Commission Agenda Report

Planning Commission Meeting
05-04-26
Item 3.B.1.

To: Chair Peak and Members of the Planning Commission

Prepared by: Tonya Ward, AICP, Contract Planner

Reviewed by: Tyler Eaton, Assistant Community Development Director

Approved by: Yolanda Bundy, MS, PE, CBO, CFCO, Community Development Director

Date prepared: April 23, 2026 Meeting date: May 4, 2026

Subject: De Minimis Waiver No. 26-002 – An application for a new onsite wastewater treatment system for a parcel affected by the Woolsey Fire

Location: 31205 Bailard Road, not within the appealable coastal zone
APN: 4470-011-033
Owner: Preston's Planet Foundation Inc.

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the issuance of De Minimis Waiver (DMW) No. 26-002 for a new onsite wastewater treatment system (OWTS) for a parcel affected by the Woolsey Fire.

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

The Community Development Director issued a DMW for the aforementioned address. Pursuant to LIP Section 13.4.11(A), the Director's decision on whether to issue a DMW is not locally appealable.

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

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

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

Where the improvements are not otherwise exempt pursuant to LIP Section 13.4, and the required findings of LIP Section 13.4.11(B) are met, the Community Development Director may issue a DMW for any of the following: 1) Improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot; 2) Minor improvements to existing driveways or access roads that are required by the Los Angeles County Fire Department after a natural disaster, such as minor changes to the width or grade of driveways or access roads; 3) Replacement seawalls that exceed 10% in height; 4) Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator; 5) Replacement structures that would otherwise be exempt from a Coastal Development Permit may be relocated from their original site if the new location is substantially superior, with primary consideration given to safety and secondary consideration to ESHA and visual impacts; and 6) Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster.

The project and required findings are more specifically described in the Community Development Director’s decision attached hereto.

PUBLIC NOTICE: A Notice of DMW Application was posted on the subject property.

ATTACHMENT: DMW No. 26-002

City of Malibu

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

De Minimis Waiver

Based on the project plans and information provided in the permit application for the onsite wastewater treatment system (OWTS) described below, the Community Development Director hereby waives the requirement for a coastal development permit pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.4.11.

De Minimis Waiver (DMW) No. 26-002	Other Applications: APRWF No. 21-030[1]
Location: 31205 Bailard Road	APN: 4470-011-033
CEQA Exemption Section: 15303(d)	Property Posting: February 26, 2026
CCC Appealable Jurisdiction: ☐Yes ☒No ☐Partial	The proposed system is located outside the CCC's Appealable Jurisdiction.

Pursuant to LIP Section 13.4.11(A), the following project may be waived through a DMW:

☒ Improvements to an OWTS serving a structure that was damaged or destroyed as a result of a natural disaster, where the improvements involve installing a new system or upgrading an existing system to an advanced system on the same lot; or

☐ Minor improvements to existing driveways or access roads that are required by the Fire Department after a natural disaster, such as minor changes to the width or grade of driveways or access roads; or

☐ Replacement seawalls that exceed 10% in height; or

☐ Increases in the previous finished floor elevation for structures that replace one that was damaged or destroyed as result of a natural disaster, where the previous finished floor elevation must be raised to a higher elevation to meet Federal Emergency Management Agency (FEMA) flood zone requirements as determined by the City's floodplain administrator; or

☐ Replacement structures that would otherwise be exempt from a Coastal Development Permit proposed to be relocated from their original site if the new location is substantially superior, with primary consideration given to safety and secondary consideration to ESHA and visual impacts; or

☐ Water tanks and other water storage devices necessary to construct, install, or use a replacement structure that was damaged or destroyed by a natural disaster.

[1] On November 16, 2023, the Planning Division approved Administrative Plan Review – Woolsey Fire (APRWF) No. 21-030 for the in-kind rebuild of the single-family residence with attached garage, and a detached garage.

Project Description

Natural Disaster: ☒ Woolsey Fire or ☐ Other

Purpose: ☐New (non-existent OWTS), ☒ Replace Existing and Abandon Existing, or ☐ Repair Existing

Dispersal Type: ☐ Leachfield or ☒ Seepage Pit(s)

New OWTS Tank Size: 7,540-gallon

De Minimis Waiver Findings

Based on the foregoing evidence contained within the record, the Community Development Director hereby makes the following findings of fact: The proposed project will upgrade and improve treatment effectiveness compared to the existing OWTS. The proposed OWTS is located near the existing OWTS and clustered with existing development on the property. The applicant is required to record a covenant requiring the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included to require continued operation, maintenance, and monitoring of the subject system. The conditions and requirements will ensure that the new OWTS does not have the potential for adverse effects, either individually or cumulatively, on coastal resources. The project as conditioned has been found to meet the requirements of the Malibu Municipal Code (MMC) and LCP. Furthermore, the project is consistent with the certified LCP, including the resource protection policies, in that no native trees, environmentally sensitive habitat area (ESHA), public scenic views or cultural resources will be affected by the project. In addition, all OWTS components will be located in an adequate area that has been previously disturbed and would not result in any new or more significant impacts to natural or cultural resources, and which has the necessary percolation conditions. The OWTS is not located on a beachfront parcel and does not require protection by a shoreline protection device.

Conditions of Approval

Standard Conditions

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees, and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.

2. This approval is for the OWTS described under the Project Description section of this DMW.

3. Subsequent submittals for this project shall be in substantial compliance with plans as approved by Environmental Health dated **January 28, 2026.** In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes, and returns the **Acceptance of Conditions Affidavit** accepting the conditions set forth herein. The applicant shall file this form with the Planning Division within 10 working days of this decision and/or prior to issuance of any development permit.

5. The applicant shall email the final set of plans to the Planning Division for consistency review and approval prior to the issuance of an OWTS permit.

6. This decision signed Affidavit of Acceptance of Conditions, and all attached Department Review Sheets shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the Building Safety Division for plan check.

7. A DMW shall expire and be of no further force and effect if the authorized OWTS has not commenced pursuant to a valid grading and/or building permit, as applicable, within five years of the effective date of the waiver. If expired, a coastal development permit or another waiver shall be required.

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

9. All development shall conform to requirements of the Community Development Department, City coastal engineer consultant reviewers, City geotechnical consultant reviewers, City Environmental Health Administrator, City Biologist, City Public Works Department, Los Angeles County Waterworks District No. 29, and the Los Angeles County Fire Department, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. An application with all required materials and fees may be required.

11. Pursuant to LIP Section 13.4.11, this permit shall not become effective until the project is reported to the Planning Commission and the Planning Commission does not request that the project be processed as a coastal development permit.

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

Cultural Resources

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

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

Biology

15. No new landscaping is proposed with this project. Therefore, none is approved. A detailed landscaping plan must be submitted to the Planning Division for review by the City Biologist and approval by the Planning Division prior to any planting. Should the applicant intend to plant any new or altered vegetation with a potential to grow over six feet in height at full maturity for an area of 500 square feet or more of landscaping for a new residence, or 2,500 square feet or more of landscaping for an existing residence, a detailed Landscape Documentation Package is required.

16. 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.

17. 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 ESHA 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.

18. 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.

Environmental Health

19. The final OWTS plot plan should show all existing improvements, accepted improvements under the City of Malibu Planning Case APRWF No. 21-030, and proposed improvements under DMW 26-002. Any proposed future potential improvements (e.g., swimming pool) not yet submitted to the City should be omitted from the final OWTS site plan.

    Final OWTS Plot Plan: Prior to final Environmental Health approval, a final OWTS plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the MMC and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The OWTS plot plan shall show essential features of the OWTS 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).

20. Final OWTS Design Report, Plans, and System Specifications: If the OWTS design and/or bedroom/drainage fixture unit counts are modified in any way subsequent to the Planning-stage

review, then a final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components (i.e., alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed OWTS. For all OWTS, final reports must be signed by a City registered OWTS Designer, and the plans stamped by a California Geologist. The final OWTS design report and construction drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

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

    a. Revised Table 1 – Percolation rate, seepage pit capacity depths: The percolation rate "Table 1" on page 7 in the Earth Systems OWTS Design Report dated 5-13-2025 depicts the proposed seepage pits as B1, B3, B4, B6. However, the OWTS plot plan depicts Borings B5 and B6 to be used as the active seepage pit dispersal area, and B1 and B4 to be used as future expansion seepage pit dispersal area. Please revise the Boring Table 1 in the final OWTS Design Report to match the proposed Boring Numbers on the final OWTS plan set. Please also revise the percolation rate (gpsfd) for B6 as it was not calculated correctly.
    b. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture equivalents, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
    c. Sewage and effluent pump design calculations (as applicable).
    d. 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;
    e. 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
    f. 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 Division.

22. Certified Fixture Unit Worksheet: The OWTS Designer must provide an updated Certified Fixture Unit Worksheet in the final OWTS design report that matches the approved bedroom and drainage fixture unit (DFU) count under APRWF 21-030 for the single-family residence and garage. Note: Water closets must be recalculated with a value of 3 DFU each.

23. 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 MMC.

24. 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 the existing 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."

25. Proof of Ownership: Proof of ownership of the subject property shall be submitted to the City Environmental Health Administrator.

26. Operations and 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 OWTS.

27. Maintenance Contract: 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 onsite wastewater disposal system after construction shall be submitted. Note only original "wet signature" documents are acceptable.

28. Advanced OWTS Covenant: 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 OWTS 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.

29. Los Angeles County Waterworks District No. 29 (WD29) Approval: WD29 approval of the OWTS plot plan is required. The final OWTS plot plan must show the water main and meter as applicable

30. Project Geologist/Geotechnical Consultant Approval: Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

31. 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.

32. City of Malibu Planning Approval: City of Malibu Planning Division final approval of the OWTS plan shall be obtained.

33. 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.

34. Operating Permit Application and Fee: In accordance with MMC, an application shall be made to the Environmental Health office for an OWTS 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.

Geology

35. 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.

36. Final plans approved by the City geotechnical consultant reviewers shall be in substantial conformance with the approved APRWF relative to construction, grading, sewage disposal and drainage.

Construction

37. 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.

38. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

Prior to Final Inspection

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

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

Deed Restrictions

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

Fixed Conditions

42. This DMW runs with the land and binds all future owners of the property.

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

Appeals and Reporting

APPEALS – The Community Development Director's decision on whether to issue a DMW is not locally appealable. If, after consideration of the waiver and any public objections to it, the Planning Commission requests that the waiver not be effective, then the applicant shall be advised that a coastal development permit is required for the OWTS. Otherwise, the waiver is effective immediately after the Planning Commission meeting where the matter is heard. The project is not located in the Coastal Commission's Appealable Jurisdiction.

REPORTING – Pursuant to LIP Section 13.4.11, this permit shall be reported to the Planning Commission and is scheduled to be reported at the **May 4, 2026** Planning Commission meeting. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to 14 California Code of Regulations Section 13153.

Notice of Determination: April 23, 2026

Prepared by:

Tonya Ward

Tonya Ward
Contract Planner

Issued by:

Tyler Eaton for

Yolanda Bundy, MS, PE, CBO, CFCO
Community Development Director

Attachment: Department Review Sheets including OWTS Plot Plan

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu's decision of approval and agrees to abide by all terms and conditions for **De Minimis Waiver No. 26-002**, dated **April 23, 2026**, for the project located at **31205 Bailard Road, Malibu, CA 90265**. The permit and rights conferred in this approval shall not be effective until all property owner(s) signs and returns this notarized affidavit to the City of Malibu Planning Division within ten (10) working days of the decision and/or prior to issuance of any development permit.

_____ _____
Date Signature of Property Owner

_____
Print Property Owner Name

_____ _____
Date Signature of Property Owner

_____
Print Property Owner Name

ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
County of Los Angeles } SS

On _____, before me, Notary Public, personally appeared _____, who proved
(date) (name)

to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____
(Notary Public's signature in and for said County and State) (seal)

City of Malibu

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

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff **DATE:** 01/26/2026

PROJECT NUMBER: DMW 26-002

JOB ADDRESS: 31205 BAILARD RD

APPLICANT / CONTACT: Laura Nativo, The Preston's Planet Foundation

APPLICANT EMAIL: hello@prestonsplanet.org

PROJECT DESCRIPTION: New AOWTS

TO: Malibu Planning Department and/or Applicant

FROM: Malibu Environmental Health Staff

✓ **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.

Building Plan Check (BPC) Required ☑ Yes ☐ No BPC Fees Req'd $_____

_____ **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)**

Matthew Spurgeon 1/28/2026

Signature **Date**

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

Public Counter hours for Environmental Health staff are Tuesdays and Thursdays, 8:00 AM – 12:00 PM.

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)	Laura Nativo, The Preston's Planet Foundation hello@prestonsplanet.org		
Project Address:	**31205 Bailard Road** Malibu, California 90265		
Planning Case No.:	DMW 26-002		
Project Description:	New AOWTS		
Date of Review:	January 28, 2026		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	
Grading Plans:	
OWTS Plan:	Earth Systems: Plan (not dated) received 1-26-2026
OWTS, Geo, Perc. Test Report:	Earth Systems: OWTS Report, OWTS Supporting Geology Report, Percolation Test Report dated 5-13-2025
Miscellaneous:	City of Malibu: EH OWTS plot plan reference approval for APRWF 21-030 dated 4-23-2024
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	☒	**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.
	☐	**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:	☐	**NOT REQUIRED**
	☒	**REQUIRED (attached hereto)** ☐ **REQUIRED (not attached)**

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

1) ***Itemized Response to Conditions****: Please provide a written response to this review letter that addresses each of the numbered conditions presented below. Each response should clearly explain how the condition has been addressed, including reference to any revised report or plans, or other supporting response materials. It is the applicant's responsibility to distribute this review letter to all applicable project consultants and ensure a coordinated submittal package*.

2) **Final Onsite Wastewater Treatment System (OWTS) Plot Plan:** *The final OWTS plot plan should show all existing improvements, accepted improvements under the City of Malibu Planning Case # APRWF 21-030, and proposed improvements under DMW 26-002. Any potential proposed future improvements (e.g., swimming pool) not yet submitted to the City should be omitted from the final OWTS site 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.

3) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of digital construction drawings with system specifications 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. **Revised Table 1 – Percolation rate, seepage pit capacity depths:** *The percolation rate "Table 1" on page 7 in the Earth Systems OWTS Design Report dated 5-13-2025 depicts the proposed seepage pits as B1, B3, B4, B6. However, the OWTS plot plan depicts Borings B5 and B6 to be used as the active seepage pit dispersal area, and B1 and B4 to be used as future expansion seepage pit dispersal area. Please revise the Boring Table 1 in the final OWTS Design Report to match the proposed Boring Numbers on the final OWTS plan set. Please also revise the percolation rate (gpsfd) for B6 as it was not calculated correctly*.

   b. 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.

   c. Sewage and effluent pump design calculations (as applicable).

d. 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.

e. 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.

f. 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) **Certified Fixture Unit Worksheet:** The OWTS Designer must provide an updated Certified Fixture Unit Worksheet in the final OWTS design report that matches the approved bedroom and drainage fixture unit (DFU) count under APRWF 21-030 for the single-family residence and garage. **Note:** Water closets must be recalculated with a value of 3 DFU each.

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

8) **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.

9) **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**.

10) **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**.

11) **Waterworks District 29 (W.W.D.29) Approval:** WWD29 approval of the OWTS plot plan is required. The final OWTS plot plan must show the water main and meter as applicable.

12) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

13) **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.

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

15) **Environmental Health Final OWTS Plan Check Review Fee:** A final fee in accordance with the adopted fee schedule at the time of OWTS plan check submittal shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.

16) **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 OWTS plan check submittal shall be submitted with the application.

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

cc: Environmental Health file
Planning Department

31205 BAILARD ROAD (FIRE REBUILD)
MALIBU, CA 90265 (DMW 26-002)

S.F.D.:	3 Bedroom/43 Fixture Units (N) UNDER SEPARATE PERMIT
TREATMENT TANK:	Existing 1,500 Gallon Septic Tank to be replaced with 7,540 Gallon MicroSepTec ES25 with UV Disinfection Unit (N)
ACTIVE:	2 – 5′ x 45′ BI w/5′ Cap (N) (projected; B5, B6)
FUTURE:	2 – 5′ x 45′ BI w/5′ Cap (F) (projected; B1, B4)
PERC RATE:	6,766 gpd/9.6 gpsf (proj; B1,F-1)
	4,631 gpd/6.6 gpsf (proj; B4,F-2)
	6,508 gpd/9.2 gpsf (proj; B5,P-1)
	6,530 gpd/9.2 gpsf (proj; B6,P-2)
DESIGNER:	Christopher Allen, CEG 2648
REFERENCE:	Earth Systems: OWTS Report, Percolation Test Report, and OWTS Supporting Geology Report dated 5-13-2025

NOTES:

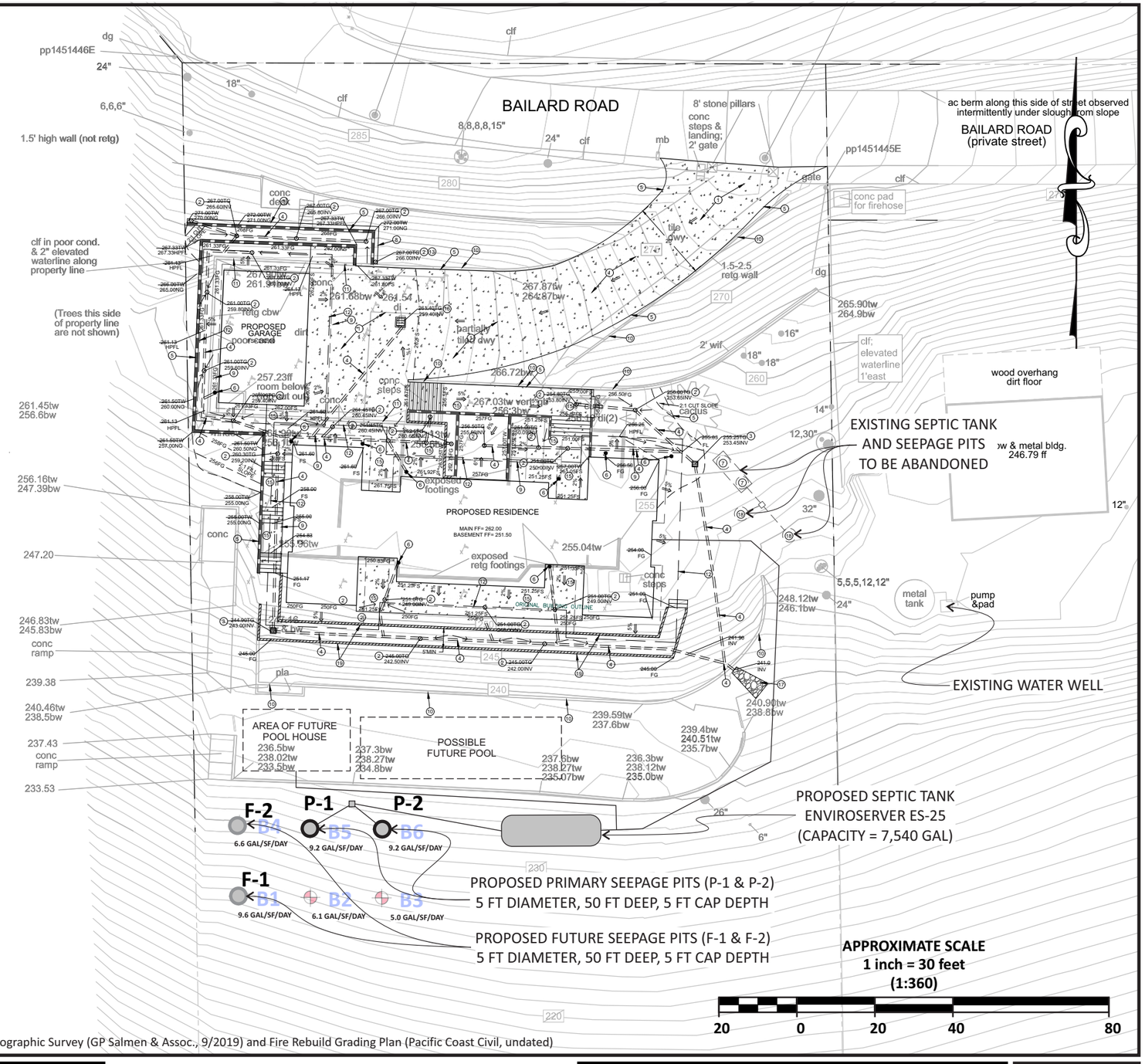
1. This conformance review is for a new advanced onsite wastewater treatment system (OWTS) to serve a fire rebuild of a single-family dwelling. The new advanced OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).
2. The fire rebuild of the single-family dwelling was approved under separate permit.
3. 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 review treatment.
4. 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: DATE: 1/28/2026

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



BASE MAP: Topographic Survey (GP Salmen & Assoc., 9/2019) and Fire Rebuild Grading Plan (Pacific Coast Civil, undated)

ON SITE WASTEWATER TREATMENT SYSTEM PLOT PLAN

PROPOSED SINGLE-FAMILY RESIDENCE
31205 BAILARD ROAD
MALIBU, CALIFORNIA
PREPARED FOR THE PRESTON'S PLANET FOUNDATION

DESIGNER DATE

JOB NUMBER: 303535-003 DRAWN BY: CA
DATE: MARCH 2025 REVISED:

Earth Systems
2122 E. WALNUT STREET, SUITE 200
PASADENA, CALIFORNIA 91107

SHEET 1
OF 1

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 **DATE:** 01/26/2026

PROJECT NUMBER: DMW 26-002

JOB ADDRESS: 31205 BAILARD RD

APPLICANT / CONTACT: Laura Nativo, The Preston's Planet Foundation

APPLICANT EMAIL: hello@prestonsplanet.org

PLANNER: To Be Assigned

PROJECT DESCRIPTION: New AOWTS

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.**

Building Plan Check (BPC) Required ☐ Yes ☐ No BPC Fees Req'd $_____

_____ **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 1/29/26

Signature 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)	Laura Nativo, The Preston's Planet Foundation hello@prestonsplanet.org		
Project Address:	**31205 BAILARD RD** Malibu, CA 90265		
Planning Case No.:	DMW 26-002		
Project Description:	New AOWTS		
Date of Review:	January 29, 2026		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	1/26/26
Site Survey:	1/26/26
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	1/26/26
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Review Status:	☐	**INCOMPLETE**: Additional information and/or a response to the listed review comments is required.
	☒	**APPROVED**: The project has been approved with regards to biological impacts.
	☐	**CANNNOT APPROVE AS SUBMITTED**: The proposed project does not conform to the requirements of the MMC and/or LCP.
	☐	**ERB**: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4

Recycled Paper

DISCUSSION:

1. The proposed AOWTS system was measured on the City of Malibu GIS at approximately 370 feet away from the nearby mapped ESHA. This is greater than the required 100-foot buffer and is in compliance with Chapter 4 of Malibu LIP.

RECOMMENDATIONS:

1. The project is recommended for **APPROVAL** with the following conditions:

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

   B. 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.

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

cc: Planning Project file
Planning Department

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:	February 3, 2026	**Review Log #:**	**725**
Site Address:	31205 Bailard Road		
Lot/Tract/PM #:		**Planning #:**	**DMW 26-002 P1**
Applicant/Contact:	Laura Nativo, hello@prestonsplanet.org Ely Simental, ejp95@verizon.net	**BPC/GPC #:**	
Contact Phone #:	310-567-3456 / 805-483-2000	**Planner:**	**Tonya Ward**
Project Type:	New Onsite Wastewater Treatment System (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Earth Systems Pacific (Allen, CEG 2648): **05-13-2025**; Ref: 9-29-2021 (revised 6-17-2022), 3-6-2020 (For APRWF 21-030) **1st Planning Submittal** **OWTS Plot Plan prepared by Earth Systems Pacific dated March 2025.**
Previous Reviews:	None; Ref: Environmental Health Review Letter dated 1-28-2026; Ref: 11-14-2023, 11-9-2022, 7-30-2021 (for APRWF 21-030 and TNWF 23-0126 to 0131).

Review Findings

Planning Stage Review

☒ The new OWTS project is **ACCEPTABLE** from a geotechnical perspective, with the following comments to be addressed prior to building plan check stage completion.

☐ The new OWTS project is **NOT ACCEPTABLE** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to acceptance.

Building Plan-Check Stage Review

☒ Awaiting Building plan check submittal.

☐ The plans are **COMPLETE** from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.

☐ The plans are **NOT COMPLETE** from a geotechnical perspective. 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.

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.

This review is limited to the proposed scope of work as described in the Project Type section above. All other geologic or geotechnical issues concerning the subject property are outside of the scope of this review.

NOTE TO PLAN PREPARERS: Please review the City's recently adopted Electronic Submittal Guidelines and resubmit plans that conform.
https://www.malibucity.org/DocumentCenter/View/28469/Electronic-Plans-Submittal-Guideline

Note to Project Geotechnical Consultant: Please provide a written response to this review letter that addresses each of the numbered comments presented below. Each response needs to clearly explain how the comment has been addressed, including reference to any revised report of plans, or other supporting response documents. This review letter may be annotated directly with responses, provided the responses remain clear, complete, and appropriately referenced.

Remarks

The referenced supporting geologic and percolation report, as well as the City's files, were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the scope of the proposed project includes installation of a new onsite wastewater treatment system (OWTS) to serve the new residential development for the fire rebuild project described under Planning case numbers APRWF 21-030, which is not a part of this review. The new OWTS consists of a MicroSepTec Enviroserver ES25 treatment tank system housed in a 7,540-gallon tank with UV disinfection and two active 5' diameter x 45' BI seepage pits with 5' caps from EG (B-5 and B-6) and two future 5' diameter x 45' BI seepage pits with 5' caps from EG (Borings B-1 and B-4). The existing septic tank and two seepage pits will be properly abandoned.

Building Plan-Check Stage Review Comments:

1. Please include specific recommendations for proper abandonment of the existing OWTS components as notes on the OWTS plans.
2. Please provide reduced setback letters from the OWTS, geotechnical, architectural, and structural consultants for any reduced setbacks between the OWTS components and water wells/foundations, as applicable.
3. Include a note on the OWTS plans stating, "*The Project Engineering Geologist shall observe and approve the installation of the seepage pits and provide the City inspector with a field memorandum(s) documenting and verifying that the seepage pits were installed per the approved OWTS plans*."
4. One set of final electronic 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.

Please direct questions regarding this review sheet to the City's geotechnical consultants listed below.

Engineering Geology Review by: _____ 2-3-2026

Christopher Dean, C.E.G. #1751, Exp. 9-30-26
Engineering Geology Reviewer (408-656-3210)
Email: cdean@malibucity.org

Date

Geotechnical Engineering Reviewed by: _____ 2-3-2026

Sheryl Shatz, PE 44033, GE 2288 exp. 6-30-27
Geotechnical Engineering Reviewer (805-358-6813)
Email: sshatz@malibucity.org

Date

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

COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS