To: Chair Jennings and Members of the Planning Commission

Prepared by: Philip Coronel, Planning Technician

Approved by: Bonnie Blue, Planning Director

Date prepared: March 26, 2020 Meeting date: April 6, 2020

Subject: De Minimis Waiver No. 20-004 — An application for a new onsite wastewater treatment system

Location: 29956 Cuthbert Road, not within the appealable coastal zone
APN: 4469-009-012
Owner: Bonnie B. Bates Living Trust

RECOMMENDED ACTION: Receive Planning Director’s report on De Minimis Waiver (DMW) No. 20-004 for a new onsite wastewater treatment system (OWTS) to replace an existing OWTS.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program Local Implementation Plan (LIP) Section 13.4.11, the requirement for a coastal development permit may be waived through a DMW issued by the Planning Director for the items described in General Requirements for De Minimis Waiver below that are not located within the Appealable Jurisdiction of the California Coastal Commission as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

On April March 26, 2020, the Planning Director will issue DMW No. 20-004. Pursuant to LIP Section 13.4.11(A), the Director’s decision on whether to issue a De Minimis Waiver is not locally appealable.

LIP Section 13.4.11(C) further states that the Planning Director shall report in writing to the Planning Commission any DMW that has been issued by the City.
If, after consideration of the De Minimis Waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a coastal development permit is required if the applicant wishes to pursue the application.

**LIP Sections 13.4.11(A) (General Requirements for De Minimis Waiver)**

Where the improvements are not otherwise exempt pursuant to LIP Section 13.4 and the required findings of LIP Section 13.4.11(B) are met, the Planning Director may issue a de minimis waiver for: 1) improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot; and 2) minor improvements to existing driveways or access roads that are required by the Los Angeles County Fire Department after a natural disaster, such as minor changes to the width or grade of driveways or access roads.

The project and required findings are more specifically described in the Planning Director’s decision (DMW No. 20-004) attached hereto.

**PUBLIC NOTICE:** A Notice of De Minimis Waiver Application was posted on the subject property.

**ATTACHMENT:** DMW No. 20-004
PLANNING DEPARTMENT

De Minimis Waiver - OWTS

De Minimis Waiver No. 20-004
Categorical Exemption No. 20-045
29956 Cuthbert Road
APN 4469-009-012

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application from the property owner, Bonnie B. Bates of the Bonnie B. Bates Living Trust, for a De Minimis Waiver (DMW) for a new onsite wastewater treatment system (OWTS).

Proposed Project Description

The previously existing single-family residence was destroyed by the 2018 Woolsey Fire. As a result of the damage sustained to the existing septic tank, a new OWTS will be installed to replace the existing septic tank and its components as described in more detail below (Attachment – Department Review Sheets including OWTS Plot Plan):

- 3,634-gallon MicroSepTec ES12 tank with Ultraviolet (UV) Disinfection Unit;
- Two new seepage pits; and
- Two future seepage pit dedications.

The new OWTS will be located southeast of the previously existing single-family residence while the location of the seepage pits is located to the south of the residence in the rear yard. The two existing septic tanks and seepage pits located in the front and rear yards are proposed to be abandoned. The proposed OWTS will not result in any non-exempt grading.

Local Coastal Program (LCP)

The Malibu LCP consists of a Land Use Plan (LUP) and Local Implementation Plan (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 an entitlement must adhere.

De Minimis Waiver Requirements

The Planning Director may waive the LCP’s requirement for a coastal development permit (CDP) for a project that is not otherwise exempt from a CDP under LIP Section 13.4 and process a DMW. The DMW findings discussed below can be made, if the development is not in a location where an action on the development would be appealable to the California Coastal Commission (CCC) (See LIP Chapter 2 – Definitions) and the proposed project consists of:

a. Improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot, or

b. Minor improvements to existing driveways or access roads that are required by the fire department after a natural disaster, such as minor changes to the width or grade of driveways or access roads.
The subject project is eligible for a DMW in that it is a replacement for an OWTS that was serving a structure destroyed as a result of a natural disaster that is not otherwise exempt from a CDP under LIP Section 13.4, it is not located in the CCC appeal zone, and the required DMW findings are made below.

**De Minimis Waiver Findings**

Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.4.11, the Planning Director hereby makes the following findings of fact.

**Onsite Wastewater Treatment System De Minimis Waiver (LIP Section 13.4.11)**

Finding 1. That the OWTS or driveway/road improvements have no potential for adverse effects, either individually or cumulatively, on coastal resources.

The Planning Department, City geotechnical staff, the City Environmental Health Administrator, and the City Public Works Department have reviewed the proposed OWTS and found it to meet the requirements of the Malibu Municipal Code (MMC) and LCP. The proposed project is for the abandonment of two existing septic tanks and seepage pits and installation of a new 3,634-gallon MicroSepTec ES12 tank with UV Disinfection Unit, two new seepage pits, and two new future seepage pit dedications. The project will upgrade and improve treatment effectiveness compared to the existing system. The applicant is required to record a covenant requiring the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included to require continued operation, maintenance and monitoring of the subject system. The conditions and requirements will ensure that the new OWTS does not have the potential for adverse effects, either individually or cumulatively, on coastal resources.

Finding 2. That the OWTS or driveway/road improvements are consistent with the certified Malibu Local Coastal Program, including the resource protection policies, as applicable.

As discussed in Finding 1, the project as conditioned has been found to meet the requirements of the MMC and LCP. The project is consistent with the certified LCP, including the resource protection policies, in that no native trees, environmentally sensitive habitat area, public scenic views or cultural resources will be affected by the project.

Finding 3. If an OWTS is to be relocated on the lot, that the Director, in consultation with Environmental Health Administrator, has determined the relocation is necessary to better protect coastal resources.

The site of the existing OWTS does not provide the required space, necessitating the new, upgraded OWTS to be relocated on the subject property. The proposed OWTS is proposed at the southeast portion of the existing building pad in the rear yard which provides an adequate area that has been previously disturbed and would not result in any new or more significant impacts to natural or cultural resources, and which has the necessary percolation conditions.

Finding 4. If driveway/road improvements are proposed, that: a) they are in the same general alignment as the existing road, b) they are not located in environmentally sensitive habitat area (ESHA), c) they do not remove or encroach within the protected zone of native trees, and d) they do not adversely impact visual resources.

There are no driveway/road improvements necessary to accommodate the proposed work. Furthermore, none of the work proposed encroaches into environmentally sensitive habitat area, nor does it impact any native trees or visual resources.

Finding 5. That the development is not in a location where an action on the development would be appealable to the Coastal Commission (See Chapter 2 – Definitions).

The subject property is not located within the CCC Appeal Jurisdiction and therefore action on the development would not be appealable to the CCC.
Project Timeline: De Minimis Waiver Application

- Application Date: January 24, 2020
- Posting of Property: March 11, 2020
- Notice of Determination: March 27, 2020
- Planning Commission Reporting: April 6, 2020

Public Notice Requirements

At the time the application is submitted for filing, the applicant must post, at a conspicuous place as close to the site as possible that is easily accessible by the public and approved by the city, notice that an application for a DMW has been submitted to the city on a form containing a general description of the proposed development. The applicant submitted evidence of posting the required notice at a location approved by the City on March 11, 2020.

The Planning Director shall issue a notice of determination on the application which shall be reported to the Planning Commission. The notice of determination shall be provided to all known interested parties, including the executive director of the coastal commission, at least ten (10) days prior to the waiver determination being reported to the planning commission. The notice of determination of this application was issued on March 26, 2020.

Approval of DMW No. 20-004

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves DMW No. 20-004, 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 of an existing OVVTS and installation of a new 3,634-gallon MicroSepTec ES12 tank with UV Disinfection Unit, two new seepage pits, and two future seepage pit dedications located on the south side of the new proposed single-family residence. 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 January 24, 2020. 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 working days of this decision and/or prior to issuance of any development permit.

5. The applicant shall submit four (4) 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. A de minimis waiver shall expire and be of no further force and effect if the authorized OWTS or driveway or access road improvements are not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

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 Planning Department, 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. Pursuant to LIP Section 13.4.11, this permit shall not become effective until the project is reported to the Planning Commission and the Planning Commission does not request that the project be processed as a CDP.

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

13. 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.

**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.

**Environmental Health**

16. A 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. All major site features (e.g., single family residence, guest house, garage(s), pool, etc.) must be shown and clearly labeled on the final OWTS plan.

All major site features, (e.g., single family residence, guest house, garage(s), pool, etc.) must be shown clearly labeled on the final OWTS plan.

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

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

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

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

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate; including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (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.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

18. 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.

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

20. Reference Plans: Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the OWTS.


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

23. Maintenance Contract: A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. Please note only original "wet signature" documents are acceptable.

24. Advanced Onsite Wastewater Treatment System (OWTS) Covenant: A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the City of Malibu Recorder.

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

26. 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.

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

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

29. 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.

30. 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.

Geology

31. Show the existing OWTS to be abandoned on the OWTS plans.

32. Include recommendations on the plans to properly abandon the existing OWTS on the property.
33. Include a note on the OWTS plans stating, “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 seepage pits were installed per the approved OWTS plans.”

34. 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.

Public Works

35. 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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36. 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.

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

Construction

38. 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.

39. 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

40. Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability
Department. The final Summary Report shall designate all material that were land filled or recycled, broken down by material types.

41. The applicant shall request a final Planning Department inspection prior to final inspection by the Building Safety Division.

Deed Restrictions

42. 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.

Fixed Conditions

43. This DMW runs with the land and binds all future owners of the property.

44. 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

APPEALS – The Planning Director’s decision on whether to issue a de minimis waiver is not locally appealable. If, after consideration of the waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a Coastal Development Permit is required for the OWTS or road improvements. Otherwise, the waiver is effective immediately after the Planning Commission meeting where the matter is heard.

REPORTING – Pursuant to LIP Section 13.4.11, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the April 6, 2020 Regular Planning Commission 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 Philip Coronel in the Planning Department at (310) 456-2489, extension 373, for further information. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours.

Date: March 27, 2020

Prepared by: Philip Coronel
Planning Technician

Approved by: Bonnie Blue
Planning Director

Attachment: Department Review Sheets including OWTS Plot Plan

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 De Minimis Waiver No. 20-004, dated March 26, 2020 for the project located at 29956 Cuthbert Road, 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) working 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)

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

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 1/24/2020
FROM: City of Malibu Planning Department

PROJECT NUMBER: DMW 20-004
JOB ADDRESS: 29956 CUTHBERT RD
APPLICANT / CONTACT: Bruce Bates
APPLICANT ADDRESS: 28128 Pacific Coast Highway
Malibu, CA 90265
APPLICANT PHONE #: (310) 579-1911
APPLICANT FAX #: 
APPLICANT EMAIL: BBATESMFT@VERIZON.NET
PROJECT DESCRIPTION: NOWTS Deminimis Waiver

TO: Malibu Planning Department and/or Applicant
FROM: City of Malibu Environmental Health Reviewer

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

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

OWTS Plot Plan: ☐ NOT REQUIRED
☐ REQUIRED (attached hereto) ☐ REQUIRED (not attached)

Signature Date

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

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

PROJECT INFORMATION

Applicant: Bruce Bates
(name and email address) BBATESMFT@VERIZON.NET
Project Address: 29956 Cuthbert Road
Malibu, California 90265
Planning Case No.: DMW 20-004
Project Description: NOWTS Deminimis Waiver
Date of Review: January 29, 2020
Reviewer: Matt Janousek
Contact Information: Phone: (310) 456-2489 ext. 307 Email: mianousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans: 
Grading Plans: 
OWTS Plan: Larry Young: OWTS plan dated 11-8-2019 (received 1-24-2020)
Miscellaneous: Miller Geosciences: Engineering Geology and Geotechnical report dated 7-31-2019

REVIEW FINDINGS

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

OWTS Plot Plan: NOT REQUIRED

Based upon the project description and submittal information noted above, a conformance review was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.
The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

**Conditions of Planning Conformance Review for Building Plan Check Approval:**

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

2) **Final OWTS Design Report, Plans, and System Specifications:** If the OWTS design is modified in any way subsequent to the Planning-stage review, then a final OWTS design report shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All reports must be signed by a City Registered OWTS Designer. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

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

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

c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

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

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11” x 17” plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18” x 22” for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

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

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

5) Reference Plans: Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the OWTS.

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

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

8) Maintenance Contract: A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. Please note only original “wet signature” documents are acceptable.
9) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. Please submit a certified copy issued by the City of Malibu Recorder.

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

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

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

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

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

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

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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 fire rebuild of a 3 bedroom (35 fixture units) new single family dwelling, a 2 bedroom (18 fixture units) new accessory dwelling unit, a 0 bedroom (7 fixture units) new studio, and a 0 bedroom (4 fixture units) new garage. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MCC) and the Local Coastal Program (LCP).

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

3. This review is valid for one year, or until MCC, and/or LCP, and/or Administrative Policy changes render it noncomplying.
The referenced geotechnical report, Percolation/infiltration report, and OWTS plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the previously existing onsite wastewater treatment system will be abandoned and a new Alternative Onsite Wastewater Treatment System (AOWTS) will be constructed, consisting of a new treatment tank with disinfection unit, two new 5' x 30' BI seepage pit capped 5 feet below grade, and two future seepage pit dedication. The geotechnical consultants have required a pre-treatment system as part of the septic system due to fast percolation rates.

This project was reviewed under the City of Malibu Environmental Sustainability Department’s Woolsey Fire Rebuild policies, guidelines and geotechnical report considerations. These guidelines grant immediate approval of site feasibility from a geotechnical perspective for rebuilds with like-for-
like construction and ten percent or less expansion. Geotechnical consultants prepare reports submitted under these guidelines evaluating and providing recommendations for foundation type and design parameters, retaining wall design parameters (as appropriate), site grading, site drainage, current CBC seismic design parameters, and geo-hazard disclosure. Quantitative evaluation and mitigation of slope stability, mud flow hazards, fault rupture hazard, and liquefaction potential and related hazards are considered outside the scope of the geotechnical consultant’s reports under these guidelines.

**Building Plan Check Comments:**

1. Please submit a fee of $226.00 to City geotechnical staff for final building plan check review.
2. Please show the existing OWTS to be abandoned on the OWTS plans.
3. Please include recommendations on the plans to properly abandon the existing seepage on the property.
4. Include a note on the OWTS plans stating, "The Project Engineering Geologist shall observe approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans."
5. Two sets of residence, foundation, and grading plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Geotechnical Engineer and 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.

**Geotechnical Engineering Review by:**

Lauren J. Doyel, G.E. #2987, Exp. 6-30-21
Geotechnical Engineering Reviewer (310) 456-2489 x384
Email: ldoyel@malibucity.org

2/11/2020

**Engineering Geology Review by:**

Michael B. Phipps, C.E.G. #1832, Exp. 7-31-20
Engineering Geology Reviewer (310) 456-2489, x269
Email: mphipps@malibucity.org

2/11/2020

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

1. One set of grading, retaining wall, swimming pool/spa, guest house, detached garage, and residence remodel and addition plans, incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. Additional review comments may be raised at that time that may require a response.

2. Show the address and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Plans.

3. Include the following note on all the Foundation Plans: “All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.”

4. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant’s recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.

5. The Foundation Plans for the proposed structures shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant’s recommendations.

6. Show the proposed onsite wastewater treatment system on the Site Plan.

7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

**Grading Plans (as Applicable)**

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.

**Retaining Walls (As Applicable)**

1. Show retaining wall backdrain and backfill design, as recommended by the Project Geotechnical Consultant, on the Plans.

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.
# PUBLIC WORKS REVIEW REFERRAL SHEET

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<th>TO:</th>
<th>Public Works Department</th>
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<tr>
<td>FROM:</td>
<td>City of Malibu Planning Department</td>
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<td>PROJECT NUMBER:</td>
<td>DMW 20-004</td>
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<tr>
<td>JOB ADDRESS:</td>
<td>29956 CUTHBERT RD</td>
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<tr>
<td>APPLICANT / CONTACT:</td>
<td>Bruce Bates</td>
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<tr>
<td>APPLICANT ADDRESS:</td>
<td>28128 Pacific Coast Highway Malibu, CA 90265</td>
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<tr>
<td>APPLICANT PHONE #:</td>
<td>(310)579-1911</td>
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<tr>
<td>APPLICANT EMAIL:</td>
<td><a href="mailto:BBATESMFT@VERIZON.NET">BBATESMFT@VERIZON.NET</a></td>
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<td>PROJECT DESCRIPTION:</td>
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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 1/30/2020
To: Planning Department

From: Public Works Department
Aaron So, Assistant Civil Engineer

Date: January 30, 2020

Re: Proposed Conditions of Approval for 29956 Cuthbert Road DMW 20-004

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

MISCELLANEOUS

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

STORMWATER

2. 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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<th>Erosion Controls</th>
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<td>Preservation of Existing Vegetation</td>
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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.