Administrative Coastal Development Permit No. 19-081 – An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

Location: 6316 Busch Drive, partially within the appealable coastal zone
APN: 4467-029-005
Owner: Hubschman Family Trust

RECOMMENDED ACTION: Receive and file the Planning Director’s report on Administrative Coastal Development Permit No. 19-081.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Planning Director shall report in writing to the Planning Commission any administrative coastal development permits that were approved by the City of Malibu. If the majority of the Planning Commissioners present so request, the issuance of an administrative coastal development permit shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

Local Implementation Plan Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Planning Director may process administrative permits if: 1) the proposed project is not appealable as defined in LIP Chapter 2; 2) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers,
(d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 3) water wells; or 4) onsite wastewater treatment systems.

**Permit Issuance and Local Appeal Period**

On January 28, 2020, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on January 28, 2020 and end on February 7, 2020. The project is partially located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post- LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu, and therefore is appealable to the CCC.

The project is more specifically described in the Planning Director's decision attached hereto.

**PUBLIC NOTICE:** A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

**ATTACHMENT:** Administrative Coastal Development Permit No. 19-081
NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application from Larry Young, on behalf of the property owner, The Hubschman Family Trust, for an administrative coastal development permit (ACDP) to install a new onsite wastewater treatment system (OWTS) to replace the existing OWTS serving an existing single-family residence. The subject parcel is zoned Rural Residential-Two Acres (RR-2). The subject parcel is partially located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu. The proposed new OWTS is located within the Appeal Jurisdiction.

Proposed Description

The project involves the abandonment and demolition of components of the existing OWTS and the installation of a new OWTS. The project proposes a new 1,500-gallon MicroSepTec septic tank that includes a duplex pump, three leach trenches and designation of four leach trenches for future expansion (Attachment 1 – Department Review Sheets – including OWTS Plot Plan). The existing OWTS system, to be abandoned and demolished, is located on the east side of the property. The new OWTS will be located on the southwest portion of the property, and the future leach trenches will be located on the north side of the property. The project will not result in any non-exempt grading.

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

The Planning Director may process ACDPs if: 1) the proposed project is not appealable as defined in the LCP Local Implementation Plan (LIP) Chapter 2; 2) the project is for any of the uses specified (a) improvements to any existing structure, (b) any single-family dwelling, (c) lot mergers, (d) any development of four dwelling units or less that does not require demolition and any other developments not in excess of $100,000.00, other than any division of land; 3) water wells; and 4) Onsite Wastewater Treatment System (OWTS).

Project Background

Administrative Coastal Development Permit Application

- Application Date: November 16, 2019
- Posting of Property: January 8, 2020
- Completeness Determination: January 8, 2020
- Notice of Application Mailer: January 9, 2020
- Notice of Decision Mailer: January 23, 2020
- Issuance of ACDP: January 28, 2020
- Planning Commission Reporting: February 3, 2020
- Local Appeal Period: January 28, 2020 through February 7, 2020
Surrounding Land Uses and Setting

The subject parcel, 58,813 square feet in size, is developed with a single-story, single-family residence that was built in 1950 and is located on the south side of Busch Drive. The surrounding properties consist of one and two-story single-family residences in the RR-2 zoning district. Per the LCP Park Lands Map, there are no trails in the vicinity of the subject lot. The subject parcel does contain a mapped stream, designated Environmentally Sensitive Habitat Area (ESHA) as shown on the LCP ESHA Overlay Map, through the center of the property. However, the proposed scope of work does not take place within the designated ESHA and is not within a protected tree zone. The biologist has conditioned the project to not encroach within the protected zone of any native tree.

California Environmental Quality Act

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

Local Coastal Program Conformance

The LCP consists of a Land Use Plan (LUP) and LIP. The LUP contains programs and policies to implement the California Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a CDP must adhere. This project has been reviewed and approved for LCP conformance by the Planning Department, City Biologist, City geotechnical staff, City Public Works Department, and City Environmental Health Administrator.

Administrative Coastal Development Permit Findings

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies. Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.13, the Planning Director hereby makes the following findings of fact.
Onsite Wastewater Treatment System Coastal Development Permit (LIP Section 13.29.2)

Finding 1. The proposed OWTS is consistent with the LCP and all applicable LCP provisions, local laws and regulations regarding OWTS.

The replacement OWTS to support the rural residential use is consistent with the RR-2 zoning district. The City Biologist, City geotechnical staff, City Environmental Health Administrator, and City Public Works Department have reviewed the proposed project and found it to meet the requirements of the Malibu Municipal Code (MMC), and LCP. The proposed project allows for the abandonment and demolition of existing OWTS components and installation of a new OWTS which consists of a new 1,500-gallon MicroSepTec septic tank that includes a duplex pump, three new leach trenches and four leach trenches for future expansion.

Finding 2. The proposed OWTS does not require a new or upgraded shoreline protective device.

The subject parcel is not located along a shoreline and therefore, no new or upgraded shoreline protection devices are proposed.

Finding 3. The proposed OWTS is necessary to protect public health and/or improve water quality.

The State Water Resources Control Board requires all residential development located within the City of Malibu that is not served by a public or private sewage utility to provide treatment of wastewater through an OWTS that meets minimum design standards intended to protect public health. The subject parcel is not served by a public or private sewage utility. Therefore, the replacement and removal of some components of the existing OWTS and installation of a new OWTS with a dispersal field promotes public health by minimizing potential contamination of the groundwater table in the area and nearby Pacific Ocean.

Finding 4. The proposed OWTS has been conditioned in accordance with the LCP.

The proposed project has been designed to meet all applicable LCP requirements and has been conditioned in accordance with the LCP.

Approval of ACDP No. 19-081

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDP No. 19-081 subject to the conditions of approval.

Conditions of Approval

Standard Conditions

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. This approval is for the abandonment and demolition of components of the existing OWTS and the installation of a new OWTS with a 1,500-gallon MicroSepTec tank that includes a duplex pump, three leach trenches, and four leach trenches for future expansion. This approval does not involve any non-exempt grading.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated as received on November 19, 2019. 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, notarizes, 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/or prior to issuance of any development permit.

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 an OWTS permit.

6. This decision, signed Affidavit of Acceptance of Conditions, and all attached Department Review Sheets 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 Building Safety Division for plan check.

7. The ACDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

9. All development shall conform to requirements of the Environmental Sustainability Department, City geotechnical staff, City Environmental Health Administrator, City Biologist, and City Public Works Department, 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 MMC and the LCP. An application with all required materials and fees may be required.

11. This permit shall not become effective until the project is reported to the Planning Commission, pursuant to LIP Section 13.13.6.

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

13. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
Cultural Resources

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 MMC 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.

Site Specific Conditions

16. 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.

17. Prior to issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The affidavit shall indicate the agreement of the applicant to divert at least 65 percent of all construction generated by the project.

Biology

18. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

19. No portion of the OWTS system is permitted to be installed within the protected zone of any protected tree.

20. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting.

Environmental Health

21. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).
22. Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS, existing improvements, and proposed improvements, 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). The final OWTS plan must be signed, stamped, and dated.

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

24. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”
25. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MMC.

26. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s onsite wastewater treatment regulations including provisions of MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.

27. The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.

28. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

29. The City public works staff final approval shall be submitted to the City Environmental Health Administrator.

30. The project geologist/geotechnical consultant final approval shall be submitted to the City Environmental Health Administrator.

31. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.

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

33. In accordance with MMC Chapter 15.14, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Geology

34. The following note shall be added to the plan drawings included with the OWTS final design: "The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the pits were installed per the approved OWTS plans."

35. A final fee in accordance with the adopted fee schedule at the time of the final approval shall be paid to the City of Malibu for City geotechnical staff review of the OWTS design and system specification.

36. Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the MPC.

37. Two sets of OWTS plans (approved by City Environmental Health) incorporating the project geotechnical consultant’s recommendations must be reviewed, wet stamped, and manually signed by the project engineering geologist and project geotechnical engineer prior to the issuance of an OWTS permit.

38. Final plans approved by the City geotechnical staff shall be in substantial conformance with the approved ACDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.
Public Works

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

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

40. The Applicant’s consulting engineer shall sign the final plans prior to the issuance of permits.

Deed Restrictions

41. 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.

Construction

42. 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.

43. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Prior to Final Inspection

44. The applicant shall request a final Planning Department inspection prior to final inspection by the Building Safety Division.
45. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a Recycling Report. The Recycling Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Recycling Report.

**Fixed Conditions**

46. This ACDP runs with the land and binds all future owners of the property.

47. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.

**Appeals and Reporting**

**LOCAL APPEAL** – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **February 7, 2020 at 4:30 p.m.** An appeal shall be filed with the City Clerk and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 485.

**COASTAL COMMISSION APPEAL** – A portion of the proposed scope of work is within the CCC appeal jurisdiction. An aggrieved person may appeal the Planning Director’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.

**REPORTING** – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **February 3, 2020** Planning Commission Regular meeting. Copies of this report will be available at the meeting and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Jessica Thompson in the Planning Department at (310) 456-2489, extension 280, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: January 28, 2020

Prepared by: Approved by:

Jessica Thompson Bonnie Blue
Associate Planner Planning Director

Attachments:

1. Department Review Sheets including OWTS Plot Plan
2. Notice

**All reports referenced are available for review at City Hall.**
ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu’s decision of approval and agrees to abide by all terms and conditions for Administrative Coastal Development Permit No. 19-081, dated January 28, 2020 for the project located at 6316 Busch Drive, Malibu, CA 90265. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Department within ten (10) days of the decision and/or prior to issuance of any development permit.

Date Signature of Property Owner

Print Property Owner Name

Date Signature of Property Owner

Print Property Owner Name

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA County of Los Angeles } SS

On ________________, before me, Notary Public, personally appeared ____________________________, who proved (date) (name)
to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Notary Public’s signature in and for said County and State) (seal)
The project review package is INCOMPLETE and CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

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

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

Signature      Date

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

Contact Information:
Dave Crawford, City Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277
City of Malibu
Biology • Planning Department
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

<table>
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<tr>
<th>Applicant: (name and email address)</th>
<th>Larry Young <a href="mailto:Lyoung44@gmail.com">Lyoung44@gmail.com</a></th>
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<td>6316 Busch Drive Malibu, CA 90265</td>
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<tr>
<td>Planning Case No.:</td>
<td>ACDP 19-081</td>
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<tr>
<td>Project Description:</td>
<td>NOWTS only</td>
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<td>Date of Review:</td>
<td>December 10, 2019</td>
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<td>Reviewer:</td>
<td>Dave Crawford</td>
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<tr>
<td>Contact Information:</td>
<td>Phone: (310) 456-2489 ext. 307 Email: <a href="mailto:dcrawford@malibucity.org">dcrawford@malibucity.org</a></td>
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SUBMITTAL INFORMATION

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REVIEW FINDINGS

Review Status: □ INCOMPLETE Please respond to the listed review comments and provide any additional information requested.

□ CANNOT BE APPROVED AS SUBMITTED The submitted project plans are not consistent with the City codes and/or regulations

☒ APPROVED The proposed project

Environmental Review Board: □ This project has the potential to impact ESHA and may require review by the Environmental Review Board
RECOMMENDATIONS:

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

   A. No portion of the OWTS system is permitted to be installed within the protected zone of any native protected tree.

   B. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six (6) feet in height, or change 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.

-000-

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

cc: Planning Project file
Planning Department
ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 11/19/2019
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-081
JOB ADDRESS: 6316 BUSCH DR
APPLICANT / CONTACT: Larry Young
APPLICANT ADDRESS: P.O. Box 973
Malibu, CA 90265
APPLICANT PHONE #: (310) 392-2011
APPLICANT FAX #: (818) 598-0875
APPLICANT EMAIL: lyoung44@gmail.com

PROJECT DESCRIPTION: NOWTS only

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

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

OWTS Plot Plan: □ NOT REQUIRED
✓ REQUIRED (attached hereto) □ REQUIRED (not attached)

Signature

Date

November 26, 2019

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

The Environmental Health Specialist may be contacted Tuesday and Thursday from 8:00 am to 11:00 am, or by calling (310) 456-2489, extension 364.
City of Malibu
Environmental Health • Environmental Sustainability Department
23825 Stuart Ranch Road • Malibu, California • 90265-4861
Phone (310) 456-2489 • Fax (310) 456-7650 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: Larry Young
   (name and email address) lyoung44@gmail.com

Project Address: 6316 Busch Drive
   Malibu, California 90265

Planning Case No.: ACDP 19-081

Project Description: NOWTS only

Date of Review: November 26, 2019

Reviewer: Matt Janousek

Signature: [Signature]

Contact Information: Phone: (310) 456-2489 ext. 307 Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans: [Attach]

Grading Plans: [Attach]

OWTS Plan: Larry Young: OWTS plan received 11-19-2019


Miscellaneous: Larry Young: Fixture unit worksheet dated 11-16-2019

Previous Reviews: [Attach]

REVIEW FINDINGS

Planning Stage: ☑ CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.

☐ CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.

OWTS Plot Plan: ☑ NOT REQUIRED

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

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

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

1) Final Onsite Wastewater Treatment System (OWTS) Plot Plan: A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). The final OWTS plan must be signed, stamped and dated.

2) Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

a. Required capacity for wastewater system. The capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the system shall be specified in the final design.

b. Sewage and effluent pump design calculations (as applicable).

c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gfps). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.
d. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

3) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS’ proper abandonment in conformance with the Malibu Municipal Code.

4) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtaining of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

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

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

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

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

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

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

cc: Environmental Health file
Planning Department
NOTES:
1. This conformance review is for a new conventional onsite wastewater treatment system to serve an existing 4 bedroom (22 fixture units) single family dwelling. The conventional OWTS conforms to the requirements of the Malibu Municipal Code (MNC) and the Local Coastal Program (LCP).

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

3. This review is valid for one year, or until MNC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
City of Malibu
23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

<table>
<thead>
<tr>
<th>Date</th>
<th>December 5, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Address</td>
<td>6316 Busch Drive</td>
</tr>
<tr>
<td>Lot/Tract/PM #</td>
<td>n/a</td>
</tr>
<tr>
<td>Applicant/Contact</td>
<td>Larry Young, <a href="mailto:lyoung44@gmail.com">lyoung44@gmail.com</a></td>
</tr>
<tr>
<td>Contact Phone #:</td>
<td>310-392-2011</td>
</tr>
<tr>
<td>Fax #:</td>
<td>Planner: Jessica Thompson</td>
</tr>
<tr>
<td>Project Type</td>
<td>Replace Onsite Wastewater Treatment System (OWTS)</td>
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Review Log #: 4591
Planning #: ACDP 19-081
BPC/GPC #: 

Submittal Information

Consultant(s) / Report Date(s): SubSurface Designs, Inc. (Pongracz-Bartha, CEG 2370): 4-19-2019
Lawrence Young (REHS # 3738): 11-16-2019 (2 reports)

OWTS Plan prepared by Lawrence Young, undated.

Previous Reviews: None; Environmental Health Review Sheet dated 11-26-19

Review Findings

Coastal Development Permit Review

☑ The new OWTS is APPROVED from a geotechnical perspective.

☐ The new OWTS is NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

Building Plan-Check Stage Review

☑ Awaiting Building plan check submittal. Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.

☑ APPROVED from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.

☐ NOT APPROVED from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.

Remarks

The referenced OWTS design report, percolation report, supporting geologic report, and OWTS plan were reviewed by the City from a geotechnical perspective. Based on the submitted information, the project includes installing a new 1500-gallon septic tank with a screened duplex pump at the outlet and three 3’ x 40’ leach trenches with 3’ rock filter material (876 square feet) and four future 3’ x 25’ leach trenches with 3’ rock filter material (748 square feet). The existing septic tank and drainfield on the property will be properly abandoned.
Building Plan-Check Stage Review Comments:

1. Please submit a fee of $232.00 to City geotechnical staff for final building plan check review.
2. Please depict all the existing OWTS components on the plans.
3. Please include recommendations on the plans to properly abandon the existing OWTS components on the property.
4. Include a note on the OWTS plans stating, "The Project Engineering Geologist shall observe and approve the installation of the leach trenches and provide the City inspector with a field memorandum(s) documenting and verifying that the leach trenches were installed per the approved OWTS plans."
5. Two sets of final OWTS plans incorporating the Project Geotechnical and Environmental Health Specialists’ recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

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

Engineering Geology Review by: Christopher Dean, C.E.G. #1751, Exp. 9-30-20
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

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This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.
TO: Public Works Department
FROM: City of Malibu Planning Department

DATE: 11/19/2019

PROJECT NUMBER: ACDP 19-081
JOB ADDRESS: 6316 BUSCH DR
APPLICANT / CONTACT: Larry Young
APPLICANT ADDRESS: P.O. Box 973
                            Malibu, CA 90265
APPLICANT PHONE #: (310) 392-2011
APPLICANT FAX #: (818) 598-0875
APPLICANT EMAIL: lyoung44@gmail.com
PROJECT DESCRIPTION: NOWTS only

TO: Malibu Planning Department and/or Applicant
FROM: Public Works Department

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

_____ The project was reviewed and found to be in conformance with the City’s Public Works and LCP policies and CAN proceed through the Planning process.

SIGNATURE DATE: 12/16/19

DATE: 12/16/19
To: Planning Department

From: Public Works Department
Danh Duong, Assistant Civil Engineer

Date: December 16, 2019

Re: Proposed Conditions of Approval for 6316 Busch Dr ACDP 19-081

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

**STORMWATER**

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

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Scheduling Preservation of Existing Vegetation</th>
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</thead>
<tbody>
<tr>
<td>Sediment Controls</td>
<td>Silt Fence Sand Bag Barrier Stabilized Construction Entrance</td>
</tr>
<tr>
<td>Non-Storm Water Management</td>
<td>Water Conservation Practices Dewatering Operations</td>
</tr>
<tr>
<td>Waste Management</td>
<td>Material Delivery and Storage Stockpile Management Spill Prevention and Control Solid Waste Management Concrete Waste Management Sanitary/Septic Waste Management</td>
</tr>
</tbody>
</table>
All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

MISCELLANEOUS

2. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-081 - An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

LOCATION / APN / ZONING: 6316 Busch Dr / 4467-026-005 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER(S): Larry Young / The Hubschman Family Trust
APPEALABLE TO: Planning Commission, City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15303(d)
APPLICATION FILED: November 19, 2019
CASE PLANNER: Jessica Thompson, Associate Planner, jthompson@malibucity.org

PUBLIC COMMENT PERIOD: Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after January 28, 2020, the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

REPORTING: The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on February 3, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

LOCAL APPEAL: A decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on January 28, 2020, the appeal period would expire on Friday, February 7, 2020 at 4:30 p.m. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

BONNIE BLUE, Planning Director
Date: January 9, 2020
NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-081 - An application to install a new onsite wastewater treatment system to replace the existing onsite wastewater treatment system serving an existing single-family residence

LOCATION / APN / ZONING: 6316 Busch Dr / 4467-029-005 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER(S): Larry Young / The Hubschman Family Trust
APPEALABLE TO: Planning Commission and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15303(d)
APPLICATION FILED: November 19, 2019
ISSUE DATE: January 28, 2020
CASE PLANNER: Jessica Thompson, Associate Planner, jthompson@malibucity.org (310) 456-2489, ext. 280

REPORTING - The Planning Director’s decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on February 3, 2020. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

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COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Director’s approval directly to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

BONNIE BLUE, Planning Director
Date: January 23, 2020