Commission Agenda Report

Planning Commission Meeting
07-20-26
Item 3.B.1.

To: Chair Peak and Members of the Planning Commission

Prepared by: Analise Nash, Assistant Planner

Reviewed by: Didier Murillo, Principal Planner

Approved by: Yolanda Bundy, PE, MS, CBO, CBFO, Community Development Director and Tyler Eaton, Assistant Community Development Director

Date prepared: July 9, 2026 Meeting date: July 20, 2026

Subject: Administrative Coastal Development Permit No. 26-029 – An application for the abandonment of an existing onsite wastewater treatment system (OWTS) and construction of a new (replacement) OWTS

Location: 31810 Cottontail Lane, not within the appealable coastal zone
APN: 4470-020-019
Owner: Marjorie L. Weston Trust

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the approval of Administrative Coastal Development Permit No. 26-029.

DISCUSSION: This agenda item is for informational and reporting purposes only. Pursuant to Malibu Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.13, the Community Development Director shall report in writing to the Planning Commission any administrative coastal development permits (ACDP) that were approved by the City. If the majority of the Planning Commissioners present so request, the issuance of an ACDP shall not become effective, but shall, if the applicant wishes to pursue the application, be treated as a regular coastal development permit application under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12.

LIP Sections 13.13 and 13.29 (Administrative Permits Applicability)

The Community Development Director may process ACDPs in accordance with LIP Section 13.13 if the proposed project is: A) not appealable as defined in LIP Chapter 2 and the project is for any of the uses specified: (1) improvements to any existing structure; (2) any single-family dwelling; (3) lot mergers; (4) any development of four dwelling units or less that does not require demolition, and any other developments not in excess of $100,000.00, other than any division of land; (5) water wells; and (6) driveways or access road improvements required by the fire department to improve access to properties damaged or destroyed as part of the Woolsey Fire that do not meet the criteria for a de minimis waiver; or B) is appealable as defined in LIP Chapter 2 and the project is for an attached or detached second dwelling units. In accordance with LIP Section 13.29, the Community Development Director may also process applications for a new OWTS, replacement of a failed OWTS, or an upgrade to an existing OWTS in the same manner as ACDPs.

Permit Issuance and Local Appeal Period

On July 14, 2026, the Community Development Director will issue the ACDP thus beginning the local appeal period to the City Council. The local appeal period will begin on July 15, 2026 and end on July 24, 2026. A decision on the ACDP is not appealable to the California Coastal Commission (CCC) as the subject parcel is not located within the Appealable Jurisdiction of the CCC as depicted on the City's Post-LCP Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development in LIP Section 2.1.

The project is more specifically described in the Community Development Director's decision attached hereto.

PUBLIC NOTICE: A Notice of Application and Notice of Decision were mailed to property owners and occupants within a 500-foot radius of the subject property.

ATTACHMENT: ACDP No. 26-029

City of Malibu

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COMMUNITY DEVELOPMENT DEPARTMENT

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT

Administrative Coastal Development Permit No. 26-029
Categorical Exemption No. 26-050
31810 Cottontail Lane
APN 4470-020-019

NOTICE IS HEREBY GIVEN that the City of Malibu has APPROVED an application filed by Lori Miller on behalf of the property owner, Marjorie L. Weston Trust, for an administrative coastal development permit (ACDP) to allow for the abandonment of an existing conventional Onsite Wastewater Treatment System (OWTS) and the installation of a new Advanced OWTS (AOWTS) to serve the existing single-family residence. The subject parcel is zoned Single Family Medium Density (SFM) and is not located within the Appealable Jurisdiction of the California Coastal Commission (CCC) as depicted on the City's Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development in LCP Local Implementation Plan (LIP) Section 2.1.

Proposed Project

1. Installation of an AOWTS, including a 2,000-gallon treatment tank with two new seepage pits; and
2. Abandonment of the existing OWTS.

Project Overview

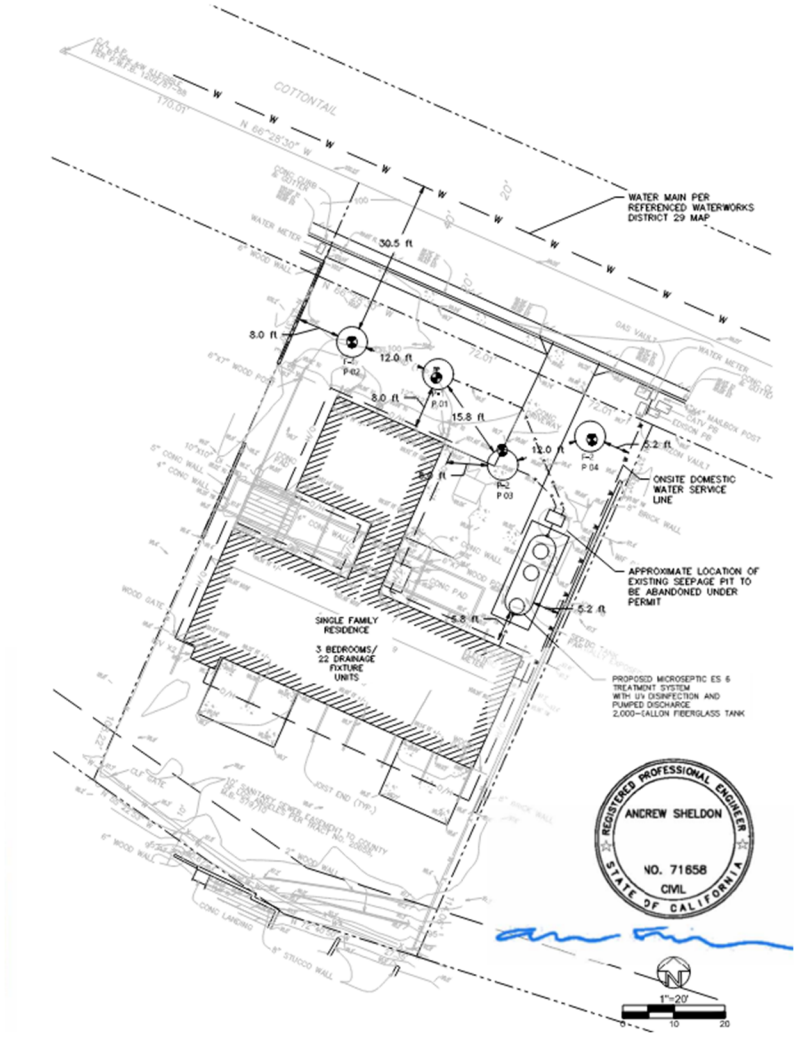
The subject parcel is a rectangular-shaped, non-beachfront lot located north of Broad Beach Road, and south of Pacific Coast Highway, on the ocean-side of Cottontail Lane at 31810 Cottontail Lane (see Figure 1).

Figure 1 – Project Area Aerial



Source: City of Malibu GIS 2026, with Staff Edits

Figure 2: OWTS Plan



Source: Project Plans

Project Setting and Surrounding Land Uses

Table 1 provides a summary of the lot dimensions and the lot area of the subject parcel.

Table 1 – Property Data	
Lot Depth	114 feet (ft.)
Lot Width	72 ft.
Gross Lot Area	8,208 square feet (sf.)
Street Easements	0 sf.
1:1 Slopes	0 sf.
Net Lot Area*	8,208 sf.

*Net Lot Area= Gross Lot Area minus the area of public or private street easements and 1:1 slopes.

The subject parcel is located in western Malibu within the Broad Beach neighborhood. The property is developed with a single-story, single-family residence and is situated within a neighborhood similarly developed with a mix of single- and two-story single-family residences. The subject parcel is identified as Lot 32 in the tract map and is

currently developed with a single-family residence built in 1961. Table 2 below provides a summary of the neighboring surrounding land uses.

Table 2 – Surrounding Land Uses				
Direction	**Address**	**Size**	**Zone**	**Land Use**
Subject Parcel	31810 Cottontail Lane (Lot 32)	8,208 sf.	SFM	Single-family Residential
North	31811 Cottontail Lane (Lot 19)	7,200 sf.	SFM	Single-family Residential
East	31800 Cottontail Lane (Lot 35)	7,920 sf.	SFM	Single-family Residential
South	31777 Broad Beach Road (Lot 33)	7,728 sf.	SFM	Single-family Residential
West	31820 Cottontail Lane (Lot 29)	7,344 sf.	SFM	Single-family Residential

Administrative Permits Applicability (LIP Sections 13.13 and 13.29)

The Community Development Director may process ACDPs in accordance with LIP Section 13.13 if the proposed project is: A) not appealable as defined in LIP Chapter 2 and the project is for any of the uses specified: (1) improvements to any existing structure; (2) any single-family dwelling; (3) lot mergers; (4) any development of four dwelling units or less that does not require demolition, and any other developments not in excess of $100,000.00, other than any division of land; 5) water wells; and 6) driveways or access road improvements required by the fire department to improve access to properties damaged or destroyed as part of the Woolsey Fire that do not meet the criteria for a de minimis waiver; or B) is appealable as defined in LIP Chapter 2 and the project is for an attached or detached second dwelling units. In accordance with Section 13.29, the Community Development Director may also process applications for a new OWTS, replacement of a failed OWTS, or an upgrade to an existing OWTS in the same manner as ACDPs.

The project consists of the abandonment of an existing OWTS and installation of a replacement AOWTS on a parcel that is not located in the CCC Appeal Jurisdiction. Therefore, pursuant to LIP Sections 13.13 and 13.29, the project can be processed administratively.

Application Processing

The following summarizes processing of the ACDP application and noticing:

- ACDP Application Date: April 9, 2026
- Posting of Property: May 11, 2026
- Completeness Determination: May 7, 2026
- Notice of Application Mailer (Attachment 2): June 25, 2026
- Notice of Decision Mailer (Attachment 2): July 9, 2026
- Issuance of ACDP: July 14, 2026
- Planning Commission Reporting: July 20, 2026
- Local Appeal Period: July 15, 2026 through July 24, 2026

California Environmental Quality Act

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Director has analyzed the proposed project. The Community Development Director has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15302(c) – Replacement or Reconstruction, 15303(d) – New Construction or Conversion of Small Structures, and 15304(f) – Minor Trenching and Backfilling. The Community Development Director 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).

Local Coastal Program Conformance

The LCP consists of a Land Use Plan (LUP) and LIP. The LUP contains programs and policies to implement the California Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a Coastal Development Permit must adhere. This project has been reviewed and conditionally approved for LCP conformance review by the Planning Division, City Biologist, City geotechnical consultant reviewers, and City Environmental Health Administrator (Attachment 1 – Department Review Sheets).

Administrative Coastal Development Permit Findings

The project, as proposed and conditioned, has been determined to be consistent with all applicable LCP goals and policies. Based on the foregoing evidence contained within the record and pursuant to LIP Section 13.29, the Community Development Director hereby makes the following findings of fact.

Onsite Wastewater Treatment System Coastal Development Permit (LIP Section 13.29.2)

Finding 1. The proposed OWTS is consistent with the LCP and all applicable LCP provisions, local laws and regulations regarding OWTS.

The replacement AOWTS to support the single-family residence use is consistent with the SFM zoning district. The Planning Division, City Biologist, City Environmental Health Administrator, and City geotechnical staff have reviewed the proposed project and found it to meet the requirements of the Malibu Municipal Code (MMC) and LCP. The proposed project allows for the abandonment of an existing OWTS components and installation of a new AOWTS which consists of a new 2,000-gallon MicroSepTec septic tank that includes two primary seepage pits and two proposed future seepage pits. The applicant is required to record a covenant indicating the proper operation and maintenance of the OWTS. In addition, conditions of approval have been included for the proposed project to require continued operation, maintenance and monitoring of the subject system. The new advanced system will be an overall improvement to the local environment as the advanced treatment will utilize the latest technology to treat effluent compared to the old conventional system that did not have advanced treatment capabilities.

Finding 2. The proposed OWTS does not require a new or upgraded shoreline protective device.

The subject parcel property is not located along the shoreline and does not propose a shoreline protective device. Thus, this finding is not applicable to this project.

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

The State Water Resources Control Board requires all residential development located within the City of Malibu that is not served by a public or private sewage utility to provide treatment of wastewater through an OWTS that meets minimum design standards intended to protect public health. The subject parcel is not served by a public or private sewage utility. Therefore, the replacement of the existing OWTS with a new AOWTS in conformance with current design standards promotes public health by minimizing potential contamination of the groundwater table in the area and nearby Pacific Ocean. The OWTS is sited on the parcel in the most landward feasible location, away from the Pacific Ocean to the south which is compliance with the LIP requirements. The AOWTS will be an upgrade from the conventional system currently onsite, improving environmental conditions in the area.

Finding 4. The proposed OWTS has been conditioned in accordance with the LCP.

The proposed project has been designed to meet all applicable LCP requirements and has been conditioned in accordance with the LCP.

APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 26-029

Based on the foregoing findings and evidence contained within the record, the Community Development Director hereby approves ACDP No. 26-029, subject to the conditions of approval.

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 abandonment of the existing OWTS and the installation of a new AOWTS with a 2,000-gallon MicroSepTec tank that includes two primary seepage pits and two proposed future seepage pits. This approval does not involve any non-exempt grading or other development.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Division date stamped **April 16, 2026**. 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 Division prior to the issuance of any development permits.

5. The applicant shall digitally submit a complete set of plans to the Planning Division for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.

6. The ACDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the ACDP 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 Community Development Director upon written request of such interpretation.

8. All development shall conform to requirements of the City of Malibu Community Development Department, City Biologist, City Environmental Health Administrator, and City geotechnical consultant reviewers, 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 Community Development Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and LCP. Revised plans reflecting the minor changes and additional fees shall be required.

10. This permit shall not become effective until the project is reported to the Planning Commission, pursuant to LIP Section 13.29.3.

11. Pursuant to LIP Section 13.20, development pursuant to an approved ACDP shall not commence until the ACDP is effective. The ACDP is not effective until all appeals have been exhausted.

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

Cultural Resources

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the 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.

Construction

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

16. Prior to the commencement of work, the applicant shall submit a copy of their Construction Management Plan. The Construction Management Plan shall include a dedicated parking location for construction workers and storage of construction material, not within the public right of way unless otherwise approved. Prior to permit issuance, the Construction Management Plan must be acceptable to the Community Development Director and, if applicable, to the Building Official and Public Works Director.

17. 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.

18. 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.

Biology

19. 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 ft. in height at full maturity for an area of 500 sf. or more of landscaping for a new residence, or 2,500 sf. or more of landscaping for an existing residence, a detailed Landscape Documentation Package is required.

20. 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 ft. (300 ft. 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.

21. Earthmoving shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

22. 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 ft. of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 ft. from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 ft. or more from a structure with no limitation on application area.

23. 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.

Environmental Health

24. Proposed OWTS Component Reconfiguration to Maintain Minimum Required Setbacks: The Sheldon Engineering OWTS plot plan dated 3-27-2025 depicts proposed future expansion seepage pits that do not appear to meet the minimum required setbacks from the existing single-family dwelling and neighboring property line per the MMC.
    a. Please revise the final OWTS plot plan to shift the OWTS future expansion seepage pits so that all minimum required setbacks are maintained or provide reduction in setback letters from the OWTS and Geotechnical consultants pertaining to the future expansion seepage pit (P 02) located near the existing residence. An additional Environmental Health review fee of $949 is required for reductions in setbacks. The proposed future expansion seepage pit (P 04) located near the neighboring property line must be shifted to maintain all required setbacks per the MMC - no reduction in setback will be approved for this pit.

25. OWTS on Project Plans: The final project site plans must show the proposed OWTS, including the treatment tank, present/future dispersal area(s), and all lines of connection to the residence.

26. 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).

27. 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).

    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 (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 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 the Environmental Health Administrator). Note: For OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Division.

28. 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.

29. 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."

30. Proposed OWTS Components in Vehicular Traffic Areas: The proposed treatment tanka nd proposed seepage pit may potentially be in a vehicular traffic area. Please indicate on the OWTS plot plan whether the proposed treatment tank and/or seepage pit will be in a vehicular area and provide call outs on the plan to protect the proposed OWTS as appropriate.

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

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

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

34. 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.

35. 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 AOWTS after construction shall be submitted. Note only original "wet signature" documents are acceptable.

36. AOWTS 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 onsite wastewater treatment system serving subject property is an advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the Environmental Health Administrator.

37. Storm Water Pollution Prevention Plan (SWPP Plan): A SWPP Plan shall be submitted during the building plan check stage review. The plan must show the proposed OWTS components.

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

39. City of Malibu Geologist/Geotechnical Approval: City geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

40. City of Malibu Public Works Approval: City Public Works final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.

41. Waterworks District 29 (WWD29) Approval: WWD29 approval of the OWTS plot plan is required. The final OWTS plot plan must show the water main and meter as applicable. Once the final OWTS plot plan is deemed feasible, Environmental Health staff will route the OWTS plot plan to WWD29.

42. Environmental Health Approval: City of Malibu Environmental Health final approval of the OWTS plan shall be obtained.

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

44. Environmental Health Final OTWS Plan Check Review and Reduction in Setback 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 Environmental Health review of the OWTS design and system specifications and reduction in setbacks.

45. 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.

46. Prior to final Planning Division approval, the property owner shall provide a copy of a valid Operating Permit pursuant to MMC Section 15.44.030 or an Operating Permit application fee receipt.

47. Reference architectural and grading/drainage plans shall be submitted to Environmental Health during building plan check review of the proposed OWTS. Approvable building plans will show an existing single-family residence with no more than 3 bedrooms and 22 drainage fixture units.

48. 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 and maintain conformance with MMC/LIP residential development standards. Planning Division approval shall be obtained prior to the installation of any wall or fencing.

Geology

49. 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.

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

Deed Restrictions

51. 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.

Prior to Final Inspection

52. 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 Community Development Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate all material that were land filled or recycled, and state the facilities where all materials were taken.

53. 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 of occupancy.

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

Fixed Conditions

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

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

Appeals and Reporting

LOCAL APPEAL – Pursuant to LIP Section 13.20.1 (Local Appeals), a decision of the Community Development Director may be appealed to the Planning Commission by an aggrieved person by written statement setting forth the grounds for appeal. The appeal period expires on **July 24, 2026 at 4:30 p.m.** An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and proper appeal fee. The appellant shall pay fees as specified in the Council adopted fee resolution in effect at the time of the appeal. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, extension 246.

REPORTING – Pursuant to LIP Section 13.13.6, this permit shall be reported to the Planning Commission and is tentatively scheduled to be reported at the **July 20, 2026** Regular Planning Commission meeting. Copies of this report will be available at www.malibucity.org/agendacenter and to all those wishing to receive such notification by contacting the Case Planner. This permit will not become effective until completion of the Planning Commission review of the permit pursuant to California Code of Regulations Section 13153.

Please contact Analise Nash in the Planning Division at anash@malibucity.org and 310-456-2489, extension 294, for further information. Copies of all related documents can be reviewed by any interested person during regular business hours.

Date: July 14, 2026

Prepared by:

Analise Nash

Analise Nash
Assistant Planner

Approved by:

Tyler Eaton for

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

Attachments:

1. Department Review Sheets including OWTS Plot Plan
3. Notice of Application Mailer/Notice of Decision Mailer

All referenced City Council and Planning Commission records are available for review at http://www.malibucity.org/OnBase

ACCEPTANCE OF CONDITIONS AFFIDAVIT

The undersigned property owner(s) acknowledges receipt of the City of Malibu's decision of approval and agrees to abide by all terms and conditions for **Administrative Coastal Development Permit No. 26-029, dated July 14, 2026, for the project located at 31810 Cottontail Lane, 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 } SS
County of Los Angeles

On _____ before me, _____,
Date (Insert Name and Title of Notary Public)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

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

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:** 04/09/2026

PROJECT NUMBER: ACDP 26-029

JOB ADDRESS: 31810 COTTONTAIL LN

APPLICANT / CONTACT: Marjorie L. Weston & Lori L. Miller, Marjorie L Wes

APPLICANT EMAIL: seeingeyek9@gmail.com

PLANNER: To Be Assigned

PROJECT DESCRIPTION: NOWTS

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 4/17/26

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)	Marjorie L. Weston & Lori L. Miller, Marjorie L Wes seeingeyek9@gmail.com		
Project Address:	**31810 COTTONTAIL LN** Malibu, CA 90265		
Planning Case No.:	ACDP 26-029		
Project Description:	NOWTS		
Date of Review:	April 17, 2026		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	4/9/26
Site Survey:	
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	4/9/26
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

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. 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.

   B. 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.

-o0o-

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 website: www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Staff

FROM: City of Malibu Planning Staff **DATE:** 04/09/2026

PROJECT NUMBER: ACDP 26-029

JOB ADDRESS: 31810 COTTONTAIL LN

APPLICANT / CONTACT: Marjorie L. Weston & Lori L. Miller, Marjorie L West

APPLICANT EMAIL: seeingeyek9@gmail.com

PROJECT DESCRIPTION: NOWTS

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 Thomas — 4/16/2026

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)	Marjorie L. Weston & Lori L. Miller seeingeyek9@gmail.com		
Project Address:	**31810 Cottontail Lane** Malibu, California 90265		
Planning Case No.:	ACDP 26-029		
Project Description:	NOWTS		
Date of Review:	April 16, 2026		
Reviewer:	Matt Janousek	Signature:	
Contact Information:	Phone: (310) 456-2489	Email:	mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	n/a
Grading Plans:	n/a
OWTS Plan:	Sheldon Engineering: Plan dated 3-27-2026
OWTS/Perc Report:	Sheldon Engineering: Report dated 3-27-2026
OWTS Geo. Report:	CalPacific Geology, Inc.: Report dated 3-4-2026
Miscellaneous:	Andrew Sheldon: Fixture Unit Worksheet dated 3-27(sic)-2026
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 Building Plan Check and 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 OWTS plan check submittal package*.

2) **Proposed OWTS Component Reconfiguration to Maintain Minimum Required Setbacks:** The Sheldon Engineering OWTS plot plan dated 3-27-2025 depicts proposed future expansion seepage pits that do not appear to meet the minimum required setbacks from the existing single-family dwelling and neighboring property line per the Malibu Municipal Code. (M.M.C.).

   Please revise the final OWTS plot plan to shift the OWTS future expansion seepage pits so that all minimum required setbacks are maintained or provide reduction in setback letters from the OWTS and Geotechnical consultants pertaining to the future expansion seepage pit (P 02) located near the existing residence. An additional Environmental Health review fee of $949 is required for reductions in setbacks. The proposed future expansion seepage pit (P 04) located near the neighboring property line must be shifted to maintain all required setbacks per the M.M.C. – no reduction in setback will be approved for this pit.

3) **OWTS on Project Plans:** The final project site plans must show the proposed onsite wastewater treatment system (OWTS), including the treatment tank, present/future dispersal area(s), and all lines of connection to the residence.

4) **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.

5) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and large set of 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. 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.]

6) **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.

7) **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.*"

8) **Proposed OWTS Components in Vehicular Traffic Areas:** The proposed treatment tank and proposed seepage pit may potentially be in a vehicular traffic area. Please indicate on the OWTS plot plan whether the proposed treatment tank and/or seepage pit will be in a vehicular area and provide call outs on the plan to protect the proposed OWTS as appropriate.

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

10) **Notice of Decision:** The final OWTS plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department. The Acceptance of Conditions Affidavit must be signed and notarized by the owner of the property and incorporated into the final OWTS plans.

11) **Engineer Certification for Reduction in Setbacks to Structures:** 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. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

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

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

13) **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.

14) **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**.

15) **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.

16) **Storm Water Pollution Prevention Plan (S.W.P.P. Plan):** A S.W.P.P. Plan shall be submitted during the building plan check stage review. The plan must show the proposed OWTS components.

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

18) **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.

19) **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.

20) **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. Once the final OWTS plot plan is deemed feasible, Environmental Health staff will route the OWTS plot plan to WWD29

21) **Environmental Health Approval:** City of Malibu Environmental Health final approval of the OWTS plan shall be obtained.

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

23) **Environmental Health Final OWTS Plan Check Review and Reduction in Setback 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 and reduction in setbacks.

24) **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

31810 COTTONTAIL LANE (ACDP 26-029)
MALIBU, CA 90265

S.F.D.:	3 Bedroom/22 Fixture Units (E)
TREATMENT TANK:	2,000 Gallon MicroSepTec ES6 w/UV Disinfection Unit (N)
ACTIVE:	2 - 6' x 25' BI w/10' Cap (N) (projected; P 01,P 03)
FUTURE:	2 - 6' x 25' BI w/10' Cap (F) (projected; P 02,P 04)
PERC RATE:	4,307 gpd/11.2 gpsf (proj; P 01)
	4,100 gpd/12.8 gpsf (proj; P 02)
	3,513 gpd/10.7 gpsf (proj; P 03)
	3,722 gpd/9.9 gpsf (proj; P 04)
DESIGNER:	Andrew Sheldon, CE 71658
REFERENCE:	Sheldon Engineering: OWTS design report dated 3-27-2026
	CalPacific Geology, Inc.: OWTS supporting geology report dated 3-4-2026

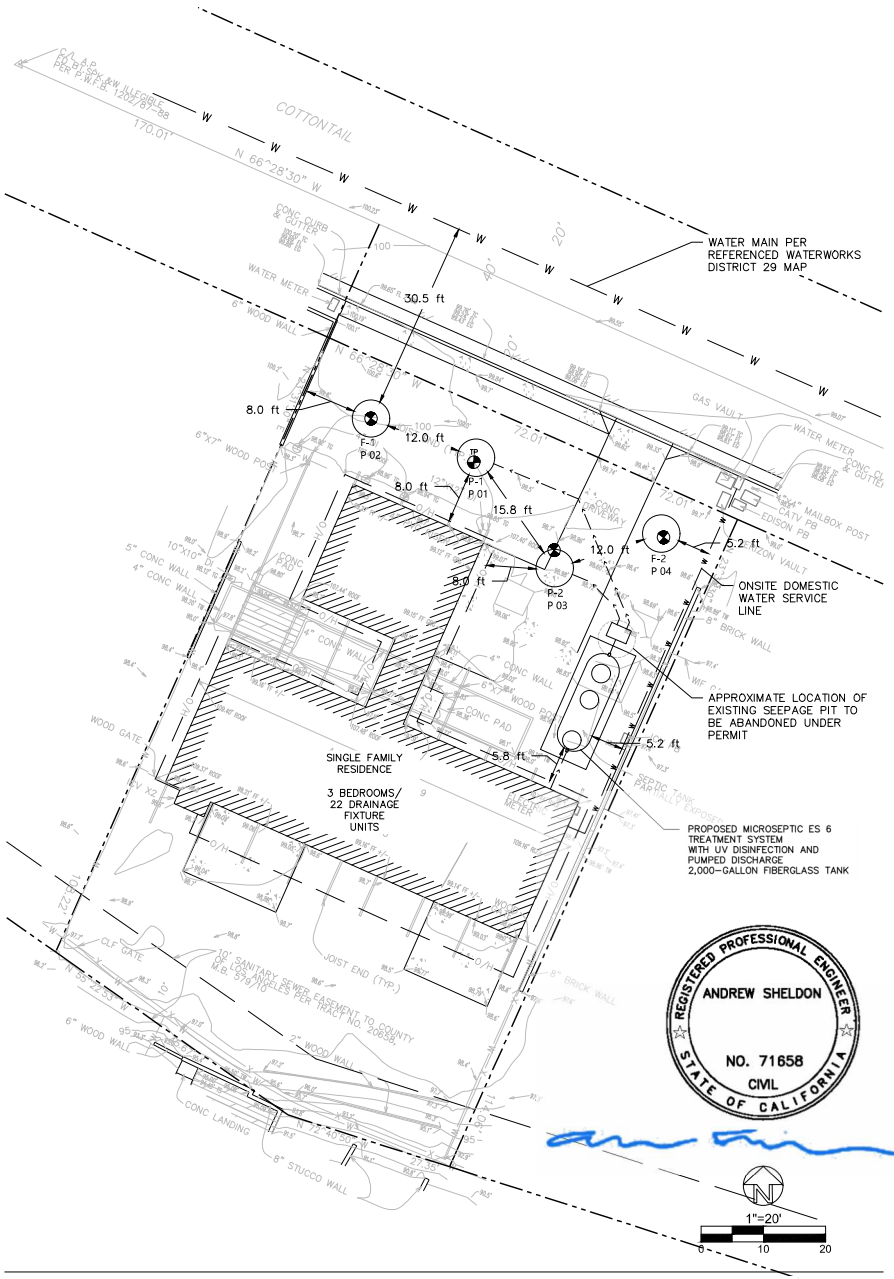
NOTES:

1. This conformance review is for a new advanced onsite wastewater treatment system (OWTS) only. The advanced OWTS conforms to the requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP).

2. This review relates only to the minimum requirements of the MMC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of review treatment.

3. This review is valid for one year or until MMC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW
SIGNATURE: DATE: 4/16/2026
THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS



1. ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM PLOT PLAN

SCOPE OF WORK

1. NEW ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM FOR EXISITING RESIDENCE (NO NEW WASTEWATER DISPOSAL).
2. ABANDON EXISTING SEPTIC TANK AND SEEPAGE PITS UNDER PERMIT.

LEGEND

- GROUNDWATER/PERCOLATION TEST BORING
- PERCOLATION TEST BORHOLE
- EDGE OF SEEPAGE PIT TO BE CONSTRUCTED
- PROPERTY LINE PER REFERENCED SURVEY
- EASEMENTS PER REFERENCED SURVEY
- GRAVITY BUILDING SEWER

OWTS DESIGN NOTES

SEEPAGE PITS DISPOSAL AREA:

1. DESIGN FLOW FORSINGLE FAMILY RESIDENCE EFFLUENT DISPOSAL CALCULATED AS FOLLOWS:
   3 BEDROOM @ 1,500 GALLON SEPTIC TANK CAPACITY (STC|br) or 33 DRAINAGE FIXTURE UNITS (DFU) @ 1,500 GALLON STC (STC|dfu)
   DAILY DISPOSAL CAPACITY REQUIRED (REQD. GPD) = 5x STC|br = 7,500 GALLONS (GAL) > 3x STCdfu = 3,600 GAL

2. PRESENT EFFLUENT DISPERSAL CAPACITY PROVIDED FOR AOWTS IS ESTABLISHED BY PERCOLATION TEST:
   PRESENT: TWO (2) 6' X 25' BI WITH 10' CAP:
   P-1 @ P 01: 4,307 GPD
   P-2 @ P 03: 3,513 GPD
   P-1 + P-2 = 7,820 GPD > 7,500 REQD. GPD => OK

3. FUTURE EFFLUENT DISPERSAL CAPACITY PROVIDED FOR AOWTS IS ESTABLISHED BY PERCOLATION TEST:
   FUTURE: ONE (1) 6' X 18' BI WITH 10' CAP:
   F-1 @ P 02: 4,100 GPD
   F-2 @ P 04: 3,722 GPD
   F-1 + F-2 = 7,822 GPD > 7,500 REQD. GPD => OK

DESIGN WASTEWATER GENERATION RATE FOR ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM:

3 BEDROOMS (MAXIMUM)

1 MASTER BEDROOMS @ 300 GAL PER DAY (GPD)..... 300 GPD
2 ADDITIONAL BEDROOMS @ 150 GPD..... 300 GPD

PEAK DAILY FLOW..... 600 GPD
AVG DAILY FLOW (65% OF PEAK)..... 400 GPD

TREATMENT:

MICROSEPTEC ES 6 2,000 GALLON WASTEWATER TREATMENT TANK WITH UV DISINFECTION BASIN
(SERVES UP TO 600 GPD WASTEWATER GENERATION).

REFERENCES AND TRACINGS

1. ARCHITECTURAL SURVEY BY CLEMONS LAND SURVEYING ISSUED 10-30-2025.
2. ARCHITECTURAL SITE PLAN FLOOR PLANS AND ELEVATIONS BY MALIBU DESIGN CENTER, ISSUED 3-21-2023.
3. GEOLOGIC REPORT - EVALUATION OF PERCOLATION TEST BORINGS BY CALPACIFIC GEOLOGY, INC., ISSUED 3-4-2026.
4. LOS ANGELES COUNTY SEPTIC SYSTEM APPROVAL ISSUED 11-22-1960.
5. LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29 MALIBU ZUMA ZONE WATER DISTRIBUTION SYSTEM BY LOS ANGELES COUNTY OF PUBLIC WORKS ISSUED NOVEMBER 2007.

Notes
First Issued Mar-27 2026

31810 Cottontail Lane
Malibu, California 90265

Advanced Onsite Wastewater Treatment System Plot Plan

Sheldon Engineering, Inc.
21070 Summit Rd
Topanga, CA
(424) 425-1228

March 2026

WW
Sheet 1
of 1

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: April 17, 2026 **Review Log #:** **5426**

Site Address: 31810 Cottontail Lane
Lot/Tract/PM #: **Planning #:** **ACDP 26-029 P1**

Applicant/Contact: Marjorie L. Weston & Lori L. Miller, seeingeyek9@gmail.com **BPC/GPC #:**

Contact Phone #: 310-386-5120 **Fax #:** **Planner:** **Analise Nash**
Project Type: New Onsite Wastewater Treatment System (OWTS)

Submittal Information

Consultant(s) / Report Date(s):
*(Current submittal(s) in **Bold**.)*

CalPacific Geology, Inc. (Triebold, CEG 1796): **3-4-2026**
Sheldon Engineering, Inc. (Sheldon, RCE 71658, REHS # 7111): **3-27-2026**

1st Administrative Coastal Development Permit Submittal
Advanced OWTS Plot Plan prepared by Sheldon Engineering, Inc. dated March 2026.
Architectural Survey prepared by Clemons Land Surveying dated October 30, 2025.

Previous Reviews: None; Environmental Health Review Letter dated 4-16-2026

Review Findings

Administrative Coastal Development Permit Review

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

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

☐ The OWTS plans are **NOT APPROVED** 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 report, OWTS design and percolation report, and OWTS plot plan were reviewed by the City's consultants from a geotechnical perspective. Based on the submitted information, the proposed project consists of installing a new onsite wastewater treatment system (OWTS) to replace the existing failed OWTS. The proposed OWTS consists of a 2,000-gallon MicroSepTec ES6 treatment tank system with UV disinfection and two new active 6' diameter x 25' BI seepage pits with 10' caps (P 01 and P 03) and two future 6' diameter x 25' BI seepage pits with 10' caps (P 02 and P 04). The existing septic tank and seepage pits will be properly abandoned.

Review Comments:

None.

Building Plan-Check Stage Review Comments:

1. Please clearly indicate on the OWTS plot plan the existing OWTS components to be properly abandoned based on the referenced Los Angeles County Septic System approval dated 11-22-1960.
2. 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*."
3. 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 e-stamped and e-signed by the Project Engineering Geologist**. The City's geotechnical consultants will review the plans for conformance with the Project Geotechnical Consultants' recommendations and items in this review sheet**.**

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

Engineering Geology Review by: _____ 4-17-2026

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

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

COMMUNITY DEVELOPMENT DEPARTMENT
NOTICE OF APPLICATION

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 26-029 - An application for the abandonment of an existing onsite wastewater treatment system (OWTS) and to construct a new (replacement) OWTS

LOCATION / APN:	**31810 Cottontail Ln** / 4470-020-019
ZONING:	Single-Family Medium (SFM)
APPLICANT / OWNER:	Lori Miller / Marjorie L Weston Trust
APPEALABLE TO:	Planning Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Sections 15302(c), 15303(d), and 15304(f)
APPLICATION FILED:	April 9, 2026
CASE PLANNER:	Analise Nash, Assistant Planner, anash@malibucity.org / (310) 456-2489, ext. 294

PUBLIC COMMENT PERIOD - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Community Development Department at any time prior to the issuance of a decision. On or after July 14, 2026, the Community Development Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

REPORTING - The Community Development Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on July 20, 2026. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: http://www.malibucity.org/agendacenter. Related documents are available for review at City Hall during regular business hours. An approved permit shall not become effective until completion of the Planning Commission reporting.

LOCAL APPEAL - A decision or any portion of the decision made by the Community Development Director may be appealed to the Planning Commission. Should a decision be issued on July 14, 2026, the appeal period would expire on Friday, July 24, 2026 at 4:30 p.m. 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.

YOLANDA BUNDY, Community Development Director Date: June 25, 2026

City Of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265
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NOTICE OF DECISION

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YOLANDA BUNDY, Community Development Director Date: July 9, 2026