Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Adrian Fernandez, Principal Planner

Approved by: Bonnie Blue, Planning Director

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

Subject: Coastal Development Permit No. 13-040, Conditional Use Permit No. 13-015, Variance Nos. 13-042, 13-043, 15-035 and 15-036, Minor Modification No. 13-011 and Demolition Permit No. 20-011 - An application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards and associated development

Location: 5723 Busch Drive, not within the appealable jurisdiction of the coastal zone

APN: 4469-028-006

Owners: Serra Canyon Co, LTD

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 20-23 (Attachment 1) determining the project is consistent with the Lower Busch Tank Negative Declaration (Attachment 2) previously adopted by the Los Angeles County Board of Supervisors under the California Environmental Quality Act (CEQA) and its addendum, and approving Coastal Development Permit (CDP) No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, Conditional Use Permit (CUP) No. 13-015 for a water tank on a rural residential parcel, Variance (VAR) No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, Minor Modification (MM) No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and Demolition Permit (DP) No. 20-011 for the full demolition of the existing water tank, onsite wastewater treatment system (OWTS) and other associated development located
in the Rural Residential–Two (RR-2) Acre Zone District at 5723 Busch Drive (Serra Canyon Co, LTD).

**DISCUSSION:** This agenda provides an overview of the project, including environmental review, summary of the surrounding land use, description of the proposed project, and a summary of staff’s analysis of the project’s consistency with the applicable provisions of the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC). The analysis and findings discussed herein demonstrate that the project is consistent with the LCP and MMC. A full project chronology can be found in Planning Commission Resolution No. 20-23.

On January 27, 2016, the Planning Commission had a public hearing on this item and requested the applicant, Los Angeles County Waterworks District No. 29 (WD29), to bring back the item with answers to their questions. The applicant prepared a transcript with Planning Commission questions and answers (Attachment 3 – Response to Planning Commission). In response to the Planning Commission comments, the overall height of the water tank has been reduced from 30 feet, 10 inches to 26 feet by increasing its diameter from 58 to 62 feet. The tank capacity remained at 85,000 gallons. The increased diameter resulted in the elimination of the onsite bathroom as there is no longer enough space for the existing septic system. The applicant is also proposing to install a generator onsite in response to comments. According to the applicant, the proposed generator will provide power to fill up the tank in the event of a power outage. This feature is expected to be a benefit during Southern California Edison Public Safety Power Shut-offs (PSPS) during red flag conditions and during wildfires when water demand is critical.

**Project Overview**

The subject parcel has a concrete water tank constructed circa 1947, a single restroom and septic system with a leachfield, operation shelter, pump area, pressure regulating station, two driveways and a parking area for at least two spaces. The existing tank’s diameter is 52 feet and is 22 feet, 10 inches in height. The tank provides potable water to over 300 connections within the vicinity. WD29 determined that, due to cracks, poor concrete quality and greater demands, the tank must be replaced with the proposed tank, which provides an increase in water capacity of 85,000 gallons (Attachment 4 – Project Plans). Certain site and engineering constraints have affected the design of the project.

Normally, height for buildings with a flat roof is limited to a maximum of 24 feet with a site plan review. VAR No. 13-042 is proposed for the stair railing attached to the tank and the tank’s top of vent to exceed the 24-foot height limit to accommodate additional tank capacity. Since submittal, WD29 has lowered the height of the tank two times from its original tank crown of 30 feet, 10 inches above grade to the currently proposed height of 23.2 feet. The steel frame stair railing and vent project over the tank’s crown are an additional 1.7 feet higher for a maximum height of 26 feet as shown in Figure 1 below;
however, these items will be minimally visible. The proposed height is more in keeping with the maximum permitted height of 24 feet for a structure with a flat roof and lower than the 28 feet which is the maximum permitted height for pitched roofs under the applicable zoning district.

**Figure 1 – Tank Section**

VAR No. 13-043 is necessary to permit the eight-foot high, chain link fence with vinyl slats for security and to help visually screen the proposed tank. The fencing is considered non-view permeable because it does not qualify as open/permeable, non-view obscuring fencing\(^1\) which is the requirement for fencing above 42 inches in height within the front yard setback. In response to a neighbors’ concern regarding the tank’s potential visual impact, the applicant is proposing a non-view permeable, eight-foot in height fence on the property line. It is recommended that the proposed setback reduction variance be applied to allow the proposed fence to help mitigate potential visual impacts to neighbors. As part of the most recent project changes, the applicant opted not to replace the mature landscaping in the public right-of-way due to fire danger concerns particularly after the Woolsey Fire. However, as landscaping was an important aspect of the project for neighbors to help screen the tank from Busch Drive, and other residences across Busch Drive and the applicant’s ability to choose landscaping that is less vulnerable to fires, staff added a condition of approval for the planting of mature, native landscaping in front of the fence within the public right-of-way. It would be up to the applicant to choose the right plant species for this application, with the approval of the City Biologist. The height of the vegetation will be limited by the overhead utility cables immediately above the area.

---

\(^1\) “Open/permeable, non-view obscuring” is the term used in City codes to refer to fencing constructed of material which is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 90 percent open to light and air.
The applicant is proposing to replace the site’s existing asphalt and the tank’s concrete pad (Attachment 5 – Impermeable Coverage Exhibit). The existing impermeable coverage onsite is 9,022 square feet and the proposed project calls for 9,219 square feet for a total net increase of 197 square feet. The existing impermeable coverage exceeds the total allowable impermeable coverage of 4,500 square feet and is considered non-conforming. VAR No. 15-036 is proposed to replace the existing non-conforming impermeable coverage and to allow for an increase of 197 square feet. The increased surface area is attributed to the replacement of drainage swales to properly divert stormwater runoff away from existing utilities and surrounding residential properties, an increase to the water tank diameter and installation of a generator concrete pad. The site’s underlying clay soil and high perched water table are not conducive for stormwater infiltration as this would increase a potential for liquefaction during an earthquake.

As mentioned previously, the applicant is proposing to install a 7-foot, 8-inch tall generator onsite to provide backup power to fill up the proposed water tank in the event of a power outage. This is in direct response to the last Planning Commission meeting. Due to limited space, the generator is sited 5 feet, 3 inches from the rear yard setback. Since the generator exceeds a height of six feet, the generator is required to maintain a 15-foot rear yard setback. VAR No. 15-035 is proposed for the generator to encroach into the required rear yard setback.

MM No. 13-011 for the proposed water tank to provide a 10-foot front yard setback instead of the required 20-foot. The proposed tank will be two feet further back from the front property line compared to the existing tank which has an eight-foot setback from the front property line.

On December 4, 2015, December 24, 2019, and January 9, 2020, staff visited the subject parcel to assess potential visual impacts after story poles were installed representing the previous design and the proposed water tank (Attachment 6 – Site Photos). The applicant has also agreed to paint the water tank a dark green color. With the proposed eight-foot high solid fence, landscaping, a dark green painted tank, and based on staff’s site visits, the proposed water tank is expected to have a less than significant visual impact as viewed from Busch Drive and neighboring residences. To memorialize the applicant’s agreement to paint the tank, and install a solid fence and landscaping, Condition Nos. 15 and 16 were added to Planning Commission Resolution No. 20-23.

**Environmental Review**

As the agency implementing the project, WD29 is the lead agency for purposes of CEQA. The initial study prepared by WD29 determined the proposed project would not have a significant impact on the environment; subsequently, a negative declaration was

---

2 A perched is a groundwater aquifer that occurs above the main water table.
prepared and circulated pursuant to CEQA Guidelines Section 15071. On August 28, 2003, the WD29 made the initial study and negative declaration available to the public for the required 30-day circulation period. The Governor’s Office of Planning and Research distributed the negative declaration to responsible agencies for a 30-day public review period, from August 22, 2003 and September 22, 2003 (State Clearinghouse [SCH] No. 2003081124).

In 2005, in compliance with CEQA, the Los Angeles County Board of Supervisors adopted the negative declaration based on preliminary conceptual designs. Based on site investigations, minor technical modifications to the tank design were made. Pursuant to CEQA Guidelines Sections 15164(b) and (d) an addendum to the adopted negative declaration may be prepared if only minor technical changes or additions are necessary and the decision-making body considers the addendum with the adopted negative declaration prior to deciding on the project. The addendum was prepared in January 2013. The addendum to the Lower Busch Tank 2003 Negative Declaration with the adopted negative declaration are included as Attachment 2 for the Commission’s consideration.

**Surrounding Land Uses and Project Setting**

As outlined in Table 1, the surrounding land use consists of single-family residential homes within the RR-2 zoning district. The homes are predominantly two-stories.

<table>
<thead>
<tr>
<th>Direction</th>
<th>Address</th>
<th>Building Area</th>
<th>Parcel Size</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>5703 Busch Dr</td>
<td>3,390 sq. ft.</td>
<td>20,230 sq. ft.</td>
<td>RR-2</td>
<td>SFR*</td>
</tr>
<tr>
<td>Northeast (Across Busch Dr)</td>
<td>5712 Busch Dr</td>
<td>N/A</td>
<td>43,947 sq. ft.</td>
<td>RR-2</td>
<td>WF</td>
</tr>
<tr>
<td>East (Across Busch Dr)</td>
<td>5730 Busch Dr</td>
<td>N/A</td>
<td>44,175 sq. ft.</td>
<td>RR-2</td>
<td>WF</td>
</tr>
<tr>
<td>Southeast (Across Busch Dr)</td>
<td>5738 Busch Dr</td>
<td>N/A</td>
<td>20,410 sq. ft.</td>
<td>RR-2</td>
<td>WF</td>
</tr>
<tr>
<td>South</td>
<td>5737 Busch Dr</td>
<td>N/A</td>
<td>32,070 sq. ft.</td>
<td>RR-2</td>
<td>WF</td>
</tr>
<tr>
<td>West</td>
<td>5709 Busch Dr</td>
<td>N/A</td>
<td>20,192 sq. ft.</td>
<td>RR-2</td>
<td>WF</td>
</tr>
</tbody>
</table>

*SFR = Single-Family Residential  
**WF = Woolsey Fire destroyed residence

As shown on Figures 2 and 3, the subject property is located in the Malibu Park residential neighborhood. The subject parcel is square in shape and is the smallest lot in the neighborhood with a 10,000 square foot lot area. Many of the surrounding properties previously developed with single-family residence were destroyed by the Woolsey Fire including five of the immediately adjacent properties. The rest of the lots are developed with single-family residences.
Data related to the subject parcel is summarized in Table 2 below.

<table>
<thead>
<tr>
<th>Table 2 – Property Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Depth</strong></td>
</tr>
<tr>
<td><strong>Lot Width</strong></td>
</tr>
<tr>
<td><strong>Gross Lot Area</strong></td>
</tr>
<tr>
<td><strong>Area of Street Easements</strong></td>
</tr>
<tr>
<td><strong>Area of 1 to 1 Slopes</strong></td>
</tr>
<tr>
<td><strong>Net Lot Area</strong></td>
</tr>
</tbody>
</table>

The proposed development is not located within 200 feet of a mapped Environmentally Sensitive Habitat Area (ESHA) based on the LCP ESHA and Marine Resources Map and is located within an existing, developed neighborhood. Therefore, pursuant to LIP Section 4.4.4(D), a biological assessment was not required.

LCP Park Lands Map do not identify a trail on or adjacent to the subject parcel.

**Project Description**

The proposed project includes (Attachment 4):

- Removal of the existing 300,000-gallon concrete water tank;
- Installation of a new 385,000-gallon steel water tank;
- 9,219 square feet of impermeable coverage;
- Non-view permeable, security fencing eight feet in height along the front property line; and
- Eight-foot in height backup generator.

Staff is recommending a condition of approval to require landscaping in front of the front yard fencing within the public right-of-way to help screen the proposed tank.

**Discretionary Entitlements**

- CUP No. 13-015 is required to allow a public utility facility (water storage tank) to be constructed on a rural residential parcel;
- VAR No. 13-042 for the height of the water tank to exceed 24 feet in height to a height of 26 feet at the vent and railing;
- VAR No. 13-043 for non-view permeable fencing within the front yard setback up to eight feet in height;
- VAR No. 15-035 to allow a 7-foot, 8-inch in height generator to encroach into the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches;

---

3 Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.
• VAR No.15-036 for impermeable coverage to exceed the maximum permitted of 4,500 square feet with the proposed 9,219 square feet;
• MM No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet; and
• DP No. 20-011 for the full demolition of the existing water tank, OWTS and other associated development.

During construction of the new water tank, the Upper Busch Tank (located at the terminus of Busch Drive) will be used to provide water storage for fire protection.

**LCP Analysis**

The LCP consists of the Land Use Plan (LUP) and an LIP. The LUP contains programs and policies to implement the Coastal Act in the City of 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 coastal development permit must adhere.

There are 14 sections within the LIP that potentially require specified findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These five sections include Zoning, Grading and Archaeological / Cultural Resources, Water Quality, and Onsite Wastewater Treatment System (OWTS) and are discussed under the *LIP Conformance Analysis* section.

The nine remaining LIP sections include: 1) Coastal Development Permit findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. These nine sections are discussed under the LIP Findings section. Of these nine, General Coastal Development Permit (including the variance and minor modification findings) and Hazards findings apply to this project.

Based on the project site, the scope of work, and substantial evidence contained within the record, the ESHA, Native Tree Protection, Scenic, Visual and Hillside Resource Protection; Transfer of Development Credits, Shoreline and Bluff Development, Public Access and Land Division findings are not applicable or required for the project for the reasons described herein.

Additionally, MMC Sections 17.66.080 and 17.70.060 regarding findings for conditional use permits and demolition permits, respectively, apply to this project.

**LIP Conformance Analysis**

The proposed project has been reviewed by Planning Department staff, City Biologist, City geotechnical staff, City Environmental Health Administrator and the City Public Works Department for conformance with the LCP. Since the project does not include
development of a new residence, or modifications to an existing residence, the Los Angeles County Fire Department (LACFD) did not provide a formal review of the project. The Department Review Sheets are included as Attachment 7. The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals and policies, with the inclusion of CUP 13-015, VAR Nos. 13-042, 13-043, 15-035 and 15-036, MM No. 13-011, and DP No. 20-011.

Zoning (LIP Chapter 3)

The project area is zoned RR; therefore, the non-beachfront residential development standards set forth under LIP Chapter 3 apply. Table 3 summarizes how the proposed project meets these standards.

<table>
<thead>
<tr>
<th>Table 3 – Zoning Conformance (Non-Beachfront)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Requirement</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>SETBACKS</td>
</tr>
<tr>
<td>Front Yard</td>
</tr>
<tr>
<td>Rear Yard</td>
</tr>
<tr>
<td>Generator (7”-8” in height)</td>
</tr>
<tr>
<td>Side Yard</td>
</tr>
<tr>
<td>Side Yard (cumulative)</td>
</tr>
<tr>
<td>TDSF</td>
</tr>
<tr>
<td>TOTAL IMPERMEABLE SQUARE FOOTAGE</td>
</tr>
<tr>
<td>HEIGHT</td>
</tr>
<tr>
<td>Tank Crown (Apex)</td>
</tr>
<tr>
<td>Stair Railing Attached to Tank</td>
</tr>
<tr>
<td>Top of Vent</td>
</tr>
<tr>
<td>NON-EXEMPT GRADING</td>
</tr>
<tr>
<td>PARKING</td>
</tr>
<tr>
<td>CONSTRUCTION ON SLOPES</td>
</tr>
<tr>
<td>FENCE/WALL HEIGHT</td>
</tr>
<tr>
<td>Within Front Yard</td>
</tr>
</tbody>
</table>

As shown in Table 3, with the inclusion of all requested discretionary requests, the project conforms to the applicable residential development standards in LIP Sections 3.5 and 3.6. As discussed later in this report, as conditioned, the findings to approve the conditional use permit for siting the water tank facility in an RR zone can be made.

Grading (LIP Chapter 8)

The proposed project requires minor understructure grading for the tank pad and fencing. No non-exempt grading is required for the proposed project. Therefore, the
project conforms to the grading requirements as set forth under LIP Section 8.3, which ensures that new development minimizes the visual and resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. The subject site is mapped to have a low probability of containing archaeological resources and the entire parcel has been previously disturbed. Therefore, the proposed project is not expected to have an adverse effect on cultural resources.

Nevertheless, a condition of approval is included which states that 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.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval are required to be implemented prior to the issuance of any development permits and during construction. These conditions require the preparation and approval of a Wet Weather Erosion and Sediment Control Plan and a Storm Water Pollution Prevention Plan, prior to the issuance of any development permits.

Onsite Wastewater Treatment System Standards (LIP Chapter 18) and MMC Chapters 15.40, 5.42 and 15.44

LIP Chapter 18 and MMC Chapters 15.40, 5.42 and 15.44 address the requirements for OWTS. The proposed project includes the abandonment of the existing OWTS and does not proposes to replace it. The City Environmental Health Administrator reviewed the proposed project and determined that the project, as designed, conforms to all applicable regulations.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all coastal development permits.
Finding 1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The proposed project includes the replacement of the existing, deteriorated 300,000-gallon water tank with a new 385,000-gallon water tank in an area where residents currently rely on this tank for potable water and fire protection. LIP Section 2 lists the purposes of the LIP. The proposed project is consistent with the purpose stated in LIP Section 1.2(K) to provide “adequate public transportation, utilities, schools, parks, open space, roads and other public facilities and improvements.” Furthermore, the project is consistent with LUP Policy 4.50 which states, “New development shall provide for emergency vehicle access and fire-flow water supply in accordance with applicable fire safety regulations.”

The project area is designated as RR, with a two-acre minimum lot size. Per LIP Section 3.3(A), the RR zone is “intended for sensitively designed, large lot single-family residential development, with agricultural uses and animal keeping which respects surrounding residents and the natural environment as accessory uses. This district incorporates a variety of natural resources and amenities.” The proposed project is consistent with this intent, and furthermore, public utility facilities are a conditionally permitted use in the RR zone district.

The project has been reviewed and approved for conformance to the LCP by City staff and other required agencies. As such, the project is consistent with LUP Policy 7.16 which states:

“Additional water storage facilities and/or new pipelines may be allowed in the City to replace deteriorated or undersized facilities and/or to ensure an adequate source of domestic and fire protection water supply during outages or pipeline interruptions provided such facilities are designed and limited to accommodate existing or planned development allowed by the Land Use Plan and can be found consistent with all applicable policies of the LCP.”

Based on submitted reports, project plans and other project information, visual analysis and detailed site investigation, the project, as conditioned and with the approval of the conditional use permit, variances and minor modification, conforms to the LCP.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is not located between the first public road and the sea; therefore, this finding does not apply.
Finding 3. The project is the least environmentally damaging alternative.

The following alternatives were considered in order to determine the least environmentally damaging alternative. WD29 modified the design several times to address site and engineering constraints and neighbor concerns as follows:

1. No Project – The no project alternative would avoid any change to the project area, and therefore, any change to the existing water tank. The WD29 determined that the existing tank needs to be replaced because of its existing deteriorated condition and increased water demand. The no project alternative would result in a lack of water service to the neighborhood and would not meet the project’s objective.

2. Sink tank into ground to reduce height – Partially sinking the tank into the ground would eliminate the need for the height variance and would be consistent with the existing tank which is approximately two feet below ground. However, the new tank cannot be below grade because State Water Board California Code Section 64585 requires subsurface reservoirs to be sited 100 feet horizontally from wastewater facilities and OWTSs of surrounding properties are less than 100 feet from the tank.

3. Proposed Project – The proposed project consists of a replacement water tank and associated development. The subject parcel has significant development constraints, including a small area and existing utility facilities. The siting and design of the project are driven by the unique physical characteristics of the project area. The proposed development provides a public benefit by bringing a reliable water supply and water storage for fire protection to the surrounding neighborhood. The proposed water tank has been sized to accommodate the residential development in accordance with, and as limited by, the RR designation of the project area and the standards of the LCP. For the reasons stated above, the proposed project, as designed and conditioned, will have less than significant environmental impacts and is the least environmentally damaging feasible alternative.

Finding 4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms to the recommendations of the Environmental Review Board, or if it does not conform to the recommendations, findings are included which explain why it is not feasible to take the recommended action.

The project is not located in or adjacent to an ESHA; therefore, this finding does not apply.
B. Variance for the Water Tank to Exceed a Height of 24 Feet for a Flat Roof (LIP Section 13.26.5)

The proposed water tank’s top of vent and railing have a maximum height of 26 feet which is over the maximum allowable of 24 feet for a flat roof pursuant to LIP Section 3.6(E)(2). While this is not a “roofed” structure, it has a relatively flat top over 24 feet in height, so a variance is included. The Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, only if it makes all of the findings of fact supported by substantial evidence as specified by LIP Section 13.26.5. The findings required to approve VAR No. 13-042 may be made as follows.

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

There are special circumstances and exceptional physical characteristics applicable to the subject parcel including the parcel’s size, existing nearby utility facilities, deteriorated tank condition and an increased demand for water capacity that affected the design. Therefore, the strict application of the height limit would deprive the property of a replacement water tank that would serve the neighborhood, improve reliability and provide an increased water capacity for fire protection.

The parcel is 10,000 square feet which is the smallest in the neighborhood. The proposed water tank takes up 32 percent of the parcel and encroaches 10 feet into the required front yard setback, which limits the footprint of tank. The proposed variance will allow the height of the tank’s crown to be 23 feet, 2 inches and will increase the tank volume from 300,000 gallons to 385,000 gallons. The increased water storage capacity provides for more fire protection and satisfied domestic demand for the community. The existing tank is four feet below grade but the new tank cannot be below grade because State Water Board California Code Section 64585 requires subsurface reservoirs to be sited 100 feet horizontally from wastewater facilities and OWTSs of surrounding properties are less than 100 feet from the tank.

Development regulations are written on a citywide basis and cannot take into account the individual and unique characteristics a property may exhibit. As a result, strict application of the ordinance would deprive the property of a replacement water tank necessary for the surrounding residences to enjoy the necessary water storage capacity to provide fire protection and domestic demand and would create an undue hardship on the community.

Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.
Granting the variance will allow for the replacement of a deteriorated and undersized water tank with a new water tank that would provide the necessary water storage capacity to provide fire protection and domestic demand in an area developed with single-family residences. The project will benefit the surrounding area by providing a reliable source of potable water for domestic use and fire protection. As designed and conditioned for additional screening and paint color, the project will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The variance will grant relief from a technical development standard which would otherwise preclude the replacement of the existing, deteriorated water tank with a larger water tank that can meet the water capacity and fire protection necessary for the area. The proposed variance does not grant a special privilege to the property owner in that there are engineering and design considerations that drive the design as well as existing onsite infrastructure, soil conditions and requirements that preclude sinking the tank into the ground.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The granting of the variance will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP such as LIP Section 1.2(K) and LUP Policy 4.50. As previously discussed in Section A, Finding 1, the provision of adequate public utilities and other facilities is one of the general purposes of the LIP; the proposed project furthers this purpose. As discussed throughout this report, the proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by City staff and WD29.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

The proposed project does not include a variance to ESHA standards; therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.
The proposed project does not include a variance to stringline standards; therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The water tank parcel is located in the RR zone which allows public utility facilities as a conditionally permitted use. CUP No. 13-015 is being processed as part of this application to permit the proposed public utility facility and includes conditions to avoid impacts to the surrounding residential uses. The proposed improvements will serve existing and planned rural residential development in the vicinity. The variance does not authorize a use not otherwise consistent with the purpose and intent of the RR zone.

Finding 8. The subject site is physically suitable for the proposed variance.

The proposed water tank is sited in the approximate same footprint of the existing tank. The variance allows to increase water storage capacity for fire protection and to meet the community’s domestic demand. The Public Works Department and City geotechnical staff have approved the proposed project for conformance with LCP standards. All final recommendations of the project structural and geotechnical engineers, Building Safety Division, City geotechnical staff, City Environmental Health Administrator and City Public Works Department will be incorporated into the project.

Finding 9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

Parking for the use is provided onsite. The proposed project does not reduce or eliminate public parking; therefore, this finding does not apply.

C. Variance for a Solid, Eight-Foot Tall Fence within the Front Yard Setback (LIP Section 13.26.5)

The proposed non-view permeable, eight-foot high fence is located within the required front yard setback. Pursuant to LIP Section 3.5.3(A)(1), solid fencing within the required front yard setback is not permitted to exceed 42 inches and view-permeable fencing within the required front yard setback is not allowed to exceed six feet. Therefore, a variance is required for the proposed eight-foot high fencing within the required front
Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

As previously discussed in Section B, Finding 1, special circumstances and exceptional physical characteristics apply to the subject parcel, including the parcel's small size, deteriorated tank condition and an increased demand for water capacity, which result in the front yard setback reduction and height over the maximum allowed. A water tank of this scale is not typical this close to homes in a residential neighborhood, but is necessary, and these special circumstances justify the modification of development standards to help make the project be more compatible with its surroundings. The constrained size of the parcel limits options for siting the project out of the public's view.

To meet the community's increased need for water capacity, the proposed water tank takes up a large amount of the property. Given the tank's size and location, neighbors across Busch Drive have expressed a concern about the potential visual impact of the tank. To help screen the tank from neighbors' views and from Busch Drive, the applicant is proposing a non-view permeable, eight foot in height fence along the front property line. Non-view permeable fencing over 42 inches in height is not typically allowed within the required front yard setback. However, in this case the granting of the proposed variance will allow the proposed fencing to help screen the potential visual impacts of the replacement tank from the neighbors' views. As a result, strict application of the code would deprive the neighbors across the street necessary visual screening of the proposed replacement tank similar to the existing fencing that currently helps screen the existing tank.

Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

As previously discussed in Finding 1, potential visual impacts will be addressed with the proposed fence which will help screen the proposed tank and make it more compatible with the surrounding area. As designed and conditioned, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The granting of the variance would allow the water tank to maintain a solid eight foot high fence similar to the fence that is currently there. The neighbors across the street
voiced concerns about the potential visual impacts of the replacement tank and the proposed fencing will help visually screen the replacement tank from neighbors’ views and Busch Drive, and will not grant a special privilege to the property owner.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance will allow a replacement fencing similar to the fencing that is currently there for the protection of potential visual impacts to neighbors across the street and Busch Drive and will not be contrary to or in conflict with the LCP.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

The proposed project does not include a variance to ESHA standards; therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.

The proposed project does not include a variance to stringline standards; therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

For the reasons discussed in Section B, Finding 7, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

Finding 8. The subject site is physically suitable for the proposed variance.

For the reasons discussed in Section B, Finding 8, the subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.
Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

As discussed in Section B, Finding 10, this finding does not apply.

D. Variance for the Reduction of the Required Rear Yard Setback (LIP Section 13.26.5)

The proposed 7-foot, 8-inch high backup generator is located 5 feet, 3 inches from the rear lot line. Pursuant to LIP Section 3.6(F)(1), the required rear yard setback is 15 feet; therefore, a variance is included. Based on substantial evidence in the record, the findings required by LIP Section 13.26.5 to approve VAR No. 15-035 may be made as follows.

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

As previously discussed in Section B, Finding 1, special circumstances and exceptional physical characteristics apply to the subject parcel, including the parcel’s size, existing utility facilities, deteriorated tank condition and an increased demand for water capacity, result in the front yard setback reduction. A water tank of this scale is not typical in a residential neighborhood, but is necessary, and these special circumstances justify the proposed rear yard reduction for the placement of a backup generator. The proposed 7-foot, 8-inch tall generator will be used to provide backup power to fill up the proposed water tank in the event of a power outage.

The constrained size of the parcel limits options for siting the backup generator outside of required setbacks. The applicant also uses just one particular type of generator that they have as a fleet for all their facilities. Using the same model generator reduces cost and facilitates maintenance and interchangeability. The generator will be hauled offsite for maintenance and testing, so it cannot be placed too close to the tank because it would increase the risk of damage to the staircase while maneuvering the trailer to haul off the generator. Hauling the generator offsite for maintenance and testing will reduce potential noise concerns for surrounding neighbors.

Also, placing the generator too close to tank could present an attractive nuisance to trespassers wanting to use the generator to climb the tank’s access stairs. A backup generator onsite is significantly important considering the recent Southern California Edison power shut off policy during high wind events and during wildfires when water demand is critical. As a result, strict application of the site of construction limitation would deprive the property of a backup generator to provide water resources during power shut offs and outages to provide adequate fire protection and domestic demand to the neighborhood, and would create an undue hardship on the community.
Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

As previously discussed in Finding 1, the backup generator will only be in use during a power shut off or outage and therefore, noise is not expected to be an issue. The perimeter fencing and mature trees all around the subject parcel help visually screen the proposed 7-foot, 8-inch tall generator from surrounding neighbors and it is not expected to have a significant visual impact. As designed and conditioned, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As with the variance previously discussed in Section B, Finding 3, approval of a rear yard setback reduction will provide a safe location for a backup generator that will provide power during power shut offs and outages for the pump to continue to fill the water tank. Some of the surrounding neighbors requested the proposed generator due to a concern that water would not otherwise be pumped to the proposed tank during a power outage. The 7-foot, 8-inch tall generator will be visually screened from surrounding neighbors and it is not expected to have a significant visual impact nor to grant a special privilege to the property owner.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance will allow a backup generator for the reasons previously discussed in Section D, Finding 1 and will not be contrary to or in conflict with the LCP. The benefits of having the proposed generator onsite and the ability to match the fleet model outweigh any potential adverse impacts that may result from the proposed variance. The site is surrounding by a fence and mature trees which help visually screen the proposed generator from the neighbor who shares the property line from which the proposed rear yard setback reduction is being proposed. No significant visual impacts are expected as a result of the proposed variance.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

The proposed project does not include a variance to ESHA standards; therefore, this finding does not apply.
Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.

The proposed project does not include a variance to stringline standards; therefore, this finding does not apply.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

For the reasons discussed in Section B, Finding 7, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

Finding 8. The subject site is physically suitable for the proposed variance.

For the reasons discussed in Section B, Finding 8, the subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

As discussed in Section B, Finding 10, this finding does not apply.

E. Variance for Impermeable Coverage in Excess of 4,500 Square Feet (LIP Section 13.26.5)

The proposed water tank improvements include 9,219 square feet of impermeable coverage, which is more than the 4,500 square feet permitted for the subject lot pursuant to LIP Section 3.6(l) based on the 10,000 square foot lot size; therefore, a variance is required. Based on substantial evidence in the record, the findings required by LIP Section 13.26.5 to approve VAR No. 15-036 may be made as follows.

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zoning classification.
As previously discussed in Section B, Finding 1, special circumstances and exceptional physical characteristics apply to the subject parcel, including the parcel’s small size, deteriorated tank condition and an increased demand for water capacity, which result in the total amount of impermeable surface area in excess of the maximum allowed. The tank, building footprint, concrete pad and curb and gutter account for 4,443 square feet of impermeable coverage, which is consistent with the maximum allowed of 4,500 square feet. The rest of the proposed impermeable coverage (4,776 square feet) is proposed for the generator pad and to preserve the existing paved driveway around the tank.

The project geotechnical reports indicate that the project site is underlain with highly plastic clays, loose sandy marine deposits, and interbedded sandstone/claystone bedrock. Highly plastic clays are particularly sensitive to moisture as they can shrink, swell, and lose strength with changing water conditions. Clays also have very low permeability rates so stormwater would take an extremely long time to travel through this layer and infiltration could cause settlement or displacement of the tank foundation. Below the highly plastic clay layer is a marine deposit of low density sand with a perched groundwater table.

The geotechnical reports indicate that a potential for liquefaction exists due to the possibility of rising groundwater within the underlying low density, sandy soil layers. If stormwater infiltration is utilized at this site, it would likely raise the perched groundwater level and could increase the potential for liquefaction during an earthquake. Bedrock encountered below the marine sand layer is interbedded sandstone and claystone dipping at approximately 45 degrees to the north. Claystone in dipping bedrock layers can be a slide plane for landslides when introduced with water. Standard practice for geotechnical engineering near potential slide planes is to direct water runoff away from the area when possible rather than infiltrate.

The General Plan Land Use (LU) Implementation Measure 5 states that impermeable lot coverage be limited for single-family residential lots to minimize the adverse effects of stormwater runoff. The subject property is zoned residential but it is not developed with a single-family residence and the site’s soil conditions and perched water table are not conducive for stormwater percolation. As a result, the proposed project is consistent with LU Implementation Measure 5 of the General Plan.

The proposed variance to preserve existing hardscape surfaces is due to site conditions as there would be minimal stormwater retention benefit due to the underlying clay soil and perched high groundwater which increase the potential for liquefaction hazard. The proposed variance will improve site safety. According to the applicant, the installation of permeable pavers or decomposed granite for the driveway would have an infiltration rate less than 0.01 inches/hour and would not meet the County Low Impact Development (LID) Guidelines for Stormwater Infiltration requirement of 0.3 inches/hour. As a result, strict application of the code would increase potential for liquefaction and does not meet the intent of improving water quality by reducing stormwater runoff as the site’s soil
conditions permit minimal percolation and would deprive the owner of property rights enjoyed by others in the vicinity with the same zoning.

Finding 2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

As previously discussed in Finding 1, the variance for the proposed hardscape will improve site safety and thus, the public safety of the surrounding neighborhood which relies on the proposed water tank to provide adequate fire protection and domestic demand. As designed and conditioned, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone.

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As with the variance previously discussed in Finding 1, the granting of the proposed variance to preserve the existing hardscape is necessary to reduce potential liquefaction hazard given that the site’s soil conditions are not optimal for groundwater infiltration. Therefore, the granting of the variance will not constitute a special privilege to the applicant or property owner.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The variance will allow impermeable coverage to remain on the property for the reasons previously discussed in Section E, Finding 1 and will not be contrary to or in conflict with the LCP.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

The proposed project does not include a variance to ESHA standards; therefore, this finding does not apply.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.

The proposed project does not include a variance to stringline standards; therefore, this finding does not apply.
Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

For the reasons discussed in Section B, Finding 7, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

Finding 8. The subject site is physically suitable for the proposed variance.

For the reasons discussed in Finding 1, the subject site’s soil conditions make it physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

As discussed in Section B, Finding 10, this finding does not apply.

F. Minor Modification for Reduction of Front Yard Setback (LIP Section 13.27)

The applicant is requesting MM No. 13-011 from LIP Section 3.6(F)(1) for a 50 percent reduction of the required front yard setback, from the required 20 feet to the proposed 10 feet for siting the tank. Based on the foregoing evidence contained within the record, the required three findings for MM No. 13-011 are made as follows:

Finding 1. That the project is consistent with policies and provisions of the Malibu LCP.

The size of the subject parcel does not allow for the full site setbacks to be implemented. With the inclusion of all discretionary requests, the proposed project, as designed and conditioned, conforms to all applicable LCP policies and provisions. As stated in Section A, Finding 1, the proposed water tank furthers LIP Section 1.2(K) and LUP Policy 4.50 which require adequate public facilities and improvements and for development to provide fire-flow water supply in accordance with applicable fire safety regulations. The proposed minor modification is necessary for the installation of the replacement tank in order for the surrounding residences to enjoy the necessary water storage capacity to provide fire protection and domestic demand and would create an undue hardship on the community.
Finding 2. *That the project does not adversely affect neighborhood character.*

The subject lot is the smallest lot in an established residential neighborhood and is currently developed with a water tank. The existing water tank is 8 feet from the front property line and the replacement tank will be sited 10 feet from the front property but will be taller and wider to accommodate an additional 85,000-gallons in storage capacity. To address neighbor concerns, the applicant is proposing an eight-foot tall solid fence and staff added a condition for the planting of mature vegetation within the public right-of-way. The fence and landscaping will help visually screen the proposed water tank and the potential visual impacts from neighbors across Busch Drive and from Busch Drive are expected to be less than significant.

Many of the surrounding properties previously developed with single-family residence were destroyed by the Woolsey Fire including five of the immediately adjacent properties. The rest of the lots are developed with single-family residences. Figure 1 above depicts the neighborhood prior to the Woolsey Fire and shows that there were other residences relatively close to the front property line. Therefore, the neighborhood consists of a broad range of setbacks with several adjacent residences sited relatively close to the front property line and with the incorporation of the proposed solid front yard fencing and mature vegetation within the public right-of-way, as conditioned, the proposed front yard setback reduction will not adversely affect neighborhood character.

Finding 3. *The proposed project complies with all applicable requirements of State and local law.*

The proposed project has received LCP conformance review by the Planning Department, City Biologist, City geotechnical staff, City Environmental Health Administrator and City Public Works Department. Prior to issuance of building permits, the project must have a final approval by the City Building Safety Division. The proposed project complies with all applicable requirements of State and local law.

G. **Environmentally Sensitive Habitat Area (LIP Chapter 4)**

The ESHA provisions apply to those areas designated or within 200 feet of ESHA based on the LCP ESHA Overlay Map or otherwise found to be ESHA. The subject parcel is not in or within 200 feet of ESHA; therefore, the supplemental findings in LIP Section 4.7.6 do not apply.

H. **Native Tree Protection (LIP Chapter 5)**

LIP Chapter 5 sets forth requirements for the preservation and protection of native trees including alder, California walnut, oak, toyon, and western sycamore. There are no protective native trees on or adjacent to the subject parcel; therefore, the supplemental findings in LIP Section 5.7 do not apply.
I. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. The proposed project is not visible from a scenic road, scenic area or public viewing area based on staff’s site visit on October 23, 2015 and review of the project plans. As the proposed project is not visible from any scenic area, scenic road, or public viewing area, the findings contained in LIP Chapter 6 do not apply.

J. Transfer of Development Credit (LIP Chapter 7)

Pursuant to LIP Section 7.2, the requirement for the transfer of development credit only applies to land divisions and/or new multi-family development in specified zoning districts. The proposed project does not involve land division or multi-family development. Therefore, LIP Chapter 7 does not apply.

K. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project consists of new water system and dry utility improvements. Based on the preliminary project plans, submitted reports, studies and project information, the project has been reviewed by City geotechnical staff and City Public Works for the hazards listed in LIP Section 9.2(A)(1-7).

Staff has determined that the project is located on a site or in an area where the proposed project, as conditioned, will not cause the potential to create adverse impacts upon site stability or structural integrity if the recommendations of the project geotechnical consultant and mitigation measures are incorporated. The required findings of LIP Chapter 9 are made as follows.

Finding 1. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

Analysis of the project for hazards included review of the project plans and studies and the following documents/data, which are available on file with the City:

According to the geotechnical reports, the subject parcel is not located within a mapped fault zone or landslides. Perched groundwater was encountered at 17 feet and wet sediment at 12.5 feet below grade; however, potential for groundwater to rise to significantly higher levels and liquefaction was determined to be low. The geotechnical reports conclude that a shallow foundation system supported on compacted fill is suitable for the proposed water tank. With the implementation of the recommendations of the project geotechnical engineer and City geotechnical staff, less than significant impacts on structural integrity from geologic or flood hazards are expected.

The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has “mutual aid agreements” with cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. The proposed project will improve fire protection in the neighborhood and surrounding area by providing a reliable source of water supply and water storage capacity. During construction of the new water tank, the Upper Busch Tank (located at the terminus of Busch Drive) will be used to provide water storage for fire protection. Therefore, the project will not have significant adverse impacts associated with wildfire, and is expected to provide a public benefit once completed. Nevertheless, a standard condition of approval has been included which requires that the property owner indemnify and hold the City harmless for hazards associated with wildfire.

The project will incorporate all recommendations contained in the above-cited geotechnical reports; as such, the proposed project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards.

**Finding 2.** The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As discussed in Finding 1, the proposed project, as designed, conditioned, and approved by City geotechnical staff and City Public Works Department, will not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards.

**Finding 3.** The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed in Section A, Finding 3, the proposed project is the least environmentally damaging feasible alternative.

**Finding 4.** There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.
As discussed in Finding 1, the proposed project, as designed and conditioned, will not have any significant adverse impacts on the site stability or structural integrity.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Finding 1 and Section A, Findings 3, the proposed project, as conditioned, will not have any significant adverse impacts on site stability or structural integrity with the incorporation of all recommendations, and is the least environmentally damaging feasible alternative.

L. Shoreline and Bluff Development (LIP Chapter 10)

The project does not include development on a parcel located along the shoreline or on a bluff as defined by the LCP. Therefore, in accordance with LIP Section 10.2, the requirements of LIP Chapter 10 are not applicable.

M. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.
B. New development between the nearest public roadway and the sea.
C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.
N. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings of LIP Chapter 15 do not apply.

O. Conditional Use Permit for a Public Facility in an RR Zone (MMC Section 17.66.080)

Finding 1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

The proposed water tank is a conditionally permitted use in the RR zoning district. The project has been conditioned to comply with all applicable provisions of the MMC.

Finding 2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

As previously discussed in Section C, Finding 3 and Section F, Finding 2, approval of the front yard fencing and front yard setback reduction will allow a solid, 8-foot tall fence and for the water tank to maintain a 10-foot front yard setback similar to existing site conditions. The existing water tank has an 8-foot front yard setback and the fence is proposed to help screen the tank from neighbors’ views across Busch Drive and from Busch Drive. The tank will also be conditioned to be painted a dark green color to better match the surrounding natural environment. Condition No. 15 in Resolution No. 20-23 requires the planting of mature vegetation in front of the fence within the public right-of-way to further help screen the proposed tank so that it blends in with the surrounding natural environment. The proposed replacement tank, as designed and conditioned, will have less than significant adverse visual impacts and will not impair the integrity and character of the zoning district.

Finding 3. The subject site is physically suitable for the type of land use being proposed.

Since circa 1947, the existing water tank has been on the subject parcel. The parcel’s public facility use was first established then. The public facility use is conditionally permitted in the subject RR zoning district. The replacement tank has been designed and engineered by the WD29 for this specific site and has been approved for LCP conformance by City geotechnical staff and Public Works Department. The site is suitable for the proposed use.

Finding 4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

As previously discussed in Finding 2, the water tank has been sensitively designed and sited to be compatible with the surrounding rural residential, single-family land uses.
Finding 5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The site and surrounding area are located in the RR zone. As discussed in Finding 2, the proposed use will be compatible with the existing and future land uses within the zone district and surrounding area.

Finding 6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

The water facility is unmanned but will be fully monitored and maintained by WD29 personnel. All necessary utilities will be safely designed to meet all applicable codes and will not negatively impact public health or safety, as discussed throughout this report. The subject property is surrounded by mature trees that survived the Woolsey Fire that are much taller than the proposed water tank to the north, south and west and is bordered by Busch Drive to the east; therefore, no solar access impacts or public or private view impacts are expected.

Finding 7. There would be adequate provisions for public access to serve the subject proposal.

For security purposes and to ensure a safe water supply, no public access to the proposed water tank is provided. Access is limited to authorized WD29 personnel and other emergency personnel. The facility will be enclosed with an eight foot in height fence along Busch Drive and an existing six foot in height fence along the sides and rear property lines. At least two parking spaces for use by WD29 personnel are provided onsite as required by LIP Section 3.14.3 for public utility facilities.

Finding 8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

The proposed use furthers the purpose of the General Plan to ensure adequate public infrastructure and utilities and fire protection.

Finding 9. The proposed project complies with all applicable requirements of state and local law.

The proposed water system will be in full compliance with all applicable State, County and City of Malibu ordinances and laws.

Finding 10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.
As previously discussed in Section B, Finding 2, as designed and conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare, and will provide the public benefit of a potable water supply for domestic use and fire protection.

Finding 11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

With the implementation of the recommendations of the project geotechnical engineer and City geotechnical staff, less than significant impacts on structural integrity from geologic or flood hazards are expected. The proposed project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards. City geotechnical staff has approved the water tank for conformance with all LCP standards, subject to the incorporation of the project geotechnical consultant’s recommendations.

P. Demolition Permit (MMC Section 17.70)

MMC Section 17.70 states that demolition permit shall be required for the demolition of any building or structure, or for a substantial remodel, except for a demolition initiated by the City and ordered or authorized under the provisions of the building code. The proposed project includes the full demolition of the existing water tank, OWTS and associated development. The findings for DP No. 20-011 are made as follows.

Finding 1. The demolition permit is conditioned to assure that it will be conducted in a manner that will not create significant adverse environmental impacts.

Conditions of approval included in Planning Commission Resolution No. 20-23 ensure that the project will not create significant adverse environmental impacts.

Finding 2. A development plan has been approved or the requirement waived by the City.

This CDP application is being processed concurrently with DP No. 20-011, and subject to approval of CDP No. 13-040.

CORRESPONDENCE: Correspondence received on the project to date consists of phone conversations with two of the neighbors. The neighbors' objections concerned the removal of mature trees in front of the tank which helped screen the tank. The applicant is proposing to replace the trees with native trees.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on April 23, 2020 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 8).
SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and accompanying resolution, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 20-23. The project has been reviewed and conditionally approved for conformance with the LCP by staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 20-23
2. Addendum and adopted Lower Busch Tank 2005 Negative Declaration
3. Project Plans
4. Response to Planning Commission
5. Impermeable Coverage Exhibits
6. Story Poles Photographs
7. Departmental Review Sheets
8. Public Hearing Notice / Mailer

Copies of all related documents are available by contacting the Case Planner during regular business hours.

The Planning Commission of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. On October 11, 2005, the County of Los Angeles, Board of Supervisors adopted the Lower Busch Water Tank Replacement Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

B. On August 29, 2013, an application for Coastal Development Permit (CDP) No. 13-040 for the replacement of the existing water tank was submitted to the Planning Department by the Los Angeles Waterworks District No. 29 (WD29). The application included Conditional Use Permit (CUP) No. 13-015, Variance (VAR) Nos. 13-042 and 13-043 to exceed the height and for a non-view permeable fencing eight feet in height within the required front yard setback and Minor Modification (MM) No. 13-011 for a 50 percent reduction to the required front yard setback. The application was routed for review to applicable City and County departments.

C. On August 29, 2013, the applicant submitted Addendum to the Lower Busch Tank 2005 Negative Declaration summarizing minor modifications made to the diameter, height and capacity of the proposed tank. These minor modifications resulted in an operational capacity of 5,000 gallons due to more accurate engineering assumptions. Other modifications include the replacement of the existing front yard fence, trees and possibly water lines and electrical conduits.
D. On August 13, 2015, the applicant submitted a story pole certification certifying that story poles had been installed on the subject property to depict the siting and height of the proposed water tank.

E. On September 16, 2015, VAR Nos. 15-035 and 15-036 were assigned for reduction of the required rear yard setback and impermeable coverage exceeding 4,500 square feet.

F. On September 17, 2015, a Courtesy Notice of Proposed CDP was mailed to all property owners and occupants within a 500-foot of the subject parcel.

G. On December 4, 2015, staff visited the project area and photographed the story poles.

H. On December 17, 2015, a Notice of Application for a Pending CDP was posted at the subject parcel.

I. On September 23, 2015, the application was deemed complete.

J. On December 31, 2015, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the project area.

K. On January 27, 2016, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony and other information in the record. The Commission continued the item to a date uncertain and requested additional information.

L. During the ensuing years, the applicant has been working on modifying the project to address comments from the Planning Commission and neighbor concerns. Some of these changes include removing the onsite wastewater treatment system (OWTS) to permit a larger diameter tank in order to lower the height of the tank to less than 24 feet, relocating the tank two feet further away from the front yard setback to replace the required variance with a minor modification and add the permanent installation of a back-up generator.

M. On April 23, 2020, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the project area.

N. On May 18, 2020, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony and other information in the record.

SECTION 2. Adoption of the Addendum to the Lower Busch Tank 2003 Negative Declaration.

The initial study prepared by WD29 concluded the proposed project would not have a significant impact on the environment; subsequently, a negative declaration was prepared and circulated pursuant to CEQA Guidelines Section 15071. On August 28, 2003, the WD29 made the initial study and negative declaration available to the public for the required 30 day circulation period. The Governor’s Office of Planning and Research distributed the negative declaration to responsible
agencies for a 30 day public review period, from August 22, 2003 and September 22, 2003 (SCH No. 2003081124).

In 2005, in compliance with CEQA, the Los Angeles County Board of Supervisors adopted the negative declaration based on preliminary conceptual designs. Based on site investigations, minor technical modifications to the tank design were made. Pursuant to CEQA Guidelines Sections 15164(b) and (d) an addendum to the adopted negative declaration was prepared in 2013 to make minor technical changes and additions to the negative declaration for the Planning Commission’s consideration prior to making a decision on the project.

The Planning Commission considered the Addendum and the Lower Busch Tank 2003 Negative Declaration and finds that together they are determined to adequately satisfy all the requirements of CEQA. The proposed project does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable. The Planning Commission further finds that through feasible conditions placed on the project, any potentially significant impacts on the environment have been eliminated or mitigated to a level of less than significance. Based on the record as a whole, there is no substantial evidence that the project, as conditioned, will have a significant effect on the environment.

The documents and other materials which constitute the record of proceedings upon which this decision is based are in City Hall.

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Sections 13.7.B and 13.9 and Malibu Municipal Code (MMC) Sections 17.66.080 and 17.70, the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approved CDP No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, CUP No. 13-040 for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing, CUP No. 13-015 for a water tank on a rural residential parcel, VAR No. 13-042 for the height of the water tank to exceed the maximum height up to 26 feet, VAR No. 13-043 for a non-view permeable, eight in height fencing within the front yard setback, VAR No. 15-035 for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, VAR No. 15-036 for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet, MM No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet and Demolition Permit (DP) No. 20-011 for the full demolition of the existing water tank, OWTS and other associated development located in the Rural Residential – Two Acre Zone District at 5723 Busch Drive.

The proposed project has been reviewed the Planning Department, City Biologist, City Environmental Health Review, City geotechnical staff and City Public Works Department. The project is consistent with the LCP’s zoning, grading, cultural resources, water quality, and onsite wastewater treatment requirements. With the inclusion of the proposed conditional use permit and variances, the project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.
A. General Coastal Development Permit (LIP Chapter 13)

1. Based on submitted reports, project plans and other project information, visual analysis and detailed site investigation, the project, as conditioned and with the approval of the applicable discretionary requests, conforms to the LCP.

2. For the reasons discussed in the agenda report, the no project and sunken in tank alternatives are not feasible. The existing tank has deteriorated and does not provide the required domestic day demand for the neighborhood. Also, partially sinking the tank below ground would be in conflict with State Water Board California Code setbacks to surrounding OWTSs. The proposed project, as designed and conditioned, will have less than significant environmental impacts and is the least environmentally damaging feasible alternative.

B. Variance for the Water Tank to Exceed a Height of 24 Feet for a Flat Roof (LIP Section 13.26.5)

VAR No. 13-042 is requested for the stair railing attached to the tank and the tank’s top of vent to reach a maximum height of 26 feet which is over the maximum allowable of 24 feet for a flat roof pursuant to LIP Section 3.6(E)(2).

1. There are special circumstances and exceptional physical characteristics applicable to the subject parcel such as the parcel’s size, existing utility facilities, deteriorated tank condition and an increased demand for water capacity. As a result, strict application of the ordinance would deprive the property of a replacement water tank necessary for the surrounding residences to enjoy the necessary water storage capacity to provide fire protection and domestic demand and would create an undue hardship on the community.

2. As designed and conditioned, the project will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone in which the property is located because the replacement tank would provide the necessary water storage capacity to provide fire protection and domestic demand in an area developed with single-family residences.

3. The variance will grant relief from a technical development standard which would otherwise preclude the replacement of the existing, deteriorated water tank with a larger water tank that can meet the water capacity and fire protection necessary for the area. The proposed variance does not grant a special privilege to the property owner in that there are engineering and design considerations that drive the design as well as existing onsite infrastructure, soil conditions and requirements that preclude sinking the tank into the ground.

4. The granting of the variance will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP such as LIP Section 1.2(K) and LUP Policy 4.50. The provision of adequate public utilities and other facilities is one of the general purposes of the LIP; the proposed project furthers this purpose.

5. The water tank parcel is located in the Rural Residential (RR) zone which allows public utility facilities as a conditionally permitted use. CUP No. 13-015 is being processed as part of
this application to permit the proposed public utility facility and includes conditions to avoid impacts to the surrounding residential uses. The proposed improvements will serve existing and planned rural residential development in the vicinity. The variance does not authorize a use not otherwise consistent with the purpose and intent of the RR zone.

6. The proposed water tank is sited in the approximate same footprint of the existing tank. The variance allows a vertical separation to the existing septic system and perched groundwater, and to increase water storage capacity for fire protection and to meet the community’s domestic demand. The Public Works Department and City geotechnical staff have approved the proposed project for conformance with LCP standards. All final recommendations of the project structural and geotechnical engineers, Building Safety Division, City geotechnical staff and City Public Works Department will be incorporated into the project.

7. The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

C. **Variance for a Solid, Eight-Foot Tall Fence within the Front Yard Setback (LIP Section 13.26.5)**

VAR No. 13-043 is requested for the proposed non-view permeable, eight-foot in height fence to be located within the required front yard setback in conflict with LIP Section 3.5.3(A)(1).

1. Special circumstances and exceptional physical characteristics apply to the subject parcel, including the parcel’s small size, deteriorated tank condition and an increased demand for water capacity, which result in the front yard setback reduction and height over the maximum allowed. A water tank of this scale is not typical in a residential neighborhood, but is necessary, and these special circumstances justify the modification of development standards to help make the project be more compatible with its surroundings. The proposed fencing will help screen the potential visual impacts of the replacement tank from the neighbors’ views. As a result, strict application of the code would deprive the neighbors across the street necessary visual screening of the proposed replacement tank similar to the existing fencing that currently helps screen the existing tank.

2. As conditioned and proposed, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone. The potential visual impacts will be addressed with the proposed fence which will help screen the proposed tank and make it more compatible with the surrounding area.

3. The granting of the variance would allow the water tank to maintain a solid eight foot high fence similar to the fence that is currently there. The neighbors across the street voiced concerns about the potential visual impacts of the replacement tank and the proposed fencing will help visually screen the replacement tank from neighbors’ views and Busch Drive, and will not grant a special privilege to the property owner.

4. The granting of the proposed variance will allow a replacement water tank to provide fire protection and domestic demand for the neighborhood and will not be in conflict with the general purposes and intent of the LCP.
5. Based on evidence in the record, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

6. Based on evidence in the record, the subject site is physically suitable for the proposed variance.

7. The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

D. Variance for the Reduction of the Required Rear Yard Setback (LIP Section 13.26.5)

VAR No. 15.035 is requested for the proposed 7-foot, 8-inch high backup generator to be located 5 feet, 3 inches from the rear lot line in conflict with LIP Section 3.6(F)(1).

1. The constrained size of the parcel limits options for siting the backup generator outside of required setbacks such that strict application of the site of construction limitation would deprive the property of a backup generator to provide water resources during power shut offs and outages to provide adequate fire protection and domestic demand to the neighborhood, and would create an undue hardship on the community.

2. Based on evidence in the record, the backup generator will only be in use during a power shut off or outage and therefore, noise is not expected to be an issue. The perimeter fencing and mature trees all around the subject parcel help visually screen the proposed 7-foot, 8-inch tall generator from surrounding neighbors and it is not expected to have a significant visual impact. As designed and conditioned, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone.

3. Based on evidence in the record, approval of a rear yard setback reduction will provide a safe location for a backup generator that will provide power during power shut offs and outages for the pump to continue to fill the water tank. Some of the surrounding neighbors requested the proposed generator due to a concern that water would not otherwise be pumped to the proposed tank during a power outage. The 7-foot, 8-inch tall generator will be visually screened from surrounding neighbors and it is not expected to have a significant visual impact nor to grant a special privilege to the property owner.

4. The variance will allow a backup generator and will not be contrary to or in conflict with the LCP. The benefits of having the proposed generator onsite and the ability to match the fleet model outweigh any potential adverse impacts that may result from the proposed variance. The site is surrounding by a fence and mature trees which help visually screen the proposed generator from the neighbor who shares the property line from which the proposed rear yard setback reduction is being proposed. No significant visual impacts are expected as a result of the proposed variance.

5. Based on evidence in the record, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

6. Based on evidence in the record, the subject site is physically suitable for the proposed variance.
7. The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

E. Variance for Impermeable Coverage in Excess of 4,500 Square Feet (LIP Section 13.26.5)

VAR No. 13-043 is requested for 9,219 square feet of impermeable coverage, which is more than the 4,500 square feet permitted pursuant to LIP Section 3.6(I).

1. Perched groundwater, poor percolation, and small lot size are special circumstances and exceptional characteristics applicable to the property such that strict application of the code would increase potential for liquefaction and does not meet the intent of improving water quality by reducing stormwater runoff as the site’s soil conditions permits minimal percolation and would deprive the owner of property rights enjoyed by others in the vicinity with the same zoning.

2. Based on evidence in the record, the variance for the proposed hardscape will improve site safety and thus, the public safety of the surrounding neighborhood which relies on the proposed water tank to provide adequate fire protection and domestic demand. As designed and conditioned, the proposed project will not be detrimental to the public interest, safety, health or welfare, or injurious to the property or improvements in the same vicinity and zone.

3. Based on evidence in the record, the granting of the proposed variance to preserve the existing hardscape is necessary to reduce potential liquefaction hazard given that the site’s soil conditions are not optimal for groundwater infiltration. Therefore, the granting of the variance will not constitute a special privilege to the applicant or property owner.

4. The proposed variance will allow existing impermeable surface to remain for the reasons described in the record and will not be contrary to or in conflict with the LCP.

5. Based on evidence in the record, the variance is consistent with the intent of the RR zone and would not authorize a use not otherwise conditionally permitted.

6. Based on evidence in the record, the subject site is physically suitable for the proposed variance.

7. The variance complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

F. Minor Modification for Reduction of Front Yard Setback (LIP Section 13.27)

MM No. 13-011 is requested for a 50 percent reduction of the required front yard setback, from the required 20 feet to the proposed 10 feet pursuant to LIP Section 3.6(F)(1) for the proposed tank.

1. The proposed minor modification is necessary for the installation of the replacement tank in order for the surrounding residences to enjoy the necessary water storage capacity to provide
fire protection and domestic demand. The proposed water tank furthers LIP Section 1.2(K) and LUP Policy 4.50 which require adequate public facilities and improvements and for development to provide fire-flow water supply in accordance with applicable fire safety regulations. The proposed minor modification is necessary for the installation of the replacement tank in order for the surrounding residences to enjoy the necessary water storage capacity to provide fire protection and domestic demand and would create an undue hardship on the community.

2. The subject lot is not large enough to accommodate the required standard setbacks and the alternatives analysis demonstrates there are no feasible alternatives that meet the engineering requirements for the project. Based on evidence in the record, the neighborhood consists of a broad range of setbacks with several adjacent residences relatively close to the front property line and with the incorporation of the proposed solid front yard fencing and mature vegetation within the public right-of-way, as conditioned, the proposed front yard setback reduction will not adversely affect neighborhood character.

3. As demonstrated in the record, the proposed project complies with all applicable requirements of State and local law.

G. Hazards (LIP Chapter 9)

1. According to the geotechnical reports, the subject parcel is not located within a mapped fault zone or landslides. Perched groundwater was encountered at 17 feet and wet sediment at 12.5 feet; however, potential for groundwater to rise to significantly higher levels and liquefaction was determined to be low. The geotechnical reports conclude that a shallow foundation system supported on compacted fill is suitable for the proposed water tank. The project will incorporate all recommendations contained in the geotechnical reports; as such, the proposed project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards.

2. The proposed project, as designed, conditioned, and approved by City geotechnical staff and City Public Works Department, will not have any significant adverse impacts on the site stability or structural integrity from geologic, flood or fire hazards.

3. The proposed project is the least environmentally damaging feasible alternative.

4. The proposed project, as designed and conditioned, will not have any significant adverse impacts on the site stability or structural integrity.

5. The proposed project, as conditioned, will not have any significant adverse impacts on site stability or structural integrity with the incorporation of all recommendations, and is the least environmentally damaging feasible alternative.

H. Conditional Use Permit for a Public Facility in a Rural Residential Zone (MMC Section 17.66.080)

1. The proposed water tank is a conditionally permitted use in the RR zoning district. The project has been conditioned to comply with all applicable provisions of the MMC.
2. The proposed replacement tank, as designed and conditioned, will have no significant adverse visual impacts and will not impair the integrity and character of the zoning district.

3. Since circa 1947, the existing water tank has been on the subject parcel. The parcel’s public facility use was first established then. The public facility use is conditionally permitted in the subject RR zoning district. The replacement tank has been designed and engineered by the WD29 for this specific site and has been approved for LCP conformance by City geotechnical staff and Public Works Department. The site is suitable for the proposed use.

4. The water tank has been sensitively designed and sited to be compatible with the surrounding rural residential, single-family land uses.

5. The site and surrounding area are located in the RR zone. The proposed use will be compatible with the existing and future land uses within the zone district and surrounding area.

6. The water facility is unmanned, but will be fully monitored and maintained by WD29 personnel. All necessary utilities will be safely designed to meet all applicable codes and will not negatively impact public health or safety, as discussed throughout this report. The subject property is surrounded by mature trees much taller than the proposed water tank to the north, south and west, and is bordered by Busch Drive to the east; therefore, no solar access impacts or public or private view impacts are expected.

7. For security purposes and to ensure a safe water supply, no public access to the proposed water tank is provided. Access is limited to authorized WD29 personnel and other emergency personnel. The facility will be enclosed with an eight foot in height fence along Busch Drive and an existing six foot in height fence along the sides and rear property lines.

8. The proposed use furthers the purpose of the General Plan to ensure adequate public infrastructure and utilities and fire protection.

9. The proposed water system will be in full compliance with all applicable State, County and City of Malibu ordinances and laws.

10. As designed and conditioned, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare, and will provide the public benefit of a potable water supply for domestic use and fire protection.

11. With the implementation of the recommendations of the project geotechnical engineer and City geotechnical staff, less than significant impacts on structural integrity from geologic or flood hazards are expected. The proposed project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, fire or any other hazards. City geotechnical staff has approved the water tank for conformance with all LCP standards, subject to the incorporation of the project geotechnical consultant’s recommendations.

I. Demolition Permit (MMC Section 17.70)

1. Conditions of approval included in Planning Commission Resolution No. 20-023 ensure that the project will not create significant adverse environmental impacts.
2. This CDP application is being processed concurrently with DP No. 20-011, and subject to approval of CDP No. 13-040.


Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 13-040, CUP 13-015, VAR Nos. 13-042, 13-043, 15-035 and 15-036, MM No. 13-011, and DP No. 20-011, subject to the following conditions.

SECTION 5. Conditions of Approval.

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. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   a. Removal of the existing 300,000-gallon concrete water tank, OWTS and other associated development;
   b. Installation of a new 385,000-gallon steel water tank;
   c. 9,219 square feet of impermeable coverage;
   d. Non-view permeable, security fencing eight feet in height along the front property line;
   e. Eight-foot in height backup generator; and
   f. Landscaping in front of the front yard fencing within the public right-of-way to help screen the proposed tank.

Discretionary Entitlements:

   g. CUP No. 13-015 is required to allow a public utility facility (water storage tank) to be constructed on a rural residential parcel;
   h. VAR No. 13-042 for the height of the water tank to exceed 24 feet in height to a height of 26 feet at the vent and railing;
   i. VAR No. 13-043 for non-view permeable fencing within the front yard setback up to eight feet in height;
   j. VAR No. 15-035 to allow a 7-foot, 8-inch in height generator to encroach into the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches;
   k. VAR No.15-036 for impermeable coverage to exceed the maximum permitted of 4,500 square feet with the proposed 9,219 square feet;
   l. MM No. 13-011 for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet; and
   m. DP No. 20-011 for the full demolition of the existing water tank, OWTS and other associated development.
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **December 12, 2019**. The proposed development shall further comply with all conditions of approval stipulated in this Resolution and Department Review Sheets attached hereto. In the event 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 of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.

5. The applicant shall submit a complete set of plans, including the items required in Condition No. 6 to the Planning Department for consistency review and approval prior to the commencement of construction to be used by the contractor during construction.

6. This resolution, signed and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans used on the construction site.

7. The CDP 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 City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, 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 Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals have been exhausted.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

13. 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.

14. 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.

Project-Specific Conditions

15. The water tank shall be painted a dark green color with a matte finish to be approved by the Planning Director.

16. A non-view permeable, eight foot high fence along the front property line and mature landscaping in the public right-of-way must be installed and maintained to screen the proposed water tank.

17. Transportation of heavy construction equipment and/or materials, which requires the use of oversized transport vehicles on State highways will require a transportation permit from Caltrans. The applicant shall coordinate with and obtain necessary approvals from Caltrans pertaining to oversized vehicles, off-peak trip scheduling and any other applicable Caltrans approvals for construction traffic management.

18. The property owner/applicant shall obtain encroachment permits from the City of Malibu Public Works Department prior to the commencement of any work with the public right of way.

19. Prior to the issuance of any development permits, the applicant shall submit for review and approval a traffic control plan. The traffic control plan shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

20. Two week prior to any construction work, the applicant shall send a construction notice to all residences within a 500-foot radius of the subject parcel. The notice shall contain the project schedule, description of work, a statement that traffic will be interrupted, and a direct contact with the contractor and a representative from the applicant. The notice shall be reviewed and approved by the Public Works Department.
Building Plan Check

Demolition/Solid Waste

21. 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.

22. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.

23. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.

24. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.

25. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

26. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Geology

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

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

OWTS

29. The following note shall be added to the plan drawings: "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.

**Grading/Drainage/Hydrology**

31. 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.

32. 3. 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Preservation of Existing Vegetation</td>
</tr>
<tr>
<td>Sediment Controls</td>
<td>Silt Fence</td>
</tr>
<tr>
<td></td>
<td>Sand Bag Barrier</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Entrance</td>
</tr>
<tr>
<td>Non-Storm Water Management</td>
<td>Water Conservation Practices</td>
</tr>
<tr>
<td></td>
<td>Dewatering Operations</td>
</tr>
<tr>
<td>Waste Management</td>
<td>Material Delivery and Storage</td>
</tr>
<tr>
<td></td>
<td>Stockpile Management</td>
</tr>
<tr>
<td></td>
<td>Spill Prevention and Control</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Management</td>
</tr>
<tr>
<td></td>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td></td>
<td>Sanitary/Septic Waste Management</td>
</tr>
</tbody>
</table>

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

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

**Construction / Framing**

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

35. 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.
36. 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.

37. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
   a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
   b. Grading activities shall be planned during the southern California dry season (April through October).
   c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
   d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

38. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest structural member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

**Biology/Landscaping**

39. Invasive plant species, as determined by the City of Malibu, are prohibited.

40. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

41. The use of building materials treated with toxic compounds (such as copper arsenate) shall be prohibited on a landscaping plan.

**Deed Restriction**

42. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
Prior to Final Sign Off

43. Prior to final project sign off, the City Biologist shall inspect the project site and determine that the landscaping in front of the front property line fence are in compliance with the approved plans.

44. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.

45. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental and Building Safety Division. Final project sign-off shall not be issued by the Environmental Sustainability Department until the Planning Department has determined that the project complies with this CDP.

Fixed Conditions

46. This coastal development permit shall run with the land and bind all future owners of the property.

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

SECTION 6. The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 18th day of May 2020.

____________________________________________
JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

____________________________________________
KATHLEEN STECKO, Recording Secretary
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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 20-23 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 18th day of May 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary
Screencheck Draft

Addendum to the Lower Busch Tank
2005 Negative Declaration

Malibu, California

Prepared for
County of Los Angeles
Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803

Prepared by
BonTerra Consulting
225 South Lake Avenue, Suite 1000
Pasadena, California 91101
T: (626) 351-2000 F: (626)351-2030

January 2013
TABLE OF CONTENTS

Section 1.0 Introduction .............................................................................................................. 1
  1.1 Project Background ........................................................................................................... 1
  1.2 Purpose of an Addendum ................................................................................................. 1
  1.3 Findings for Proposed Changes ....................................................................................... 1
  1.4 Project Design Features ................................................................................................. 4

Section 2.0 References ............................................................................................................. 9

TABLES

Table  Page

1  Comparison of Tank Specifications .................................................................................... 2
SECTION 1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

The County of Los Angeles Waterworks District No. 29 (District) operates the potable water system in the City of Malibu and surrounding unincorporated areas. The District acquired several water facilities in the Malibu system from the Malibu Water Company in 1959; the Lower Busch Tank site was one of the facilities included in the acquisition of facilities. The District has an easement to construct, repair, and maintain water facilities on the property.

The Lower Busch Tank is a potable concrete water tank that was constructed in approximately 1947; it is located at 5731 South Busch Drive in Malibu, and serves over 300 connections within the 325-foot pressure zone. Due to visible cracking, rust stains, and efflorescence on the tank, in 2000, the District authorized an inspection to be performed on the tank. The inspection report documented several cracks and poor concrete quality, and determined that the tank did not meet American Water Works Association (AWWA) seismic standards (PSI 2000). Based on the information provided in the report, a tank retrofit was not economical. Consequently, the District elected to remove and replace the existing tank.

In 2005, in compliance with the California Environmental Quality Act (CEQA), the District prepared and adopted a Negative Declaration (ND) to replace the existing concrete tank with a new steel tank (California State Clearinghouse No. 2003081124) based on preliminary conceptual designs. In 2011, the District retained an engineer (Cannon) to design the replacement tank. Based on site investigations and discussions with the District, minor technical modifications to the tank design were made. Cannon summarized the final recommendations for the replacement tank in a July 17, 2012, Design Memorandum.

1.2 PURPOSE OF AN ADDENDUM

Section 15164 of the State CEQA Guidelines stipulates that a lead agency (i.e., Water Works District No. 29) may prepare an addendum to an adopted ND “if only minor technical changes or additions are necessary or none of the conditions described in [State CEQA Guidelines] Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred”. An addendum need not be circulated for public review, but can be included in or attached to the adopted ND.

1.3 FINDINGS FOR PROPOSED CHANGES

In accordance with Section 15164(e) of the State CEQA Guidelines, the lead agency must provide a “brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence”. The following findings provide justification as to why an addendum, and not a subsequent EIR, is the appropriate document for the proposed modifications to the project:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The 2005 ND analyzed the impacts of replacing the existing concrete water tank with a steel tank. The current (2012) replacement tank would be constructed at the same location after
demolition of the existing water tank. The existing cylindrical 300,000-gallon concrete tank is a total of 21 feet high, 4 feet of which are buried below grade; it has an outside diameter of 52 feet. Table 1 provides a comparison of the tank specifications:

**TABLE 1**
**COMPARISON OF TANK SPECIFICATIONS**

<table>
<thead>
<tr>
<th>Material</th>
<th>Existing Tank</th>
<th>Conceptual Tank Proposed in 2005 ND</th>
<th>2012 Proposed Tank Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diameter</td>
<td>Concrete</td>
<td>Steel</td>
<td>Steel</td>
</tr>
<tr>
<td>Height</td>
<td>52 feet</td>
<td>59 feet</td>
<td>58 feet</td>
</tr>
<tr>
<td>Operational Capacity</td>
<td>300,000 gallons</td>
<td>380,000 gallons</td>
<td>385,000 gallons</td>
</tr>
</tbody>
</table>

As shown in Table 1, the dimensions and capacity of the currently proposed tank are very similar to the one analyzed in the adopted 2005 ND. The 2012 proposed steel tank would be approximately 24 feet high with an outside diameter of 58 feet. The 2012 proposed tank's diameter would be slightly smaller (by one foot), and the height would remain the same as the 2005 ND design. Despite the slightly smaller footprint, the 2012 proposed tank would have a greater operational capacity.

The minor disparity in the operational capacity of 5,000 gallons can be attributed to the differing engineering assumptions that were used in 2005 ND and 2012. The tank analyzed in the 2005 ND was based on preliminary conceptual designs—the tank design had not yet been finalized. In fact, the Geotechnical Engineering Report prepared in conjunction with the 2005 ND actually referred to a 58-foot tank, which is the same as what is currently being proposed (LACDPW 2003). Therefore, the difference in operational capacity is negligible and for the purposes of this Addendum, the 2012 proposed tank is nearly identical to the one analyzed in the 2005 ND.

The remaining facilities at the site would not require any alterations, including the pump station, the pressure relief valve, the flow meter vault, the pressure-reducing station, the concrete masonry block building (with restroom), the septic tank, the leach field, or the underground piping. However, the security fencing will be replaced in-kind and, depending on the construction area needed to remove the existing tank and install the new one, some of the existing utilities may need to be relocated. This would mostly affect the water lines and the electrical conduits on the site that are close proximity to the existing tank (Cannon 2012). As part of the utility relocation, two trees located along the Busch Drive frontage would be removed. The trees were identified as Goldenrain trees (*Koelreuteria paniculata*); this is a non-native species and is not listed for protection by either the County of Los Angeles or the City of Malibu. These project components would be required in order to implement both the approved 2005 design and the 2012 proposed design.

The environmental impacts associated with the overall increase in size of the tank from the existing concrete tank were analyzed under the 2005 ND, and no significant environmental

---

1 Possible engineering discrepancies include the amount of "freeboard" available at the top of the tank. The freeboard area allows for containment of the sloshing wave height due to seismic activity, as well as any incidental water that fills the tank above the overflow outlet. Another discrepancy might be the location of the inlet/outlet piping on the tank. The area below the piping is considered to be "dead storage" because the water there is inaccessible.
effects were identified. All potential short-term construction-related impacts and all long-term operational impacts were determined to be less than significant. As the currently proposed tank is almost identical to the tank analyzed in the 2005 ND, the proposed project does not incorporate substantial changes to the project that would require major revisions of the 2005 ND.

(2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The site remains largely unchanged from 2005. The tank site, located at 5731 Busch Drive in Malibu, California, consists of a partially buried, 300,000-gallon, concrete tank, booster pumps and associated underground pipelines; a small concrete masonry block building that houses electrical panels and a restroom; buried leach lines for the restroom; and security fencing. The site is paved with aged asphalt concrete. The project site is located in an established and fully developed residential community, with homes that border the project site to the north, west, and south, and across Busch Drive to the east, with multiple trees located near the property lines. The project site is fully paved and does not offer any opportunities for flora or fauna—including federally or State-listed species or species of special concern—to become established within the project limits.

As discussed under (1) above, the currently proposed tank is almost identical to the tank analyzed in the 2005 ND, and the minor changes in the tank design do not constitute substantial changes to the project. Additionally, no substantial changes have occurred with respect to the circumstances under which the project is undertaken that require major revisions to the 2005 ND, as there are no new significant environmental effects or increases in the severity of previously identified impacts.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The project does not include new information of substantial importance that was not known at the time the 2005 ND was adopted. As discussed above, the proposed project components are almost identical to the project that was analyzed in the 2005 ND. Only minor technical changes
to the design of the tank are proposed. The new project would not create any new significant
impacts, nor would it increase the severity of any impacts when compared to the project
analyzed in the 2005 ND. While a new geotechnical study of the project site was prepared by
Ninyo & Moore in April 2012 (Ninyo & Moore 2012), the conclusions reached in the study are
consistent with what was found in previous studies, such as the Geotechnical Engineering
Report prepared for the ND (LACDPW 2003).

As all impacts were determined to be less than significant, no mitigation measures were
required for the 2005 design, as set forth in the 2005 ND. However, the 2005 ND did include
several measures to ensure compliance with applicable regulatory requirements and standard
construction practices. These measures are listed below.

**Air Quality**
- Control dust by appropriate means, such as watering and/or sweeping.
- Compliance with applicable air pollution control regulations.

**Geology and Soils**
- Proper removal and disposal of excess soils and excavated materials.

**Hazards and Hazardous Materials**
- Proper maintenance of all construction equipment.
- Compliance with all applicable laws and ordinances regarding chemical cleanup.

**Hydrology and Water Quality**
- Compliance with all applicable Best Management Practices as required by the National
  Pollutant Discharge Elimination System permit by the Regional Water Quality Control
  Board for projects that lie within the boundaries of the County of Los Angeles

**Noise**
- Compliance with all applicable noise and ordinances during construction.
- Construction activities would be restricted to the County appointed construction times.

**Transportation/Traffic**
- Advance notification of all street and/or lane closures and detours to all emergency
  service agencies.
- Clear delineations and barricades to designate through traffic lanes.
- Compliance with all applicable laws and ordinances regarding the transportation routes
  for the haul of material.

### 1.4 PROJECT DESIGN FEATURES

No new mitigation measures are required as part of the minor changes to the project. However,
in order to clarify the measures that were listed in the 2005 ND and to reflect the standard
operating procedures that the County implements during water tank replacement projects such
as the Lower Busch Tank project, the project design features (PDFs) listed below have been
included as part of this Addendum. These PDFs are not new or considerably different from
those included in the 2005 ND; they merely specify how the measures will be implemented and cite the applicable State and local regulatory requirements.

The County shall confirm that these PDF requirements are implemented during construction and that contractor compliance with these PDF requirements are performed to the satisfaction of the County.

**Air Quality**

**PDF AQ-1** Project contractors shall comply with South Coast Air Quality Management District (SCAQMD) Amended Rule 403 and Rule 1186, Fugitive Dust, which requires the implementation of best available control measures (BACM) for any activity or man-made condition capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, disturbed surface area, or heavy- and light-duty vehicular movement (SCAQMD 1976). The BACMs include stabilizing soil; watering surface soils and crushed materials; covering hauls or providing freeboard; preventing track-out; and limiting vehicle speeds and wind barriers, among others. Amended Rule 403 and Rule 1186 require dust control, as necessary, to prevent visible emissions beyond the project site property lines. Compliance with these Rules will result in a reduction in short-term particulate pollutant emissions. This measure shall be included by the County as notes in the Contractor Specifications.

**PDF AQ-2** When feasible, electricity shall come from power poles rather than diesel- or gasoline-fueled generators, compressors, or similar equipment unless it is demonstrated to the County to be infeasible.

**PDF AQ-3** Construction contractors shall implement the following measures:

- a. All construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.
- b. On-site diesel truck idling time shall be five minutes or less.
- c. Work crews shall shut off diesel equipment when not in use.

**Biological Resources**

**PDF Bio-1** Prior to construction activities, the District shall comply with the Migratory Bird Treaty Act (MBTA): “to avoid impacts on nesting birds, vegetation on the Project site should be cleared between September 1 and January 31. If vegetation clearing occurs inside the peak nesting season (between February 1 and August 31), a pre-construction survey (or possibly multiple surveys) shall be conducted by a qualified Biologist to identify if there are any active nesting locations. If the Biologist does not find any active nests within the impact area, the vegetation clearing/construction work will be allowed. If the Biologist finds an active nest within the construction area and determines that the nest may be impacted by construction activities, the Biologist shall delineate an appropriate buffer zone around the nest depending on the species and the type of construction activity. Construction activities shall be avoided in the buffer zone until a qualified Biologist determines the nest is abandoned. Construction occurring within the buffer zone shall be monitored by the biologist.”
Cultural Resources

PDF CR-1 Should any archaeological or paleontological resources be uncovered during grading or excavation activities, these activities shall be diverted to a part of the site away from the find, and a qualified Archaeologist or Paleontologist shall be contacted, as appropriate, by the Contractor to (1) ascertain the significance of the resource; (2) establish protocol with the Property Owner/Developer to protect such resources; (3) ascertain the presence of additional resources; and (4) provide additional monitoring of the site, if deemed appropriate. The District shall comply with these requirements.

PDF CR-2 In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found during ground-disturbing activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. The County Coroner shall be notified within 24 hours of the discovery. If the County Coroner determines that the remains are or are believed to be Native American, s/he shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC must immediately notify those persons it believes to be the most likely descended from the deceased Native American. The descendents shall complete their inspection within 48 hours of being granted access to the site by the property owner. The property owner would then determine, in consultation with a designated Native American representative, the final disposition of the human remains (14 California Code of Regulations §15064.5[e]). The District shall comply with these requirements.

Geology and Soils

PDF Geo-1 The Project shall be designed and constructed in compliance with the American Water Works Association (AWWA) Standard D-100, the County Building Code, which incorporates, by reference, the 2010 California Building Code (CBC, or the most recent County building and seismic codes in effect at the time the grading plans are approved) to ensure the structural integrity of proposed site improvements against seismic shaking. The County shall confirm this requirement is included in the building plans and Contractor Specifications. Contractor compliance with this requirement shall be performed to the satisfaction of the County of Los Angeles Department of Public Works.

PDF Geo-2 The County of Los Angeles Department of Public Works shall review the Geotechnical Evaluation, Lower Busch Tank Project, Malibu, California (Ninyo & Moore 2012) and any and all additional geotechnical reports prepared for the Project site, and shall confirm that all geotechnical recommendations provided in it have been fully and appropriately incorporated into the site preparation and building design specifications.

Hazards and Hazardous Materials

PDF Haz-1 During construction activities, hazardous materials encountered on the Project site requiring off-site disposal shall be transported off site by a properly licensed hazardous waste hauler who shall be in compliance with all applicable State and
federal requirements, including California Department of Transportation (Caltrans) regulations under Title 49 of the Code of Federal Regulations. Hazardous materials that may be encountered during proposed project implementation shall be handled, treated, and/or disposed of in accordance with applicable regulations and/or the requirements of the local oversight agency(ies). The County shall confirm this requirement is included in the Contractor Specifications, and contractor compliance with this requirement shall be performed to the satisfaction of the County of Los Angeles Department of Public Works.

**Hydrology and Water Quality**

**PDF WQ-1** Pursuant to Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach (Order No. 01-182, NPDES No. CAS004001), of which the City of Malibu is a co-permittee, the contractor shall develop and incorporate BMPs for reducing or eliminating construction-related pollutants in site runoff. The County shall confirm this requirement is included in the Contractor Specifications, and contractor compliance with this requirement shall be performed to the satisfaction of the County of Los Angeles Department of Public Works.

**Noise**

**PDF N-1** In compliance with Section 8.24.050 of the City of Malibu Municipal Code, operating or causing the operation of any tools, equipment, impact devices, derricks, or hoists used in construction, chilling, repair, alteration, demolition or earthwork shall be prohibited on weekdays between the hours of 7:00 PM and 7:00 AM, before 8:00 AM or after 5:00 PM on Saturday, or at any time on Sundays or holidays.

**PDF N-2** All internal combustion engines—including on-road vehicles and on-site equipment—shall be equipped with the manufacturer’s recommended muffler or better. Internal combustion engines shall not be operated on the construction site or on adjacent roadways without the appropriate muffler.

**PDF N-3** Stationary equipment (e.g., generators and air compressors) shall be located as far from local residences as possible and shall be equipped with appropriate noise-reduction features (e.g., mufflers and enclosures per manufacturer’s specification or better) to limit equipment noise if possible. If signal boards or other traffic-control devices are used, they shall not be powered by internal combustion engines.

**PDF N-4** The Contractor shall immediately address public complaints of excessive noise or vibration. If the complaint is perceived to be valid, the construction equipment or procedures shall be modified to reduce the impact.

Following each complaint, the Contractor shall advise the County of the analysis of the problem and the planned, or already implemented, solution, as appropriate.
Transportation and Traffic

PDF Trans-1 Construction traffic would be managed in compliance with the Federal Highway Administration's (FHWA's) *Manual on Uniform Traffic Control Devices* (FHWA 2009) and applicable City of Malibu requirements to limit roadway obstruction and the need for temporary detours. During times of heavy truck traffic, a flagperson may be stationed at the project site entrance to ensure the safety of through traffic.
SECTION 2.0 REFERENCES


Los Angeles County Department of Public Works (LACDPW). 2005 (October 11). *Negative Declaration for Lower Busch Tank*. Alhambra, CA: LACDPW.


September 29, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU
LOWER BUSCH WATER TANK REPLACEMENT
NEGATIVE DECLARATION AND AUTHORIZATION TO PROCEED
SUPERVISORIAL DISTRICT 3
3 VOTES

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU:

1. Consider the enclosed Negative Declaration for the replacement of an existing concrete water tank with a new steel tank in the City of Malibu (City) with an estimated cost of $1,700,000, determine that the project will not have a significant impact on the environment, find that the Negative Declaration reflects the independent judgment of the County, and approve the Negative Declaration.

2. Approve the project and authorize Public Works to carry out the project.

3. Find that the project will have no adverse effect on wildlife resources and authorize Public Works to complete and file a Certificate of Fee Exemption with the County Clerk for the California Department of Fish and Game.
PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action will allow us to replace an existing concrete water tank with a new steel tank in the City. The existing 300,000-gallon concrete tank is approximately 24 feet high and 52 feet in diameter. The water tank is over 50 years old and was recommended to be replaced with a steel tank by a Los Angeles County Waterworks District No. 29, Malibu, consultant because of its high risk of failure. The existing tank serves approximately 300 residents in the surrounding area. In order to meet current domestic and fire protection needs, the new tank volume will be 380,000 gallons. The proposed steel tank will be approximately 24 feet high and 59 feet in diameter.

The Initial Study of Environmental Factors for this project indicated that the project would not have a significant effect on the environment. In accordance with the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, a Negative Declaration was prepared and circulated for public review.

Based upon the Initial Study of Environmental Factors and comments received on the draft Negative Declaration, it has been determined that the proposed project will not have a significant effect on the environment. Therefore, approval of the Negative Declaration is appropriate at this time.

Implementation of Strategic Plan Goals

This action meets the County Strategic Plan Goal of Service Excellence as it upgrades the water system to provide better service to the public in a cost-effective manner. Construction of this project will remove a potential risk and provide an increased flow of water for fire protection and domestic demand for the community.

FISCAL IMPACT/FINANCING

This action has no impact on the County's General Fund.

Financing for the proposed project will be made available in the Los Angeles County Waterworks District No. 29, Malibu, Accumulated Capital Outlay Fund (N33). We will return to your Board to request your approval to award a construction contract.
FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Under the California Environmental Quality Act (CEQA), any lead agency preparing a Negative Declaration must provide a public notice within a reasonable period of time prior to certification of the Negative Declaration. To comply with this requirement, a public notice, pursuant to Section 21092 of the Public Resources Code, was published in the Malibu Surfside News and the Malibu Times on August 28, 2003, and September 4, 2003, respectively. A copy of the draft Negative Declaration was provided to the Malibu Library for public review. In addition, copies of the draft Negative Declaration were sent to the agencies listed in Enclosure A.

During the public review period, we received comments from the California Department of Transportation (Caltrans) and the City. Response letters were sent to Caltrans and the City on March 11, 2004, and March 15, 2004, respectively. These letters are included as Enclosures B and C of the Negative Declaration.

ENVIRONMENTAL DOCUMENTATION

CEQA requires public agency decision makers to document and consider environmental implications of their actions.

The Negative Declaration was written pursuant to the CEQA Guidelines of 1970, as amended (Division 13, California Public Resources Code), and the CEQA Guidelines (Division 6, California Administrative Code).

Upon approval of the Negative Declaration by your Board, we will file a Certificate of Fee Exemption with the County Clerk. A $25 handling fee will be paid to the County Clerk for processing. We will also file a Notice of Determination in accordance with the requirements of Section 21152(a) of the California Public Resources Code.

CONTRACTING PROCESS

This project will be contracted on an open-competitive bid basis. The contract will be awarded to the lowest, responsible bidder meeting the criteria established by your Board and the California Public Contract Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects during the performance of the recommended contract.
CONCLUSION

Upon Board approval, please return one adopted copy of this letter to Public Works, Waterworks and Sewer Maintenance Division.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

Enc.

cc: Chief Administrative Office
    County Counsel
COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
NEGATIVE DECLARATION FOR LOWER BUSCH WATER TANK

I. Location and Brief Description

The proposed project is located in the Los Angeles County Waterworks District No. 29, Malibu, at the existing Lower Busch Water Tank site as shown on Exhibit A. The project consists of replacing the existing concrete water tank with a new steel tank. The existing cylindrical 300,000-gallon concrete tank is 24 feet high with an outside diameter of 52 feet. The existing tank is over 50 years old and serves approximately 300 service connections in the surrounding area. In order to meet current domestic and fire protection standards, the District proposes to increase the new tank volume to 380,000 gallons. The proposed steel tank will be approximately 24 feet high with an outside diameter of 59 feet.

II. Mitigation Measures Included in the Project to Avoid Potentially Significant Effects

No significant environmental effects were identified. However, mitigation measures are discussed in Section VI of the Initial Study.

III. Finding of No Significant Effect

Based on the attached Initial Study, it has been determined that the project will not have a significant effect on the environment.
INITIAL STUDY OF ENVIRONMENTAL FACTORS

1. **Project Title:** Lower Busch Water Tank

2. **Lead Agency Name and Address:** County of Los Angeles Department of Public Works, Waterworks and Sewer Maintenance Division, P.O. Box 1460, Alhambra, California 91802-1460.

3. **Contact Person and Phone Number:** Mr. Mondher Saied - (626) 300-3337

4. **Project Location:** The proposed project site is located in the northwestern portion of Los Angeles County within the City of Malibu, on Busch Drive, as shown on Exhibit A.

5. **Project Sponsor’s Name and Address:** County of Los Angeles Department Public Works, Waterworks and Sewer Maintenance Division, P.O. Box 1460, Alhambra, California 91802-1460.

6. **General Plan Designation:** Residential

7. **Zoning:** Single-Family Residence (R-1); Limited Multiple Residence (R-3).

8. **Description of Project:** The project consists of replacing the existing concrete water tank with a new steel tank. The existing cylindrical 300,000-gallon concrete tank is 24 feet high with an outside diameter of 52 feet. The existing tank is over 50 years old and serves approximately 300 service connections in the surrounding area. In order to meet current domestic and fire protection standards, the District proposes to increase the new tank volume capacity to 380,000 gallons. The proposed steel tank will be approximately 24 feet high with an outside diameter of 59 feet. The project facilities will be located within the District’s right-of-way.

9. **Surrounding Land Uses and Environmental Setting:**

   A. **Project Site** - The proposed project site is located in the northwestern portion of Los Angeles County within the City of Malibu, on Busch Drive, as shown on Exhibit A. The site is located at an elevation of 300 feet above sea level. The proposed tank will be built on the same site as the existing tank.
B. **Surrounding Properties** - The topography of the surrounding project is rather mountainous. The surrounding area is mostly residential interspersed with vacant lots. There is a row of houses on both sides of Busch Drive where the tank is located. Animal life in the surrounding area includes domesticated dogs, rodents, birds, and insects. No known endangered species or species of special concern exist within the project limit.

10. **Other agencies whose approval is required (and permits needed)**

1. California Coastal Commission.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- Aesthetics
- Biological Resources
- Hazards & Hazardous Materials
- Mineral Resources
- Public Services
- Utilities/Service Systems
- Agriculture Resources
- Cultural Resources
- Hydrology/Water Quality
- Noise
- Recreation
- Mandatory Findings of Significance
- Air Quality
- Geology/Soils
- Land Use/Planning
- Population/Housing
- Transportation/Traffic

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project would have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

August 18, 2003

Mondher Saled
Los Angeles County Waterworks Districts

Page 4 of 32
EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

3) "Potential Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potential Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.

4) "Less Than Significant With Mitigation Incorporation" applies where the incorporation of mitigation measures has reduced an effect from "Potential Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVIII, "Earlier Analysis," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other California Environmental Quality Act process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). Earlier analysis are discussed in Section XVIII at the end of the checklist.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). See the sample question below. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.
# LOWER BUSCH TANK
## ENVIRONMENTAL CHECKLIST FORM

<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

### I. AESTHETICS - Would the project:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Have a substantial adverse effect on a scenic vista?</td>
</tr>
<tr>
<td>b)</td>
<td>Substantially damage scenic resources, including, but not limited to, trees, rock outcrops, and historic buildings within a State scenic highway?</td>
</tr>
<tr>
<td>c)</td>
<td>Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
</tr>
<tr>
<td>d)</td>
<td>Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</td>
</tr>
</tbody>
</table>

### II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?</td>
</tr>
<tr>
<td>b)</td>
<td>Conflict with existing zoning for agricultural use or a Williamson Act contract?</td>
</tr>
<tr>
<td>c)</td>
<td>Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?</td>
</tr>
</tbody>
</table>

### III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Conflict with or obstruct implementation of the applicable air quality plan?</td>
</tr>
<tr>
<td>b)</td>
<td>Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
</tr>
<tr>
<td>c)</td>
<td>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for zone precursors)?</td>
</tr>
<tr>
<td>d)</td>
<td>Expose sensitive receptors to substantial pollutant concentrations?</td>
</tr>
<tr>
<td>e)</td>
<td>Create objectionable odors affecting a substantial number of people?</td>
</tr>
<tr>
<td>IV. BIOLOGICAL RESOURCES - Would the project:</td>
<td>Potential Significant Impact</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td></td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</td>
<td></td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident, migratory fish, or wildlife species; or with established native resident or migratory wildlife corridors; or impede the use of native wildlife nursery sites?</td>
<td></td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td></td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V. CULTURAL RESOURCES - Would the project:</th>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
VI. GEOLOGY AND SOILS - Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i)</td>
<td>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>ii)</td>
<td>Strong seismic ground shaking?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iii)</td>
<td>Seismic-related ground failure, including liquefaction?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iv)</td>
<td>Landslides?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>Result in substantial soil erosion or the loss of topsoil?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e)</td>
<td>Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code, Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Potential Impact</td>
<td>Less Than Significant Impact</td>
<td>Mitigation Incorporation</td>
<td>Less Than Significant Impact</td>
</tr>
<tr>
<td>---</td>
<td>------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>e)</td>
<td>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g)</td>
<td>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h)</td>
<td>Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

<p>|   | Violate any water quality standards or waste discharge requirements? | | | | X |
| b) | Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | | | | X |
| c) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | | | | X |
| d) | Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | | | | X |
| e) | Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | | | | X |
| f) | Otherwise substantially degrade water quality? | | | | X |
| g) | Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | | | | X |
| h) | Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | | | | X |</p>
<table>
<thead>
<tr>
<th></th>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td>Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>j)</td>
<td>Inundation by seiche, tsunami, or mudflow?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**IX. LAND USE AND PLANNING** - Would the project:

| a) | Physically divide an established community? | X |
| b) | Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | X |
| c) | Conflict with any applicable habitat conservation plan or natural community conservation plan? | X |

**X. MINERAL RESOURCES** - Would the project:

| a) | Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | X |
| b) | Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | X |

**XI. NOISE** - Would the project result in:

<p>| a) | Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or ordinance or applicable standards of other agencies? | X |
| b) | Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | X |
| c) | A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | X |
| d) | A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | X |
| e) | For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | X |
| f) | For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | X |</p>
<table>
<thead>
<tr>
<th>XII. POPULATION AND HOUSING</th>
<th>Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?</td>
<td>X</td>
</tr>
<tr>
<td>b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</td>
<td>X</td>
</tr>
<tr>
<td>c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>XIII. PUBLIC SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities; the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</td>
</tr>
<tr>
<td>Fire protection?</td>
</tr>
<tr>
<td>Police protection?</td>
</tr>
<tr>
<td>Schools?</td>
</tr>
<tr>
<td>Parks?</td>
</tr>
<tr>
<td>Other public facilities?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>XIV. RECREATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
</tr>
<tr>
<td>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
</tr>
<tr>
<td>XV. TRANSPORTATION/TRAFFIC - Would the project:</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
</tr>
<tr>
<td>c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
</tr>
</tbody>
</table>
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th></th>
<th>Potential Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>Does the project have environmental effects, which will cause substantial adverse effects on human beings either directly or indirectly?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
XVIII. DISCUSSION OF WAYS TO MITIGATE SIGNIFICANT EFFECTS

Section 15041 (a) of the State California Environmental Quality Act guidelines states that a lead agency for a project has authority to require changes in any or all activities involved in the project in order to lessen or avoid significant effects on the environment. No significant effects have been identified. However, the following mitigation measures have been included:

Air Quality

- Control dust by appropriate means, such as watering and/or sweeping.
- Compliance with applicable air pollution control regulations.

Geology and Soils

- Proper removal and disposal of excess soils and excavated materials.

Hazards and Hazardous Materials

- Proper maintenance of all construction equipment.
- Compliance with all applicable laws and ordinances regarding chemical cleanup.

Hydrology and Water Quality

- Compliance with all applicable Best Management Practices as required by the National Pollutant Discharge Elimination System permit issued to the County by the Regional Water Quality Control Board.

Noise

- Compliance with all applicable noise and ordinances during construction.
- Construction activities would be restricted to the County appointed construction times.

Transportation/Traffic

- Advance notification of all street and/or lane closures and detours to all emergency service agencies.
- Clear delineations and barricades to designate through traffic lanes.
- Compliance with all applicable laws and ordinances regarding the transportation routes for the haul of material.
ATTACHMENT A

DISCUSSION OF ENVIRONMENTAL FACTORS
LOWER BUSCH TANK

I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?

No impact. The proposed tank will not be constructed in or near designated scenic vistas or scenic highways within the project area. Therefore, the project will not result in adverse impacts on scenic vistas.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. The proposed project will not affect scenic resources, trees, rock outcroppings, or historical buildings within a state scenic highway. Thus, the project will have no impact on a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than significant impact. The proposed steel tank will replace and increase the capacity of an existing 50-year-old concrete tank by 80,000 gallons. The aboveground dimensions of the proposed tank will be roughly the same as the existing tank but the diameter will increase 7 feet. The proposed tank is not expected to have a significant visual effect on the surrounding properties due to the existing tree screening and limited dimensional increase. Therefore, the proposed project will have a less than significant visual impact on the site and its surroundings. The tank will be coated with a non reflective natural beige-colored epoxy.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

No impact. The proposed project will not include additional lighting systems or propose structures that could result in glare. Therefore, the proposed project will have no impact on day or nighttime views in the area.
II. **AGRICULTURE RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. **Would the project:**

a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?**

No impact. The proposed project location is not used for agricultural purposes or as farmland. Therefore, the project will not convert any farmland to nonagricultural use. Thus, the project will have no impact on farmland.

b) **Conflict with existing zoning for agricultural use or a Williamson Act contract?**

No impact. There is no active agriculture and no Williamson Act in the project area. Thus, the proposed project will not impact any existing zoning for agricultural uses or cancellation of Williamson Act contracts.

c) **Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?**

No impact. The proposed project does not involve changes in the existing environment that could result in the conversion of farmland to nonagricultural use.

III. **AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. **Would the project:**

a) **Conflict with or obstruct implementation of the applicable air quality plan?**

No impact. The County of Los Angeles Department of Public Works currently complies with dust control measures enforced by the South Coast Air Quality Management District and the Air Quality Management Plan. The proposed project will not conflict with current implementation of the applicable air quality plan.
b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**No impact.** Aside from temporary, short-term impacts during construction activities, which are anticipated to occur from 7 a.m. to 5:30 p.m., Monday through Friday, the proposed project will have no effect upon air quality. In addition, the Los Angeles County Department of Public Works' standard contract documents require construction contractors to equip all machinery and equipment with suitable air pollution control devices, and to use dust control measures such as sweeping and/or watering to control dust emissions created by construction activity, thereby further limiting potential impacts. When transporting excess excavated material, the contractor will be required to cover material with a tarp to reduce dust emissions and prevent falling debris.

c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

**No impact.** Project specifications will require the contractor to comply with all federal and state emission control regulations. The proposed project construction will not lead to emissions, which exceed thresholds for ozone precursors. Therefore, the proposed project will have no impact on ambient air quality standards.

d) **Expose sensitive receptors to substantial pollutant concentrations?**

**Less than significant impact.** Sensitive receptors in the area may be subjected to dust and construction equipment emission during project construction. Project specifications would require the contractor to control dust by appropriate means such as sweeping and/or watering and comply with all applicable air pollution control regulations. The impact is considered to be less than significant since the exposure would be temporary and precautions will be taken to mitigate exposure to pollutants.

e) **Create objectionable odors affecting a substantial number of people?**

**Less than significant impact.** Objectionable odors may be generated from various equipment during construction activities. These types of odors would be short-term and temporary. Thus, the impact of creating objectionable odor is considered less than significant.
IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. No sensitive or special status species as identified by the California Department of Fish and Game or the U.S. Fish and Wildlife Service are known to exist at the project site. Thus, the proposed project will have no impact on sensitive or special status species or their respective habitat.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No impact. Construction activities will be performed within the existing tank site right-of-way. Therefore, there will be no adverse impact on riparian habitat or other sensitive natural community.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. The proposed project does not involve any federally protected wetland habitat. Therefore, the proposed project will not impact wetland habitat.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No impact. The site does not provide important corridors for wildlife movement or nursery opportunities. Therefore, there will be no impact on resident or migratory fish or wildlife nursery sites.
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No impact. No known locally protected biological resources exist at the project site. Therefore, the proposed project will not conflict with any local policies or ordinances protecting biological resources.

f) Conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state Habitat Conservation Plan?

No impact. No known adopted habitat conservation plan or natural community conservation plan exists within the project site. Therefore, the proposed project will have no impact on any of these plans.

V. CULTURAL RESOURCES - Would the project:

a-d) Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5; directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature; or disturb any human remains, including those interred outside formal cemeteries?

No impact. No known paleontological, archaeological, and historical resources exist in the project area. However, if any cultural resources, including human remains, are discovered during construction, the contractor shall cease excavation and contact a specialist to examine the project sites as required by project specifications. Thus, the effects of the proposed project on these resources are not considered significant.
VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the state geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No impact. The closest fault to the project site is the Malibu Coast fault, which is located at 1.1 miles. Therefore, we do not anticipate a fault rupture occurring at the project site. Also, the tank is not located within the Alquist-Priolo Earthquake Fault Zoning Map. Thus, the location of the project site has no potential substantial adverse effects.

ii) Strong seismic ground shaking?

Less than significant impact. Although the project area has not been the epicenter of any known earthquake, the Malibu Coast fault is capable of causing an earthquake of magnitude 6.7. The proposed steel tank will be supported by a cast-in-place concrete pile foundation that will be designed to sustain this seismic activity. Therefore, the proposed project will have a less than significant impact related to seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. According to the geotechnical investigation conducted in May 2003, by the Los Angeles County Department of Public Works, Geotechnical & Materials Engineering Division, there is a potential for liquefaction to occur at the project site area. The proposed tank will be supported on a cast-in-place concrete pile foundation as recommended by the geotechnical report to mitigate the potential liquefaction condition. Therefore, the project will have a less than significant impact on seismic-related ground failure.
iv) **Landslides?**

No impact. According to the geotechnical investigation conducted in May 2003, the building site for the proposed structure is free of hazards from landslides. The proposed tank is located on a rather flat terrain. There does not appear to be any deep-seated, active landsliding within the project area. Therefore, there is no impact from landslides.

b) **Result in substantial soil erosion or the loss of topsoil?**

No impact. The proposed project consists of replacing the existing water tank on the same general location. Therefore, the proposed project will have no impact on the loss of topsoil or soil erosion.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Less than significant impact. See Section VI.a (ii-iv)

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Less than significant impact. According to the geotechnical investigation conducted in May 2003, there is a 5- to 7-foot layer of clay that has potential of being expansive. The weight of the tank combined with a 12-inch thick reinforced concrete pile cap will resist any significant structural damage from a potential expansive soil. Therefore, soil expansion will have a less than significant impact on the proposed tank.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?**

No impact. All existing wastewater disposed systems will remain intact and there are no new septic facilities proposed at the project site. Therefore, the project will have no impact on the use of septic tanks or alternative wastewater disposal systems.
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No impact. The proposed project does not involve the routine transport, use, or disposal of hazardous materials. Therefore, the project will have no impact on the transport, use, or disposal of hazardous materials.

b-c) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment or emit hazardous emissions or handle hazardous materials, substances, or wastes within one-quarter mile of an existing or proposed school?

No impact. The proposed new tank will not involve potential explosives, waste or any hazardous substances. Los Angeles County Department of Public Works' standard contract documents require that construction contractors comply with safety standards specified in Title 8, California Code of Regulations, as enforced by Cal/OSHA, thereby limiting potential impacts during construction.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code, Section 65962.5, and as a result, would it create a significant hazard to the public or the environment?

No impact. The project site is not known to be a hazardous materials site. Therefore, the proposed project would not create a significant hazard to the public or the environment.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No impact. The proposed project area is not within an airport land use plan and is not within a two-mile radius of a public airport or public use airport. Therefore, the proposed project will not result in safety hazards for people residing or working in the project area.
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No impact. The proposed project is not located within the vicinity of a private airstrip. Thus, the proposed project will have no impact relating to a safety hazard for people residing or working in the project area.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed project will result in a short-term increase in the number of vehicle trips over the course of construction as a result of construction traffic; however, the impact upon traffic congestion will not be significant. In addition, the construction contractor(s) will be required by Los Angeles County Department of Public Works' standard contract documents to provide adequate and safe traffic control measures, including adequate access to adjacent properties, that will both accommodate local traffic and ensure the safety of travelers within the project area, thereby further limiting potential impacts.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No impact. The proposed project would not expose people or structures to any significant risks involving wildland fires. Therefore, the proposed project is not expected to result in adverse impacts related to risks associated with wildland fires.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?

No impact. The contractor is required to implement Best Management Practices as required by the National Pollutant Discharge Elimination System permit issued to the County by the Regional Water Quality Control Board to minimize construction impacts on water quality. Therefore, the project will have no impact on the water quality standards or waste discharge requirements.
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No impact. The proposed project would not result in the use of any water that would result in a net deficit in aquifer volume or a lowering of the groundwater table. As a result, the project would not deplete groundwater supplies. Therefore, no impacts to groundwater supplies or groundwater recharge are anticipated to occur.

c-d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No impact. The construction of the water tank will not alter the present flow patterns. Therefore, the proposed project will have no impact on erosion, siltation, or on the rate or amount of surface runoff.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No impact. The construction of the project will not result in additional surface water runoff. Thus, the impact of the proposed project on the existing or planned stormwater drainage systems are not expected to have adverse affects.

f) Otherwise substantially degrade water quality?

No impact. The contractor will adhere to applicable Best Management Practices to minimize any degradation to water quality during construction. Therefore, the proposed project will not impact or degrade water quality.

g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No impact. The proposed project will not place any housing within a 100-year flood hazard area.
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?

No impact. The proposed project will not place any structures within a 100-year flood hazard area, which may impede or redirect flood flows.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

No impact. The proposed project will not expose people or structures to a significant risk of loss, injury, or death involving flooding.

j) Inundation by seiche, tsunami, or mudflow?

No impact. The project site is in hilly terrain with no water body in its proximity. Therefore, project will not cause any inundation by seiche, tsunami, or mudflow.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?

No impact. The proposed tank will be constructed in the same general location as the existing tank and will not physically divide the community. Therefore, the project will have no impact on physically dividing an established community.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No impact. The proposed project does not conflict with any applicable land use plan, policy, or regulation of any of the agencies with jurisdiction.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

No impact. The proposed project will not conflict with any habitat conservation plan or natural community conservation plan adopted by any agency or community.
X. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No impact. The construction of the proposed project would not deplete any known mineral resources. Therefore, no impact is anticipated.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No impact. The project site is not identified as a mineral resource recovery site in the local general plan, specific plan, or other land use plan. Therefore, the proposed project will have no impact on locally important mineral resource recovery site.

XI. NOISE - Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than significant impact. Noise levels within the proposed project site may increase during construction. However, the impact is temporary and will be subject to existing noise ordinances and standards set by U.S. Occupational Safety and Health Administration. The contractor will be required to comply with the construction hours specified in the County noise control ordinances. Overall, since the construction period will last for a short period, the project would not expose people to a permanent impact resulting from increased noise levels. Thus, the impact to severe noise levels is considered less than significant.

b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?

Less than significant impact. There are no existing or planned uses on or in the immediate vicinity of the project site that would result in the generation of excessive ground-borne vibrations. Although some ground-borne vibrations are expected to be generated from the equipment that may be used during demolition of the existing tank or the construction of the new tank, the impact associated with this vibration will be short term and below a level of significance. Therefore, the proposed project will not result in significant adverse impacts related to exposure of persons to excessive ground-borne vibrations or noise levels.
c-d) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project or a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less than significant impact.** During the construction phase of the project, there will be some increase in existing noise levels. However, the proposed project contains no noise-generating features that will result in a permanent increase in ambient noise level. Due to the short-term nature of the project, the impact will be less than significant.

e-f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels or for a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**No impact.** The proposed project is not located within two miles of a public airport. Therefore, the proposed project will not expose people residing or working in the area to excessive noise levels.

XII. **POPULATION AND HOUSING - Would the project:**

a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

**No impact.** Construction of the proposed project is not expected to result in population growth in the area directly or indirectly.

b-c) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere, or displace substantial numbers of people necessitating the construction of replacement housing elsewhere?

**No impact.** The proposed project will not displace any residents or houses, which would create a demand for additional housing elsewhere.
XIII. PUBLIC SERVICE

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities?

No impact. The proposed project will not affect public service and will not result in a need for new or altered governmental services in fire protection, police protection, schools, parks, or other public facilities.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No impact. The proposed project would not increase the use of existing neighborhood or regional parks.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No impact. The proposed project does not include nor require the construction or expansion of any recreational facilities.

XV. TRANSPORTATION/TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Less than significant impact. The proposed project will result in a short-term increase in the number of vehicle trips over the course of construction as a result of construction traffic; however, the impact upon traffic congestion will not be significant.
b) *Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?*

No impact. The minor increase in traffic in the project area due to construction vehicles is temporary. Overall, the proposed project will not directly or indirectly cause traffic to exceed a level of service standard established by the County Congestion Management Agency for roads or highways in the project area.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

No impact. The proposed project will have no impact on air traffic patterns.

d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No impact. The proposed project does not involve any design features that are known to constitute safety hazards. Therefore, the project will have no impact on hazards due to design features.

e) *Result in inadequate emergency access?*

No impact. The construction of this project will not result in inadequate emergency access. Therefore, the project would have no impact on hazards due to design features.

f) *Result in inadequate parking capacity?*

No impact. No impact to parking capacity is expected.

g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

No impact. The proposed project will not conflict with adopted policies, plans, or programs supporting alternative transportation.
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) **Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

No impact. The project will not result in contamination or an increase in discharge of wastewater that might affect wastewater treatment. Thus, the proposed project will have no impact on the wastewater treatment requirements of the Regional Water Quality Control Board.

b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

No impact. The proposed project will not result in the construction of new water or wastewater treatment facilities. Therefore, no impact is anticipated.

c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Less than significant impact. In order to provide adequate site drainage and to accommodate tank overflow discharge, the project will include the construction of a short section of 24-inch-diameter drain pipe to control the on-site drainage. This drain will outlet to the improved street. The proposed on-site drainage will not cause any significant environmental effect. Therefore, the impact upon the environment will not be significant.

d) **Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?**

No impact. The proposed project will not result in a need for additional water supplies. Therefore, the project will have no impact on existing water supply entitlements and resources.

e) **Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

No impact. No increase in the number of wastewater discharge facilities will occur as a result of the proposed project. Therefore, the proposed project will have no impact on wastewater treatment.
f-g) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste?

No impact. Construction of the proposed project may result in excess excavated materials and construction debris. However, the amount of solid waste generated will be minimal. Project specifications will require the contractor to dispose of these materials in accordance to all applicable federal, state, or local regulations related to solid waste. The proposed project will not result in a facility that would generate solid waste. Therefore, there will be no impact on landfill capacity.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

No impact. Based on findings in this environmental review, the proposed project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or eliminate important examples of the major periods of California history or prehistory. Therefore, the impact of the proposed project on plant community is not expected to cause an adverse impact to the environment.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)

No impact. The purpose of the proposed project is to replace the aging water tank and to maintain current water service for the residents. The proposed project would not have impacts that are individually limited but cumulatively considerable.
c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

No impact. The proposed project would not have a direct or indirect detrimental environmental impact on human beings.
EXHIBIT A

VICINITY MAP
LOWER BUSCH TANK
5731 South Busch Drive, Malibu
Enclosure A

List of Agencies that reviewed draft Negative Declaration

State Clearinghouse – State of California Governor's Office of Planning and Research

Resources Agency
California Coastal Commission
Department of Fish and Game, Region 5
Department of Parks and Recreation
Department of Water Resources
Caltrans, District 7
State Water Resources Control Board, Division of Water Quality
Regional Water Quality Control Board, Region 4
Native American Heritage Commission
State Lands Commission
Supervisor, Third District
City of Malibu
County of Los Angeles Department of Regional Planning
September 23, 2003

Mondher Saied  
Los Angeles County Department of Public Works  
1000 South Fremont Avenue  
Bldg A-9 East, 4th Floor  
Alhambra, CA 91803

Subject: Lower Busch Tank Replacement  
SCH#: 2003081124

Dear Mondher Saied:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 22, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

Enclosures  
cc: Resources Agency
SCH# 2003081124
Project Title Lower Busch Tank Replacement
Lead Agency Los Angeles County Department of Public Works

Type Neg Negative Declaration
Description The existing cylindrical 300,000 gallon tank is over 50 years old and serves approximately 300 service connections in the surrounding area. To meet current domestic and fire protection standards, the District proposes to increase the new tank volume to 380,000-gallon. The proposed steel tank will also be approximately 24 feet high above ground with an outside diameter of 59 feet.

Lead Agency Contact
Name Mondher Saied
Agency Los Angeles County Department of Public Works
Phone 626 300-3337
Fax
Address 1000 South Fremont Avenue
Bldg A-9 East, 4th Floor
City Alhambra
State CA Zip 91803

Project Location
County Los Angeles
City Malibu
Region
Cross Streets Busch Drive, off Pacific Coast Highway
Parcel No. Township

Proximity to:
Highways 1
Airports
Railways
Waterways Pacific Ocean, La Chusa, Los Allisos, San Nicholas, Encinal & Steep Hill Creeks
Schools Malibu High School
Land Use Single-Family Residential/RR2 (Rural Residential)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Drainage/Absorption; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 7; State Water Resources Control Board, Division of Water Quality; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; State Lands Commission

Date Received 08/22/2003 Start of Review 08/22/2003 End of Review 09/22/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.
Enclosure B
March 11, 2004

Mr. Stephen J. Buswell, IGR/CEQA Branch Chief  
California Department of Transportation  
District 7, Regional Planning  
120 South Spring Street  
Los Angeles, CA 90012

Dear Mr. Buswell:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU  
LOWER BUSCH TANK REPLACEMENT  
RESPONSE TO COMMENTS ON DRAFT NEGATIVE DECLARATION  
IGR/CEQA NO. 030894AL, ND

This is in response to your September 4, 2003, comment letter (copy enclosed), on our draft Negative Declaration and Initial Study for the proposed Lower Busch Tank Replacement project.

Per your recommendation, our contract documents will limit large-size truck trips to off-peak commute hours and require the contractor to obtain a Caltrans permit if any oversized-transport vehicles are to be used for the project.

If you have any questions, please contact Mr. Mondher Said at (626) 300-3337.

Very truly yours,

JAMES A. NOYES  
Director of Public Works

MANUEL DEL REAL  
Assistant Deputy Director  
Waterworks and Sewer Maintenance Division

Enc.
March 11, 2004

Mr. Stephen J. Buswell, IGR/CEQA Branch Chief
California Department of Transportation
District 7, Regional Planning
120 South Spring Street
Los Angeles, CA 90012

Dear Mr. Buswell:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU
LOWER BUSCH TANK REPLACEMENT
RESPONSE TO COMMENTS ON DRAFT NEGATIVE DECLARATION
IGR/CEQA NO. 030894AL, ND

This is in response to your September 4, 2003, comment letter (copy enclosed), on our
draft Negative Declaration and Initial Study for the proposed Lower Busch Tank
Replacement project.

Per your recommendation, our contract documents will limit large-size truck trips to
off-peak commute hours and require the contractor to obtain a Caltrans permit if any
oversized-transport vehicles are to be used for the project.

If you have any questions, please contact Mr. Mondher Saïed at (626) 300-3337.

Very truly yours,

JAMES A. NOYES
Director of Public Works

[Signature]
MANUEL DEL REAL
Assistant Deputy Director
Waterworks and Sewer Maintenance Division

MS:lb
WW9889

Enc.
September 4, 2003

Mr. Mondher Saied  
Waterworks Districts  
Department of Public Works  
County of Los Angeles Department  
1000 South Fremont Ave, Bldg. A-9 East, 4th Floor  
Alhambra, CA 91803

Dear Mr. Saied:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project consists of replacing the existing concrete water tank with a new steel tank.

Any transportation of heavy construction equipment and/or materials which requires the use of oversized-transport vehicles on State highways will require a Caltrans transportation permit. We recommend that large size truck trips be limited to off-peak commute periods. Thank you for the opportunity to have reviewed this project.

If you have any questions, please feel free to contact me at (213) 897-4429 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 030894AL.

Sincerely,

STEPHEN J. BUSWELL  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse  
Steve Buswell/AL
March 15, 2004

Ms. Katie Lichtig, City Manager
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265-4804

Dear Ms. Lichtig:

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU
LOWER BUSCH TANK REPLACEMENT
RESPONSE TO COMMENTS ON DRAFT NEGATIVE DECLARATION

This is in response to your September 26, 2003, letter (copy enclosed), providing comments on our draft Negative Declaration and Initial Study for the subject project.

The existing tank will not be in service during the construction of the replacement tank. We will rely on our existing Upper Busch Tank and our 30-inch-diameter water main on Pacific Coast Highway to maintain uninterrupted domestic water service and fire protection during construction. We also plan to construct the proposed tank during the winter months, when domestic water demand is low, to minimize any potential impact.

As agreed during the telephone conversation between Mr. Mondher Saied of my staff, and Mr. Masa Alkire of your Planning Division, the Los Angeles County Waterworks Districts are exempt from local zoning ordinances and building codes for the construction of water facilities. A copy of Section 53091 of the Government Code is enclosed for your reference.
If you have any questions, please contact Mr. Saied at (626) 300-3337.

Very truly yours,

JAMES A. NOYES  
Director of Public Works

MANUEL DEL REAL  
Assistant Deputy Director  
Waterworks and Sewer Maintenance Division

Enc.
City of Malibu

23815 Stuart Ranch Road • Malibu, California • 90265-4804
(310) 456-2489 • fax (310) 456-3356

September 26, 2003

Mr. Mondher Saied
County of Los Angeles
Department of Public Works
900 South Fremont Avenue
Alhambra, CA 91803-1331

Reference: L.A. County Waterworks District No. 29
Lower Busch Tank Replacement
Comments on Draft Negative Declaration

Dear Mr. Saied:

The City of Malibu was in receipt of the Draft Negative Declaration and Initial Study for the proposed tank project in the City of Malibu on August 29, 2003. Staff from the City Planning Division and Public Works Department have reviewed the document and have the following comments:

Public Works: Will the existing tank remain in service during construction of the replacement tank? If not, what are the impacts to domestic water service and fire protection?

Planning: According to the submitted documentation the proposed project is located on a parcel within the City’s jurisdiction. Please contact Masa Alkire, Assistant Planner, of the City Planning Division at (310) 456-2489 ext. 339, regarding any possible regulatory permitting requirements.

Thank you for the opportunity to comment on the proposed project.

Sincerely,

Katie Lichtig,
City Manager
§ 53088.7

CITIES, COUNTIES, & OTHER AGENCIES

Title 5

(b) A collection fee which is not in excess of ten dollars ($10) and is in addition to the delinquency fee shall also be valid in a cable television consumer service transaction if the service provider sends an employee or contractor to the customer’s residence in order to collect payment or disconnect service and the fee is imposed in accordance with the procedures set forth in Section 53088.6.

(Added by Stats.1996, c. 666 (S.B.610), § 1.)

1 Subdivision (b) is the only designated subdivision in the enrolled copy.

§ 53088.8. Application of article

This article shall apply to the sale or lease of cable television services on or after January 1, 1997. This article shall not apply to late fee practices reflected in cable television service contracts that are specified in or subject to a court order or judgment entered on or before that date unless expressly provided to the contrary in that order or judgment.

(Added by Stats.1996, c. 666 (S.B.610), § 1.)

Article 5

REGULATION OF LOCAL AGENCIES
BY COUNTIES AND CITIES

Section 53090. Definitions.
53091. Compliance of local agency with county or city building and zoning ordinances.
53092. Inspection of school buildings; delegation of authority to county or city.
53093. Repealed.
53094. Authority to render zoning ordinance inapplicable to use of school district property; review by city or county.
53095. Provisions of article as prevailing.
53096. Inapplicability of city or county zoning ordinance to use of local agency property; procedure; judicial review.
53097. School districts; compliance with ordinances relating to onsite facilities and improvements; city and county immunity; district noncompliance relating to offsite improvements.
53097.5. Inspection of school buildings by county or city; guidelines; results to state architect.

Article 5 was added by Stats.1959, c. 2110, p. 4907, § 1.

§ 53090. Definitions

As used in this article:

(a) "Local agency" means an agency of the state for the local performance of governmental or proprietary function within limited boundaries. "Local agency" does not include the state, a city, a county, a rapid transit district whose board of directors is appointed by public bodies or officers or elected from
§ 53091

Compliance of local agency with county or city building and zoning ordinances

Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated. On projects for which state school building aid is requested by a local agency for construction of school facilities the county or city planning commission in which said agency is located shall consider in its review for approval information relating to attendance area enrollment, adequacy of the site upon which the construction is proposed, safety features of the site and proposed construction, and present and future land utilization, and report thereon to the State Allocation Board. If the local agency is situated in more than one city or county or partly in a city and partly in a county, the local
agency shall comply with such ordinances of each county or city with respect to
the territory of the local agency which is situated in the particular county or
city and the ordinances of a county or city shall not be applied to any portion of
the territory of the local agency which is situated outside the boundaries of the
county or city. Notwithstanding the preceding provisions of this section, this
section does not require a school district or the state when acting under the
State Contract Act to comply with the building ordinances of a county or city.
Notwithstanding the preceding provisions of this section, this section does not
require a school district to comply with the zoning ordinances of a county or
city unless such zoning ordinance makes provision for the location of public
schools and unless the city or county planning commission has adopted a
master plan.

Each local agency required to comply with building ordinances and zoning
ordinances pursuant to this section and each school district whose school
buildings are inspected by a county or city pursuant to Section 53092 shall be
subject to the provisions of the applicable ordinances of a county or city
requiring the payment of fees but the amount of such fees charged a local
agency or school district shall not exceed the amount charged under the
ordinance to nongovernmental agencies for the same services or permits.
Building ordinances of a county or city shall not apply to the location or
construction of facilities for the production, generation, storage, or transmis-
sion of water, waste water, or electrical energy by a local agency.

Zoning ordinances of a county or city shall not apply to the location or
construction of facilities for the production, generation, storage, or transmis-
sion of water, or for the production or generation of electrical energy, nor to
facilities which are subject to Section 12808.5 of the Public Utilities Code, nor
to electrical substations in an electrical transmission system which receives
electricity at less than 100,000 volts. Zoning ordinances of a county or city
shall apply to the location or construction of facilities for the storage or
transmission of electrical energy by a local agency; provided, that such zoning
ordinances make provision for such facilities.

(Added by Stats.1959, c. 2110, p. 4907, § 1. Amended by Stats.1977, c. 435, p. 1467,
§ 1; Stats.1984, c. 976, § 1.)

Historical and Statutory Notes
Section 3 of Stats.1977, c. 435, p. 1469, pro-
vided:

"The provisions of this act shall not apply to
any facilities for which onsite construction has
begun at the time this act becomes effective."

Cross References
Sale, lease or mortgage of land by transit district to school district, effect on zoning and perm,
powers, see Public Utilities Code § 29010.5.
State allocation board, see Government Code § 15490.
State Contract Act, see Public Contracts Code § 10100 et seq.

Law Review and Journal Commentaries
California preemption doctrine: Expanding regulatory power of local governments. 8
U.S.F.L.Rev. 728 (1974). Is a school district subject to municipal regula-
Notes of Decisions

3. Applicable ordinance

Local building code or zoning ordinances which conflict with state statutes governing community redevelopment agencies are not “applicable” ordinances, within provision of this section providing that each local agency shall comply with all applicable building ordinances of county or city in which territory of local agency is situated. Redevelopment Agency of City of Berkeley v. City of Berkeley (App. 1 Dist. 1978) 143 Cal.Rptr. 633, 80 Cal.App.3d 158.

Section of neighborhood preservation ordinance containing regulations restricting issuance of building and demolition permits was not an applicable “building ordinance” within meaning of this section providing that “all local agencies are required to comply” with all applicable city or county building ordinances. Kehoe v. City of Berkeley (App. 1 Dist. 1977) 135 Cal.Rptr. 700, 67 Cal.App.3d 666.

Local ordinances establishing demolition permit requirements are “building ordinance” and are, thus, included within this section providing that “all local agencies are required to comply” with all applicable city or county building ordinances. Kehoe v. City of Berkeley (App. 1 Dist. 1977) 135 Cal.Rptr. 700, 67 Cal.App.3d 666.

4. Leased property, generally

Whether Cal Expo land which is leased to private party for term exceeding 50 years for private purposes of developer, local regulations would apply. 68 Ops.Atty.Gen. 114, 5-23-85. A private developer leasing county property, under § 25536, is exempt, under § 53090 et seq., from a city’s building and zoning ordinances if he uses the property for public purposes for which it was granted to the county. 77 Ops.Atty.Gen. 124, 3-12-74.

5. Counties

County-owned property was exempt from city ordinances. Akins v. Sonoma County (1967) 60 Cal.Rptr. 499, 67 Cal.2d 185, 430 P.2d 57.

County, in constructing buildings on county land inside city, was not subject to city’s build-
§ 53091
Note 5
CITIES, COUNTIES, & OTHER AGENCIES
Title 5

6. Redevelopment agencies

Initiative ordinance designed to preserve residential character of portion of industrial park area, to require rezoning from special industrial and manufacturing uses to restricted multiple-family residential uses, to require that redevelopment agency preserve and rehabilitate existing repairable housing and to encourage construction of low and moderate income housing within project area was invalid as in direct conflict with redevelopment ordinance prohibiting residential use in the industrial park area and with the community redevelopment law. Redevelopment Agency of City of Berkeley v. City of Berkeley (App. 1 Dist. 1978) 143 Cal. Rptr. 633, 80 Cal.App.3d 158.

Where urban renewal district was created under provisions of the State Community Redevelopment Law and agency subsequently developed an industrial park plan providing for demolition of residential buildings in area, where no objection to nonresidential nature of plan was made within 60 days after adoption of plan by ordinance, Berkeley neighborhood preservation ordinance which contained regulations restricting issuance of building and demolition permits and which was in conflict with state law would not be applicable to demolition of buildings within the redevelopment agency's project area and, thus, action of city manager in issuing demolition permits was wholly proper, despite his alleged noncompliance with provisions of neighborhood preservation ordinance. Kehoe v. City of Berkeley (App. 1 Dist. 1977) 135 Cal.Rptr. 700, 67 Cal.App.3d 666.

7. Rapid transit districts

County and city were not authorized to apply local zoning restrictions to Southern California Rapid Transportation District, which was state agency, where legislature had removed transit districts from definition of "local agency." thereby exempting District from local zoning and building restrictions. Rapid Transit Advocates, Inc. v. Southern California Rapid Transit Dist. (App. 2 Dist. 1986) 230 Cal.Rptr. 225, 185 Cal.App.3d 996, review denied.

8. Hospital districts

Local hospital districts must comply with zoning and building ordinances enacted by a general law city. 55 Ops.Atty.Gen. 375, 10-11-72.

9. Public school districts

This section did not exempt public school district from requirement of city zoning ordinance that use permit be obtained before a public school may be constructed in a residential zone, on theory that zoning ordinance did not provide for location of public schools. City of Santa Clara v. Santa Clara Unified School Dist. (App. 1 Dist. 1971) 99 Cal.Rptr. 212, 22 Cal.App.3d 152.

10. District agricultural association

A district agricultural association is not subject to the building and zoning ordinances of a city in the course of improvements to the association's real property and the lessees under a proposed ground lease agreement are also exempt from municipal building and zoning ordinances. 56 Ops.Atty.Gen. 210, 5-17-73.

11. Irrigation districts

An irrigation district, in constructing canals and pipelines, must submit plans for construction of such canals and pipelines to county and city planning commissions for approval, but disapproval of district's proposals for canals and pipelines is merely advisory in nature and may be overruled by governing body of district. 37 Ops.Atty.Gen. 89 (1961).

12. Water districts


Water district's proposed service center was not entitled to statutory absolute exemption from local zoning and building ordinances as facility "for the production, generation, storage, or transmission of water" where service center was built for storage of materials and equipment necessary for maintenance and repair of aqueducts, pipelines, filter plants, and reservoirs, and would not actually perform function of generating, transmitting, or storing water; only those indispensable facilities which directly and immediately produce, generate, store, or transmit water may be geographically located at unfettered discretion of water district. City of Lafayette v. East Bay Mun. Utility Dist. (App. 1 Dist. 1993) 20 Cal.Rptr.2d 658, 16 Cal.App.4th 1005.

A California water district is exempt from compliance with those building and zoning ordinances of the county or city in which it is located which regulate the location or construction of facilities directly and immediately used for the production, generation, storage, or transmission of water, and is conditionally exempt from county or city zoning ordinances with respect to facilities related and integral to the proper operation of particular water storage or transmission functions of the district. 78 Op.Atty.Gen. 31, Jan. 27, 1995.
RAL POWERS & DUTIES

§ 53094

or county may regulate the location or
dition of electrical substations of 100,000
more capacity under the provisions of
and § 53096. Op.Leg.Counsel,
, 14351.


immunity from local regulation of
activities may not be waived by any
of the state, but only by express statute.


15. Fact questions

City of Orange v. Valenti (App. 4 Dist. 1974) 112
Cal.Rptr. 379, 37 Cal.App.3d 240.

192. Inspection of school buildings; delegation of authority to county or city

State Director of Public Works, upon recommendation of the Division of
ecture, may delegate to any county or city all or part of the powers and
Division of Architecture relating to the inspection of construction
ool buildings of school districts within the county or city if, as determined
Division of Architecture, the county or city has an adequate building
 program. No delegation under this section shall become effective
the consent of the legislative body of the county or city to which the
ition is made.
by Stats.1959, c. 2110, p. 4908, § 1.)

Library References

Library References

§ 53095

Repealed by Stats.1970, c. 172, p. 418, § 23

Historical and Statutory Notes

repealed section, added by Stats.1959, c.
p. 4908, § 1., amended by Stats.1967, c.
p. 2886, § 1., related to appeals by local

gencies aggrieved by the application of any
zoning ordinance.

094. Authority to render zoning ordinance inapplicable to use of school
district property; review by city or county

outhwithstanding any other provisions of this article except Section 53097, the
ning board of a school district, by vote of two-thirds of its members, may
r a city or county zoning ordinance inapplicable to a proposed use of
ry by such school district except when the proposed use of the property
ch school district is for nonclassroom facilities, including, but not limited
res, administrative buildings, automotive storage and repair build-
The board shall, within 10 days, notify the city or county concerned of
action. If such governing board has taken such action the city or county
omence an action in the superior court of the county whose zoning
ance is involved or in which is situated the city whose zoning ordinance is
ed, seeking a review of such action of the governing board of the school
ct to determine whether it was arbitrary and capricious. The city or
§ 53094

CITIES, COUNTIES, & OTHER AGENCIES

Title 5

county shall cause a copy of the complaint to be served on the board. If the court determines that such action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by such school district.

(Added by Stats.1959, c. 2110, p. 4909, § 1. Amended by Stats.1965, c. 1538, p. 3629, § 1; Stats.1976, c. 760, p. 1797, § 1; Stats.1984, c. 667, § 1; Stats.1990, c. 275 (A.B.2781), § 1.)

Cross References

Sale, lease or mortgage of land by transit district to school district, effect on zoning and permit powers, see Public Utilities Code § 29010.5.

Law Review and Journal Commentaries

Is a school district subject to municipal zoning regulations? 16 Santa Clara L.Rev. 597 (1976).

Library References

Zoning and Planning $=581.
WESTLAW Topic No. 414.

Notes of Decisions

Nonclassroom facilities 1
Review 2

1. Nonclassroom facilities

"Swap meet" operated by unaffiliated organization on community college's parking lot was a use of property for "nonclassroom facilities" that could not be exempted from city zoning ordinance under this section. People ex rel. Cooper v. Rancho Santiago College (App. 4 Dist. 1990) 277 Cal.Rptr. 69, 226 Cal.App.3d 1281.

"Nonclassroom facilities," within meaning of this section allowing school district to render zoning ordinance inapplicable to proposed use of property except when use is for "nonclassroom facilities," means those facilities not directly used for or related to student instruction. City of Santa Cruz v. Santa Cruz Schools Bd. of Educ. (App. 6 Dist. 1989) 258 Cal.Rptr. 101, 210 Cal.App.3d 1, modified.

Evidence was sufficient to support finding that high school's playing field, including its lights, was not a "nonclassroom facility," and thus school board could exempt lighting rennovation for playing field from city's zoning ordinance, pursuant to this section allowing school district to render city zoning ordinance inapplicable to proposed use of property except when use is for "nonclassroom facilities." City of Santa Cruz v. Santa Cruz Schools Bd. of Educ. (App. 6 Dist. 1989) 258 Cal.Rptr. 101, 210 Cal.App.3d 1, modified.

2. Review

Where school district selected site for continuation high school only after it had evaluated several alternative sites and had considered location, traffic conditions, etc., representatives of district had met with city's architectural control committee and reached an amicable compromise with regard to conditions imposed by planning commission, following city's denial of use permit district held meeting for purpose of hearing from those opposed to construction and city council's flat prohibition on construction was not shown to have been based on anything other than a blanket disapproval of concept of continuation high school, the district's adoption of resolution to exempt itself from zoning ordinance requirement of use permit to construct public school in residential area could not be found to be either arbitrary or capricious. City of Santa Clara v. Santa Clara Unified School Dist. (App. 1 Dist. 1971) 99 Cal.Rptr. 212, 22 Cal.App.3d 152.

§ 53095. Provisions of article as prevailing

The provisions of this article shall prevail over Sections 39004 and 81035 of the Education Code and over Section 65402 of the Government Code.

WATERWORKS DISTRICT NO. 29, MALIBU
PUBLIC WORKS
LOS ANGELES COUNTY
LOWER BUSCH
TANK PROJECT

DESCRIPTION

LIST OF MATERIALS

PLAN AND ELEVATION

DEMOLITION PLAN
TANK GRADING PLAN
SITE AND PIPING PLAN
RESERVOIR PLAN AND SECTIONS
RESERVOIR DETAILS
RESERVOIR INLET/OUTLET PIPING PLAN, SECTIONS AND DETAILS
RESERVOIR DETAILS

SHEET INDEX

LOT DEPTH: 100' LOT WIDTH: 100'
MAX ALLOWABLE IMPERMEABLE COVERAGE: 10,000 SF
PROPOSED PERMEABLE: 780.8 SF
PROPOSED IMPERMEABLE: 9,219.2 SF

REQUIRES SETBACK
FRONT
SIDE
REAR
20 FT
10 FT
15 FT
10 FT
28 FT
NORTH: 24 FT
SOUTH: 14 FT

PROJECT DESCRIPTION:
PROJECT CONSISTS OF REPLACING THE EXISTING 300,000 GAL CONCRETE TANK WITH A NEW 385,000 GAL STEEL TANK TO MEET CURRENT DOMESTIC AND FIRE PROTECTION STANDARDS.

CONTRACTOR NOTES
FOR THIS PROJECT THE PRIME CONTRACTOR LICENSE REQUIRED IS: CLASS "A". FOR PAINTING AND DECORATING LICENSE CLASS 33 IS REQUIRED.

REFERENCES

LOT DEPTH: 100' LOT WIDTH: 100'
MAX ALLOWABLE IMPERMEABLE COVERAGE: 10,000 SF
PROPOSED IMPERMEABLE: 9,219.2 SF

100% SUBMITTAL NOT FOR CONSTRUCTION

T-1
LOWER BUSCH TANK PROJECT

TITLE SHEET, SHEET INDEX, VICINITY AND LOCATION MAPS
GENERAL CONSTRUCTION NOTES:

1. EASEMENT INFORMATION:
   - RIGHT-OF-WAY BOUNDARY INFORMATION SHOWN HEREON IS BASED ON THE APPROXIMATE GEOMETRIC CENTER OF THE COUNTY OF LOS ANGELES Floodway Floodway平面圖 TO THE REAR OF THE PROPERTY OWNED IN THE DIRECTORY OF THE COUNTY OF LOS ANGELES.
   - SURVEY INFORMATION:
     - RIGHT-OF-WAY BOUNDARY INFORMATION SHOWN HEREON
     - ALL FIELD BOOK REFERENCES ARE TO LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS FIELD BOOKS, UNLESS OTHERWISE NOTED.

2. ALL WORK SHALL BE ACCORDING TO THE SPECIFICATIONS HERETO DETAILED. DESIGNS, PLANS, AND DRAWINGS SHALL BE IN ACCORDANCE WITH THE BEST OF OUR KNOWLEDGE, THERE ARE NO OTHER EXISTING UTILITIES, EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL ASCERTAIN THE TRUE LOCATION OF ANY UTILITIES IN THE AREA PRIOR TO INSTALLATION TO MAKE SURE CONNECTIONS AND CROSSINGS CAN BE MADE ACCORDING TO THE PLAN. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL PIPE AND FITTINGS REQUIRED TO AVOID THE UTILITIES. ANY CHANGES TO THE PLANS SHALL BE APPROVED BY THE ENGINEER.

3. BEFORE BACKFILLING THE TRENCH, ALL UNDERGROUND TRANSITION COUPLINGS, FLANGED ADAPTERS, AND STEEL SURFACES, UNLESS OTHERWISE NOTED, SHALL BE COATED WITH A 2-INCH MINIMUM THICKNESS OF 1,000 LB. CEMENT MORTAR (THREE (3) PARTS SAND TO ONE (1) PART PORTLAND CEMENT).

4. THE CONTRACTOR SHALL VERIFY THE SIZE, TYPE, CLASS, PROTECTIVE LINING AND COATING, AND DEPTH OF THE EXISTING WATER MAIN AND SHALL BE RESPONSIBLE FOR MAKING THE PROPER CONNECTIONS.

5. THE WATER MAIN TO BE ABANDONED SHALL BE COMPLETELY DRAINED.

6. APPROXIMATELY EVERY 250 FEET, A SECTION OF WATER MAIN SHALL BE REMOVED AND EACH END OF THE WATER MAIN TO BE ABANDONED SHALL BE CONCRETE SEALED PER PROPERTY OWNER NAME: SERRA CANYON CO LTD

7. TODAY'S DATE: 4/26/2011

8.谢邀。此为自然语言读取的文档内容。
UTILITY CROSSING DETAILS

1. 45° ELBOWS SHALL BE USED WHERE THE BOTTOM OF THE EXISTING UTILITY BEING UNDERCROSSED IS 4 FEET OR MORE. 22.5° ELBOWS MAY BE USED WHERE THE BOTTOM OF THE EXISTING UTILITY TO BE UNDERCROSSED IS LESS THAN 4 FEET DEEP.

2. ALL STEEL TEES PIPE WITH STEEL ELBOWS ARE ShOWN IN PROFILE A. CONTRACTOR MAY DEFLUCT JOINTS TO MANUFACTURER'S RECOMMENDATIONS AS LONG AS all the FOLLOWING CONDITIONS ARE MET:

A. THERE IS NOT ADEQUATE CLEARANCE FOR THRUST BLOCKS.
B. THE CROSSING IS NOT BENEATH A CREEK BED, DRAINAGE COURSE, OR OTHERWISE UNSTABLE AREA.
C. THE PROPOSED WATERMAIN HAS LESS THAN 6' OF COVER AT ITS DeePeST POINT.
D. JOINT DEFLUCTIONS SHALL NOT EXCEED MANUFACTURER'S RECOMMENDATIONS.
E. WHEN DEPTH "C" (COVER OVER EXISTING UTILITY) IS GREATER THAN 6 FEET, USE PROFILE "B".

3. WALL THICKNESS OF STEEL PIPE AND ELBOWS SHALL BE SCH 40 MINIMUM.

MATERIAL LIST:

- [Detailed list of materials and specifications for the construction project, including details on pipe sizes, types, and other materials required for the project.]
SEPTIC TANK ABANDONMENT NOTES:

1. REMOVE TOILET FLANGE AND FILL DRAIN PIPE WITH 2-SACK CONCRETE SLURRY. INSTALL 6" CONCRETE CAP OVER DRAIN LINE, FLUSH WITH FINISHED FLOOR.

2. FILL SINK DRAIN LINE WITH 2-SACK CONCRETE SLURRY AND CAP PIPE END.
LOWER BUSCH STORAGE TANK

SCALE 1"=10'

ANGLE DIMENSIONS

A
B
13° 10' 24"
9° 43' 48"

TANK SPECIFICATIONS

C
6° 15' 52"
D
12° 19' 28"
E
4° 38' 7"

STAIRWAY ENCLOSURE DETAIL
NOT TO SCALE

RINGSWALL FOUNDATION SECTION
NOT TO SCALE

100% SUBMITTAL
NOT FOR CONSTRUCTION

C-6

LOWER BUSCH TANK PROJECT
TANK PLAN AND SECTIONS
BLOWER DECEL LEVELS WILL BE IN CONFORMANCE WITH THE CITY'S MAX. NOISE LEVEL REQUIREMENTS.
FINISHED GRADING, PAVING & FENCING PLAN

MATERIALS LIST:

- 8' SOLID ALUMINUM FENCE, REFER TO LANDSCAPING, LS-1, LS-2 PLANS. FENCE COLOR SHALL MATCH TANK COLOR.

CONSTRUCTION NOTES:

- ADJACENT USES: RESIDENCES SURROUNDING PROPERTY

NOTES:

- ALL TOPS OF SKIRTS CONFORM TO A SLOPE NOT TO EXCEED 3% TO AIDS OF DRAINAGE.

LEGEND:

- PAVEMENT
- CONSTRUCTED
- CURRENT
- LAND

Scale: 1" = 8'
A second blower entry vent will also be installed at the opposite side of the tank. Only one blower is proposed for this tank site.
CONSTRUCTION NOTES:

1. (N) MOBILE GENERATOR. (N) AUTOMATIC TRANSFER SWITCH (ATS). (N) GENERATOR RECEPTACLE PANEL FOR MOBILE GENERATOR CONNECTION. (N) SHORT CIRCUIT, COORDINATION AND ARC FLASH STUDY. (N) ARC FLASH WARNING LABELS. (N) 3" CABLES, 3#500kCMIL, 1#2 GND.

2. REMOVE (E) WIRING FOR (N) CONNECTIONS. REMOVE (E) 5kVA TRANSFORMER AND REPLACE WITH (N) 10kVA, 480-120/240V, 1-PHASE TRANSFORMER OF SIMILAR PHYSICAL SIZE, MAKE AND MODEL. REMOVE (E) SECONDARY WIRING WITH (N) 3#4, 1#10 GND Wires AND CONNECT TO (E) PANELBOARD. REPLACE (E) '5KVA 480V XFMR (TA)' NAMEPLATE WITH (N) '10KVA 480V XFRM (TA)' NAMEPLATE.

3. PROVIDE (1) 30A, 120/240V TWISTLOCK RECEPTACLE FOR GENERATOR BLOCK HEATER POWER. PROVIDE (1) 20A, 120V GENERAL PURPOSE DUPLEX RECEPTACLE FOR GENERATOR AUXILIARY POWER. RECEPTACLES SHALL BE INSTALLED IN WEATHERPROOF ENCLOSURES PER THE NEC.

4. PROVIDE (1) 500kCMIL, 1#2 GND NO. 16396 EXP. 6-30-20
PROVIDE (1) 4" SCHEDULE 40 PVC CONDUIT TO PAD MOUNTED TRANSFORMER FOR SCE PRIMARY CABLE.

PROVIDE (1) 2" SCHEDULE 40 PVC CONDUIT TO EXISTING CONDUIT STUBBED OUTSIDE OF ELECTRICAL MINIMUM RADIUS. INSTALL CONDUIT A MINIMUM OF 30" BELOW GRADE. PROVIDE A MINIMUM SEPARATION REQUIREMENTS.

PROVIDE (1) 1" CONDUIT FOR ALTITUDE VALVE POWER AND SIGNALS, (1) 1" CONDUIT FOR CHECK VALVE SIGNALS, AND (1) 1" CONDUIT FOR TANK LEVEL SIGNALS.

EXISTING CONDUIT AND WIRE TO REMAIN.

PROVIDE 2' X 3' PULL BOX TO INTERCEPT EXISTING CONDUIT.

OVERHEAD.

PROTECTIVE BOLLARD. INSTALL PER SCE STANDARDS AND REQUIREMENTS.

48" x 54" SCE TRANSFORMER PAD. SEE SCE UNDERGROUND STRUCTURES STANDARDS DETAIL SS 504.

(E) SWITCHBOARD/MCC

(N) 3"C-3#500kCMIL, 1#2 GND.

(N) 1"C-3#8, 2#10, 1#10 GND. PANEL 'A' 120/240V POWER FOR GENERATOR AUXILIARY RECEPTACLES. 3#8, 2HP BLOWER PURPOSE DUPLEX RECEPTACLE. INSTALL (N) 30A, 2-POLE, 240V CIRCUIT BREAKER AND (N) 20A, 1-POLE, 240V CIRCUIT BREAKER ON PANEL 'A'. CIRCUIT BREAKERS TO MATCH EXISTING.

Detailed for detail on how to proceed.

CONSTRUCTION NOTES:

WHERE POWER AND INSTRUMENTATION CONDUITS OCCUPY THE SAME TRENCH, CONDUIT ROUTING SHOWN ON THE PLANS IS IN APPROXIMATE LOCATIONS UNLESS OTHERWISE NOTED.

GENERAL NOTES:

1. ALL UNDERGROUND CONDUITS SHALL HAVE A MINIMUM COVER OF 24".

2. ALL SWITCHES, CIRCUIT BREAKERS AND OTHER EQUIPMENT, AS SPECIFIED, SHALL HAVE TERMINATION PROVISIONS LISTED AND IDENTIFIED FOR USE WITH 75°C CONDUCTORS, AND ALL FEEDER CONDUCTORS, AND CONDUITS, ARE SIZED BASED ON USE OF 75°C COPPER WIRES TYPE THHN.

B
t
el
ly
a
n
4. ALL UNDERGROUND CONDUITS SHALL HAVE A MINIMUM COVER OF 24".

5. ALL UNDERGROUND CONDUITS SHALL HAVE A MINIMUM COVER OF 24".

6. ALL UNDERGROUND CONDUITS SHALL HAVE A MINIMUM COVER OF 24".

7. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

8. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

9. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

10. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

11. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

12. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

13. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

14. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

15. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

16. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

17. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

18. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

19. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.

20. PROVIDE ORGANIZATION AND LABELING FOR UNDERGROUND CONNECTIONS, 504, 502, ETC.
CONSTRUCTION NOTES:

- Provide pressure transmitter for tank level indication. Transmitter shall be 2-wire, 4-20 mA, 0-25 PSI, WIKA UT-10.

GENERAL NOTES:

- Contractor to verify actual routing in field.

LEVEL TRANSMITTER

ENCLOSURE 1"C-1#16 TSP

CHECK VALVE W/ POSITION INDICATOR 1"C-2#14, 1#12 GND, 2#14

GROUND BOX 4

REFERENCES:

1. Conduit routing shown on the plans is in approximate locations unless dimensioned. Contractor to verify actual routing in field.

100% SUBMITTAL

NOT FOR CONSTRUCTION

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
WATERWORKS DISTRICT NO. 29

110706 CA. PROJ. #:

CA. DATE

110706

E-4

Cannon
NOTES

1. SEE SHEET CP-2 DETAIL 2 FOR WIRING SCHEMATICS.

2. NO FLAME CUTTING OF HANDHOLES SHALL BE ALLOWED.

3. CONTRACTOR SHALL ENSURE CUTTING OILS ARE REMOVED SUBSEQUENT TO INSTALLATION OPERATION.

4. SUBSEQUENT TO CLEANING ABOVE, EXPOSED EXTERIOR SURFACES OF STEEL SHALL BE COATED WITH A SCAQMD VOC COMPLIANT, COMPATIBLE EPOXY.

5. REFERENCE ELECTRODE R1 SHALL BE NEAR INTERIOR LADDER, 48" OFF WALL, 6" OFF FLOOR.

6. REFERENCE ELECTRODE R2 SHALL BE NEAR CENTER COLUMN APPROXIMATELY 12" OFF FLOOR. SUPPORT WIRE FROM PIN INSULATORS.

7. ANODE HEADER CABLE AND LEAD WIRES TO BE NO. 8 AWG HMWPE. REFERENCE ELECTRODE WIRE TO BE NO. 14 AWG RHH-RHW.

8. HANDHOLE FOR CP TEST POINT. SEE SHEET CP-3, DETAIL 1.

9. ANODES SHALL BE 3' OFF THE FLOOR.

10. TEST BOX SUPPORT FOR NEW TEST BOX, SEE CP-2, DETAIL 1.

11. ANODE LAYOUTS ARE APPROXIMATE AND CAN BE MOVED UP TO 5 FEET ANY DIRECTION TO AVOID STRUCTURAL MEMBERS.

12. CONTRACTOR TO FIELD VERIFY COLUMN AND ALL APPURTENANCE LOCATIONS PRIOR TO CONSTRUCTION.

13. FOR FLANGE ISOLATION JOINT (IJ) KITS, SEE SHEET CP-4, DETAIL 6.
BUSCH DRIVE SUBSYSTEM OPERATIONS

The existing Lower Busch Tank is located at 5731 South Busch Drive and provides potable water for domestic use and fire protection to approximately 300 customers. Water is also pumped from the Lower Busch Tank to Upper Busch, Philip, and New Horizon Tank located at higher elevations.

PROJECT NEED

The existing Lower Busch Tank is a partially buried 300,000-gallon-concrete tank that was constructed in approximately 1947. The tank is 52 feet in diameter and 21 feet in total height, including 4 feet below grade. The tank’s concrete wall material is severely deteriorated, and the tank must be replaced to ensure its structural integrity. In addition, the existing tank is undersized for the current domestic demands of its service area.

PROPOSED PROJECT

The proposed project will replace the existing concrete tank with a steel tank. The proposed tank will have a diameter of 62 feet, the tank height will be 24 feet above the tank’s foundation, and the storage capacity will be 385,000 gallons. Improving the structural integrity and increasing the storage capacity of the tank at the Lower Busch site will provide the surrounding community with a more reliable water supply for domestic use and fire protection. This is especially important for numerous adjacent properties that were damaged or destroyed by the 2018 Woolsey Fire and must be rebuilt.
PLANNING COMMISSION QUESTIONS (AGENDA DATE 1/27/16)
Jeffrey Jennings – Can we just remove the 4-5ft clay layer and won’t it improve the permeability of the soil if this is done?

Waterworks WWD 29  29 (WWD 29) response: No additional impervious area is being added by this project and on-site storm water retention is not required.

Jeffrey Jennings – Are tanks connected to the hydrants in the West Malibu area?
WWD 29 response: The fire department can use to fight fires, however, water distribution systems are not, and cannot be, practically designed to fight wildfires.

Jeffrey Jennings – Can you explain the difference between the two tanks?
WWD 29 response: Upper and Lower Busch tank work in series. Intent is to meet highest domestic demand storage and the fire-flow requirement as outlined in the Los Angeles County Fire Code. Pump at Lower Busch tank site moves water to Upper Busch tank which is pumped from PCH.

David Brotman – what material is new tank?
WWD 29 response: Welded steel.

(Video 50:10)
David Brotman: How long ago were the trees cut down?
WWD 29 response: In 2013 WWD 29 submitted for an encroachment permit with the City to perform utility potholing. Can’t pothole between the trees, therefore they needed to be removed.

(Video 50:45)
David Brotman: Fire Department has permanent generators. Questions why permanent generators aren’t addressed and installed at every tank site to pump uphill when there’s power outage. David feels it’s strange that generators can’t be positioned as insurance.

WWD 29 response: WWD 29 has large permanent generators at the 2 major pump stations, Topanga Beach and Malibu Beach Pump Station. Lower Busch tank site will include a transfer switch and concrete pad for a portable generator in the event of a power outage. A reason for building a larger tank is so that the system is not dependent on electrical grid and generators to meet domestic demand and fire flow requirements.

(Video 54:09)
David Brotman (Architect):
Address neighbors’ concerns of leach field.
WWD 29 response: Space at tank site is limited and we must abide by City’s plumbing code setback requirements and allow for vehicle access. In addition, existing leach field will be abandoned in place.

(Video, 56:58)
David Brotman: Could leach field be moved around to north and south and re orient?

WWD 29 response: Existing leach field will be abandoned in place.

(Video, 57:53)
David Brotman: What do we do onsite with staff?

WWD 29 response: Staff performs water quality monitoring every other week, inspection once a month, and repairs done when needed. Staff is also needed there in an emergency.

David Brotman doesn’t believe expansive clay is all over site and questioned why there’s only 2 north & south soil borings. Mentioned these 2 borings don’t tell you what is east & west.

WWD 29 response: Based on soil borings, there is a high level of confidence clay is all over site. Clay is present all over Malibu.

(Video 1:04:52)
Mike Pierson: asked if community expressed that they want this project?

WWD 29 response: Yes, and this is one of a series of tanks in the subsystem that provide the customers’ demands. The existing tank is undersized for the current domestic demands of its service area.

Mike Pierson: Mike asked if we can stay at 300,000 gallons? And if we do not enlarge this tank, can we enlarge other tanks in the system instead?

WWD 29 response: No, it is not feasible to enlarge other tanks in the system. Fire demand to Lower Busch service area is provided from surplus storage in New Horizons Tank through a pressure regulating valve. However, the Lower Busch tank service area operates with a storage deficit, 234,000 gallons, for the highest domestic demand.

(Video 1:09:30)
Mike sees no analysis of alternatives, only do tank or do nothing. Mentioned no one else in the City is getting a 30’ height variance. Mike requests data for alternatives to come to conclusion on variances. Feels that special privileges are given for 30’ height when no one else is getting it. Need to see other aspects or data when Waterworks says there’s other ways to not make it 31’.
WWD 29 response: Reduced tank height to 24 feet.

(Video, 1:10:40)
John Mazza: Asked can 85,000 gallons be relocated in a higher tank site in the same system?

WWD 29 response: A higher tank will increase pressure if all the storage is above community. There would be a large pressure at the bottom of the system which could increase leaks in the lower system. Typical practice is to build tanks in series rather than one large tank above.

(Video 1:13:00)
John Mazza: Could extra gallons be split between Upper Busch (out of public area) and Lower Busch? How about 300,000 at Lower Busch, rest of 85,000 at Upper Busch.

WWD 29 response: The Upper Busch tank site is not suitable for constructing a new tank due to concerns with existing soil conditions.

(Video 1:14:00)
John Mazza: Asked about generators being staged in nearby areas that could get there quickly in the event of a fire?

WWD 29 response: Yes, portable generators are staged in nearby yards. In addition, the WWD 29 has applied for grants for portable generators.

John Mazza: Does painting new tank dark green heat up water and affect water quality in new tank?

WWD 29 response: Not ideal color however it is the request of the community to do so.

(Video 1:20:10)
Jeffrey Jennings: Is landscaping on public Right of Way (RoW)? Adrian confirmed previous trees were on public RoW and new trees will be planted there as well. Also, is an encroachment permit necessary? Adrian confirmed it is.

WWD 29 response: To reduce on-site fire risk, WWD 29 is not proposing planting trees/landscaping for this project.

Mike Pierson: Is it common to place a tank of this size b/t residential buildings?

WWD 29 response: The burden of acquiring new land for a larger tank will be put on the residents and the WWD 29 is utilizing the existing land.
Jeffrey Jennings: Asked if bigger diameter can be used to lower height?

WWD 29 response: Proposal is to increase the tank diameter to 62 feet and lower height to 24 feet.

David Brotman: Is this tank mentioned in the Master Plan and asked about the Upper Busch Tank? David would like to know what is going on with the Upper and Lower Busch Tanks to analyze the alternatives.

WWD 29 response: Lower Busch Tank was identified for replacement prior to the draft Master Plan.

Jeffrey Jennings: Asked if there is a construction management plan for this project?

WWD 29 response: Yes, the contractor will abide by a construction management plan for this project.

John Mazza: Wants to know more about Upper Busch Tank decommissioning. Asked about landscaping and if encroachment permit is needed in public right of way for Lower Busch tank.

WWD 29 Response: Currently there is an existing 20,000 gallon tank acting as a surge tank at the Upper Busch site. In 2005, two larger tanks were removed from the site due to soil instability. Landscaping is not proposed for this project.

David Brotman: Asked Bonnie in Planning Dept. for Construction Management Plan regarding to truck access & hours of work.

WWD 29 response: Yes, the contractor will abide by a construction management plan for this project.

John Mazza: Asked if this project is funded?

WWD 29 response: Yes
SURFACE QUANTITIES

EXISTING  PROPOSED

CURB AND GUTTER  71.0 SF  580.0 SF
TANK AND RINGWALL/CMU BUILDING  2317.1 SF  3071.5 SF
CONCRETE PADS  639.2 SF  791.7 SF
AC PAVEMENT  5894.9 SF  4778.1 SF
IMPERMEABLE SURFACE  9022.1 SF  9219.2 SF
PERMEABLE SURFACE  977.9 SF  780.8 SF
TOTAL SURFACE  10000.0 SF  10000.0 SF

EXISTING IMPERMEABLE SURFACES EXHIBIT

EX. CONCRETE PADS
EX. CONCRETE PAD
EX. CMU BUILDING
EX. PERMEABLE SURFACE
REPLACE EXST. AC PAVEMENT WITH NEW AC PAVEMENT
CURB AND GUTTER
EX. 52' DIA CONCRETE TANK

LOWER BUSCH TANK PROJECT
EXISTING IMPERMEABLE SURFACES EXHIBIT
**PROPOSED 144" x 256" CONCRETE PAD**

- EX. CONCRETE PADS

**EX. CONCRETE PAD**

- GUTTER

**PROPOSED 58' DIA STEEL TANK AND RINGWALL**

**SURFACE QUANTITIES**

<table>
<thead>
<tr>
<th>Surface Description</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curb and Gutter</td>
<td>71.0 SF</td>
<td>580.0 SF</td>
</tr>
<tr>
<td>Tank and Ringwall/CMU Building</td>
<td>2317.1 SF</td>
<td>3071.5 SF</td>
</tr>
<tr>
<td>Concrete Pads</td>
<td>639.2 SF</td>
<td>791.7 SF</td>
</tr>
<tr>
<td>AC Pavement</td>
<td>5894.9 SF</td>
<td>4776.1 SF</td>
</tr>
<tr>
<td>Impermeable Surface</td>
<td>9022.1 SF</td>
<td>9219.2 SF</td>
</tr>
<tr>
<td>Permeable Surface</td>
<td>977.9 SF</td>
<td>780.8 SF</td>
</tr>
<tr>
<td>Total Surface</td>
<td>10000.0 SF</td>
<td>10000.0 SF</td>
</tr>
</tbody>
</table>
TO: City of Malibu Environmental Health Administrator  DATE: 8/29/2013
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-040
JOB ADDRESS: 5723 BUSCH DR
APPLICANT / CONTACT: Philip Siongco, Los Angeles County Waterworks Di
APPLICANT ADDRESS: P.O. Box 1460
                Alhambra, CA 91803
APPLICANT PHONE #: (626) 300-4685
APPLICANT FAX #: (626) 300-3385
APPLICANT EMAIL: psiongco@dwp.lacounty.gov
PROJECT DESCRIPTION: N Water Tank

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

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

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

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

Signature Date
MAY 28, 2019

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

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

THE EXISTING BATHROOM AND OWTS WILL BE DEMOLISHED OR
ABANDONED UNDER THE CURRENT SCOPE OF WORK.
GEOTECHNICAL REVIEW SHEET

Project Information

Date: July 7, 2014
Site Address: 5723 Busch Drive
Lot/Tract/PM #: 
Applicant/Contact: Philip Psiongco, psiongco@dpw.lacounty.gov
Contact Phone #: 626-300-4685
Project Type: Demolish the existing 300,000 gallon water tank and construct a new 385,000 water tank in the same location
Review Log #: 3516
Planning #: CDP 13-040
BPC/GPC #: 
Planner: Adrian Fernandez

Submittal Information

Consultant(s)/Report Date(s): Ninyo & Moore (Jansen, CEG 1196; Chu, GE 2096): 2-18-14 (2 reports), 4-25-12
County of Los Angeles (Steuer, RGE 2563): 5-13-03
Water tank plans prepared by the Los Angeles County Department of Public Works dated November 27, 2012.
Previous Reviews: 9-26-13, Geotechnical Review Referral Sheet dated 9-5-13

Review Findings

Coastal Development Permit Review

☑ APPROVED from a geotechnical perspective. The applicant needs to implement the following conditions during the plan check phase of the project.
☐ NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval of the new water tank.

Remarks

The referenced response report and the referenced revised geotechnical report were reviewed by the City from a geotechnical perspective. The project comprises replacing the existing 300,000 gallon concrete water tank with a 385,000 gallon steel water tank. The increased volume is necessary in order to meet the current domestic and fire protection standards. R & R grading will be performed to prepare the subgrade for the tank installation.

Review Comments:

1. Please include a note on the plans stating that a pre-construction condition survey needs to be performed on neighboring properties to document existing cracks or other distress features and existing conditions.
2. Two sets of final water tank plans must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical Engineer.
3. An as-built compaction report prepared by the Project Geotechnical Consultant that documents the grading and site preparation for the water tank must be submitted to the City for the project files. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density
tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets, as appropriate. Geologic conditions exposed during grading must be depicted on an as-built geologic map.

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

**Engineering Geology Review by:**

Christopher Dean, C.E.G. #1751, Exp. 9-30-14  
Engineering Geology Reviewer (310-456-2489, x306)  
Email: cdean@malibucity.org

**Geotechnical Engineering Review by:**

Kenneth Clements, G. E. # 2010, Exp. 6-30-16  
Geotechnical Engineering Reviewer (805-563-8909)  
Email: kclements@fugro.com

*This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.*
TO: Public Works Department
DATE: 8/29/2013

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 13-040

JOB ADDRESS: 5723 BUSCH DR

APPLICANT / CONTACT: Philip Siongco, Los Angeles County Waterworks Di

APPLICANT ADDRESS: P.O. Box 1460
Alhambra, CA 91803

APPLICANT PHONE #: (626) 300-4685
APPLICANT FAX #: (626) 300-3385
APPLICANT EMAIL: psiongco@dpw.lacounty.gov

PROJECT DESCRIPTION: N Water Tank

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]

9/19/19

DATE
To: Planning Department

From: Public Works Department
Jorge Rubalcava P.E., Associate Civil Engineer

Date: Thursday, September 19, 2019

Re: Proposed Conditions of Approval for 5723 Busch Drive CDP 13-040

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.

STREET IMPROVEMENTS

1. This project proposes to construct improvements within the City’s right-of-way. Prior to the Public Works Department’s approval of the grading or building permit, the applicant shall obtain encroachment permits from the Public Works Department for the proposed work within the City’s right-of-way.

GRADING AND DRAINAGE

2. 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

3. 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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Preservation of Existing Vegetation</td>
</tr>
<tr>
<td>Sediment Controls</td>
<td>Silt Fence</td>
</tr>
<tr>
<td></td>
<td>Sand Bag Barrier</td>
</tr>
<tr>
<td></td>
<td>Stabilized Construction Entrance</td>
</tr>
<tr>
<td>Non-Storm Water Management</td>
<td>Water Conservation Practices</td>
</tr>
<tr>
<td></td>
<td>Dewatering Operations</td>
</tr>
<tr>
<td>Waste Management</td>
<td>Material Delivery and Storage</td>
</tr>
<tr>
<td></td>
<td>Stockpile Management</td>
</tr>
<tr>
<td></td>
<td>Spill Prevention and Control</td>
</tr>
<tr>
<td></td>
<td>Solid Waste Management</td>
</tr>
<tr>
<td></td>
<td>Concrete Waste Management</td>
</tr>
<tr>
<td></td>
<td>Sanitary/Septic Waste</td>
</tr>
<tr>
<td></td>
<td>Management</td>
</tr>
</tbody>
</table>

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

**MISCELLANEOUS**

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

5. Prior to the approval of any permits, the applicant shall submit for review and approval a traffic control plan. The traffic control plan shall be in accordance with the latest MUTCD requirements.

6. Two week prior to any construction work, the applicant shall send a construction notice to all residences on within a 500 foot radius. The notice shall contain the project schedule, description of work, a statement that traffic will be interrupted, and a direct contact with the contractor and a representative from the applicant. The notice shall be reviewed and approved by the Public Works Department.
Notice of Public Hearing

The Malibu Planning Commission will hold a public hearing on Monday, May 18, 2020, at 6:30 p.m. on the project identified below via teleconference only in order to reduce the risk of spreading COVID-19, pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order.

COASTAL DEVELOPMENT PERMIT NO. 13-040, CONDITIONAL USE PERMIT NO. 13-015, NEGATIVE DECLARATION NO. 20-001, VARIANCE NO. 13-042, 13-043, 15-035 and 15-036, MINOR MODIFICATION NO. 13-011, AND DEMOLITION PERMIT NO. 20-011 - An application for the replacement of an existing 300,000-gallon water tank with a new 385,000-gallon water tank to meet current domestic and fire protection standards, generator, hardscape, gates and fencing; including a conditional use permit for a water tank on a rural residential parcel; including variances for the height of the water tank to exceed the maximum height up to 26 feet, for a non-view permeable, eight in height fencing within the front yard setback, for the installation of an 7-foot, 8-inch in height back-up generator within the required rear yard setback from the required 15 feet to the proposed 5 feet, 3 inches, and for impermeable coverage to exceed the maximum permitted for up to 9,219 square feet; a minor modification for the water tank to provide a 50 percent reduction of the required front yard setback from the required 20 feet to the proposed 10 feet, and a demolition permit for the full demolition of the existing water tank, onsite wastewater treatment system and other associated development.

LOCATION / APN / ZONING: 5723 Busch Drive / 4469-028-006 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNER: Los Angeles County Waterworks District No. 29 / Serra Canyon Company, LTD
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Initial Study & Negative Declaration 20-011 (SCH 2003081124) CEQA Guidelines Section 15071
APPLICATION FILED: August 29, 2013
CASE PLANNER: Adrian Fernandez, Principal Planner, afernandez@malibucity.org (310) 456-2489, ext. 482

Pursuant to CEQA Guidelines Sections 15082 and 15096, the Los Angeles County Waterworks District No. 29, acting as lead agency for the proposed project, consulted with responsible agencies throughout the preparation of the initial study and negative declaration, including the City. As the decision-making body, the City must review and consider the initial study and negative declaration prior to acting upon or approving the proposed project.

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center http://www.malibucity.org/agendacenter. Related documents are available for review by contacting the Case Planner. You will have an opportunity to testify at the public hearing: written comments, which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City’s action is challenged in court, testimony may be limited to issues raised before or at the public hearing. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

LOCAL APPEAL - A decision of 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 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 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.

BONNIE BLUE, Planning Director

Date: April 23, 2020

ATTACHMENT 8