



Commission Agenda Report

To: Chair Peak and Members of the Planning Commission

Prepared by: Aakash Shah, Contract Planner

Approved by: Richard Mollica, Planning Director

Date prepared: August 24, 2023 Meeting date: September 5, 2023

Subject: Coastal Development Permit-Woolsey Fire No. 22-004, Variance No. 22-007 – An application to allow for a conversion of 508-square feet of office/gym space into an attached second unit and a new onsite wastewater treatment system (OWTS); including a variance for development within the required Environmentally Sensitive Habitat Area buffer to allow for the replacement OWTS

Location: 6244 Busch Drive, partially within the appealable zone
APN: 4467-029-021
Owners: Tyler Muir and Bridgette Muir

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 23-40 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit-Woolsey Fire (CDPWF) No. 22-004 to allow for a conversion of 508-square feet of office/gym space into an attached second unit, landscaping and a replacement OWTS; including Variance (VAR) No. 22-007 for development within the required Environmentally Sensitive Habitat Area (ESHA) buffer to allow for the installation of the replacement OWTS, in the Rural Residential, Two-Acre (RR-2) zoning district located at 6244 Busch Drive (Tyler Muir and Bridgette Muir).

DISCUSSION: This agenda report provides a project overview, summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the project is consistent with the LCP and MMC.

Project Overview

The subject parcel is an irregularly shaped lot, located on Busch Drive and has been developed with a single-family residence with an attached garage. The previous single-family home was destroyed in the 2018 Woolsey Fire. The parcel is accessed from the east side of Busch Drive (Figure 1). The replacement OWTS will be sited further from the stream than the previous OWTS; however, given the size of the parcel, it is not possible to maintain the required 100-foot buffer from the edge of riparian ESHA.

Figure 1 – Project Area Aerial



Source: City of Malibu GIS 2023

According to the LCP ESHA and Marine Resources Map, a stream runs through the northeasterly portion of the property. A Biological Assessment prepared by Biological Assessment Services, the project's Consulting Biologist, dated September 30, 2022, confirmed that the drainage course and associated vegetation is considered Stream/Riparian ESHA.

The proposed project also includes the conversion of the office/gym space into an attached second unit and landscaping (Attachment 2 – Project Plans). However, the proposed OWTS is within the 100-foot riparian buffer of a nearby ESHA. The installation of an OWTS is not a permitted activity in stream ESHA buffer and thus, a variance from LCP Local Implementation Plan (LIP) Section 4.5.2 is required. The application includes VAR No. 22-007 for installation of a new OWTS within ESHA and stream ESHA buffer.

Pursuant to LCP Land Use Plan (LUP) Policy 5.5 and LIP Section 13.7(C), the application was subject to review by the Environmental Review Board (ERB). On February 22, 2023, the ERB reviewed the proposed project and recommended planting native plants outside the mapped jurisdictional drainage which is considered ESHA but within the project site for slope stabilization, revegetation and planting native vegetation within the drain field. A planting plan was then submitted to the Planning Department incorporating these recommendations. A full list of the ERB recommendations is listed later in this report.

On March 25, 2023, staff conducted an inspection (Attachment 5). It was observed that an airstream and an unpermitted shed existed within the required ESHA buffer. At staff’s request, these items were removed.

Surrounding Land Uses and Project Setting

The property is in an area primarily developed with one- and two-story single-family residences with accessory development, and zoned RR-2. The subject site is bordered to the north by vacant lots, and to the east and south by single-family residential development. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes.

Table 1 – Surrounding Land Uses				
Direction	Address	Lot Size	Zoning	Land Use
North	29556 Rainsford Place	1.9 acres	RR-2	Vacant
South	6260 Busch Drive	1.6 acres	RR-2	Single-Family Residence
West	Busch Drive	-	-	-
East	6254 Busch Drive	1.3 acres	RR-2	Single-Family Residence

Table 2 below depicts lot information, including lot area and dimension.

Table 2 – Lot Information	
Lot Depth	97 feet, 9 inches
Lot Width	180 feet, 9 inches
Gross Lot Area	21,041 square feet
Net Lot Area*	20,547 square feet

The parcel is partially within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map and

therefore, the project is appealable to the CCC. The subject parcel has no trails on or adjacent to it according to the LCP Park Lands Map.

ESHA

As stated previously, the existing residence is partially sited within the Appeal Jurisdiction of the CCC and contains riparian ESHA (Figure 2). According to the Biological Assessment, the property supports three coast live oak trees that meet the definition of a protected tree. No direct impacts are proposed to these trees. However, two of the trees are in very poor condition and are likely nearing the end of their natural lifespan. None of these coast live oak trees are within the protected zone.

Figure 2 – Site Plan



Source: City of Malibu GIS 2023

ERB

On February 22, 2023, the ERB, in consultation with the City Biologist, reviewed the proposed project including the proposed development within the ESHA buffer and made the following recommendations listed below (Attachment 6):

1. The property owner / applicant shall consider planting native plants outside the mapped jurisdictional ESHA but within the project site for slope stabilization and revegetation.
2. Planting native vegetation within the drain field. This planting should be according to the MMC Chapter 17.53 Landscape Water Conservation and Fire Protection.
3. The landscape architect should evaluate and suggest a list of native plants whose roots will not affect the drain field.

The ERB recommended that staff proceed with the application.

The applicant has incorporated the recommendations of the ERB into the proposed application.

Project Description

The proposed scope of work is as follows:

- a. Conversion of 508-square feet office/gym space to an attached second unit;
- b. Installation of new landscaping in compliance with MMC Section 17.53 (Landscape Water Conservation); and
- c. Installation of a new OWTS.

The following discretionary requests are included:

- a. VAR No. 22-007 for encroachment into ESHA buffer to allow for the installation of the replacement OWTS;

LCP Analysis

The Malibu LCP consists of a LUP and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a CDP must adhere.

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

The remaining nine sections that potentially require specific findings to be made are found in the following LIP chapters: 1) CDP 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. Of these nine, only General CDP (including variance), ESHA, and Hazards findings apply to the project. Consistency review with these sections is discussed later in the *LIP Findings* section.

Based on the proposed project site and scope of work described above, 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.

LIP Conformance Analysis

The Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 (WD29), and the Los Angeles County Fire Department (LACFD) reviewed the project and found it in compliance with the LCP and MMC (Attachment 3). WD29 provided a Will Serve Letter to the applicant stating that WD29 can serve water to the property. According to these specialists, the proposed project is consistent with all applicable LCP codes, standards, goals and policies, and applicable MMC requirements, inclusive of the requested variance.

Zoning (LIP Chapter 3)

The project as proposed includes conversion of the existing 508-square feet office/gym space to an attached second unit. It does not propose to add new square footage or new impermeable coverage. The project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards, inclusive of the requested variance.

Table 3 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	Required/Allowed	Proposed	Comments
SETBACKS			
Front Yard	19.55 ft.	20.79 ft.	Complies
Rear Yard	14.66 ft.	43.25 ft.	Complies
Side Yard (25%)	45.2 ft.	61.60 ft.	Complies
Side Yard (10%)	18.07 ft.	18.16 ft.	Complies
PARKING	2 enclosed 2 unenclosed	2 enclosed 3 unenclosed	Complies
TDSF	4,634 sq. ft.	3,448 sq. ft.	Complies
HEIGHT	18 ft.	18 ft.	Complies

Table 3 – LCP Non-Beachfront Zoning Conformance

Development Requirement	Required/Allowed	Proposed	Comments
IMPERMEABLE COVERAGE	7,191 sq. ft.	3,528 sq. ft.	Complies
ESHA			
<i>Stream / Riparian</i>	<i>100-Foot Buffer</i>	<i>50-Foot Encroachment into ESHA Buffer</i>	<i>VAR No. 22-007</i>

Grading (LIP Chapter 8)

No grading is proposed as part of this application.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. As proposed, the project includes conversion of existing space into an attached second unit and installation of a new OWTS at the same location. Accordingly, staff determined that no further study is required at this time and any proposed improvements within the project area will have no adverse impact on known cultural resources.

Nevertheless, a condition has been included which states that in the event that potentially important cultural resources are found in the course of geologic testing, work must 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 proposed project for conformance to LIP Chapter 17 requirements for water quality protection. A standard condition of approval for this project requires that prior to the issuance of any development permit, a Local Storm Water Pollution Prevention Plan incorporating construction-phase Erosion and Sediment Control Plan and Best Management Practices, must be approved by the City Public Works Department. Additionally, the ocean between Latigo Point and the western City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as part of the California Ocean Plan. As such, the applicant's drainage system is required to retain all non-storm water runoff on the property without discharge to the ASBS, and to maintain the natural water quality within the ASBS by treating storm runoff for pollutants in residential storm runoff that would cause a degradation of ocean water quality in the ASBS. A condition is also included requiring a Water Quality Mitigation Plan. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project includes an OWTS to serve the proposed development. This new OWTS consists of a 3,634-gallon MicroSepTec ES12 tank with ultraviolet disinfection unit, and a dispersal field. The new OWTS will be located in the same location as the previous tank. The system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. The proposed OWTS will meet all applicable requirements and operating permits will be required. An operation and maintenance contract and recorded covenant covering such must comply with City of Malibu Environmental Health requirements. Conditions of approval have been included in Resolution No. 23-40, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings 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 is in the RR-2 residential zoning district, an area designated for residential uses. The Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD 29 and LACFD reviewed the proposed project and found it to be in conformance with the LCP. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned and with the proposed discretionary requests, conforms to the LCP in that it meets all applicable residential development standards.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity to 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.

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources.

Project Alternatives — The 100-foot buffer from the ESHA encompasses the entire property, therefore re-locating the OWTS and the dispersal field to any other location will not eliminate the need for a variance and as proposed the system is located as far as possible from the ESHA. The current OWTS was constructed with the original home in the 1970's and does not employ the same environmental protection standards as a new system would.

The construction of a new second unit would result in added disturbance, development in ESHA and therefore does not pose a superior project alternative.

Proposed Project — The proposed OWTS has been sited as far from the onsite ESHA as possible, and the conversion of the existing gym area to a second unit will not result in the expansion of the existing development. The proposed landscaping will result in the enhancement of the existing ESHA. The upgraded OWTS will provide better water quality in the area, specifically to the environmentally sensitive location. The existing design minimizes land disturbance and is consistent with ESHA protection standards with the inclusion of the proposed variance, the proposed project, as designed, is the least environmentally damaging 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 with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

The project was reviewed by the ERB due to the proximity of ESHA. A condition of approval and landscaping as recommended by the ERB were added to the project to ensure the project conforms to the recommendations of the ERB.

B. Variance No. 22-007 – Encroachment into ESHA buffer (LIP Section 13.26.5)

The proposed variance is a request to allow encroachment into an ESHA buffer for the installation of new OWTS. 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 the following findings of fact supported by substantial evidence. The findings required to approve VAR No. 22-007 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 characteristics applicable to the subject parcel, such that strict application of the zoning ordinance deprives the property owners of privileges enjoyed by other properties in the vicinity, including the location of a stream / riparian ESHA within 100 feet from the proposed new OWTS. Neighboring properties within the vicinity are primarily developed under the identical zoning classification, with similar development limitations, related to proximity to ESHA.

Riparian ESHAs require a 100-foot buffer for any new development. As such, given the size of the subject parcel it is not possible to site the proposed OWTS outside the required buffer. Strict application of the zoning ordinance would deprive the property owner of the same development configuration and siting enjoyed by other properties in the vicinity with the same zoning and constraints.

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.

With the incorporation of the recommended conditions of approval, the granting of a 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 RR-2 zone district in which the property is located. The OWTS is designed to minimize grading and landform alteration by utilizing the flattest area of the property and is located as far away from the ESHA as possible. The City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department reviewed the project and found it to be in conformance with the LCP and determined that the proposed project will not be detrimental to the public interest safety, health or welfare, nor detrimental or injurious to the property. Additionally, the City's ERB added additional recommendations to improve site conditions for the nearby riparian ESHA.

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

The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences and their accessory structures have been developed on properties in the immediate vicinity with similar or reduced setbacks from ESHA. In addition, given the size of the parcel it is not practical to avoid encroachment into the required ESHA buffer. Therefore, the granting of the proposed 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 granting of the variance is to allow for the installation of a new OWTS within the required ESHA buffer. The new OWTS will be located approximately 90 feet from the stream/riparian ESHA and distance of dispersal field is 50 feet from the ESHA. As discussed previously, given the size of the parcel, it is not possible to install the system in a location that would be completely outside of the ESHA buffer. In addition, the proposed system will offer environmental advantages over the existing conventional wastewater system. The project 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, pursuant to LIP Section 4.6.4(A).

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 Section 4.7 of the Malibu LIP.

The project consists of the conversion of office/gym space into a second unit and installation of new OWTS and landscaping. While the creation of the second unit will take place within the existing structure, and the planting of native vegetation to enhance the ESHA buffer do not impact the ESHA buffer, the OWTS cannot be installed in a way to completely avoid the ESHA buffer. There is no environmentally superior siting location, as discussed in Section A, Finding 3.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The requested variance is not associated with 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 subject parcel is zoned RR-2 which allows for residential development. The proposed project is permitted in the subject zone. Approval of the variance would allow encroachment into an ESHA buffer for the new OWTS. The use is consistent with the purpose and intent of the RR-2 Zone.

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

The subject parcel is physically suitable for the proposed project with the incorporation of the recommended conditions of approval. The stream and riparian ESHA shall be protected.

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

The variance complies with all requirements of State and local law. The project has received LCP conformance review from all applicable City departments, the LACFD, and WD29. 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.

The proposed project does not include or encroach upon public parking. Therefore, this finding does not apply.

C. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The dispersal field for the OWTS is sited approximately 50 feet away from a mapped stream. Therefore, the proposed development will extend into the required 100-foot ESHA buffer. Therefore, the supplemental ESHA findings in LIP Section 4.7.6 are as follows.

Finding 1. Application of the ESHA overlay ordinance would not allow construction of a residence on an undeveloped parcel.

Given the size of the parcel, any new development on the subject parcel would extend into the stream ESHA buffer. The OWTS has been sited as far from the riparian habitat as possible but is still within the ESHA buffer because of the size of the parcel. Therefore, the application of LIP Chapter 4 (ESHA Overlay Ordinance) would not allow development on this parcel.

Finding 2. The project is consistent with all provisions of the certified LCP with the exception of the ESHA overlay ordinance and it complies with the provisions of Section 4.7 of the Malibu LIP.

As previously discussed in Section A, Finding 1, the proposed project is consistent with all applicable provisions of the LCP. As previously discussed in Finding 1, the subject parcel cannot be developed without work taking place within the required stream ESHA buffer. Because the ESHA buffer encroachment could not be avoided a variance has been included as part of this application. Therefore, the proposed project complies with the provision of LIP Section 4.7.

D. Native Tree Protection (LIP Chapter 5)

The proposed CDP does not involve removal of or encroachment into the protected zone of any protected native trees on the property. All of the proposed developments are consistent with LIP Section 5.4. Therefore, LIP Chapter 5 does not apply.

E. 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. As discussed previously, the proposed development does not appear to be visible from any scenic area, scenic road, or public viewing area. Therefore, the findings LIP Chapter 6 are not applicable.

F. 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 hazards listed in LIP Sections 9.2(A)(1-7) 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 proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, WD29, and LACFD. The required findings 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.

As noted in the Geotechnical Review Sheet in Attachment 3 the applicant submitted a geotechnical engineering report and addenda prepared by Gold Coast Geoservices, Inc. These reports are on file at City Hall. The reports evaluate site specific conditions and recommendations are provided to address any pertinent issues. Potential hazards analyzed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, tsunami, and flood and fire hazards. It has been determined that the project is not located in a hazard zone, except that the project site is located within an extreme high fire hazard area.

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject parcel is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards.

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. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, including the new OWTS, will neither be subject to nor increase the instability from geologic, flood, or fire hazards. In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer’s recommendations and governing agency’s building codes are followed.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical report and conditions required by the City Public Works Department, City geotechnical consultant reviewers and LACFD, including foundations, OWTS, and drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, 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 stated in Finding 1, the proposed project, as designed, conditioned, and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping, or other conditions.

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

As previously stated in Section A, Finding 3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As previously discussed in Finding 3 of Section A and Finding 1, there are no feasible alternatives to development that would avoid or substantially lessen impacts on 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 Section A, Finding 3, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

G. Shoreline and Bluff Development (LIP Chapter 10)

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

H. Public Access (LIP Chapter 12)

The project site is not located along or near the shore, bluff-top or recreational area, and has no trails on or adjacent to it according to the LCP Park Lands Map. Therefore, the findings of LIP Chapter 12 are not applicable.

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 LUP 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 parcel 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.

I. Land Division (LIP Chapter 15)

The project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (d) – New Construction or Conversion of Small Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

PUBLIC NOTICE: On August 10, 2023, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and mailed the notice to all property owners and occupants within a 500-foot radius of the subject parcel (Attachment 5).

SUMMARY: The required findings can be made that the project complies with the LCP and MMC. 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 the accompanying Resolution, staff recommend approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 23-40. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 23-40
2. Project Plans
3. Departmental Review Sheets
4. Site Photographs
5. Public Hearing Notice
6. ERB Recommendations

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 23-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT PERMIT WOOLSEY FIRE NO. 22-004 FOR A CONVERSION OF AN EXISTING 508-SQUARE FEET OF OFFICE/GYM SPACE INTO AN ATTACHED SECOND UNIT, LANDSCAPING, AND A REPLACEMENT ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 22-007 FOR DEVELOPMENT WITHIN THE REQUIRED ENVIRONMENTALLY SENSITIVE HABITAT AREA BUFFER TO ALLOW FOR THE INSTALLATION OF THE REPLACEMENT ONSITE WASTEWATER TREATMENT SYSTEM, IN THE RURAL RESIDENTIAL, TWO-ACRE ZONING DISTRICT LOCATED AT 6244 BUSCH DRIVE (TYLER AND BRIDGETTE MUIR)

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

SECTION 1. Recitals.

A. On March 31, 2022, an application for Coastal Development Permit-Woolsey Fire (CDPWF) No. 22-004 was submitted to the Planning Department by the applicant, Schmitz and Associates, Inc. on behalf of the property owner. Variance (VAR) No. 22-007 was subsequently assigned to the project. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Fire Department (LACFD) and Los Angeles County Waterworks District 29 (WD29) for review.

B. On February 22, 2023, the Environmental Review Board (ERB) reviewed the project and made recommendations to the Planning Commission.

C. During the ensuing months, the applicant revised the plans to address comments and recommendations from ERB.

D. On March 25, 2023, Planning Department staff conducted a site visit.

E. On August 1, 2023, a Notice of Coastal Development Permit Application was posted on the subject property.

F. On August 10, 2023, a Notice of Planning Commission 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 subject property.

G. On September 5, 2023, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has exercised its independent judgment and analyzed the

proposal as described above. The Planning Commission has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(a) and (d) — New Construction or Conversion of Small Structures. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on evidence contained within the record, including the agenda report for the project and the hearing on September 5, 2023, and pursuant to the Local Coastal Program (LCP) Local Implementation Plan (LIP), including Sections 13.7(B) and 13.9, and Malibu Municipal Code (MMC), the Planning Commission adopts the findings of fact, and approves CDPWF No. 22-004 for a conversion of 508-square feet office/gym space into an attached second unit, landscaping, and a new onsite wastewater treatment system (OWTS); including VAR No. 22-007 for development within the Environmentally Sensitive Habitat Area (ESHA) buffer in the Rural Residential, Two-Acre (RR-2) zoning district located at 6244 Busch Drive.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. 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. The proposed project is in the RR-2 residential zoning district, an area designated for residential uses. The Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical consultant reviewers, LACFD review, and WD29 reviewed the proposed project and found it to be in conformance with the LCP. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned and with the proposed discretionary requests, conforms to the LCP in that it meets all applicable residential development standards.

2. The proposed OWTS has been sited as far from the onsite ESHA as possible, and the conversion of the existing gym area to a second unit will not result in the expansion of the existing development. The proposed landscaping will result in the enhancement of the existing ESHA. The upgraded OWTS will provide better water quality in the area, specifically to the environmentally sensitive location. The existing design minimizes land disturbance and is consistent with ESHA protection standards with the inclusion of the proposed variance, the proposed project, as designed, is the least environmentally damaging alternative.

3. The project was reviewed by the ERB due to the proximity of ESHA. A condition of approval and landscaping were added to the project to ensure the project conforms to the recommendations of the ERB.

B. Variance No. 22-007 – Encroachment into ESHA/ESHA buffer (LIP Section 13.26.5)

VAR No. 22-007 from the development standards contained in LIP Section 4.6 will allow for development within the ESHA buffer.

1. There are special circumstances and exceptional characteristics applicable to the subject parcel, such that strict application of the zoning ordinance deprives the property owners of privileges enjoyed by other properties in the vicinity, including the location of a stream / riparian ESHA within 100 feet from the proposed new OWTS. Neighboring properties within the vicinity are primarily developed under the identical zoning classification, with similar development limitations, related to proximity to ESHA. Riparian ESHA's require a 100-foot buffer for any new development. As such, there is no way to site the proposed OWTS to avoid encroachment into the buffer.

2. With the incorporation of the recommended conditions of approval, the granting of a 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 RR-2 zone district in which the property is located. The OWTS is designed to minimize grading and landform alteration by utilizing the flattest area of the property and is located as far away from the ESHA as possible. The City Biologist, City Environmental Health Administrator, City geotechnical consultant reviewers and City Public Works Department reviewed the project and found it to be in conformance with the LCP and determined that the proposed project will not be detrimental to the public interest safety, health, or welfare, nor detrimental or injurious to the property. The proposed project includes additional recommendations provided by the ERB to improve site conditions for the nearby riparian ESHA.

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences and their accessory structures have been developed on properties in the immediate vicinity with similar or reduced setbacks from ESHA. In addition, given the size of the parcel it is not practical to avoid encroachment into the required ESHA buffer. Therefore, the granting of the proposed variance will not constitute a special privilege to the applicant or property owner.

4. The granting of the variance is to allow for the installation of a new OWTS within the required ESHA buffer. The project 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, pursuant to LIP Section 4.6.4(A).

5. The project consists of the conversion of office/gym space into a second unit and installation of new OWTS and landscaping. While the creation of the second unit will take place within the existing structure, and the planting of native vegetation to enhance the ESHA buffer do not impact the ESHA buffer, the OWTS cannot be installed in a way to completely avoid the ESHA buffer. There is no environmentally superior siting location.

6. The subject parcel is zoned RR-2 which allows for residential development. The proposed project is permitted in the subject zone. Approval of the variance would allow encroachment into an ESHA buffer for the new OWTS. The use is consistent with the purpose and intent of the RR-2 Zone.

7. The subject parcel is physically suitable for the proposed project with the incorporation of the recommended conditions of approval. The stream and riparian ESHA shall be protected.

8. The variance complies with all requirements of state and local laws.

F. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

1. Given the size of the parcel, any new development on the subject parcel would extend into the stream ESHA buffer. The OWTS has been sited as far from the riparian habitat as possible but is still within the ESHA buffer because of the size of the parcel. Therefore, the application of LIP Chapter 4 (ESHA Overlay Ordinance) would not allow development on this parcel.

2. The proposed project is consistent with all applicable provisions of the LCP. The proposed project cannot be developed without work taking place within the required stream ESHA buffer. Because the ESHA buffer encroachment could not be avoided a variance has been included as part of this application. Therefore, the proposed project complies with the provision of LIP Section 4.7.

H. Hazards (LIP Chapter 9)

1. Evidence in the record demonstrates that the project, as conditioned, will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

2. The proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to project modifications, landscaping or other conditions.

3. Evidence in the record demonstrates that the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

4. Evidence in the record demonstrates that there are no feasible alternatives to the proposed development that would avoid or substantially lessen any adverse impacts on site stability or structural integrity as none are expected as a result of the proposed project.

5. Evidence in the record demonstrates that the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDPWF No. 22-004 and VAR No. 22-007, 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. Conversion of 508-square feet office/gym space into a second unit;
 - b. Installation of new landscaping in compliance with MMC Section 17.53 (Landscape Water Conservation);
 - c. Installation of a new OWTS; and
 - d. Discretionary Requests:
 - i. VAR No. 22-007 for encroachment within ESHA buffer;
 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 **August 23, 2023**. 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 to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
 6. The CDP shall be expired 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.
 7. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
 8. 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 consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
 9. 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.

10. 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, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
11. 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

12. 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 1 7.54.040(D)(4)(b) shall be followed.
13. 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.

Lighting

14. Exterior lighting must comply with the Dark Sky Ordinance and shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:
 - a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
 - b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
 - c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
 - d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
 - e. Site perimeter lighting shall be prohibited; and
 - f. Outdoor decorative lighting for aesthetic purposes is prohibited.
15. Night lighting for sports courts or other private recreational facilities shall be prohibited.

16. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot-candle.
17. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas.
18. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
19. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
20. Three violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Fencing and Walls

21. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.
22. Necessary boundary fencing shall be of an open rail-type design with a wooden rail at the top (instead of wire), be less than 40-inches high, and have a space greater than 14-inches between the ground and the bottom post or wire. A split rail design that blends with the natural environment is preferred.
23. Fencing or walls shall be prohibited within ESHA and ESHA buffer, except where necessary for public safety or habitat protection or restoration. Fencing or walls that do not permit the free passage of wildlife shall be prohibited in any wildlife corridor.
24. Development adjacent to, but not within ESHA or ESHA buffer, may include fencing, if necessary for security, that is limited to the area around the clustered development area.

Building Plan Check

Construction / Framing

25. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
26. 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.
27. 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.

28. 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.
29. 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 roof 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.
30. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Biology / Landscaping

31. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.
32. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.
33. Any site preparation activities, including removal of vegetation, between February 1 and September 15 will require nesting bird surveys by a qualified biologist at least five days prior

to initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City within two business days of completing the surveys.

34. Invasive plant species, as determined by the City of Malibu, are prohibited.
35. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
36. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
37. Prior to a final plan check approval, the property owner /applicant must provide a landscape water use approval from the Los Angeles County Waterworks District No. 29.
38. The Landscape Plan has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the Landscape Plan. Failure to comply with the landscape conditions is a violation of the conditions of approval of this project.
39. Grading and/or demolition shall be scheduled only during the dry season from April 1 – October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
40. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.
41. Upon Completion of Planting, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

Fuel Modification

42. Prior to the issuance of final building permits, the project shall receive LACFD approval of a Final Fuel Modification Plan.

Grading/Drainage/Hydrology

43. The ocean between Latigo Point and the west City limits has been established by the State Water Resources Control Board as an Area of Special Biological Significance (ASBS) as

part of the California Ocean Plan. This designation prohibits the discharge of any waste, including stormwater runoff, directly into the ASBS. The applicant shall provide a drainage system that accomplishes the following:

- a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
- b. Prohibits the discharge of trash.
- c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
- d. Elimination of non-storm water discharges.

44. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

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.

45. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:

- a. Is located within or adjacent to ESHA, or
- b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

46. The Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

Geology

47. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical consultant reviewers shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City geotechnical consultant reviewers prior to the issuance of a grading permit.
48. Final plans approved by the City geotechnical consultant reviewers shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

Onsite Wastewater Treatment System (OWTS)

49. The final architectural plan must show the proposed OWTS, including the treatment tank, drip dispersal area, and all lines of connection to the residence and second unit.
50. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS and must fit onto an 11-inch by 17-inch sheet leaving a five-inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).
51. A final design and system specifications shall be submitted as to all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered environmental health specialist or a professional geologist who is responsible for the design. The final OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
52. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
53. The final design report shall contain the following information (in addition to the items listed above).
 - a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of

bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;

- b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for “package” systems; and conceptual design for custom engineered systems;
 - c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
 - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department.
54. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
55. 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.
56. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing Onsite Wastewater Treatment System (OWTS) components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”

57. All proposed reductions in setbacks from the OWTS to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants.
 - a. Blue Line Stream – All proposed reductions in setback from the OWTS to the blue line stream (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering), who must certify unequivocally that the proposed reduction in setback from the drip dispersal area will not adversely affect the structural integrity of the OWTS
58. Proof of ownership of the subject property shall be submitted to the City Environmental Health Administrator.
59. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
60. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
61. Prior to final Environmental Health approval, a covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the City of MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
62. A covenant running with the land shall be executed by the property owner and recorded with the Office of the Los Angeles County Recorder. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the City Environmental Sustainability Department.
63. Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

64. City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
65. City of Malibu geotechnical consultant reviewers' final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
66. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the OWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.
67. City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
68. A final fee in accordance with the adopted fee schedule at the time of the final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specification.
69. In accordance with MMC, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

Water Quality / Water Service

70. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.

Prior to Occupancy

71. Prior to, or at the time of a Planning final inspection, the property owner / applicant shall submit to the Planning Department the plumbing permit for the irrigation system installation signed off by the Building Safety Division.
72. Prior to the issuance of a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all Planning Department conditions to protect natural resources are in compliance with the approved plans.
73. Prior to a final Building inspection, the applicant shall provide a final Waste Reduction and Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. The final Summary Report shall designate the specific materials that were land filled or recycled, broken down by material types, and state the facilities where all materials were taken.
74. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the

City to ensure compliance should the final work not be completed in accordance with this permit.

75. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate occupancy.

Deed Restrictions

76. The property owner is required to acknowledge, by recordation of a deed restriction, that the project no more than one secondary residential unit is permitted to exist on the subject property. Said document shall include the definitions of a second unit and guest house as defined by the LIP Section 2.1 and shall be recorded with the Office of the Los Angeles County Recorder. The applicant shall submit a copy of the recorded document to the Planning Department.
77. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 14-20. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Fixed Conditions

78. This coastal development permit runs with the land and binds all future owners of the property.
79. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted thereunder.

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

PASSED, APPROVED AND ADOPTED this 5th day of September 2023.

SKYLAR PEAK, Planning Commission Chair

ATTEST:

REBECCA EVANS, 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. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s approval to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-40 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 5th day of September 2023 by the following vote:

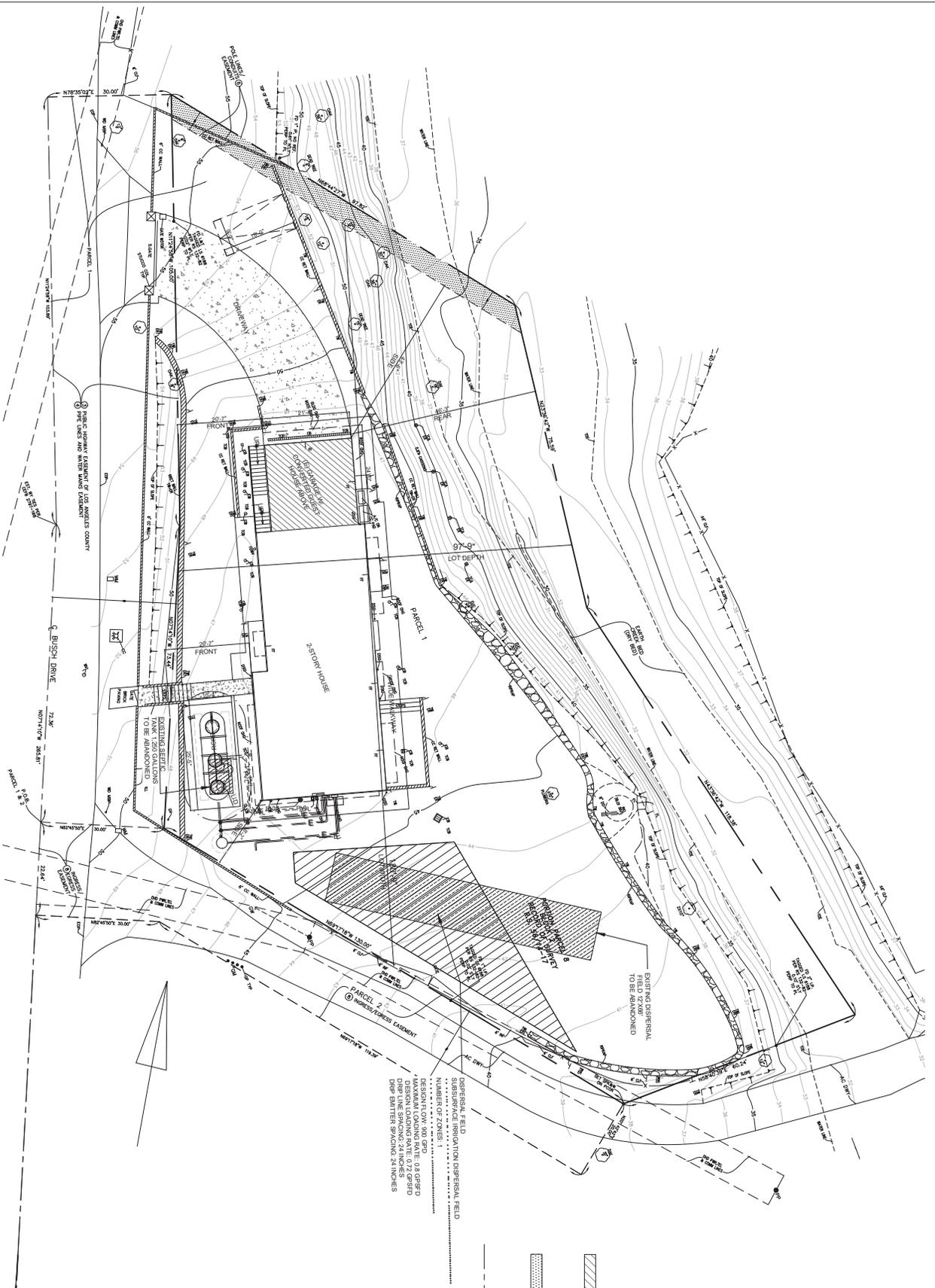
AYES:

NOES:

ABSTAIN:

ABSENT:

REBECCA EVANS, Recording Secretary



PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"



DISPERSED FIELD
SUBSURFACE IRRIGATION DISPERSED FIELD
NUMBER OF ZONES: 1
DESIGN LOADING RATE: 0.8 GPD
MINIMUM LOADING RATE: 0.4 GPD
DRAIN SPACING: 24 INCHES

- AREA OF WORK
- AREA OF 1:1 SLOPES OR GREATER = 0
- AREA EASEMENT = 494 S.F.
- GROSS LOT AREA = 21,041 S.F.
- NET LOT AREA = 20,547 S.F.

FIRE ENGINEERING - FBV
SECURITY GATE

THE SECURITY GATE SHALL BE PROVIDED WITH AN AUTOMATICALLY OPERATING MECHANISM AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE, ELECTRIC GATE OPERATOR, WHEN PROVIDED, INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO OR SLIDING TYPE. RESTRICTIONS OF GATES SHALL BE OF MATERIAL THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE BOOK ACTION REQUIREMENTS SHALL BE INDICATED BY THE MEANS OF THIS SITE PLAN. ALSO INDICATE THE MEANS OF ACCESS TO THE SECURITY GATE ON THE SITE THAT IT BE MAINTAINED OPERATIONAL AT ALL TIMES.

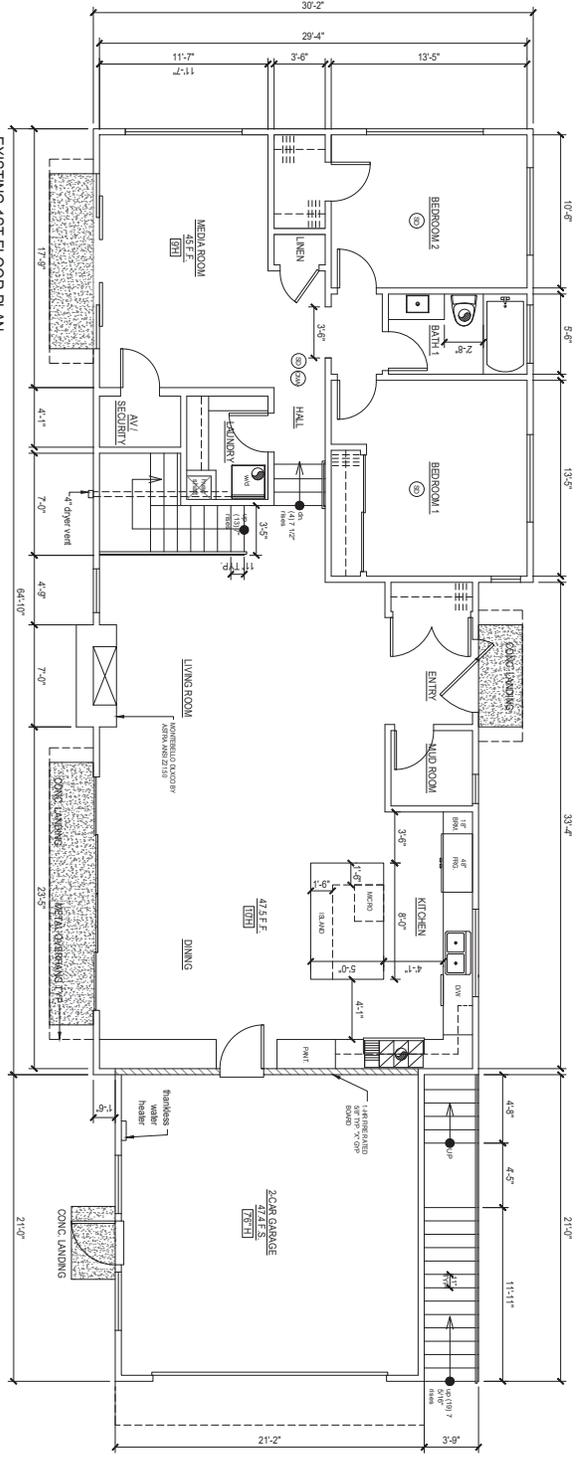


LAURA HANSON DESIGN
4479 DEANWOOD DR.
WOODLAND HILLS, CA 91364
PHONE: 310-968-9471
LAURA@LAURAHANSONDESIGN.COM

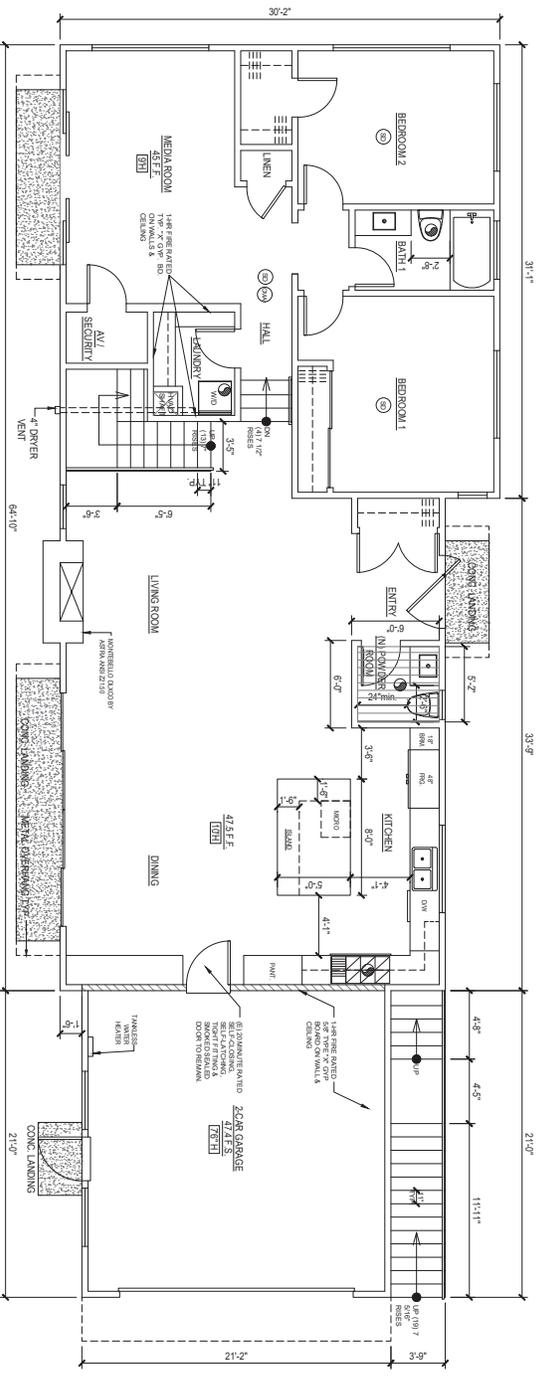
Interior Remodel and new Septic System
for Single Family Dwelling:

MUIR RESIDENCE
6244 BUSCH DRIVE
MALIBU CA 90265

DATE: 05/20/23	
DESIGNED BY: A. SHIRO	PROJECT NUMBER: NOTED
SCALE: 3/32" = 1'-0"	DRAWING NUMBER: A1



EXISTING 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"

EXISTING WALL
EXISTING 1-HOUR FIRE RATED WALL WITH 5/8" TYPE 'X' GYP. BOARD



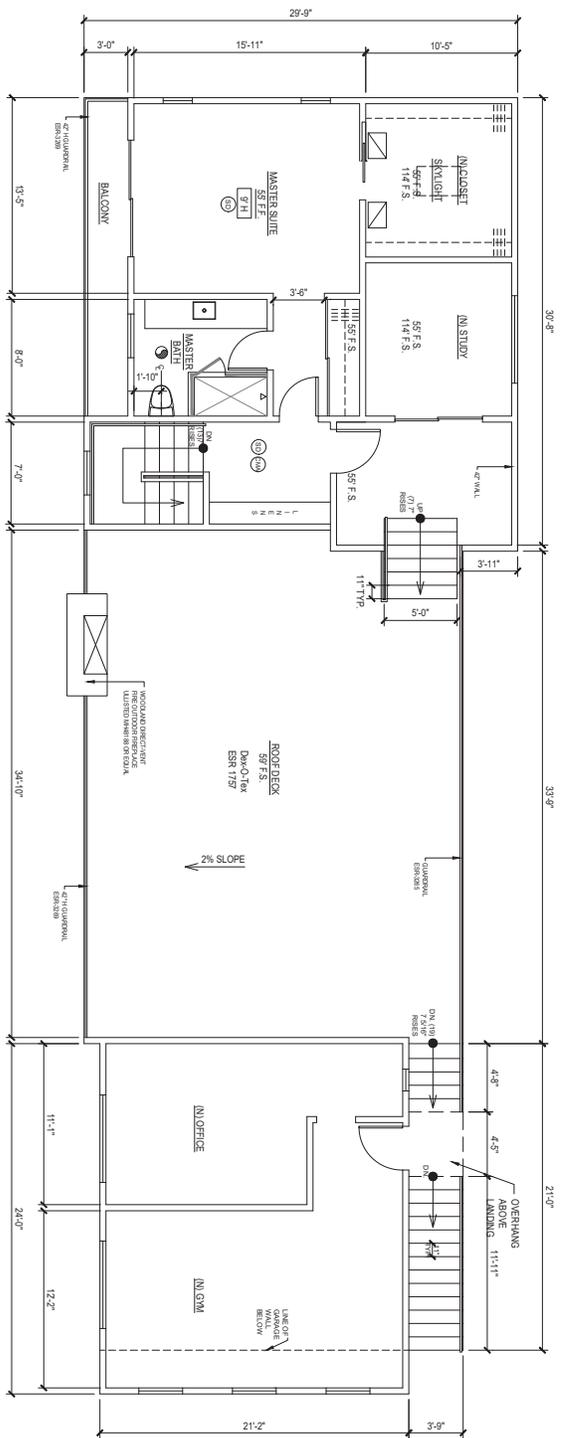
LAURA HANSON DESIGN

4479 DEANWOOD DR.
WOODLAND HILLS, CA 91364
PHONE: 310-968-9471
LAURA@LAURAHANSONDESIGN.COM

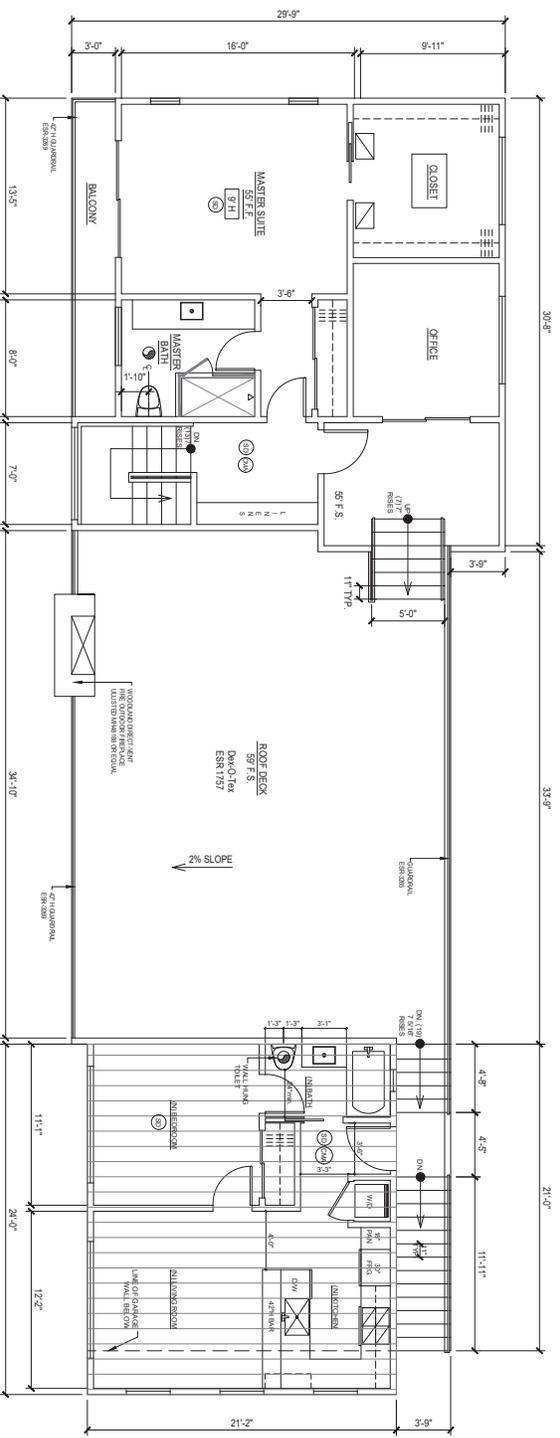
Interior Remodel and new Septic System for Single Family Dwelling:

MUIR RESIDENCE
6244 BUSCH DRIVE
MALIBU CA 90265

EXISTING 1ST FLOOR PLAN	
DESIGNED BY: LAURA HANSON	PROJECT NUMBER: 2023-001
DRAWN BY: A. SMITH	SCALE: NOTED
DATE: 10/25/22	A.2.0



EXISTING 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"



PROPOSED 2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"



**LAURA HANSON
DESIGN**

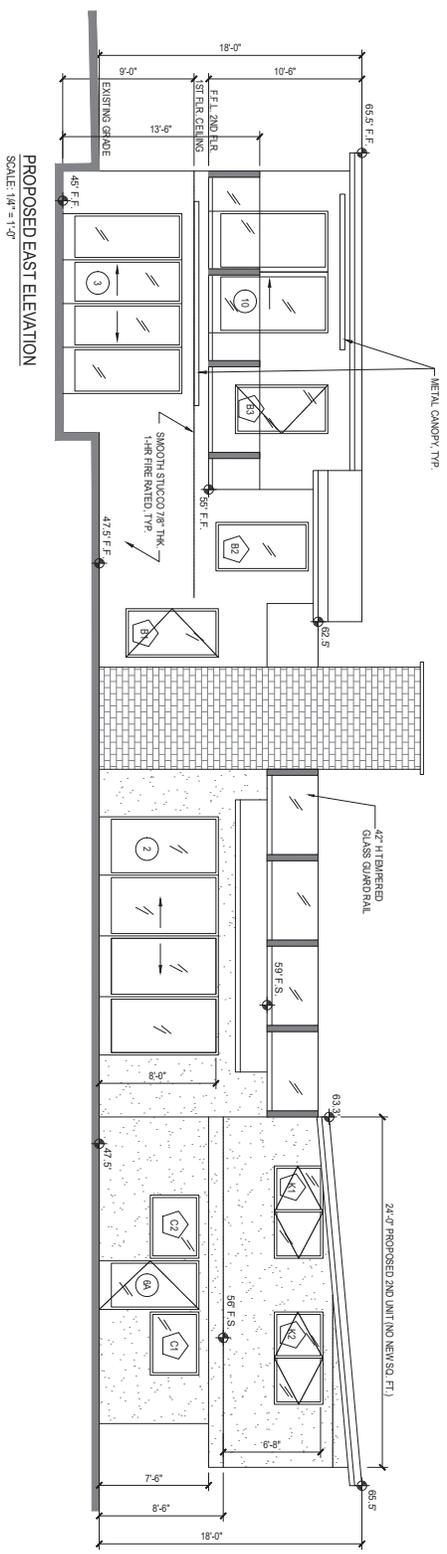
4479 DEANWOOD DR.
WOODLAND HILLS, CA 91364
PHONE: 310-968-9471
LAURA@LAURAHANSONDESIGN.COM

Interior Remodel and new Septic System
for Single Family Dwelling:

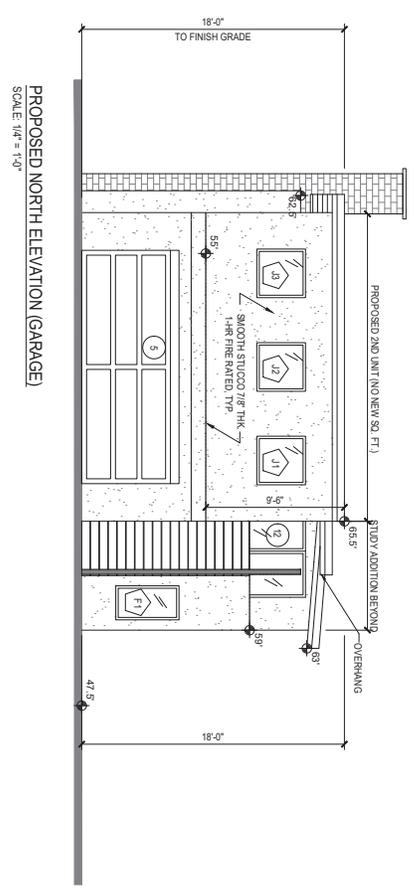
MUIR RESIDENCE
6244 BUSCH DRIVE
MALIBU CA 90265

PROPOSED 2ND FLOOR PLAN

DESIGNED BY	PROJECT NUMBER:
DRAWN BY	SCALE:
CHECKED BY	DATE:
DATE: 10/20/22	A2.1

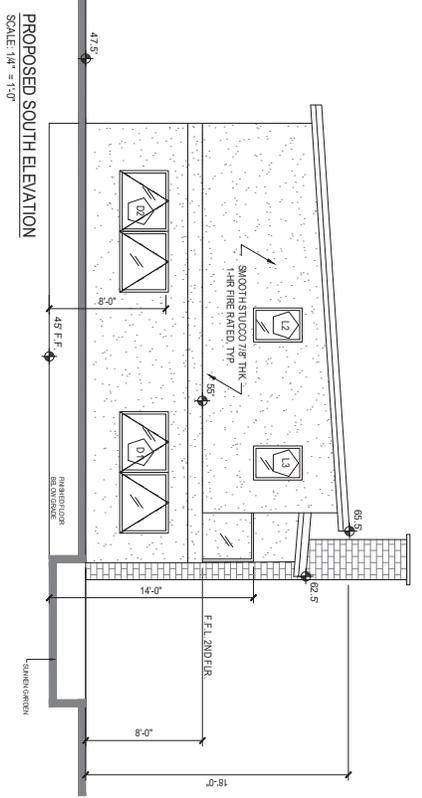
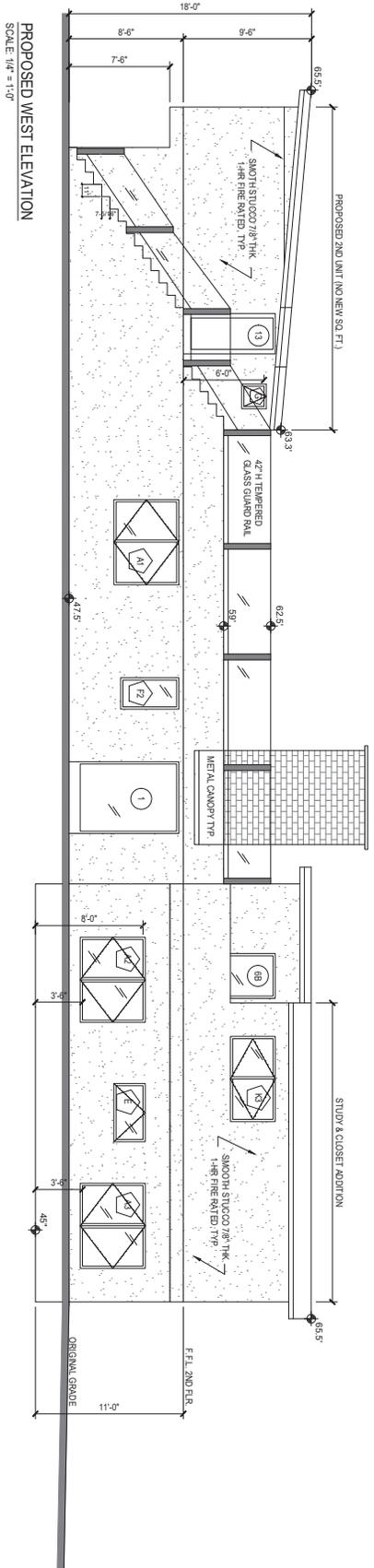


PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED NORTH ELEVATION (GARAGE)
SCALE: 1/4" = 1'-0"

 <p>LAURA HANSON DESIGN 4479 DEANWOOD DR. WOODLAND HILLS, CA 91364 PHONE: 310-968-9471 LAURA@LAURAHANSONDESIGN.COM</p>	
<p>Addition to Single Family Dwelling: MUIR RESIDENCE 6244 BUSCH DRIVE MALIBU CA 90265</p>	
<p>PROPOSED ELEVATIONS</p>	
DESIGNED BY	PROJECT NUMBER:
DATE:	SCALE:
NOTED	DRAWING NUMBER:
A3.0	



 LAURA HANSON DESIGN	
4479 DEANWOOD DR. WOODLAND HILLS, CA 91364 PHONE: 310-968-9471 LAURA@LAURAHANSONDESIGN.COM	
Addition to Single Family Dwelling: MUIR RESIDENCE 6244 BUSCH DRIVE MALIBU CA 90265	
PROPOSED ELEVATIONS	
DESIGNED BY: A. SWING PROJECT NUMBER: A. SWING	SCALE: NOTED DRAWING NUMBER: A3.1
DATE: 10/21/21	

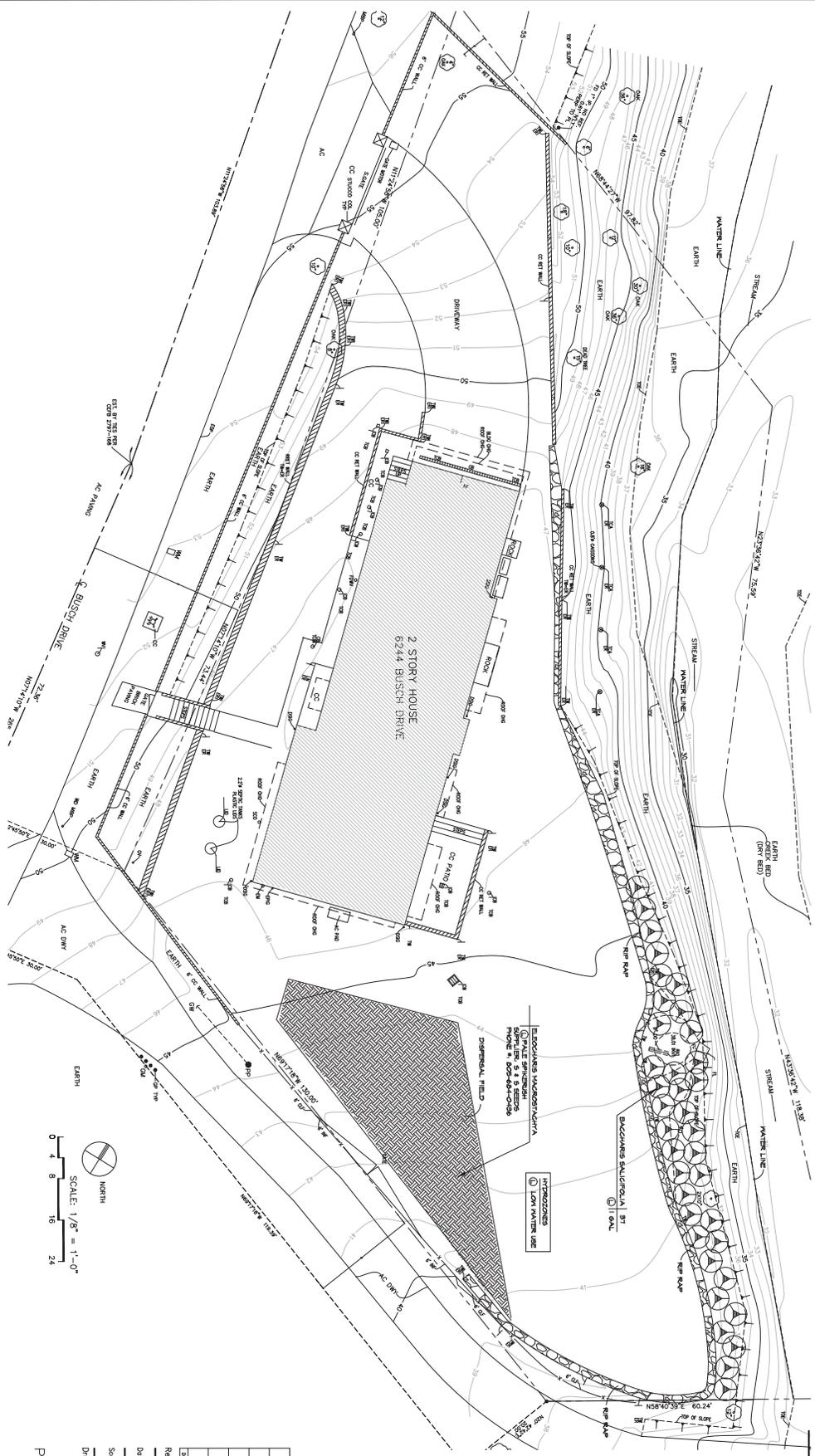
CITY OF MALIBU
 CITY BIOLOGIST APPROVAL
 PLANNING DEPARTMENT
 DATE: 5/13/23
 PLANNING REVIEW NO.: CDMW 23-06
 SIGNATURE: *Jenny Malibu*
 PRINT NAME: Jenny Malibu

SYMB	BOTANICAL NAME	COMMON NAME	PR. QTY.	SIZE	HT.	IND.	NOTES	DEF.

SYMB	BOTANICAL NAME	COMMON NAME	PR. QTY.	SIZE	HT.	IND.	NOTES	DEF.

PLANT MATERIAL LEGEND

Client: _____
 Project: _____
 6244 BUSCH DRIVE
 MALIBU
 CA 90265



NO.	DATE	REVISIONS

Date: 5/9/2023
 Scale: _____
 Drawing Title: _____
 Planting Plan



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

FROM: City of Malibu Planning Department REVISED DATE 05/18/2023

PROJECT NUMBER: CDPWF 22-004

JOB ADDRESS: 6244 BUSCH DR

APPLICANT / CONTACT: Cindy Martin, Schmitz and Associates, Inc.

APPLICANT ADDRESS: 28230 Agoura Road, Suite 200
Agoura Hills, CA 91301

APPLICANT PHONE #: (818)338-3636

APPLICANT FAX #: _____

APPLICANT EMAIL: cmartin@schmitzandassociates.net

PLANNER: Aakash Shah

PROJECT DESCRIPTION: (n) OWTS; convert gym into second unit

TO: Malibu Planning Department and/or Applicant

FROM: City Biologist, Courtney McCammon

_____ The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

X _____ The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

_____ The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Courtney McCammon
Signature

_____ 5/31/23
Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Courtney McCammon, City Biologist, biology@malibucity.org, (310) 456-2489, extension 277



City of Malibu

Biology • Planning Department
 23825 Stuart Ranch Road · Malibu, California · 90265-4861
 Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email)	Cindy Martin, Schmitz and Associates, Inc. cmartin@schmitzandassociates.net	
Project Address:	6244 BUSCH DR Malibu, CA 90265	
Planning Case No.:	CDPWF 22-004	
Project Description:	(n) OWTS; convert gym into second unit	
Date of Review:	May 31, 2023	
Reviewer:	Courtney McCammon	Signature: 
Contact Information:	Phone: (310) 456-2489 ext 277	Email: biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	
Site Survey:	
Landscape Plan:	5/18/23
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	5/8/23 (Incomplete)

REVIEW FINDINGS

Review Status:	<input type="checkbox"/>	<u>INCOMPLETE</u> : Additional information and/or a response to the listed review comments is required.
	<input checked="" type="checkbox"/>	<u>APPROVED</u> : The project has been approved with regards to biological impacts.
	<input type="checkbox"/>	<u>CANNOT APPROVE AS SUBMITTED</u> : The proposed project does not conform to the requirements of the MMC and/or LCP.
	<input type="checkbox"/>	<u>ERB</u> : This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4



DISCUSSION:

1. Pursuant to MMC Section 17.53.030, the proposed project is not subject to the Landscape Water Conservation Ordinance as the property supports an existing single-family residence and the newly planted landscape area is less than 2,500 square feet. The total landscape area proposed for the project is approximately (1,500) square feet.
2. This review is for the proposed landscaping of the dispersal field and of the area adjacent to the stream, as requested by the Environmental Review Board. All other restrictions and recommendations for the project are in effect and the stricter shall apply.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:
 - A. Prior to installation of any landscaping, the applicant shall obtain a plumbing permit for the proposed irrigation system from the Building Safety Division.
 - B. Prior to, or at the time of a Planning Final Inspection, the property owner/applicant shall submit to the Case Planner a copy of the plumbing permit for the irrigation system installation that has been signed off by the Building Safety Division.
 - C. Invasive plant species, as determined by the City of Malibu, are prohibited.
 - D. No non-native plant species shall be approved greater than 50 feet from the residential structure.
 - E. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
 - F. Grading shall be scheduled only during the dry season from April 1 - October 31. If it becomes necessary to conduct grading activities from November 1 – March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.
 - G. Grading/excavation/vegetation removal scheduled between February 1 - September 15 will require nesting bird surveys by a qualified biologist prior to initiation of such activities. Surveys shall be completed no more than five days from proposed initiation of site preparation activities. Should active nests be identified, a buffer area no less than 150 feet (300 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of the surveys shall be turned in to the City within two business days of completion of surveys.
 - H. The (*landscape plan*) has been conditioned to protect natural resources in accordance with the Malibu General Plan. All areas shall be planted and maintained as described in the (*landscape*

plan). Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

2. **UPON COMPLETION OF PLANTING**, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

-000-

If you have any questions regarding the above requirements, please contact the City Biologist office at your earliest convenience.

cc: Planning Project file
Planning Department



City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator

FROM: City of Malibu Planning Department

DATE: 3/31/2022

PROJECT NUMBER: CDPWF 22-004

JOB ADDRESS: 6244 BUSCH DR

APPLICANT / CONTACT: Gigi Goyette

APPLICANT ADDRESS: P.O. Box 6782
Malibu, CA 90264

APPLICANT PHONE #: (310)980-7290

APPLICANT FAX #: _____

APPLICANT EMAIL: alohaexpediting@gmail.com

PROJECT DESCRIPTION: (n) OWTS; convert gym into second unit

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

April 26, 2022

Date

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

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



City of Malibu

Environmental Health • Environmental Sustainability Department
 23825 Stuart Ranch Road · Malibu, California · 90265-4861
 Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Gigi Goyette alohaexpediting@gmail.com	
Project Address:	6244 Busch Drive Malibu, California 90265	
Planning Case No.:	CDPWF 22-004	
Project Description:	(n) OWTS; convert gym into second unit	
Date of Review:	April 26, 2022	
Reviewer:	Matt Janousek	Signature: 
Contact Information:	Phone: (310) 456-2489	Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Laura Hanson Design: Plans dated 1-6-2022 (received 4-4-2022)
Grading Plans:	
OWTS Plan:	Ensitu: OWTS plans dated 1-13-2022
OWTS Report:	Ensitu: OWTS report dated 1-13-2022
Geology Report:	Gold Coast Geoservices: Engineering Geologic report dated 8-23-2021
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/>	CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP) and Malibu Municipal Code (MMC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/>	CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LCP/LIP and MMC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	<input type="checkbox"/>	NOT REQUIRED
	<input checked="" type="checkbox"/>	REQUIRED (attached hereto) <input type="checkbox"/> REQUIRED (not attached)

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code (MMC) and the City of Malibu Local Coastal Program (LCP)/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.



Conditions of Planning Conformance Review for Building Plan Check Approval:

- 1) **OWTS on Architectural Plans:** The final architectural site plan (Sheet A1) must show the proposed onsite wastewater treatment system (OWTS), including the treatment tank, drip dispersal area, and all lines of connection to the residence and ADU.
- 2) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the OWTS, existing improvements, and proposed/new improvements. The plot plan must fit on an 11" x 17" sheet leaving a 5" left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health).
- 3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

- a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.
- b. Sewage and effluent pump design calculations (as applicable).
- c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.
- d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any



unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

- e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 4) **OWTS Monitoring:** The new OWTS shall meet all reporting requirements as listed in the OWTS Designer's report dated 1-13-2022.
 - 5) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the Malibu Municipal Code.
 - 6) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design: *"Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."*
 - 7) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
 - 8) **Architect / Engineer Certification for Reduction in Setbacks to Blue Line Stream:** All proposed reductions in setbacks from the OWTS to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be supported by letters from the project consultants.
 - Blue Line Stream – All proposed reductions in setback from the OWTS to the blue line stream (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering), who must certify unequivocally that the proposed reduction in setback from the drip dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the integrity of the feature for which the setback is reduced.
 - 9) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.



- 10) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
- 11) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. **Please note only original "wet signature" documents are acceptable.**
- 12) **Advanced Onsite Wastewater Treatment System (OWTS) Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any future purchaser for value that the OWTS serving subject property is an advanced method of sewage disposal pursuant to the City of Malibu Municipal Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**
- 13) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the City of Malibu Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department. **Please submit a certified copy issued by the City of Malibu Recorder.**
- 14) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 15) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 16) **City of Malibu Public Works Approval:** City of Malibu Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 17) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 18) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.



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

-o0o-

If you have any questions regarding the above requirements, please contact the Environmental Health office at your earliest convenience.

cc: Environmental Health file
Planning Department



6244 BUSCH DRIVE
MALIBU, CA 90265

(FIRE REBUILD)
(CDPWF 22-004)

S.F.D.: 3 Bedroom/25 Fixture Units to
3 Bedroom/35 Fixture Units (R)

A.D.U.: 1 Bedroom/13 Fixture Units (N)

TREATMENT: 3,634 Gallon MicroSepTec ES12
w/UV Disinfection Unit (N)

TANK: 1,250-sf Drip Dispersal Field (N)

ACTIVE: 0.8 gpsf

FUTURE: N/A

PERC RATE: 0.8 gpsf

DESIGNER: John Yaroslaski, RCE 60149

REFERENCE: Ensitu: OWTS report dated 1-13-2022

Gold Coast Geoservices:
Engineering Geologic report dated
8-23-2021

- NOTES:**
- This conformance review is for a 3 bedroom (25 fixture units) to 3 bedroom (35 fixture units) remodel to an existing single family dwelling, and a 1 bedroom (13 fixture units) new ADU. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
 - The new OWTS shall meet all reporting requirements as listed in the OWTS Designer's report dated 1-13-2022.
 - This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
 - This review is valid for one year, or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

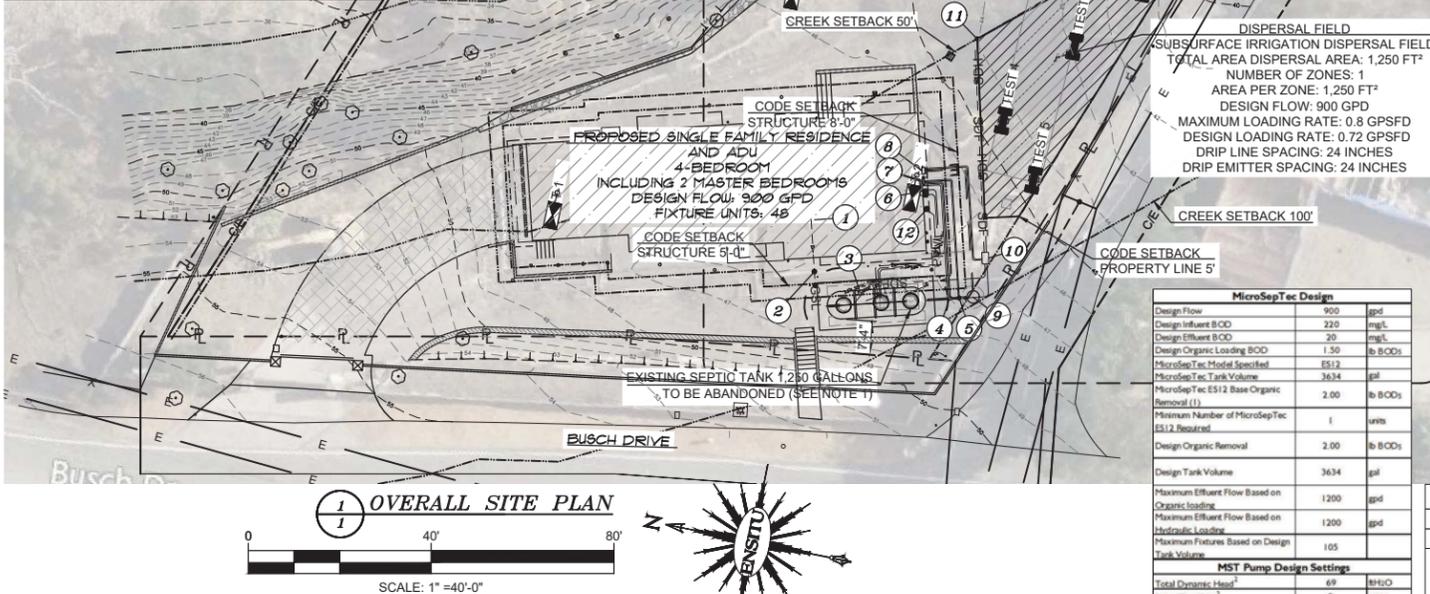
SIGNATURE: *[Signature]* DATE: 4/26/22

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS

SETBACK REDUCTIONS				
COMPONENT	SITE ELEMENT	CODE REQUIREMENT	ACTUAL	EXISTING
1	DISPERSAL FIELD	CREEK	100'	50'-0" 32'-9"

PIPING SCHEDULE		
TAG	DESCRIPTION	SPECIFICATION
---GSL---	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
---PEL---	PROPOSED PUMPED EFFLUENT LINE	2" SCH80 PVC
---SDH---	SUBSURFACE DISPERSAL HEADER	1/2" SCH80 PVC
---SDF---	SUBSURFACE DISPERSAL FLUSH	1/2" SCH80 PVC
---SDL---	SUBSURFACE DRIP LINE	1/2" GPH GEOPLOW WFFC16-2-24

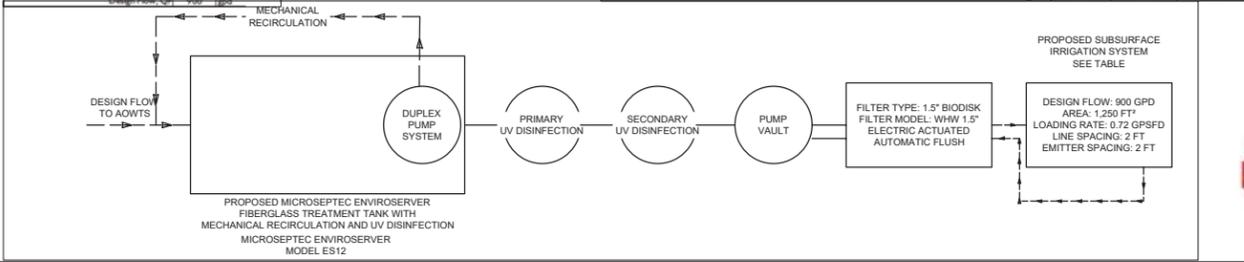
LEGEND	
TEST-X	INFILTRATION TEST LOCATION
T-X	TEST PIT LOCATION
[Hatched Box]	PROPOSED DISPERSAL FIELD
[Dotted Box]	EXISTING OWTS TO BE ABANDONED (SEE GENERAL NOTE 1)
[Solid Box]	BUILDINGS AND STRUCTURES
[Cross-hatched Box]	HARDSCAPE



OWTS Capacity (Design and Maximum)			
Component	Description	Size/Capacity	Max Capacity
Treatment Volume (Fixture Use Capacity)	1-MicroSepTec ES12	3,634 gallons	105 Fixture units
Treatment (Organic Capacity)	1-MicroSepTec ES12	2,000 lb BOD5/Day	1,200 gpd at 220 mg/L BOD5
Primary Disinfection	1-MicroSepTec ES12 UV Line	1,200 gpd	1,200 gpd
Secondary Disinfection	1-MicroSepTec ES12 UV Line	1,200 gpd	1,200 gpd
Subsurface Irrigation Dispersal	Subsurface Irrigation	1,250 square feet at 0.72 gallons per square foot per day	900 gpd

Fixture Units Summary		Leaching Field Calculations	
Total Existing Fixture Units	25	Max Subsurface Irrigation Loading Rate	0.800 gpd/ft ²
Total Proposed Fixture Units	48	Preferred Subsurface Irrigation Loading Rate Safety Factor 1.2, LP	0.8 gpd/ft ²
Existing Bedroom Summary		Minimum Square Feet of Leaching Area Required, A _l	1125 ft ²
Number of Existing Bedrooms	1	Preferred Square Feet of Leaching Area Required, A _p	1125 ft ²
Number of Existing Master Bedrooms	3	Design Square Feet of Leaching Area, A _d	1250 ft ²
Number of Existing Standard Bedrooms	2	Actual Loading Rate, L _a	0.72 gpd/ft ²
Number of Existing ADUs	1	Maximum Allowable Flow Based on Design Area and Maximum Loading Rate	1000 gpd
Proposed Bedroom Summary			
Number of Proposed Master Bedrooms	2		
Number of Proposed Standard Bedrooms	2		
Number of Proposed ADUs	1		
Flow Calculations (Q)		Flow Calculations Existing (Q _e)	
Peak Flow per Master Bedroom	300 gpd	Peak Flow, Q _{pe}	600 gpd
Peak Flow per Standard Bedroom	150 gpd	Average Flow, Q _{ae}	400 gpd
Average Flow per Master Bedroom	200 gpd	Design Flow, Q _d	600 gpd
Average Flow per Standard Bedroom	100 gpd	Flow Calculations Proposed (Q _p)	
		Peak Flow, Q _{pp}	900 gpd
		Average Flow, Q _{ap}	600 gpd
		Design Flow, Q _d	600 gpd

INFILTRATION TEST CALCULATIONS											
Pump Run Calculations to Determine Gpd/Day						Test Trench					
Date	Trench Number	A	B	C	D=BC/A	E=A/D	Pass or Fail	Length, L, ft	Width, W, ft	Area, A, ft ²	Infiltration Rate, I, gpd/ft ²
06/07/2021	4	2	24	15	6	12	Pass	60	6	2.5	4.8
06/08/2021	4	2	24	30	12	24	Pass	60	6	2.5	9.6
06/09/2021	4	2	24	45	18	36	Pass	60	6	2.5	14.4
06/10/2021	4	2	24	45	18	36	Pass	60	6	2.5	14.4
06/11/2021	4	2	24	45	18	36	Pass	60	6	2.5	14.4



MicroSepTec Design	
Design Flow	900 gpd
Design Influent BOD	220 mg/L
Design Effluent BOD	20 mg/L
Design Organic Loading BOD	1.50 lb BOD ₅ /ft ² Day
MicroSepTec Model Specified	ES12
MicroSepTec Tank Volume	3634 gal
MicroSepTec ES12 Base Organic Removal (LR)	2.00 lb BOD ₅ /ft ² Day
Minimum Number of MicroSepTec ES12 Required	1 units
Design Organic Removal	2.00 lb BOD ₅ /ft ² Day
Design Tank Volume	3634 gal
Design Tank Volume Based on Organic Loading	1200 gpd
Maximum Effluent Flow Based on Hydraulic Loading	1200 gpd
Maximum Flow Based on Design Tank Volume	105

MST Pump Design Settings	
Total Dynamic Head ¹	69 ftH ₂ O
Pump Flow Rate	3 gpm
Design Pump Flow Rate @ 0.6x Pump Flow Rate	2.4 gpm
Flow Rate	2.4 gpm
Total Pump Run Time (Design Flow/ Pump Flow Rate)	375.0 min
Pump Cycle in 12 Hour Period	12.00 min
Minutes per pump cycle	60.00 min
Minutes on per Cycle	31.50 min
Pump Flow per Cycle	75.60 gal
Minutes off cycle	28.50 min
Pump flow per 24 Hour period	1814.40 gpd/day

- GENERAL NOTES:**
- EXISTING OWTS COMPONENTS LOCATION AND ABANDONMENT:
 - CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS. THE LOCATIONS ON THE ENGINEERING PLANS ARE INFORMATIONAL AND MAY NOT INDICATE THE EXACT LOCATION OF THE OWTS. MANY ITEMS, SUCH AS TANKS, PIPING, DISTRIBUTION DEVICES, SEEPAGE PITS, DISPERSAL FIELDS, AND OTHER APPURTENANCES ARE BURIED AND NOT LOCATABLE BY THE SURVEYOR OR UTILITIES LOCATOR.
 - PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN "OWTS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
 - THE EXISTING OWTS COMPONENTS INCLUDING: SEPTIC TANK(S), PIPING, CLEANOUT(S) (SEEPAGE PIT(S), DISPERSAL FIELD(S)), AND ALL OTHER APPURTENANCES SHALL BE PROPERLY ABANDONED PURSUANT TO CITY OF MALIBU ORDINANCE 435, SECTION 15.40.170 C, AND SECTION 15.40.170 D, TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
 - ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
 - A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING INC. IS NOT A GEOTECHNICAL ENGINEERING FIRM. THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
 - THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSAL SYSTEM COMPONENTS OF THE ADWTS (INCLUDING BUT NOT LIMITED TO: (A) TANK EXCAVATION, BEDDING, AND BACKFILL (B) SEEPAGE PITS EXCAVATION, CONSTRUCTION, AND BACKFILL (C) SUBSURFACE DISPERSAL SYSTEM BEDDING, FILLS, MATERIALS, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSAL SYSTEM COMPONENTS WERE INSTALLED PER APPROVED ADWTS PLANS.
 - LEACH FIELDS AND DISPERSAL SYSTEMS DESIGNATED AS SAND CATEGORY: ANY REMAINING FILL MATERIAL AND ANY BEACH SAND SEDIMENT THAT MIGHT HAVE REDUCED PERMEABILITY FROM EXISTING LEACH FIELD OPERATIONS ENCOUNTERED BELOW THE BOTTOM OF THE PROPOSED LEACH FIELD OR ANY MATERIAL ENCOUNTERED IN THE CONSTRUCTION OF THE LEACH FIELD THAT IS NOT CATEGORIZED AS BEACH SAND DEPOSITS SHALL BE REMOVED AND REPLACED WITH CLEAN SAND AND THE LEACH FIELD WAS CONSTRUCTED IN ACCORDANCE WITH THE APPROVED OWTS PLANS.
 - SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES. SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MULCH, 40% NATIVE OR LANDSCAPE DESIGNER SHALL BE CONTACTED TO ADVISE CONTRACTOR ON TYPE OF TOPSOIL TO IMPORT FOR MINIMUM BURIAL DEPTH. DISPERSAL FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY).
 - ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION. BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION.
 - CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION. MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.
 - ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.

EQUIPMENT SCHEDULE			
ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	CONNECTION TO BUILDING SEWER ⁽¹⁾	
2	1	GRAVITY CLEAN-OUT AND BACKWATER VALVE ⁽¹⁾	INDUSTRIAL BACKWATER VALVE (SPEARS MODEL S475P FOR 4" I.D. VALVE BOX (CHRISTY MODEL F08)
3	1	TREATMENT TANK ⁽¹⁾⁽²⁾	MICROSEPTEC
4	1	UV DISINFECTION PRIMARY ⁽¹⁾⁽²⁾	MICROSEPTEC
5	1	UV DISINFECTION SECONDARY ⁽¹⁾⁽²⁾	MICROSEPTEC
6	2	AIR COMPRESSOR ⁽¹⁾⁽²⁾	MICROSEPTEC
7	1	REMOTE TELEMETRY CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES ⁽¹⁾⁽²⁾	MICROSEPTEC
8	1	CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES ⁽¹⁾⁽²⁾	GEOFLOW
9	1	DUPLEX PUMP SYSTEM ⁽¹⁾⁽²⁾	VARIES
10	1	DISPERSAL FIELD HEADWORKS ⁽¹⁾⁽²⁾	GEOFLOW HEADWORKS ASSEMBLY WHW 1.5" DISK/FILTER AUTOMATIC FLUSH
11	1	AIR VENT/VACUUM RELIEF ASSEMBLY ⁽¹⁾⁽²⁾	GEOFLOW PART NUMBER APVBK
12	1	VENT ASSEMBLY ⁽¹⁾⁽²⁾	MICROSEPTEC

FINAL FOR APPROVAL
ISSUED
01/13/2022

Received
04/01/2022
Planning Dept.

JOHN N. YAROSLASKI
 PRINCIPAL ENGINEER

DATE: 01/13/2022
 DESIGNED BY: JNY
 DRAWN BY: JNY
 CHECKED BY: JNY
 JOB NO. 760-01
 SHEET 1 OF 1

6244 BUSCH DRIVE; AOWTS FINAL DESIGN PLANS
FD - SITE PLANS AND TABLES 11x17
MALIBU, CALIFORNIA

REVISIONS

NO.	DATE	BY

Project Engineer: John N. Yaroslaski, P.E. # 60149
 CREATION TIME: Thursday, January 13, 2022 8:42:59 AM
 MOD. TIME: Thursday, January 13, 2022 8:46:50 AM
 PLOT TIME: Thursday, January 13, 2022 8:46:50 AM

Project: 760-01
 Title: 6244 Busch Drive
 Date: 01/13/2022
 User: JNY



City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	May 12, 2022	Review Log #:	579
Site Address:	6244 Busch Drive	Planning #:	CDPWF 22-004
Lot/Tract/PM #:		BPC/GPC #:	
Applicant/Contact:	Gigi Goyette, alohaexpediting@gmail.com	Planner:	Aakash Shah
Contact Phone #:	310-980-7290	Fax #:	
Project Type:	Convert gym into a second unit above the attached garage, new Onsite Wastewater Treatment System (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): Gold Coast Geoservices, Inc. (Hogrefe, CEG 1516): **8-23-2021**; Ref: 1-4-2022, 12-18-2020, 10-20-2020, 6-5-2020 (for PVWF 19-156)
*(Current submittal(s) in **Bold.**)* Ensitu Engineering, Inc. (Yaroslaski, RCE 60149): **1-13-2022**

Architectural plans prepared by Laura Hanson Design dated January 6, 2022.
OWTS plans prepared by Ensitu Engineering, Inc. dated January 13, 2022 (6 sheets).

Previous Reviews: None; Ref: 8-28-2020 (for PVWF 19-156; CCWF 20-214 and 215), Environmental Health Review Letter dated April 26, 2022.

Review Findings

Coastal Development Permit Review

- The conformance review of the project is **COMPLETE** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage approval.
- The conformance review of the project is **NOT COMPLETE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage Review

- Awaiting Building plan check submittal. Please respond to the listed 'Building Plan-Check Stage Review Comments' AND review and incorporate the attached 'Geotechnical Notes for Building Plan Check' into the plans.
- ACCEPTABLE** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
- NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage approval.

Project submittals were reviewed from a geotechnical perspective for conformance with applicable codes, guidelines and standards of practice, including the following current City adopted standards:

- City of Malibu Local Coastal Program – Land Use Plan and Local Implementation Plan (LCP-LUP and LCP-LIP)
- Malibu Municipal Code – Title 15, Buildings and Construction
- City of Malibu Guidelines for the Preparation of Geotechnical Reports and Procedures for Report Submittal (November 2013) referred to herein as Geotechnical Report Guidelines

In the case of conflicting requirements between the Geotechnical Guidelines and any other referenced standards, the latest standard will apply. The Applicant is responsible for complying with the submittal requirements for all Planning variances, as appropriate; any questions regarding variances should be directed to the case Planner.

Remarks:

The referenced architectural plans, OWTS design report, supporting engineering geologic report for the OWTS, and OWTS plans were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the proposed development includes converting the existing 504 square foot office/gym above the existing attached garage into a second unit, that includes a new bedroom, living room, kitchen, and bathroom.

The new OWTS consists of a 3,634-gallon MicroSepTec ES12 treatment tank system with a 1,250 square foot subsurface irrigation dispersal area. No future dispersal area is proposed. The design flow is 900 gpd. The maximum loading rate is 0.8 gpsfd and the design loading rate is 0.72 gpsfd. The existing 1,250 gallon septic tank and 12' x 66' dispersal field will be abandoned. The proposed dispersal area is located in the vicinity of the existing dispersal field that will be abandoned, and is located approximately 50 feet away from the blueline stream. The proposed treatment tank is located approximately 100 feet away from the blueline stream.

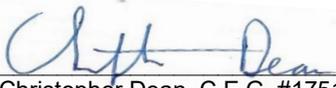
The proposed OWTS will serve a 5 bedroom and 45 drainage fixture unit residence depicted on the referenced revised architectural plans. The previous Geotechnical Review Letter dated November 1, 2021, was for the new OWTS that was to serve the 3 bedroom and 25 drainage fixture unit residence processed under planning no. PVWF 19-156 and APRWF 21-008. The bedroom and fixture unit count have been revised and should be submitted to the Planning department.

Due to limited available project site area for dispersal area, mitigated by the installation of advanced treatment, the location of the new OWTS is approved. The dispersal field is located as far as is feasible from the blueline stream.

Building Plan-Check Stage Review Comments:

1. Please provide a plan check fee of \$464.00 to the City's geotechnical consultants for review of the plans in building plan check.
2. Please depict all the existing OWTS components and which components will be abandoned on the plans.
3. Please include recommendations on the plans to properly abandon the existing OWTS components on the property, as appropriate.
4. Two sets of final OWTS plans incorporating the Project Geotechnical and Environmental Health Specialists' recommendations and items in this review sheet must be **reviewed and wet stamped and manually signed by the Project Engineering Geologist**. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet over the counter at City Hall. **Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.**

Please direct questions regarding this review sheet to City Geotechnical consultants listed below.

Engineering Geology Review by:  5-12-2022
Christopher Dean, C.E.G. #1751, Exp. 9-20-2022 Date
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Geotechnical Engineering Review by:  5-12-2022
Matthew Janousek, G.E. #3005, Exp. 12-31-2022 Date
Geotechnical Engineering Reviewer (805-370-8710)
Email: mjanousek@malibucity.org

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.





City of Malibu

- GEOTECHNICAL -

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, retaining wall, swimming pool, garage, and residence plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. **Additional review comments may be raised at that time that may require a response.**
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Building Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.
2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. 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. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.
2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

FROM: City of Malibu Planning Department

DATE: 3/31/2022

PROJECT NUMBER: CDPWF 22-004

JOB ADDRESS: 6244 BUSCH DR

APPLICANT / CONTACT: Gigi Goyette

APPLICANT ADDRESS: P.O. Box 6782
Malibu, CA 90264

APPLICANT PHONE #: (310)980-7290

APPLICANT FAX #: _____

APPLICANT EMAIL: alohaexpediting@gmail.com

PROJECT DESCRIPTION: (n) OWTS; convert gym into second unit

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.

Julie K. Santia
SIGNATURE

5/16/22
DATE



City of Malibu

M E M O R A N D U M

To: Planning Department

From: Public Works Department
Julie Santia, Associate Engineer

Date: May 16, 2022

Re: Proposed Conditions of Approval for 6244 Busch Dr., CDPWF 22-004

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

STORMWATER

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

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management



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

MISCELLANEOUS

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





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

Received

6.3.2022

Planning Dept.

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW REFERRAL SHEET

FROM: City of Malibu Planning Department

DATE: 3/31/2022

PROJECT NUMBER: CDPWF 22-004

JOB ADDRESS: 6244 BUSCH DR

APPLICANT / CONTACT: Gigi Goyette

APPLICANT EMAIL: alohaexpediting@gmail.com

APPLICANT PHONE #: (310)980-7290

PLANNER: Aakash Shah

PROJECT DESCRIPTION: (n) OWTS; convert gym into second unit

TO: **Malibu Planning Department and/or Applicant**

FROM: **LACWD No. 29, Malibu**

Compliance with the conditions checked below is required prior to Waterworks District approval

The project **DOES NOT** require any system improvements for domestic and/or fire flow conditions

The project **DOES NOT** require capital improvement fees and/or participation fees

The project **DOES** require a Will Serve Letter (*Final Waterworks Districts approval*)

The project **DOES** require capital improvement fees and/or participation fees

The project **DOES** require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply

The project **DOES** require private contract water system improvements for domestic and/or fire flow conditions

The required fire flow for this project set by the Fire Department is 1,250 gallons per minute at 20 pounds per square inch for a 1 hour duration

Scope of water system improvements required:

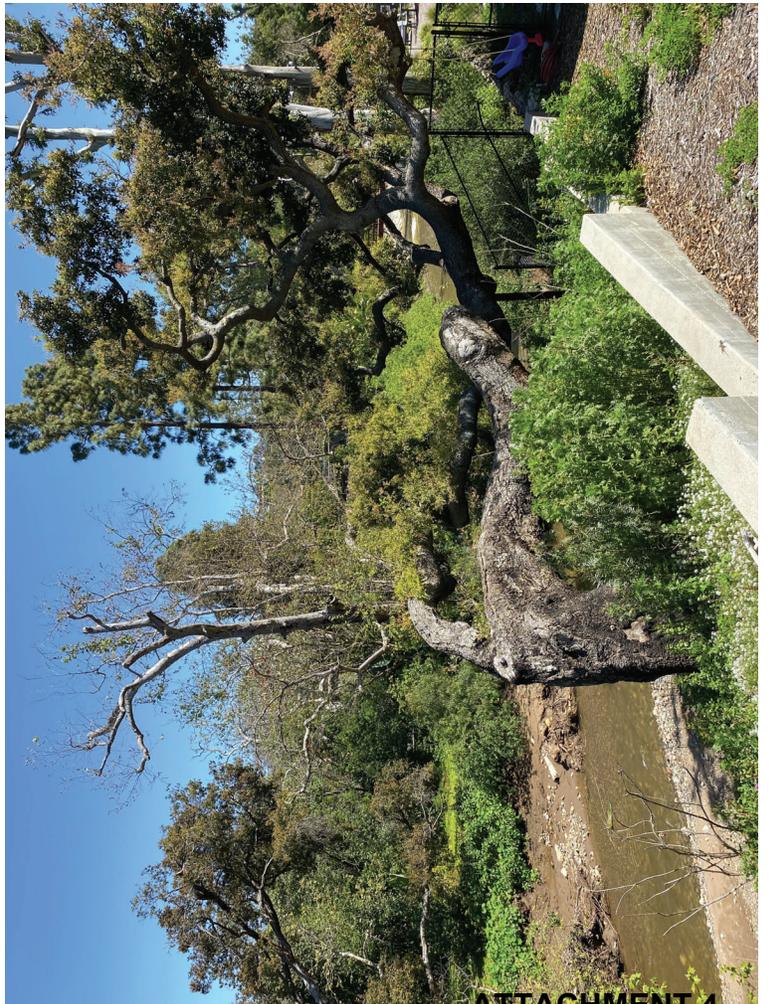
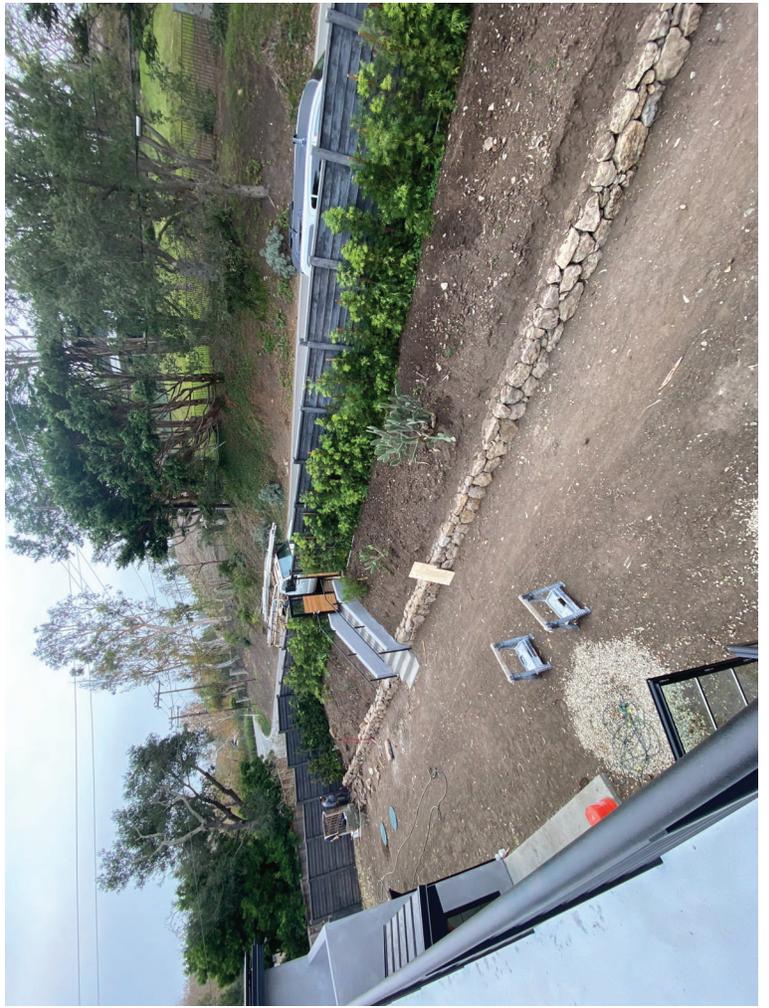
Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Angeles Fire Code an makes revisions to apply the Fire Department regulations and standards.

6/3/2022

SIGNATURE

DATE

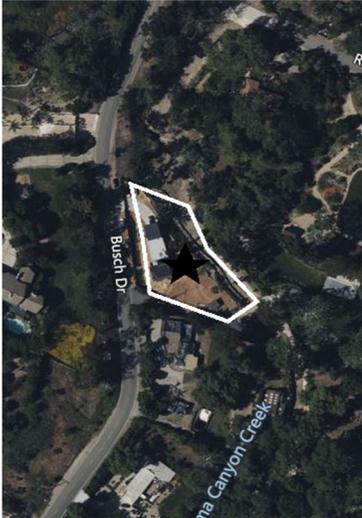
Additional requirements/conditions may be imposed upon review of complete architectural plans.
Los Angeles County Waterworks District No. 29, Malibu may be contacted by phone at (310) 317-1389 or at the Waterworks Public Counter:
23533 Civic Center Way, Malibu CA 90265; Hours: Monday-Thursday 8:00am – 12:00pm





City Of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265
 Phone (310) 456-2489
 www.malibucity.org

PLANNING DEPARTMENT
NOTICE OF PUBLIC HEARING



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold public hearings on **Tuesday, September 5, 2023, at 6:30 p.m.** on the project identified below in the Council Chambers at Malibu City Hall, located at 23825 Stuart Ranch Road, Malibu, CA and via teleconference. Only those members of the public who are present in person at Malibu City Hall will have the opportunity to defer time to another in-person speaker.

COASTAL DEVELOPMENT PERMIT-WOOLSEY FIRE NO. 22-004 AND VARIANCE NO. 22-007 - An application to allow for a conversion of 500-square feet of office/gym space into an attached secondary dwelling unit, 1,500-square feet of landscaping and a new onsite wastewater treatment system; including a variance for development within Environmentally Sensitive Habitat Area buffer

LOCATION / APN / ZONING: 6244 Busch Dr / 4467-029-021 / Rural Residential-Two Acre (RR-2)
APPLICANT / OWNERS: Schmitz and Associates, Inc. / Tyler and Bridgette Muir
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15303(a) and 15303(d)
APPLICATION FILED: March 31, 2022
CASE PLANNER: Aakash Shah, Contract Planner, ashah@malibucity.org
 (310) 456-2489, ext. 385

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 at City Hall during regular business hours. Members of the public are encouraged to submit email correspondence to planningcommission@malibucity.org at least three days prior to the meeting to provide adequate time for Commissioner consideration. Correspondence will continue to be processed until thirty minutes prior to the start of the meeting or as practical.

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 filed with the City Clerk within ten days following the date of action (15 days for tentative maps) for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 246.

COASTAL COMMISSION APPEAL - For projects appealable to the Coastal Commission, an aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

RICHARD MOLLICA, Planning Director

Date: August 10, 2023



City of Malibu

ERB RECOMMENDATIONS

To: Members of the Planning Commission

Prepared by: Aakash Shah, Contract Planner

Reviewed by: Courtney McCammon, City Biologist – Chair

Subject: Coastal Development Permit No. 22-004, Variance No. 22-007 – An application to allow for a conversion of 508-square foot of office/gym space into an attached secondary dwelling unit and new onsite wastewater treatment system; including a variance for development within the required Environmental Sensitive Habitat Area buffer

Location: 6244 Busch Drive (APN 4467-029-021)

Meeting Date: April 22, 2023

Date Prepared: February 27, 2023

The Environmental Review Board (ERB) considered the above-referenced project and made the recommendations listed below.

Recommendations:

1. A site visit should be conducted again with the City Biologist to address the location of the Airstream and shed and its proximity to the stream.
2. The applicant/property owner should consider planting native plants outside the mapped jurisdictional ESHA but within the project site for slope stabilization and revegetation.
3. Planting native vegetation within the drain field. This plantation should be according to the MMC Chapter 17.53 Landscape Water Conservation and Fire Protection
4. The landscape architect should evaluate and suggest a list of native plants whose roots will not affect the drain field.