

View Protection

Primary view:

Primary view regulations are only found in the M.M.C. A primary view is a view of the Pacific Ocean, offshore islands, the Santa Monica Mountains, canyons, valleys or ravines. A primary view is 180 degrees in width from a primary living area. A primary view may be taken from:

- The ground floor of the main residence;
- Ground level decks or patios within 10 feet of the nearest building wall;
- The primary living area, if it is not located on the ground floor.

Primary view limitations:

- The protected primary view area excludes the first 18 feet of a proposed building that obstructs a primary view.
- Bedrooms, hallways, closets and mechanical rooms are not considered main viewing areas.
- A property must be developed to claim a primary view.

If the City and a homeowner cannot agree on the viewing area, the City will make the final determination. After the primary view is chosen, it is permanent and may not be changed in the case of any future development in the area. Note that privacy is not protected by these standards.

Who has a protected primary view?

A resident has a right to a primary view determination (PVD) when their main residence is located within 1,000 feet of proposed new development. Homeowners need to contact the Planning Division hotline (ext. 485) to schedule a PVD. It is best to schedule a PVD when the story poles (poles showing what the future structure will look like and where it will be) are up at the site. However, inquiries about the potential for primary view impacts from a proposed structure can be made at any time.

There are plants blocking the view I want as my primary view. What happens if I get a Primary View Determination?

Existing foliage is considered to have no visual impact to the primary view. The only exception is for parcels located within the Malibu Country Estates. The Malibu Country Estates overlay has an ordinance that addresses primary views and existing landscaping.

Scenic Views

How are scenic views protected?

Public scenic views are protected by the LCP. This includes views from and toward any scenic areas, scenic roads or public viewing areas, such as trails, parks and beaches. New projects visible from public viewing areas or that may block scenic views have specific requirements, such as limits on height, structure material and building location. A new house on the ocean side of the road may also be required to provide a view corridor to preserve a view of the ocean over the property. Please be advised that in scenic areas, it may be difficult for staff to make the findings required for a SPR request for height over 18 feet if there are potential impacts to scenic views.

Grading

Grading (total cut and fill) in residential areas is limited to 1,000 cubic yards. Certain types of grading are exempt from this limit.

- Exempt grading includes understructure excavation, grading for safety purposes, removal and recompaction, and remedial grading.
- Remedial grading is grading recommended by a geotechnical engineer. Remedial grading will not be allowed when it could be avoided by changing the configuration or location of the proposed development.

All of the provided information is taken from the M.M.C. and LIP available on the City of Malibu website at www.ci.malibu.ca.us.

If you have any questions please call our Planning and Zoning hotline at (310) 456-2489, extension 485. If you leave a message, your call will be returned within 24 hours or the next business day.

You may also visit the Planning Counter Monday through Friday from 8:00 a.m. to 12:30 p.m.



Planning Review of Residential Projects in Malibu

Note: This brochure provides general guidelines only. Refer to the Local Coastal Program and Malibu Municipal Code for specific regulations and requirements.

Revision date: December 4, 2008



City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265

www.ci.malibu.ca.us
Planning and Zoning hotline
(310) 456-2489, extension 485

Planning Review Types

There are several types of planning review for development on residential properties. Review types include Coastal Development Permit (CDP), Administrative Plan Review (APR) and Over the Counter (OC). The type of review is determined by:

- The size of the project;
- The type of work being proposed;
- The presence of an Environmentally Sensitive Habitat Area (ESHA);
- Whether the existing Onsite Wastewater Treatment System (OWTS) can accommodate the project;
- Whether the project will occur in the Appealable Zone*.

All residential development is subject to the development standards discussed below. Additional standards pertaining to a property's physical characteristics, such as geology and hazards, may also apply but are not discussed here. Building plan check review, which includes detailed structural plan review and permit issuance, also is not discussed here.

*Appealable Zone: All projects within the City are subject to a *local* appeal or public review period. However, in Malibu's Local Coastal Program (LCP) / Local Implementation Plan (LIP), certain areas are mapped as being in the Appealable Zone. If a CDP project is located in the Appealable Zone, the CDP is subject to both local appeal *and* appeal by the California Coastal Commission.

To determine if your property is located within the appealable jurisdiction, you can view the Appealable Jurisdiction map online through the City website, or you may call (310) 456-2489, extension 485.

Residential Development Standards

Development on residential properties is subject to General and Residential Development Standards, as well as to the requirements for the particular zone in which the property is located. Development standards can be found in the Malibu Municipal Code (M.M.C.) and the LIP. The M.M.C and LCP/LIP are available at City Hall and online at www.ci.malibu.ca.us.

Some areas are subject to special rules. These areas, known as **overlay zones**, may have different development requirements. You can find out if your property is located in an overlay zone by viewing the maps online at the City's website or you may call (310) 456-2489, extension 485.

Administrative Plan Review (APR)

A planning review that does not require approval by the Planning Commission and typically include such projects such as additions, retaining walls, and certain accessory structures that do not require a CDP.

Over the Counter Permit (OC)

This review includes very minor projects such as fences and minor interior remodels.

Coastal Development Permits

A CDP is required for:

- All new homes;
- Land divisions and lot mergers;
- All projects where the property has an existing deed restriction requiring a CDP for new development;
- Expansion in capacity of an OWTS or installation of a new OWTS;
- Some projects in or adjacent to ESHA;
- Additions exceeding 10 percent of the existing square footage if the property is in an appeal zone;
- Projects determined to be significant by the Planning Manager.

Height

Non-beachfront parcels:

- Structures up to 18 feet in height are allowed. Structures taller than 18 feet require a Site Plan Review. A Site Plan review could allow heights up to 24 feet for a flat roof or 28 feet for a pitched roof (see below).
- Structure height is measured from the top of the structure to the finished or existing grade, whichever is lower.
- Any portion of the structure above 18 feet in height cannot exceed 2/3rds of the first floor area.

Beachfront parcels:

- Structures are allowed up heights up to 24 feet with a flat roof or 28 feet with a pitched roof. No Site Plan Review is required.

Total Development Square Footage (TDSF):

- TDSF is the maximum amount of covered (i.e., with a roof) square footage permitted on each parcel, and includes both the primary and accessory structures, such as garages.
- TDSF is calculated by measuring from exterior walls.
- Decks, terraces and balconies open to the sky, including those with trellises, are not included in TDSF.
- Porches, decks and balconies with covers or roofs that do not project more than six feet are not included in TDSF. Covered areas that project more than six feet must be counted toward TDSF.

Site Plan Reviews, Minor Modifications and

Variations

Site Plan Review (SPR):

A SPR is a discretionary request to permit specific types of development and is granted only when certain findings can be made. A SPR can only be processed as part of an APR or CDP application. Specific findings and requirements can be found in the LIP and M.M.C.

The following requests require a SPR:

- Construction over 18 feet in height on a non-beachfront lot to allow up to 24 feet for a flat roof or 28 feet for a pitched roof;
- Remedial grading (discussed below) over 5,000 cubic yards, but not exceeding 15,000 cubic yards per property;
- Non-visually permeable sports court fencing;
- Wireless telecommunications antennae;
- Reduction of certain yard setbacks and open space requirements;

Minor Modification (MM):

A MM is a discretionary request only available with a CDP. If the required findings can be made, the following requests may be processed with a MM:

- Reduction of yard setbacks and open space requirements;
- Stringline modifications on beachfront parcels;
- Alternatives to water saving fixture requirements.

Variance (VAR):

A VAR is a discretionary request based on findings that must be made and granted by the Planning Commission. The purpose of a VAR is to allow reasonable use of a property when there is hardship.

Examples of unique property characteristics that would be considered in the granting of a VAR are:

- Lot size or shape that restricts development;
- The presence of ESHA;
- Slopes in steeper than 2½ (horizontal) to 1 (vertical) in the most feasible building area.

A VAR will not be granted if it results in a special privilege or use that is inconsistent with other properties in the same area and zone. All VAR applications require a public hearing.