
 - i. Trellised patio on top of guest house
 - j. Grading
 - k. AOWTS
 - l. Offsite improvements to widen +/- 460 feet of Anacapa View Drive to 20 feet per LACFD residential access requirements, including construction of a retaining wall +/- 310 feet long and providing a turnout
 - m. OTD No. 11-009 for a trail easement across the property similar in alignment to the exhibit submitted by Schmitz & Associates date-stamped November 17, 2011
 - n. Dedication of the water tank building site proposed in CDP No. 06-051 in fee and an access easement over the proposed access road to Los Angeles County Waterworks District No. 29
 - o. Associated development
3. Subsequent submittals and final construction plans for this project shall be in substantial compliance with plans on file with the Planning Department, including Grading Plans (date-stamped **October 28, 2011**), Architectural Plans (date-stamped **November 10, 2011**), Conceptual Landscape (date-stamped **November 10, 2011**) and Proposed Fuel Modification Plan (date-stamped **November 17, 2011**). In the event the project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental and Sustainability Department for plan check, and the

City of Malibu Public Works Department for an encroachment permit (as applicable).

7. The CDP shall be null and void if the project has not commenced within two (2) years after issuance of the permit, unless a time extension has been granted, or work has commenced and substantial progress made (as determined by the Building Official) and the work is continuing under a valid building permit. 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 period and shall set forth the reasons for the request.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All construction shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Water Works District No. 29 and the LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the CDP approved by the City is void.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. Prior to final planning approval, the property owner shall provide a copy of a valid Operating Permit pursuant to M.M.C. Section 15.14.030 or an Operating Permit application fee receipt.

Cultural Resources

14. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
15. 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.

Project-Specific Conditions

16. Prior to issuance of permits and initiation of construction activities, the applicant shall provide documentation to confirm to the satisfaction of the City that appropriate easements or agreements are in place, or have been acquired and recorded, to accommodate the work as shown in the final construction drawings and construction management plan. No work shall occur in an area for which the applicant has not demonstrated a legal right, interest or other entitlement to use the property for the proposed development.
17. Recorded offers to dedicate trail easements and recorded trails shall be shown on final construction plans.
18. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

Construction Management / Construction Activities

19. Prior to issuance of a grading permit for the offsite fire department-required widening of Anacapa View Drive and the access road, the project applicant shall provide the City with a performance bond adequate in the opinion of the Building Official to guarantee completion of all work associated with the offsite widening and that portion of the access road between Sta. 1+00 and Sta. 6+50 (near the property boundary with 31537 Anacapa View Drive) that has the potential to disrupt, inhibit, or degrade access to 31525 Anacapa View Drive compared to the condition of said access immediately prior to commencement of construction activities.
20. The construction management plan shall make reasonable alternate routes available for pedestrians and trail users whenever they can be safely accommodated around construction areas affecting existing trails or park areas. Limitations on use of any existing trails shall be minimized.
21. Existing development and landscaping disturbed by construction activities shall be returned to equal or better condition.
22. Affected pavement and other improvements disturbed by construction activities, including but not limited to the existing driveway access at 31525 Anacapa View Drive, shall be replaced to ensure conditions in the project construction area are returned to equal or better than pre-construction conditions. This driveway shall be reconfigured to comply with LACFD access requirements as applicable. Unpaved disturbed areas shall be seeded or replanted with native plants as appropriate.

23. Per M.M.C. Chapter 8.24, 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. In order to minimize disruption of access to the Ramey property at 31525 Anacapa View Drive and facilitate completion of access road improvements as expeditiously as possible, the Planning Commission recommends the applicant apply for and the City Manager approve extension of construction hours acceptable to the Rameys, as permitted by Section 8.24.060.
24. During the construction phase, 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.
25. Prior to the issuance of a building or grading permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the owner or contractor. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction waste generated by the project.
26. The applicant shall contact Caltrans regarding required approvals for transportation of exported soil on Pacific Coast Highway. Staging of dump trucks and appropriate travel route along PCH will be regulated by Caltrans.
27. Transportation of heavy construction equipment and/or materials, which requires the use of oversized transport vehicles on State highways will require a transportation permit from Caltrans. The applicant shall coordinate with and obtain necessary approvals from Caltrans pertaining to oversized vehicles, off-peak trip scheduling and any other applicable Caltrans approvals for construction traffic management.
28. All construction equipment shall have sound control devices no less effective than those provided on the original equipment. No equipment shall have an unmuffled exhaust system.
29. The following noise reduction measures shall be implemented as appropriate and practical:
 - a. The location of stationary equipment shall be changed to an area with less sensitive receptors.
 - b. Equipment (i.e., construction equipment and trucks) shall be limited to five or fewer minutes of idling time, or rescheduled if possible.

Geology

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

a new CDP.

Environmental Health

32. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu's Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the AOWTS.
33. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
34. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final AOWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
35. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
36. The final design report shall contain the following information (in addition to the items listed above).
 - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
 - b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
 - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This

must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak AOWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and

- d. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For AOWTS final designs, full-size plans are required for review by Building Safety and/or Planning.
37. Prior to final Environmental Health approval, evidence of an approved water supply shall be submitted. The approved water supply shall be demonstrated through either a private water supply well permit approved by the Los Angeles County Department of Public Health or else a Will Serve letter from Waterworks District No. 29. If a private water supply well is used, its location shall be submitted on the final OWTS plot plan.
 38. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
 39. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.
 40. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
 41. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

42. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.
43. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the AOWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.

Grading/Drainage/Hydrology

44. A variance for non-exempt grading has been approved for the access road improvements at 31537 Anacapa View Drive; however, non-exempt grading associated with the single-family residence and accessory development shall not exceed 1,000 cubic yards.
45. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of all grading plan sets.
46. All new development, including construction, grading, and landscaping, shall include drainage and erosion control BMPs (structural and non-structural) designed by a licensed engineer to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17 (Water Quality), including:
 - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time;
 - b. Grading activities shall be planned during the southern California dry season (April through October);
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during onsite watering and periods of rain in order to minimize surface water contamination; and
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
47. A storm water management plan shall be submitted for review and approval of the Public Works Director. The storm water management plan shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.
48. Storm drainage improvements are required to mitigate increased runoff generated by property development, including the proposed access road. The applicant shall have the choice of one method specified within LIP Section 17.4.2(B)(2).
49. A water quality mitigation plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be prepared in accordance with the LIP Section 17.3.3 and all other applicable ordinances and regulations. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The following elements shall be included within the WQMP:
 - a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;

- c. Treatment Control BMPs;
 - d. Drainage improvements;
 - e. Methods for onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - f. Measures to treat and infiltrate runoff from impervious areas;
 - g. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits; and
 - i. The WQMP shall be submitted to the Building and Safety Public Counter and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. Once the plan is approved and stamped by the Public Works Department, the original signed and notarized document shall be recorded with the County Recorder. A certified copy of the WQMP shall be submitted prior to the Public Works Department approval of building plans for the project.
50. The proposed project shall be in compliance with the storm water management plan, water quality mitigation plan, storm water pollution prevention plan and wet-weather erosion and sedimentation control plan as conditioned by the City Public Works Department. These plans shall manage storm water runoff, protect drainage patterns and drainage systems and prevent erosion, dust and significant impacts to water quality standards in compliance with waste discharge requirements. BMPs will be undertaken in accordance with the design of the project to ensure proper drainage in both pre-development and post-development as required by LIP Chapter 17.
51. A grading and drainage plan containing the following information shall be submitted to the Public Works Department and approved, prior to the issuance of grading permits for the project:
- a. Public Works 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, as applicable);
 - 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 shall be included within the area delineated.
 - d. The grading limits shall include the temporary cuts made for retaining walls, buttresses and overexcavations for fill slopes and shall be shown on the plan.
 - e. Private storm drain systems shall be shown, and for systems greater than 12 inch diameter, a plan and profile shall be included;
 - f. Any trees, rare and endangered species, or ESHA to be protected shall be shown on the plan as areas to be left undisturbed, and fenced as required by the City Biologist.
52. A wet weather erosion and sediment control plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits as grading or construction activity is anticipated to occur during the rainy season. The following elements shall be

included in this plan:

- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures; and
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
53. A storm water pollution prevention plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of grading permits. This plan shall include:
- a. Dust Control Plan for the management of fugitive dust during extended periods without rain.
 - b. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
 - c. Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
 - d. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
54. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.
55. The Deputy Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.
56. Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.
57. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by City geotechnical staff shall be provided prior to the issuance of any permit for the project. The project geotechnical consultant shall sign the final plans prior to issuance of permits.
58. A state construction activity permit is required due to the disturbance of more than one acre of land for development. A copy of the letter from the State Water Quality Control Board containing the WDID number shall be provided to the Public Works Department prior to issuance of grading or building permits.

Swimming Pool and Pool Equipment

59. On-site noise, including that which emanates from swimming pool and air conditioning

equipment, shall be limited as described in M.M.C. Chapter 8.24 (Noise).

60. Pool and air conditioning equipment that will be installed shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall comply with LIP Section 3.5.3.
61. All swimming pools shall contain double walled construction with drains and leak detection systems capable of sensing a leak of the inner wall.
62. Pursuant to the Clean Water Act and the Malibu Water Quality Ordinance, discharge of water from a pool / spa is prohibited. Provide information on the plans regarding the type of sanitation proposed for pool.
 - a. Ozonation systems are an acceptable alternative to chlorine. The discharge of clear water from ozonation systems is not permitted to the street;
 - b. Salt water sanitation is an acceptable alternative to chlorine. The discharge of salt water is not permitted to the street; and
 - c. Chlorinated water from pools or spas shall be trucked to a publicly-owned treatment works (POTW) facility for discharge.
63. The discharge of chlorinated and non-chlorinated pool / spa water into streets, storm drains, creeks, canyons, drainage channels, or other locations where it could enter receiving waters is prohibited.
64. A sign stating "It is illegal to discharge pool, spa, or water feature waters to a street, drainage course, or storm drain per M.M.C. Section 13.04.060(D)(5)" shall be posted in the filtration and/or pumping equipment area for the property.

Fencing and Walls

65. No fencing or walls, other than retaining walls associated with the access road and the residence foundation and hardscape shown in the referenced plans, is approved. Any additional fencing or walls shall require submittal of appropriate applications, plans and fees for review and approval.

Water Service

66. Prior to the issuance of a building permit, the applicant shall submit evidence of an approved water supply. The approved water supply shall be demonstrated through either a private water supply well permit approved by the Los Angeles County Department of Public Health or else a Will Serve letter from Waterworks District No. 29.
67. If a private water supply well is used, an amendment to this CDP shall be required and all documentation required by LIP 13.6.4(J) to demonstrate conformance with LCP standards, as well as applicable agency approvals, such as Los Angeles County Department of Public Health, LACFD, etc., shall be submitted.

Colors and Materials

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

Lighting

71. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
 - a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - b. Security lighting controlled by motion detectors may be attached to the building or structure 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;
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited;
 - g. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited; and
 - h. 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 shall not produce an illumination level greater than one foot candle.

Biology/Landscaping

72. During the appropriate upcoming season after CDP approval and prior to permitting, rare plant surveys shall be conducted to determine if rare plants are present in the proposed development envelope. The survey area shall include all potential developed areas at 31537 Anacapa View Drive, including all grading disturbed areas, as well as a 500 foot buffer extending out from those limits as they occur within the subject property boundaries. The results shall be submitted to the City Biologist. Should any rare plants be identified, the applicant shall notify the appropriate state and/or federal regulatory agencies such that the plants can be relocated pursuant to law and/or measure(s) agreed upon between the applicant and the regulatory agencies. This condition will ensure less than significant impacts to rare plants are further reduced.
73. Prior to issuance of a grading permit, a qualified biologist with a Section 10(a)(1)(A) Endangered Species Recovery Permit issued by the US Fish & Wildlife Service shall survey for the California gnatcatcher (*Polioptila californica*) pursuant to recommended survey protocol. The results shall be submitted to the City Biologist for review. In the unlikely event California gnatcatcher is detected on site, the project and associated MND may require reevaluation.
74. The final project construction management plan shall site all construction staging areas to avoid disturbance of ESHA, ESHA buffer and native trees. These areas shall be indicated on all plans. All refueling, storage, servicing and maintenance of equipment shall be performed at designated sites and not within 50 feet of sensitive environmental resources.
75. All final construction plans and construction management and staging plans shall be reviewed and approved by the City Biologist prior to permitting.
76. Revegetation is required on all graded slopes associated with the project, including the residence and access road. Pursuant to LIP Chapter 4, native species of the Santa Monica Mountains, characteristic of the local habitat shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet apart between large woody shrubs (> 10-foot canopy) is recommended by LACFD. Lawns are prohibited on slopes greater than five percent. Restorative native habitat planting is not subject to the Landscape Water Conservation Ordinance.
77. Landscaping or revegetation shall provide 90 percent coverage within at least 5 years, or that percentage of ground cover demonstrated locally appropriate for a healthy stand of the particular native vegetation type chosen for revegetation.
78. Prior to plan check submittal, the applicant shall provide a detailed native revegetation plan for all graded slopes associated with the project, including recontouring and revegetation of the portions of the existing dirt road to be replaced by the new access road, and an updated landscape plan for the residence. The landscape plan shall incorporate taller plantings and native oak trees as illustrated on the conceptual landscape plan date-stamped November 10, 2011 to screen the residence from scenic areas. Oak trees shall not exceed 24 inch box / 6

- feet in height at installation to facilitate successful establishment.
79. The revised landscape plan shall demonstrate compliance with the Landscape Water Conservation Ordinance of M.M.C. Chapter 9.20.
 80. Prior to final plan check approval, if the property is served by the Los Angeles County Department of Water and Power, please provide landscape water use approval from that department. Contact Kirk Allen, 23533 Civic Center Way, Malibu, CA 90265; email kallen@dpw.lacounty.gov (preferred) or phone (310) 317-1388.
 81. Any landscaping or revegetation shall be monitored for a period of at least 5 years following completion of planting. Performance criteria shall be designed to measure the success of the plantings. Mid-course corrections shall be implemented if necessary.
 82. Five years from the date of receipt of certificate of occupancy, the applicant shall submit a landscape monitoring report prepared by a licensed landscape architect or qualified resource specialist that certifies that the onsite landscaping/revegetation is in conformance with approved landscape plans. The monitoring report shall include photographic documentation of plant species and plant coverage.
 83. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape/revegetation plan. The revised plan must be prepared by a licensed landscape architect or a qualified resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. If performance standards are not met by the end of five years, the monitoring period shall be extended until the standards are met.
 84. Invasive plant species, as determined by the City of Malibu, are prohibited.
 85. Preliminary calculations of permanent native habitat disturbance associated with the access road include 19,805 square feet at 31537 Anacapa View. Pursuant to LIP Section 4.8.1, the development shall include mitigation for unavoidable impacts to ESHA. One of the following three habitat mitigation methods shall be required: habitat restoration, habitat conservation, or in-lieu fee for habitat conservation. Prior to final plan check approval and permit issuance, the applicant shall provide a final calculation of ESHA disturbance and either a detailed habitat restoration plan or evidence that compensatory mitigation, in the form of an in-lieu fee, has been paid to the Santa Monica Mountains Conservancy to mitigate habitat impacts.
 86. Pursuant to the LIP, "development" includes all required fuel modification. The proposed November 2011 landscape plan (pending approval by LACFD) illustrates modification (reductions) to standards fuel modification zones similar to those in the plan approved by LACFD on August 24, 2007 that avoid ESHA. This approval is based upon an approved fuel modification plan that avoids ESHA disturbance. Any extension of the limits shown on the November 2011 conceptual plan required by LACFD that encroach ESHA shall void this approval and may result in required redesign of the project, will require an additional review

by the City Biologist and will require mitigation for impacts to ESHA. Final fuel modification plan approval shall be submitted to the City Biologist prior to plan check submittal.

87. The landscape plan shall prohibit the use of building materials treated with toxic compounds (such as copper arsenate).
88. Grading/excavation shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct grading activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted for approval by the City Biologist prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
89. Grading, excavation or other site preparation activities scheduled between February 1st and August 15th shall require nesting bird surveys as specified in mitigation measure BIO-2 below.
90. The landscape and revegetation plans are conditioned to protect natural resources in accordance with the LCP. All areas shall be planted and maintained as described in the final approved plans. Failure to comply with the landscape conditions is a violation of the conditions of approval for the project.
91. Construction fencing shall be installed within five feet of the outer limits of grading or excavation in and adjacent to ESHA prior to the beginning of any construction and shall be maintained throughout the construction period to protect the site's sensitive habitat areas.
92. 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.
93. The final project construction management plan shall site all construction staging areas to avoid disturbance of ESHA, ESHA buffer and native trees. These areas shall be indicated on the plans. All refueling, storage, servicing and maintenance of equipment shall be performed at designated sites and not within 50 feet of sensitive environmental resources.
94. 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).

Trail Easement

95. In order to effectuate the property owner's offer to dedicate a public access easement for a multi-purpose (hiking, bicycling, and equestrian) trail, prior to the issuance of any building, grading or other development permits, as further specified below, the property owner shall execute and record a document in a form and content acceptable to the City of Malibu and the California Coastal Commission, an irrevocable offer to dedicate free of prior liens and any other encumbrances that the Coastal Commission determines may affect the interest being conveyed, an easement to a public agency or private association approved by the City of

Malibu and the California Coastal Commission, granting the public the permanent right of public access for the right to pass, repass and passive recreation for pedestrians, bicyclists and equestrians. The easement shall follow the conceptual alignment shown in the proposed trail dedication exhibit prepared by Schmitz & Associates and date-stamped November 17, 2011 across the subject property. The recorded document shall include legal descriptions and a map drawn to scale of both the subject parcel and the easement area. The offer to dedicate shall run with the land, in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years from the date of recordation. The Coastal Commission must review and approve the legal documents for the public access easement prior to recordation, consistent with LIP Section 12.8.1. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final Planning approval.

96. OTD No. 11-009 shall be recorded at least 60 days prior to the issuance of the grading permit, whichever comes first. "Final approval of the project" means not only that the City's approvals and CEQA certification are final and effective, but also that any potential administrative and judicial challenges to any of the planning approvals either did not occur within the allowable timeframe and are therefore time-barred, or proceeded to completion, including through any available appeals, and did not result in the overturning, invalidation, or remand of any planning approvals.
97. The trail alignment shall be designed in coordination with local trails agencies to follow accepted standards for width and grade.

Deed Restriction

98. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
99. Prior to final planning approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in the Lighting Condition. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.

Prior to Occupancy

100. Prior to final planning inspection, 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.
101. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary

Report). The Summary Report shall designate all materials that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the final Summary Report.

102. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental and Building Safety Division. A certificate of occupancy shall not be issued until the Planning Department has determined that the project complies with this CDP. A temporary certificate of occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
103. 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 the issuance of the certificate of occupancy.

Fixed Conditions

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

Mitigation Monitoring and Reporting Program

Mitigation Measures for Air Quality Resources

106. AQ-1: An operational water truck shall be onsite at all times. Apply water to control dust as needed to prevent dust impacts offsite.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

107. AQ-2: Fugitive dust will be mitigated by applying water at all active construction sites (including graded areas, storage piles, excavated trenches, and backfilled trenches) at least three times daily. All unpaved driving and staging areas will be watered at least three times daily.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

108. AQ-3: All disturbed areas, including storage piles, which are not actively utilized for construction purposes shall be effectively stabilized of dust emissions using water or non-toxic soil stabilizers, covered with tarp, or other suitable cover of vegetative ground cover quickly.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

109. AQ-4: After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil will be treated. Treatment, which will also occur during non-work days if necessary, will include watering, revegetation, or spreading non-toxic soil binders to prevent wind pick-up of the soil until the area is paved or otherwise developed.

Implementation Phase: At the Completion of Site Clearance
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

110. AQ-5: The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

111. AQ-6: All on and off road construction vehicles shall adhere to the following criteria:
- Use aqueous diesel fuel;
 - Be equipped with a diesel particulate filter;
 - Use cooled exhaust gas recirculation (EGR); and
 - Maintain a reduced speed less than 15 miles per hour on unpaved roads.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

112. AQ-7: Vehicle idling time shall be minimized to 10 minutes in order to save fuel and reduce emissions.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

113. AQ-8: Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, will be employed as feasible and appropriate. All trucks leaving the construction site will adhere to the California Vehicle Code. In addition, they will be covered when necessary and their tires will be rinsed off prior to leaving the properties.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

114. AQ-9: Where feasible, during grading and construction activities, use of electricity from power poles should be utilized instead of temporary diesel or gasoline-powered generators.

Implementation Phase: During Grading and Construction Activities
Monitoring Phase: During Grading and Construction Activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Mitigation Measures for Biological Resources

115. BIO-1: A qualified biologist shall be onsite to monitor construction activities when any work or activities occur within 100 feet of the identified blue line stream or oak trees to ensure no encroachment of equipment, materials or other activities or personnel outside of disturbed areas of the road limits on the stream side of Anacapa View Drive occurs. The blue line stream, oak trees and 100 foot buffer shall be delineated on all construction plans, including staging plans.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department, City Biologist

116. BIO-2: If commencement of work on the site cannot avoid the active nesting season (February 1 through August 15), then a qualified biologist shall perform a focused nesting bird survey no less than one week prior to initiating the proposed work. If active nests are identified, a 300 radius foot buffer area (500 feet for raptors) shall be fenced off utilizing highly visible fencing. The fencing area shall be supervised by a qualified biologist to ensure no work occurs in those areas until the biologist determines the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal on the site. Failure to abide by this condition may result in revocation of the CDP and penalties issued by the California Department of Fish and Game and/or US Wildlife Service.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department, City Biologist

Recommended Mitigation Measure for Hazards and Hazardous Materials:

117. HAZ-1: The construction contractor shall maintain convenient access to driveways, houses and buildings along the line of work. The crews shall have metal plates on site to cover any open trenches and allow for emergency and other access as required.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

118. HAZ-2: The applicant shall implement measures to minimize impacts on residential traffic within the proposed project area, including providing written notice via fliers or letters to affected residents at least two weeks prior to commencement of construction in their area with information about anticipated work dates, traffic controls, and the name and phone number of the applicant and contractor in charge of construction activities.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

119. HAZ-3: Contact information for the applicant and contractor in charge of construction activities shall be posted in areas affected by construction activities in a location easily visible to affected property owners, residents and emergency responders.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

120. HAZ-4: One-way traffic may be maintained in the area of work only during daylight hours and must provide continual access by at least one open lane of traffic to ensure emergency vehicle passage.

Implementation Phase: During grading and construction activities
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

121. HAZ-5: After preparation of the project construction drawings and prior to issuance of grading and building permits for the project, the applicant shall submit to the Planning Department a final construction management plan to be implemented during construction activities. The plan shall incorporate appropriate best management practices, standard conditions of approval and required mitigation measures, and shall be approved by appropriate City departments, the LACFD and the Los Angeles County Sheriff.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Recommended Mitigation Measure for Transportation/Traffic:

122. TR-1: The final construction management plan shall include measures to minimize traffic flow interference from construction activities. The following measures should be included:
- Use of flagmen, signs, cones, and barricades to guide traffic safely on and off the construction site and to ensure safe public traffic flow around construction areas;
 - Advance public notice of routing;
 - Use of public transportation by workers;
 - Satellite parking areas with a shuttle service for workers;

- Off-peak scheduling of operations affecting traffic;
- Staggering hauling truck trips to prevent stacking and potential traffic impacts; and
- Minimizing obstruction of through lanes.

Implementation Phase: Prior to issuance of grading permit
Monitoring Phase: During grading and construction activities
Enforcement Agency: City of Malibu Environmental and Sustainability Department

Section 7. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 6th day of December 2011.



ROOHI STACK, Planning Commission Chair

ATTEST:



JESSICA BLAIR, Recording Secretary

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

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 11-65 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 6th day of December 2011, by the following vote:

AYES: COMMISSIONERS: HOUSE, JENNINGS, MAZZA AND STACK

NOES:

ABSTAIN:

ABSENT:



JESSICA BLAIR, Recording Secretary