



Commission Agenda Report

Planning Commission
Meeting
02-16-21

**Item
3.B.9.**

To: Chair Jennings and Members of the Planning Commission

Prepared by: Aakash Shah, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: February 4, 2021 Meeting date: February 16, 2021

Subject: De Minimis Waiver No. 20-002 — An application for a new onsite wastewater treatment system

Location: 28869 Selfridge Drive, not within the appealable coastal zone

APN: 4466-019-021

Owner: Rose Holdco, LLC

RECOMMENDED ACTION: Receive Planning Director's report on De Minimis Waiver (DMW) No. 20-002 for a new onsite wastewater treatment system (OWTS) to replace an existing OWTS.

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

On February 16, 2021, the Planning Director will issue DMW No. 20-002. Pursuant to LIP Section 13.4.11(A), the Director's decision on whether to issue a De Minimis Waiver is not locally appealable.

LIP Section 13.4.11(C) further states that the Planning Director shall report in writing to the Planning Commission any DMW that has been issued by the City.

If, after consideration of the De Minimis Waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a coastal development permit is required if the applicant wishes to pursue the application.

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

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

The project and required findings are more specifically described in the Planning Director's decision (DMW No. 20-002) attached hereto.

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

ATTACHMENT: DMW No. 20-002