Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Tyler Eaton, Assistant Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: April 9, 2020 Meeting date: April 20, 2020

Subject: Administrative Coastal Development Permit No. 19-072 – A follow-up application for a new wastewater treatment system to replace the existing system for an existing multi-family structure.

Location: 28711 Pacific Coast Highway, not within the appealable coastal zone
APN: 4467-015-042
Owner: Malibu Zumirez View Homeowners Association

RECOMMENDED ACTION: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-072.

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 April 14, 2020, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on April 14, 2020 and end on April 24, 2020. In addition, since this project is 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, the project is not appealable to the California Coastal Commission.

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. 19-072
NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application from Vicki Salsberg, on behalf of the property owner, Malibu Zumirez View Homeowners Association, for an administrative coastal development permit (ACDP) to permit the installation of a new onsite wastewater treatment system (OWTS) previously by Emergency Coastal Development Permit (EDCP) No. 12-012 as the current OWTS, which serves the lower 10 units of an existing 30-unit condominium complex failed. The subject parcel is located in the Multi-Family (MF) zoning district and is partially 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. However, the OWTS is not located within the appeal zone.

Proposed Description

The following work was completed as part of ECDP No. 12-012, which was approved on March 6, 2013:

- The existing 3,000 gallon septic tank and its seven associated seepage pits were abandoned per code;
- The existing 750 gallon septic tank and its two associated seepage pits were abandoned per code;
- Two new MicroSeptec ES-2500 tanks were installed, each with a capacity of 7,540 gallons;
- One 72 inch in diameter seepage pit with a 13-foot cap depth;
- Seven 72 inch in diameter seepage pits with a 10-foot cap depth;
- Eight future seepage pit dedications, and
- Two Jenson precast D-30 distribution boxes.

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 Local Coastal Program (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) OWTS.

The project consists of the abandonment of an existing OWTS and installation of a new OWTS. Furthermore, the proposed work takes place outside of the appeal zone although part of the parcel is within the Appeal Zone. Therefore, pursuant to LIP Section 13.29.1, the project can be processed administratively.
Project Background

On November 12, 2012, an ECDP was submitted to the City of Malibu to address a failed OWTS. As per the requirements of the LCP, a follow-up CDP (ACDP No. 12-050) was submitted to the City for processing. ACDP No. 12-050 was approved and expired on April 29, 2017. At the time the ACDP expired, no permits were obtained to complete the work. This ACDP application completes the requirement for a follow-up CDP after an ECDP approval.

Administrative Coastal Development Permit Application

- ECDP Approved: March 6, 2013
- ACDP No. 12-050 Approved: April 29, 2014
- ACDP No. 12-050 Expired: April 29, 2017
- ACDP No. 19-072 Application Date: October 8, 2019
- Posting of Property: March 14, 2020
- Completeness Determination: March 16, 2020
- Notice of Application Mailer: March 27, 2020
- Issuance of ACDP: April 14, 2020
- Planning Commission Reporting: April 20, 2020
- Local Appeal Period: April 15, 2020 through April 24, 2020

Surrounding Land Uses and Setting

The subject parcel is a rectangular shaped lot, measuring approximately 500 feet wide by 650 feet deep and is located along the north side of Pacific Coast Highway. The subject property is developed with an existing multi-family condominium building and is surrounded by multi-family and single-family residential development. The upgrade and improvement to the existing OWTS will not increase the density or change the existing use of the subject property. Additionally, there are no trails in the vicinity of the subject lot and the proposed project will not impede public access to the beach.

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 review by the Planning Department, City Biologist, City geotechnical staff, City Environmental Health Administrator, and City Public Works Department (Attachment 1 – Department Review Sheets).
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 City Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, 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 is to permit the replacement of an OWTS that was installed under ECDP No. 12-012 and subsequently approved by ACDP No. 12-050 which has since expired. The new OWTS provides secondary and tertiary treatment for the existing condominiums that it serves. The project does not propose any new development and the subject system meets all applicable requirements. The applicant is required to record a covenant indicating the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included for the proposed project to require continued operation, maintenance and monitoring of the subject system.

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

The subject parcel is located on the landward side of Pacific Coast Highway. 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 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 of the existing OWTS and installation of a new OWTS 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. 19-072

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDP No. 19-072, 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 application approves the development that previously approved by ECDP No. 12-012, which included the following:
   a. The existing 3,000 gallon septic tank and its seven associated seepage pits were abandoned per code;
   b. The existing 750 gallon septic tank and its two associated seepage pits were abandoned per code;
   c. Two new Microseptic ES-2500 tanks were installed, each with a capacity of 7,540 gallons,
   d. One 72 inch in diameter seepage pit with a 13-foot cap depth;
   e. Seven 72 inch in diameter seepage pits with a 10-foot cap depth;
   f. Eight future seepage pit dedications, and
   g. Two Jenson precast D-30 distribution boxes.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated October 16, 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 working 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 ACDP 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 Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Waterworks District No. 29 and the Los Angeles County Fire 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 and the Planning Commission requests that the ACDP becomes effective, 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.

Biology

14. Pursuant to LIP Chapter 5, no portion of the new OWTS may encroach into the protected zone of any native protected tree.

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

Environmental Health

16. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11 inch by 17-inch sheet leaving a five-inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

17. Current final “as-built” plans (less than 1 year old) prepared by a city registered designer must be submitted.

18. 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. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final 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).

19. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak 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.

d. 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; and

e. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.

20. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

21. 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.

22. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

23. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

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

25. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit. Renewal for both operating permits must be current at the time of approval.

26. Submit wastewater plans, and all necessary supporting forms and reports, to the Los Angeles Water Quality Control Board (RWQCB), 320 W. 4th St., Los Angeles, CA 90013, (213) 576-6600, to assure compliance with the California Water Quality Control Plan, Los Angeles Region (Basin Plan). RWQCB Waste Discharge Requirements shall be obtained and submitted to the City of Malibu Environmental Health Administrator.
Geology

27. 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.

28. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical staff prior to the issuance of a grading permit.

Public Works

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

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

31. 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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<td>Sediment Controls</td>
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<td>Sanitary/Septic Waste Management</td>
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32. 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.

Site Specific Conditions

33. No other improvements to the project site are authorized under this approval.

34. This permit should not be construed as in any way relieving the property owners from any future legal obligations that may arise regarding contributions towards, or participation in, a regional wastewater treatment facility.
Prior to Final Inspection

35. 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.

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

Deed Restrictions

37. 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

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

39. 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 – Any person aggrieved with the Planning Director's decision on an administrative plan review may file a Request for Review form with the Planning Department no later than April 24, 2020 at close of business. A Request for Review shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the review deadline. Request for Review forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your form via email, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your Request for Review deadline to arrange alternative delivery of the Form.

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is scheduled to be reported at the April 20, 2020 Regular Planning Commission meeting. Copies of this report will be available at www.malibucity.org/agendacenter 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 Tyler Eaton in the Planning Department at (310) 456-2489, extension 273, for further information. Copies of all related documents can be reviewed by any interested person by contacting the Case Planner.

Date: April 14, 2020

Prepared by:

Approved by:

Attachments:

1. Department Review Sheets including OWTS Plot Plan
2. Radius Map
3. Notices

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. 19-072, dated April 14, 2020, for the project located at 28711 Pacific Coast Highway, 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

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)

________________________________________

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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
# BIOLOGY REVIEW SHEET

## PROJECT INFORMATION

| Applicant: (name and email address) | Vicki Salsberg  
vicki@vickisalsberg.com |
|------------------------------------|----------------------------------|
| Project Address:                   | 28711 Pacific Coast Highway, 30  
Malibu, CA 90265                  |
| Planning Case No.:                 | ACDP 19-072                      |
| Project Description:               | NOWTS                            |
| Date of Review:                    | October 24, 2019                 |
| Reviewer:                          | Dave Crawford                    |
| Contact Information:               | Phone: (310) 456-2489 ext. 307  
Email: dcrawford@malibucity.org   |

## SUBMITTAL INFORMATION

| Site Plans:                         |                                  |
| Site Survey:                        |                                  |
| Planting Plan:                      |                                  |
| Irrigation/Hydrozone/ water budget Plan: |                                  |
| Grading Plans:                      |                                  |
| OWTS Plan:                          | 10/8/19                          |
| Bio Assessment:                     |                                  |
| Bio Inventory:                      |                                  |
| Native Tree Survey:                 |                                  |
| Native Tree Protection Plan:        |                                  |
| Other:                              |                                  |
| Previous Reviews:                   |                                  |

## REVIEW FINDINGS

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<th>Review Status:</th>
<th>□ INCOMPLETE Please respond to the listed review comments and provide any additional information requested.</th>
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<td>☑ APPROVED The proposed project</td>
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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. Pursuant to Local Implementation Plan Chapter 5, no portion of the new AOWTS system may encroach into 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.

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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
TO: City of Malibu Environmental Health Administrator  DATE:  10/8/2019
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-072
JOB ADDRESS: 28711 PACIFIC COAST HWY, 30
APPLICANT / CONTACT: Vicki Salsberg, Malibu Zumirez View HOA
APPLICANT ADDRESS: c/o Pritchett Rapf, 23732 Malibu Road
Malibu, CA 90265
APPLICANT PHONE #: (310)741-0640
APPLICANT FAX #: 
APPLICANT EMAIL: vicki@vickisalsberg.com
PROJECT DESCRIPTION: NOWTS - follow up to ECDP12-012

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:  Melissa Talbott  Date: 10-16-19

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: Vicki Salsberg, Malibu Zumirez View HOA  
vicki@vickilsalsberg.com

Project Address: 28711 Pacific Coast Hwy, 30  
Malibu, California 90265

Planning Case No.: ACDP 19-072

Project Description: New OWTS – follow up to ECDP 12-012

Date of Review: October 16, 2019

Reviewer: Melinda Talent  
Signature: [Signature]

Contact Information: Phone: (310) 456-2489 ext. 364  
Email: mtalent@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:  
Grading Plans:  
OWTS Plan:  
OWTS Report:  
Geology Report:  
Miscellaneous: EH conformance review for ECDP 12-012 and CDP 12-050

Previous Reviews: ECDP 12-012, CDP 12-050

REVIEW FINDINGS

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

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

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

Based upon the project description and submittal information noted above, a conformance review was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code 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:

Building Plan Check items listed below must be submitted directly to Environmental Health office.

1) Final Onsite Wastewater Treatment System (OWTS) Plans: 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. One of the plans must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. Full size wastewater plans are also required and must be stamped by the project consultants (OWTS designer, geologist) and city staff (public works, city geologist, environmental health).

Current final “as-built” plans (less than 1 year old) prepared by a city registered designer must be submitted.

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).

A current (less than 1 year old) final “as-built” report prepared by a city registered designer must be submitted.

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

4) **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.

5) **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.*

6) **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 onsite wastewater treatment system 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.*

7) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

8) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

9) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
10) **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.

11) **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.

Renewal for both operating permits for the property must be current at time of approval.

12) **Waste Discharge Requirements:** Submit wastewater plans, and all necessary supporting forms and reports, to the Los Angeles Regional Water Quality Control Board (RWQCB), 320 W. 4th St., Los Angeles, CA 90013, (213) 576-6600, to assure compliance with the California Water Quality Control Plan, Los Angeles Region (Basin Plan). RWQCB Waste Discharge Requirements shall be obtained and submitted to the City of Malibu Environmental Health Administrator.

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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 renovation of the onsite wastewater treatment system serving the lower 10 condominium units. The new alternative onsite wastewater treatment system conforms to the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).
2. This review relates only to the minimum requirements of the MPC 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 MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIROEMNTAL HEALTH
CONFORMANCE REVIEW
MAR 6 2013

SIGNATURE

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS.
TO: City of Malibu Geotechnical Staff
FROM: City of Malibu Planning Department

PROJECT NUMBER: ACDP 19-072
JOB ADDRESS: 28711 PACIFIC COAST HWY, 30
APPLICANT / CONTACT: Vicki Salsberg, Malibu Zumirez View HOA
APPLICANT ADDRESS: c/o Pritchett Rapf, 23732 Malibu Road
Malibu, CA 90265
APPLICANT PHONE #: (310)741-0640
APPLICANT FAX #: 
APPLICANT EMAIL: vicki@vickisalsberg.com
PROJECT DESCRIPTION: NOWTS

TO: Malibu Planning Division and/or Applicant
FROM: City of Malibu Geotechnical Staff

The project is feasible and CAN proceed through the Planning process.

The project CANNOT proceed through the planning process until
geotechnical feasibility is determined. Depending upon the nature of
the project, this may require engineering geologic and/or geotechnical
engineering (soils) reports which evaluate the site conditions, factor of
safety, and potential geologic hazards.

Signature: 
DATE: 2-11-20

Determination of geotechnical feasibility for planning should not be construed as approval of
building and/or grading plans which need to be submitted for Building Department approval. At
that time, those plans may require approval by City Geotechnical Staff. Additional
requirements/conditions may be imposed at the time building and/or grading plans are submitted
for review, including geotechnical reports.

City Geotechnical Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00
am or by calling (310) 456-2489, extension 306 or 307.

Reference: Southwest Geotechnical reports
dated 7-17-12, 7-5-13 (percolation testing and logs
for B-5 through B-8).
Toyama Associates, New recurse design for Malibu Zumirez HOA
dated 5-8-12.
TO:  Public Works Department  DATE:  10/8/2019
FROM:  City of Malibu Planning Department

PROJECT NUMBER:  ACDP 19-072
JOB ADDRESS:  28711 PACIFIC COAST HWY, 30
APPLICANT / CONTACT:  Vicki Salsberg, Malibu Zumirez View HOA
APPLICANT ADDRESS:  c/o Pritchett Rapf, 23732 Malibu Road Malibu, CA  90265
APPLICANT PHONE #:  (310)741-0640
APPLICANT FAX #:  
APPLICANT EMAIL:  vicki@vickisalsberg.com
PROJECT DESCRIPTION:  NOWTS

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] 10/25/19

No further Public Works review in building Plan Check.
City of Malibu
MEMORANDUM

To: Planning Department

From: Public Works Department
Edward Rodriguez, Assistant Civil Engineer

Date: October 24, 2019

Re: Proposed Conditions of Approval for 28711 Pacific Coast Hwy, 30 ACDP 19-072

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.

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

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:

<table>
<thead>
<tr>
<th>Erosion Controls</th>
<th>Scheduling</th>
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<tbody>
<tr>
<td>Preservation of Existing Vegetation</td>
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| Sediment Controls                      |                                              |
|----------------------------------------|                                              |
| Silt Fence                             |                                              |
| Sand Bag Barrier                       |                                              |
| Stabilized Construction Entrance       |                                              |

| Non-Storm Water Management             |                                              |
|----------------------------------------|                                              |
| Water Conservation Practices           |                                              |
| Dewatering Operations                  |                                              |

| Waste Management                       |                                              |
|----------------------------------------|                                              |
| Material Delivery and Storage          |                                              |
| Stockpile Management                   |                                              |


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<thead>
<tr>
<th>Spill Prevention and Control</th>
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<tbody>
<tr>
<td>Solid Waste Management</td>
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<tr>
<td>Concrete Waste Management</td>
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<tr>
<td>Sanitary/Septic Waste Management</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.

**MISCELLANOUS**

3. 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. 19-072 AND CODE VIOLATION NO. 20-010 - An application for a new onsite wastewater system to replace the existing system at an existing multi-family structure

LOCATION / APN / ZONING: 28711 Pacific Coast Highway, 30 / 4467-015-042 / Multi-family Residential (MF)

APPLICANT: Malibu Zumirez View HOA

APPEALABLE TO: Planning Commission

ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15303(e)

APPLICATION FILED: October 8, 2019

CASE PLANNER: Tyler Eaton, Assistant Planner, teaton@malibucity.org (310) 456-2489, ext. 273

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 April 17, 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 April 20, 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 April 17, 2020, the appeal period would expire on Monday, April 27, 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: March 27, 2020

ATTACHMENT 3
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-072 AND CODE VIOLATION NO. 20-010** - An application for a new onsite wastewater system to replace the existing system at an existing multi-family structure.

**LOCATION / APN / ZONING:**
28711 Pacific Coast Hwy, 30 / 4467-015-042 / Multi-family Residential (MF)

**APPLICANT / OWNER:**
Malibu Zumirez View Homeowners Association

**APPEALABLE TO:**
Planning Commission

**ENVIRONMENTAL REVIEW:**
Categorical Exemption CEQA Guidelines Section 15303(d)

**APPLICATION FILED:**
October 8, 2019

**ISSUE DATE:**
April 14, 2020

**CASE PLANNER:**
Tyler Eaton, Assistant Planner, teaton@malibucity.org
(310) 456-2489, ext. 273

**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 April 20, 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 by contacting the Case Planner. An approved permit shall not become effective until completion of the Planning Commission reporting. To view or to sign up to speak during the meeting, visit malibucity.org/virtual meeting.

**LOCAL APPEAL** - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1, 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 April 14, 2020, the appeal period would expire on Friday, April 24, 2020 at 4:30 p.m. An appeal shall be emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal via email, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

BONNIE BLUE, Planning Director
Date: April 9, 2020