To: Chair Jennings and Members of the Planning Commission

Prepared by: Raneika Brooks, Associate Planner

Approved by: Bonnie Blue, Planning Director

Date prepared: May 7, 2020          Meeting date: May 18, 2020

Subject: Administrative Coastal Development Permit No. 19-009 – An application to upgrade an existing onsite wastewater treatment system serving an existing beachfront multi-family development

Location: 22630 Pacific Coast Highway, within the appealable coastal zone

APN: 4452-003-100

Owner: MALPAC Homeowners Association

RECOMMENDED ACTION: Receive and file the Planning Director’s report on the approval of Administrative Coastal Development Permit No. 19-009.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program 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 May 12, 2020, the Planning Director will issue the administrative coastal development permit thus beginning the appeal period. The appeal period will begin on May 12, 2020 and end on May 22, 2020. In addition, since this project is 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 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. 19-009.
NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application filed by the MALPAC Homeowners’ Association (HOA), for an administrative coastal development permit (ACDP) to upgrade an existing onsite wastewater treatment system (OWTS) serving an existing beachfront multi-family development. The project site is zoned Multi-Family Beachfront (MFBF) and is located within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map of the City of Malibu.

Proposed Description

The project involves the upgrade of an existing OWTS which includes a new 5,000-gallon Jensen Precast Concrete Tank with a BioMicrobics BioBarrier that will utilize the existing 1,500 square foot dispersal field (Attachment 1 – OWTS Plot Plan). The new OWTS will be located within 10 feet of the front property line under the existing driveway between the existing multi-family development and Pacific Coast Highway (PCH). The proposed OWTS will not result in any non-exempt grading.

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

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

The project consists of an upgrade an existing OWTS. Therefore, pursuant to LIP Section 13.29.1, the project can be processed administratively.
Project Background

Administrative Coastal Development Permit Application

- Application Date: February 25, 2019
- Posting of Property: April 13, 2020
- Completeness Determination: April 20, 2020
- Notice of Application Mailer: April 23, 2020
- Notice of Decision Mailer: May 7, 2020
- Issuance of ACDP: May 12, 2020
- Planning Commission Reporting: May 18, 2020
- Local Appeal Period: May 13, 2020 through May 22, 2020

Surrounding Land Uses and Setting

The subject parcel is a rectangular shaped beachfront parcel, measuring approximately 50 feet wide by 130 feet deep and is located along the south side of PCH. The subject property is developed with a three-story, four-unit condominium development and is located in a neighborhood that is similarly developed with multi-family development. According to the Los Angeles County Tax Assessor records, the multi-family structure was constructed in 1981. During a routine inspection of the existing OWTS, the existing tank was found to have structural damage and was required to be replaced. On March 14, 2019, the City issued a septic permit that allowed the tank to be replaced contingent on the installation of an upgraded OWTS as required by a compliance agreement. Approval of this ACDP and the subsequent installation and inspection of the OWTS will meet the conditions established by the compliance agreement.

Per the LCP Park Lands Map, there are no trails in the vicinity of the subject lot. The project area is approximately 15 feet north of the wave uprush zone. Based on recent 2016 Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the area of the proposed OWTS is located in FEMA Zone X where a flood event has a 0.2 percent annual chance of being exceeded.

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 Coastal Engineer, 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 Biologist, City Coastal Engineer, City geotechnical staff, City Environmental Health Administrator, and City Public Works Department have reviewed the proposed project and found it to meet the requirements of the Malibu Municipal Code (MMC) and LCP. The proposed project is for the replacement of an existing OWTS with a new 5,000-gallon Jensen Precast Concrete Tank with a BioMicrobics BioBarrier that will utilize the existing 1,500 square foot dispersal field. The property owner 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 along the shoreline and an existing CCC-approved timber bulkhead is located along the southern edge of the ocean-side of the project. The City Coastal Engineer and Environmental Health Administrator reviewed the project and submitted reports and determined the proposed tank replacement is located as far landward as feasible, and is sited outside the wave uprush zone, with the replacement tank located 103 feet landward of the existing bulkhead between the existing multi-family development and PCH. This is the most landward feasible location and no new or upgraded shoreline protection devices are proposed or required.

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

The State Water Resources Control Board requires all residential development located within the City of Malibu that is not served by a public or private sewage utility to provide treatment of wastewater through an OWTS that meets minimum design standards intended to protect public health. The subject parcel is not served by a public or private sewage utility and has been designed to meet all applicable design standards as determined by the City Environmental Health Administrator. Therefore, the replacement of the existing OWTS with a new OWTS in conformance with current design standards 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. 19-009

Based on the foregoing findings and evidence contained within the record, the Planning Director hereby approves ACDP No. 19-009, subject to the conditions of approval.

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1 CCC Permit No. EME-78-3078
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 an upgrade to an existing OWTS which includes a new 5,000-gallon Jensen Precast Concrete Tank with a BioMicrobics BioBarrier that will utilize the existing 1,500 square foot dispersal field located between the multi-family structure and Pacific Coast Highway. This approval does not involve any non-exempt grading and no new shoreline protective device is required.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated as received on February 25, 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 CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

9. All development shall conform to requirements of the Environmental Sustainability Department, City 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 ACDP approved by the City is void.

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

Cultural Resources

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

15. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Site Specific Conditions

16. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include, but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

17. Prior to issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan (WRRP) shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The WRRP shall indicate the agreement of the applicant to divert at least 50 percent of all construction generated by the project.

18. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
**Biology**

19. 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.

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

21. No development, equipment storage or staging shall occur seaward of the residence.

**Environmental Health**

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

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

24. 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 (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 reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

25. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
26. 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 drainage fixture equivalents, 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 conceptual design for custom engineered systems;
   d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
   e. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.

27. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building and Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

28. Prior to final Environmental Health approval, the applicant shall provide engineer’s certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All
proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect’s certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

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

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

31. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.

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

33. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed OWTS.

34. 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.
35. 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 City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.

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

37. 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.

Geology/Coastal Engineering

38. 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.

39. 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.

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

41. The property owner shall comply with the requirement for a recorded document and deed restriction outlined in LIP Section 10.6(A). Evidence of completion of this item shall be submitted to Building Safety in the plan check stage.

42. The project coastal engineer shall submit a Shore Protection Monitoring Program that is consistent with the City’s requirements. The property owner is required to record a Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device (SPD) and the Use of Transfer of Ownership of Property, informing any successors-in-interest to the property of these SPD monitoring requirements. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B. Evidence of completion of this item shall be submitted to Building Safety in the plan check stage.

Public Works

43. Exported soil from the site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3. A note shall be placed at the project site that addresses this condition.
44. 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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45. 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.

46. The proposed improvements are located within a Special Flood Hazard Area (SFHA) and are subjected to the National Flood Insurance Program regulations and the City’s Flood Plain Management Ordinance, MMC Chapter 15.20. The proposed improvements were evaluated as a non-substantial improvement and, therefore, the existing structure does not require any additional improvements or documentation to conform to the City’s Flood Plain Management Ordinance. If there are any modifications to this project, the applicant must submit the revised plans to the Public Works Department for further evaluation. If the revised plans are considered a substantial improvement, the structure located within SFHA must meet all requirements of the City of Malibu Flood Plain Management Ordinance.

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

48. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

**Shoreline Protection**

49. No stockpiling of dirt or construction materials shall occur on the beach.

50. Measures to control erosion, runoff, and siltation shall be implemented at the end of each day’s work.

51. The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion.

52. Construction equipment shall not be cleaned on the beach.

53. Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
Construction

54. A construction staging plan shall be reviewed and approved by the Building Official prior to plan check submittal.

55. 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.

56. 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

57. 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.

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

Deed Restrictions

59. 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.

60. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Fixed Conditions

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

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

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeals 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. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, 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.

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

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the May 18, 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 Raneika Brooks in the Planning Department at (310) 456-2489, extension 276, for further information. Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours.

Date: May 12, 2020

Prepared by: Raneika Brooks
Approved by: Bonnie Blue

Raneika Brooks    Bonnie Blue
Associate Planner  Planning Director

Attachments:

1. Department Review Sheets including OWTS Plot Plan
2. 500-Foot Radius Map
3. Notices

All reports referenced are available for review by Contacting the Case Planner during regular business hours.
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. 19-009, dated May 12, 2020, for the project located at 22630 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

ACKNOWLEDGMENT

STATE OF CALIFORNIA
County of __________________________

On ____________________________ before me ___________________________________________________,
(insert name and title of the officer)

personally appeared ______________________________________________________________
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of
which the person(s) 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)
TO: City of Malibu Environmental Health Administrator  DATE: 2/25/2019
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-009
JOB ADDRESS: 22630 PACIFIC COAST HWY, 1
APPLICANT / CONTACT: Ely Jr's Pumping & Septic System Installations
APPLICANT ADDRESS: 1100 Mercantile Street
                      Oxnard, CA 93030
APPLICANT PHONE #: (805) 483-2000
APPLICANT FAX #:  
APPLICANT EMAIL: ejp95@verizon.net
PROJECT DESCRIPTION: NOWTS Tank Replacement Only

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
- [X] REQUIRED (attached hereto)  - [ ] REQUIRED (not attached)

Signature: Melinda Talent  Date: 2-6-20

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: Ely Jr's Pumping & Septic System Installations
ejp95@verizon.net

Project Address: 22630 Pacific Coast Highway
Malibu, California 90265

Planning Case No.: CDP 19-009
Project Description: NOWTS Tank Replacement Only
Date of Review: February 6, 2020
Reviewer: Melinda Talent  
Signature: 
Contact Information: Phone: (310) 456-2489 ext. 364  
Email: mtalent@malibucity.org

SUBMITTAL INFORMATION

Project Plans: Plan set received by Planning 2-25-2019
Grading Plans:
OWTS Plan: EPD: OWTS plan dated 12-10-2018
Geology Report: Donald B. Kowalewsky: Groundwater letter dated 1-22-2019
Miscellaneous: City of Malibu: EH approval for interior remodel of unit 1 under OC 11-060 dated 6-26-2011; Active Operating Permit expires 8-31-2020.
LA County: Sewer permit dated 7-10-1980. Structural reduction in setback letter by David Weiss dated 5-19-19 (received 1-17-20)

Previous Reviews: 3-5-19

REVIEW FINDINGS

Planning Stage: X 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
X 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:**

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 must fit on an 11” x 17” sheet leaving a 5” left margin clear to provide space for a City-applied legend. If the plot 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:** 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.]

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

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

5) Traffic-Rated Slab Plan(s): All project traffic rated slab plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.

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

7) Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:
All proposed reductions in setbacks from the onsite wastewater treatment system to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of onsite wastewater treatment system components in relation to those structures from which the setback is
reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

- **Structures** – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the setback is reduced.

- **Buildings** – All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in MMC Section 15.42) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect’s certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in the letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

8) **Waterproofing Plan:** A waterproofing plan in conformance with the project consultants’ recommendations must be submitted.

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

10) **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.

11) **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.**

12) **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.**
13) **Project Coastal Engineer Approval:** Project Coastal Engineer Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

14) **City of Malibu Coastal Engineering Approval:** City of Malibu Coastal Engineering final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.

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

16) **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.

17) **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.

-o0o-

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
REVISIONS:

PRELIMINARY - NOT FOR CONSTRUCTION

1. EXISTING ONSITE WASTEWATER SYSTEM: DRAWN PLAN FOR DECS 1, SHEET W0.00.
2. ONSITE WASTEWATER SYSTEM: DRAIN LINES PLAN FOR DECS 1, SHEET W0.00.
3. ONSITE WASTEWATER SYSTEM: PIPE AND FUTURE FIELD DETAILS FOR DECS 1, SHEET W0.00.
4. ONSITE WASTEWATER SYSTEM: REVISIONS FOR DECS 1, SHEET W0.00.
5. REDUCTION IN SEITZACO CERTIFICATES FOR DECS 1, SHEET W0.00.

ABBREVIATIONS:
- PROPOSED
- EXISTING
- CF: CONCEIVED FLOW
- GW: GROUNDWATER
- NS: NURSE STRIP
- GWP: GROUNDWATER PROTECTION
- VFP: VARIETY IN FIELD

NOTES:
1. This conformance review is for a new concrete tank for an existing onsite wastewater treatment system (OWTS) for the residential condominium complex. The advanced OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
2. This review relates only to the minimum requirements of the MMC 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 MMC and/or LCP, and/or Administrative Policy changes render it noncomplying.
City of Malibu
23825 Stuart Ranch Rd., Malibu, California CA  90265-4804
(310) 456-2489  FAX (310) 456-3356

COASTAL ENGINEERING REVIEW
REFERRAL SHEET

TO:  City of Malibu Coastal Engineer Staff  DATE:  2/25/2019
FROM: City of Malibu Planning Department
PROJECT NUMBER: CDP 19-009
JOB ADDRESS:  22630 PACIFIC COAST HWY, 1
APPLICANT / CONTACT: Ely Jr's Pumping & Septic System Installations
APPLICANT ADDRESS:  1100 MERCANTILE STREET
                        Oxnard, CA  93030
APPLICANT PHONE #:  (805) 483-2000
APPLICANT FAX #:  
APPLICANT EMAIL:  ejp95@verizon.net
PROJECT DESCRIPTION: NOWTS Tank Replacement Only

TO:  Malibu Planning Division and/or Applicant
FROM: Coastal Engineering Reviewer

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

___ The project CANNOT proceed through the planning process until coastal engineering feasibility is determined. Depending upon the nature of the project, this may require submittal of coastal engineering reports and/or wave run-up studies which evaluate the coastal environment setting, processes, and hazards.

SIGNATURE  DATE  4/2/2019

Determination of Coastal Engineering feasibility is not approval of building and/or grading plans. Plans and/or reports must be submitted for Building Department approval, and may require approval of both the City Geotechnical Engineer, and City Coastal Engineer. Additional requirements/conditions may be imposed at the time of building and/or grading plans are submitted for review. Geotechnical reports may also be required.

City Coastal Engineering Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am at the City Hall Public counter, or by calling (310) 456-2489, extension 269.

* See attached Coastal Engineering Review Sheet for conditions of approval and CR comments.
COASTAL ENGINEERING REVIEW SHEET

Project Information

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<td>22630 Pacific Coast Highway</td>
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<td>Ely Jr. Pumping</td>
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<tr>
<td>Phone #:</td>
<td>805-483-2000</td>
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<tr>
<td>Email:</td>
<td><a href="mailto:Ejp95@verizon.net">Ejp95@verizon.net</a></td>
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<td>Planner:</td>
<td>R. Brooks</td>
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Submittal Information

| Consultant(s): | David C. Weiss, Structural Engineer (Weiss, SE 1867) |
| Report Date(s): | January 24, 2019 |
| Project Plan(s): | OWTS plans, EPD Consultants, 4 sheets, dated December 18, 2019 |
| Previous Reviews: | N/A |
| FEMA SFHA: | X/VE17 Tank in Zone X, south half in Zone VE (FEMA, 2016) |

Review Findings

Planning Stage

☑ APPROVED in PLANNING-stage from a coastal engineering perspective, with conditions. The listed Building Plan-Check Coastal Review Comments shall be addressed prior to Building Plan-Check approval.

☐ NOT APPROVED in PLANNING-stage from a coastal engineering perspective. The listed Planning Stage Coastal Review Comments shall be addressed prior to Planning-stage approval.

Remarks:
The referenced letter by the project coastal engineer accompanies plans showing the location of the proposed tank replacement, existing infiltration field, residential structure and existing bulkhead. The letter and plans were reviewed by the City from a coastal engineering perspective relative to the requirements of the following City codes and guidelines:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- City of Malibu Guidelines for the Preparation of Coastal Engineering Reports and Procedures for Report Submittal. (referred to herein as Coastal Engineering Report Guidelines), and
The submitted project consists of an OWTS tank replacement only. The tank is located within 10 feet of the northern property line/Pacific Coast Highway Right-of-Way line. An existing timber bulkhead depicted at elevation 13.5 ft (no datum provided) is located along the southern edge of the ocean side of the project. The project coastal engineering consultant states that no new wave uprush study is warranted for the tank replacement based on an adjacent wave uprush study for 22640 Pacific Coast Highway completed in 2016 that utilized a 100 year expected project life (DCWSE, March 25, 2016). Based on the contiguous northern property line location for 22630 and 22640 PCH, and the March 2016 adjacent study for 22640 PCH, the most landward extent of wave uprush is approximately 26 feet south of the northern property line/PCH ROW for 22630 PCH.

The expected project life of an OWTS tank is 30 years or less, the proposed tank replacement is located as far landward as feasible, and appears to be outside the wave uprush zone by approximately 15 feet. The replacement tank will also be located 103 feet landward of the existing bulkhead. The bulkhead has been identified to be in good condition by the project coastal engineer. The project coastal engineer indicates that the existing bulkhead of the subject site is subject to some overtopping due to wave splash-up.

The undersigned reviewers concur it is reasonable to use the adjacent recent wave uprush study (March 2016) as the basis for coastal engineering evaluation and recommendations for a single OWTS tank replacement (same location as existing) on this site.

The project area is within FEMA flood zone X, and landward of the FEMA VE Special Flood Hazard Area (Base Flood Elevation 13 ft NAVD88 per FEMA Preliminary Map, 2016).

**Planning Stage Conditions of Approval:**

1. The property owner shall comply with the requirements for recorded document and deed restriction outlined in Section 10.6A of the City of Malibu LCP/LIP.

2. The Project Coastal Engineer shall submit a Shore Protection Monitoring Program that is consistent with the City’s requirements. Prior to permit issuance, the property owner will be required to record a “Covenant and Agreement Regarding Maintenance of the Shoreline Protection Device and the Use and Transfer of Ownership of Property”, informing any successors-in-interest to the property of these SPD monitoring requirements for the onsite bulkhead seawall. The Shore Protection Monitoring Program shall be attached to the covenant as Exhibit B.

**Building Plan Check Comments:**

1. The Project Coastal Engineer’s recommendations shall be incorporated into the plans as notes and details, and referenced on the project plans. One set of plans with details plans for the tank replacement, including elevations referenced to NAVD88, shall be submitted for Building plan check. The Project Coastal Engineer shall review, wet sign and stamp the final plans.

2. Site Surveys for the property shall reference current FEMA Flood Zones, based on the Preliminary FIRM maps released in October 2016.
If you have any questions regarding this review letter, please contact the undersigned reviewers.

Reviewed by:  
Michael B. Phipps, PG 5748, CEG 1832  
Coastal Engineering Review Consultant (x269)  
April 2, 2019

Reviewed by:  
Lauren J. Doyel, PE 61337, GE 2981  
Coastal Engineering Review Consultant (805) 496-1222  
April 2, 2019

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

PROJECT NUMBER: CDP 19-009
JOB ADDRESS: 22630 PACIFIC COAST HWY, 1
APPLICANT / CONTACT: Ely Jr's Pumping & Septic System Installations
APPLICANT ADDRESS: 1100 MERCANTILE STREET
                     Oxnard, CA 93030
APPLICANT PHONE #: (805) 483-2000
APPLICANT FAX #:  
APPLICANT EMAIL: ejp95@verizon.net
PROJECT DESCRIPTION: NOWTS Tank Replacement Only

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

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

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

SIGNATURE  

DATE: 03/25/19
City of Malibu
MEMORANDUM

To: Planning Department
From: Public Works Department
Danh Duong, P.E.
Assistant Civil Engineer

Date: March 25, 2019
Re: Proposed Conditions of Approval for 22630 Pacific Coast Highway CDP 19-009

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

STORMWATER

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

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<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.

MISCELLANEOUS

2. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

**ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-009** - An application to upgrade an existing onsite wastewater treatment system serving an existing beachfront multi-family development.

**LOCATION / APN / ZONING:** 22630 Pacific Coast Hwy, Unit 1 / 4452-003-100 / Multi-family Residential (MF)

**APPLICANT / OWNER:** MALPAC Homeowners Association

**APPEALABLE TO:** Planning Commission and California Coastal Commission

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

**APPLICATION FILED:** February 25, 2019

**CASE PLANNER:** Raneika Brooks, Associate Planner, rbrooks@malibucity.org (310) 456-2489, ext. 276

**PUBLIC COMMENT PERIOD** - Related documents are available for review by contacting the case planner as indicated on this notice. 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 May 12, 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 May 18, 2020. Copies of the agenda report, including the approved or denied permit, will be available 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 sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

**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 May 12, 2020, the appeal period would expire on Friday, May 22, 2020. 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.

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

**BONNIE BLUE, Planning Director**

**Date:** April 23, 2020
NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 19-009 - An application to upgrade an existing onsite wastewater treatment system serving an existing beachfront multi-family development

LOCATION / APN / ZONING: 22630 Pacific Coast Highway, Unit 1 / 4452-003-100 / Multi-family Residential (MF)

APPLICANT / OWNER: MALPAC Homeowners Association

APPEALABLE TO: Planning Commission and California Coastal Commission

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

APPLICATION FILED: February 25, 2019

ISSUE DATE: May 12, 2020

CASE PLANNER: Raneika Brooks, Associate Planner, rbrooks@malibucity.org (310) 456-2489, ext. 276

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BONNIE BLUE, Planning Director  Date: May 7, 2020