Commission Agenda Report

Planning Commission Meeting
08-17-26
Item 3.B.1.

To: Chair Peak and Members of the Planning Commission

Prepared by: Didier Murillo, Principal Planner

Reviewed by: Joseph Smith, AICP, Contract Principal Planner

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

Date prepared: August 6, 2026 Meeting date: August 17, 2026

Subject: Administrative Coastal Development Permit No. 26-016 – An application for a replacement onsite wastewater treatment system (OWTS) as a follow up to Emergency Coastal Development Permit No. 25-008

Location: 6728 Zumirez Drive, within the appealable coastal zone
APN: 4466-002-002
Owners: John Patrick McNicholas IV and Melinda McNicholas

RECOMMENDED ACTION: Receive and file the Community Development Director's report on the approval of Administrative Coastal Development Permit (ACDP) No. 26-016.

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 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 Appeal Periods

On August 11, 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 August 12, 2026 and end on August 21, 2026. A decision on the ACDP is appealable to the California Coastal Commission (CCC) as the subject parcel is 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 as the proposed development is located between the sea and the first public road paralleling the sea.

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 parcel.

ATTACHMENT: ACDP No. 26-016

City of Malibu

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COMMUNITY DEVELOPMENT DEPARTMENT

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT

Administrative Coastal Development Permit No. 26-016
Categorical Exemption No. 26-022
6728 Zumirez Drive
APN 4466-002-002

NOTICE IS HEREBY GIVEN that the City of Malibu has **APPROVED** an application submitted by Santos Planning, Inc., on behalf of John Patrick McNicholas IV and Melinda McNicholas, for an Administrative Coastal Development Permit (ACDP) to install a new advanced onsite wastewater treatment system (AOWTS) to replace an existing failed onsite wastewater treatment system (OWTS) serving an existing single-family residence. The subject parcel is zoned Rural Residential, One-Acre (RR-1). The subject parcel is within the Appeal Jurisdiction of the California Coastal Commission (CCC) as depicted on the Post-Local Coastal Program (LCP) Certification Permit and Appeal Jurisdiction Map and confirmed per the definition of Appealable Coastal Development Permit in LCP Local Implementation Plan (LIP) Section 2.1 as the proposed development is located between the sea and the first public road paralleling the sea. In accordance with LIP Section 13.29, the Community Development Director may process applications for a new OWTS, replacement of a failed OWTS, or an upgrade to an existing OWTS in the same manner as ACDPs, even when appealable to the CCC.

Proposed Project

- Installation of an AOWTS including a 3,634-gallon MicroSepTec Enviro Server (ES) 12 treatment tank system with ultraviolet (UV) disinfection unit (Attachment 1 – AOWTS Plot Plan).

The project is for the replacement of an existing OWTS with a new AOWTS serving the existing single-family residence. The replacement of the failed OWTS was previously authorized by Emergency CDP (ECDP) No. 25-008 and all development was completed. In compliance with the ECDP conditions and pursuant to LIP Section 13.14, the subject ACDP application constitutes the required follow-up CDP for this project. No other development is requested that was not previously authorized in the ECDP.

Project Overview

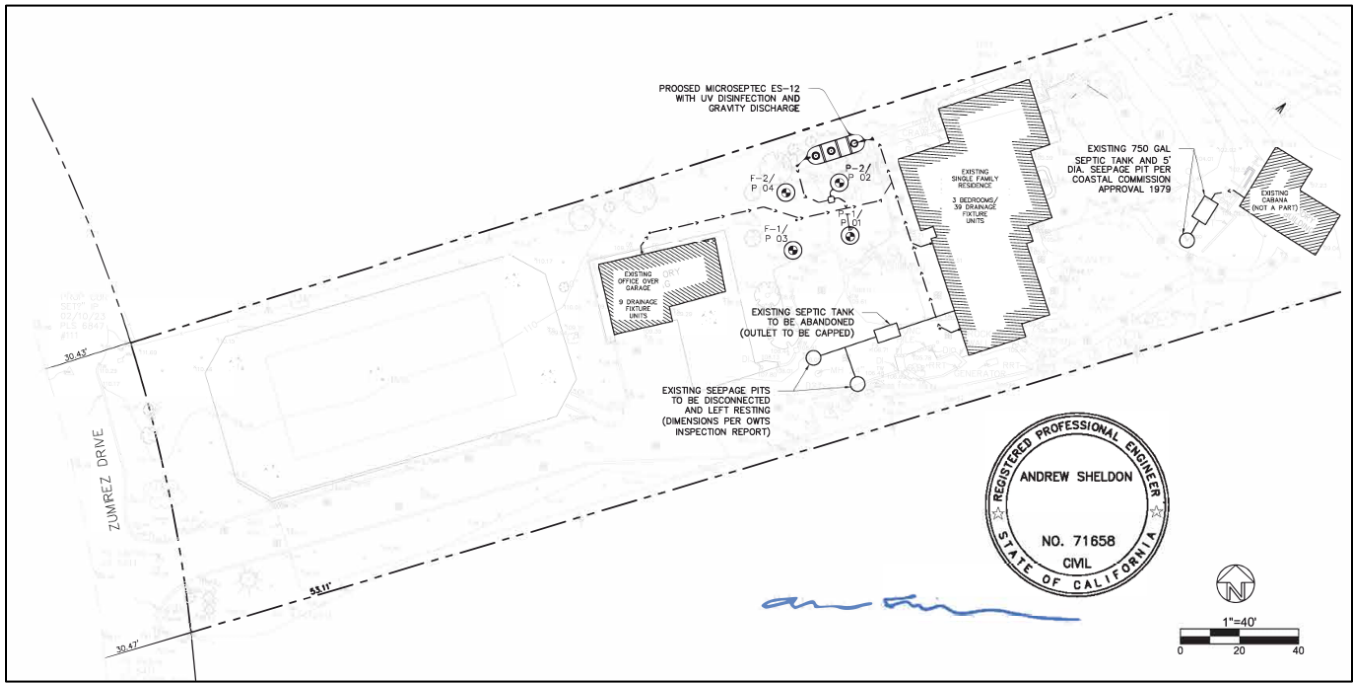
The subject parcel is a rectangular shaped residential lot located on the east side of Zumirez Drive, and approximately one-quarter mile south of Pacific Coast Highway, at 6728 Zumirez Drive (see Figure 1). The approximately 1.3-acre parcel is located within the RR-1 zoning district and is characterized as a relatively flat parcel with sloping terrain towards the rear yard. The parcel is developed with an existing single-story single-family residence, detached garage with an office over the garage, detached cabana, tennis court, swimming pool, landscaping, and driveway improvements.

Figure 1: Project Area Aerial



Source: Malibu GIS 2026

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	Approx. 565 feet (ft.)
Lot Width	Approx. 106 ft.
Gross Lot Area	60,075 sf. (1.3 acres)
Street Easements	0 sf.
1:1 Slopes	0 sf.
Net Lot Area*	60,075 sf. (1.3 acres)

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

The subject parcel is located on a public road within the Point Dume residential neighborhood. The surrounding area is characterized by a mix of single- and two-story single-family residences and associated accessory improvements. The subject parcel is currently developed with an existing single-story single-family residence, and accessory uses built in 1956.

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	6728 Zumirez Drive	1.3 acres	RR-1	Single-family Residential
North	6716 Zumirez Drive	1.4 acres	RR-1	Single-family Residential
East	28158 Pacific Coast Highway	29.8 acres	MH	Single-family Residential
South	6728 Zumirez Drive	1.3 acres	RR-1	Single-family Residential
West	6725 Zumirez Drive	1.04 acres	RR-1	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 replacement and upgrade of an existing failed OWTS with a new AOWTS on a parcel that is located within the CCC Appeal Jurisdiction. Pursuant to LIP Section 13.29, the project can be processed administratively.

Application Processing

The following summarizes processing of the ACDP application and noticing:

- ACDP Application Date: February 10, 2026
- Posting of Property: June 30, 2026
- Completeness Determination: June 30, 2026
- Notice of Application Mailer (Attachment 2): July 23, 2026
- Notice of Decision Mailer (Attachment 2): August 6, 2026
- Issuance of ACDP: August 11, 2026
- Planning Commission Reporting: August 17, 2026
- Local Appeal Period to City Council: August 12, 2026 through August 21, 2026

California Environmental Quality Act

Pursuant to the authority and criteria contained in California Environmental Quality Act (CEQA), the Community Development Director has analyzed the proposed project. The Community Development Director 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 Section 15303(d) – New Construction or Conversion of Small Structures. 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 LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a CDP must adhere. This project has been reviewed and conditionally approved for LCP conformance review by the Planning Division, City Biologist, City Environmental Health Administrator, and City geotechnical consultant reviewers (Attachment 2 – 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 City Biologist, City Environmental Health Administrator, and City geotechnical consultant reviewers have reviewed the proposed project and found it to meet the requirements of the Malibu Municipal Code (MMC) and LCP. The proposed project consists of a AOWTS consisting of a 3,634-gallon MicroSepTec ES 12 treatment tank system with UV disinfection unit. As previously mentioned the replacement of the failed OWTS was authorized by ECDP No. 25-008 and all development was completed. In compliance with the ECDP conditions and pursuant to LIP Section 13.14, the subject ACDP application constitutes the required follow-up CDP for this project. No other development is requested that was not previously authorized in the ECDP. As a condition of approval, the applicant shall record a covenant identifying the proper operation and maintenance requirements of the AOWTS. Conditions

of approval have also been incorporated to ensure the continued operation, maintenance, monitoring, and long-term performance of the system.

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

The subject parcel 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 and has been designed to meet all applicable design standards as determined by the City Environmental Health Administrator. Therefore, replacement of the existing OWTS with a new AOWTS in conformance with current design standards promotes public health and protects water quality by improving wastewater treatment and minimizing the potential for impacts to groundwater and downstream coastal resources.

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. 26-016

Based on the foregoing findings and evidence contained within the record, the Community Development Director hereby approves ACDP No. 26-016 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 a new AOWTS consisting of a 3,634-gallon MicroSepTec ES 12 treatment tank system with UV disinfection unit. The replacement of the failed OWTS took place under ECDP No. 25-008 and all development was completed. In compliance with the ECDP conditions and pursuant to LIP Section 13.14, the subject ACDP application constitutes the required follow-up CDP for this project. No other development is requested that was not previously authorized in the ECDP.

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 February 26, 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 CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.

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

8. All development shall conform to requirements of the City 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 the 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 13.13.6.

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, including those to the CCC, have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the ACDP approved by the City is void.

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

Cultural Resources

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

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

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, not within the public right of way.

17. Construction hours shall be limited to Monday through Friday from 7:00 AM to 7:00 PM and Saturdays from 8:00 AM to 5:00 PM. 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 feet 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. 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 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. 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 ft. 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.

22. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and used for a limited time.

Environmental Health

23. Final 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.

24. Final OWTS Design Report, Plans, and System Specifications: A final OWTS design report and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable). The final OWTS design submittal shall contain the following information (in addition to the items listed above).

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

OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.] Note: The conveyance lines and distribution box must be included into the final plan set.

25. 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.

26. 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."

27. Proof of Ownership: Proof of ownership of subject property shall be submitted.

28. 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 AOWTS.

29. 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. Note, only original "wet signature" documents are acceptable.

30. 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.

31. 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.

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

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

34. 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.

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

36. 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.

37. 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.

38. 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.

39. 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.

Geology

40. A review fee in accordance with the adopted fee schedule shall be provided for the City's geotechnical consultants final building plan check review of the OWTS plans.

41. Two sets 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.

42. 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 a CDP amendment or a new CDP.

Deed Restrictions

43. 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.

Prior to Final Inspection

44. Prior to a final Building inspection, the applicant shall provide a 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 the specific materials that were land filled or recycled, and state the facilities where all materials were taken.

45. 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.

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

Fixed Conditions

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

48. 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 **August 17, 2026 at 4:30 p.m.** An appeal shall be filed with the City Clerk 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.

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

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 **August 17, 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 and all appeals, including those to the CCC, have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the ACDP approved by the City is void.

Please contact Didier Murillo in the Planning Division at dmurillo@malibucity.org and 310-456-2489, extension 342, for further information. Copies of all related documents can be reviewed by any interested person during regular business hours.

Date: August 11, 2026

Prepared by:

Didier Murillo
Principal Planner

Approved by:

Tyler Eaton for
Yolanda Bundy, MS, PE, CBO, CFCO
Community Development Director

Attachments:

1. AOWTS Plot Plan
2. Department Review Sheets
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. 26-016, dated August 11, 2026, for the project located at 6728 Zumirez Drive, 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

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

STATE OF CALIFORNIA
County of _____

On _____ before me _____,
(insert name and title of the officer)

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)**

6728 ZUMIREZ DRIVE (CDP 26-016)
MALIBU, CA 90265 (ECDP 25-008)

S.F.D.:	3 Bedroom/39 Fixture Units (E)
GARAGE/OFFICE:	1 Bedroom/9 Fixture Units (E)
TREATMENT TANK:	*Existing Septic Tank to be replaced with 3,634 Gallon MicroSepTec ES12 with UV Disinfection Unit (N)
ACTIVE:	2 - 6' x 43' BI w/5' Cap (N) (projected; P-1, P-2)
FUTURE:	1 - 6' x 43' BI w/5' Cap (F) (projected; P-3)
PERC RATE:	7,079 gpd/9.1 gpsf (proj; P-1)
	9,653 gpd/13.5 gpsf (proj; P-2)
	17,520 gpd/24.2 gpsf (proj; P-3)
DESIGNER:	Andrew Sheldon, C 71658
REFERENCE:	Sheldon Engineering: OWTS design and percolation test report dated 12-2-2024
	Subsurface Design Inc.: Supporting geology report dated 12-20-2023

CABANA:	1 Bedroom/ 9 Fixture Units (E)
SPETIC TANK:	750 Gallons (E)
ACTIVE:	1 - Seepage Pit (E) Unknown Dimension
FUTURE:	None
PERC RATE:	Unknown

NOTES:

1. This conformance review is for a new advanced onsite wastewater treatment system (OWTS) to serve a single-family dwelling and garage/office. The new 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.

4. The existing septic tank and seepage pits serving the pre-existing development of the single-family dwelling and garage/office shall be abandoned.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 2/26/26

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

SCOPE OF WORK

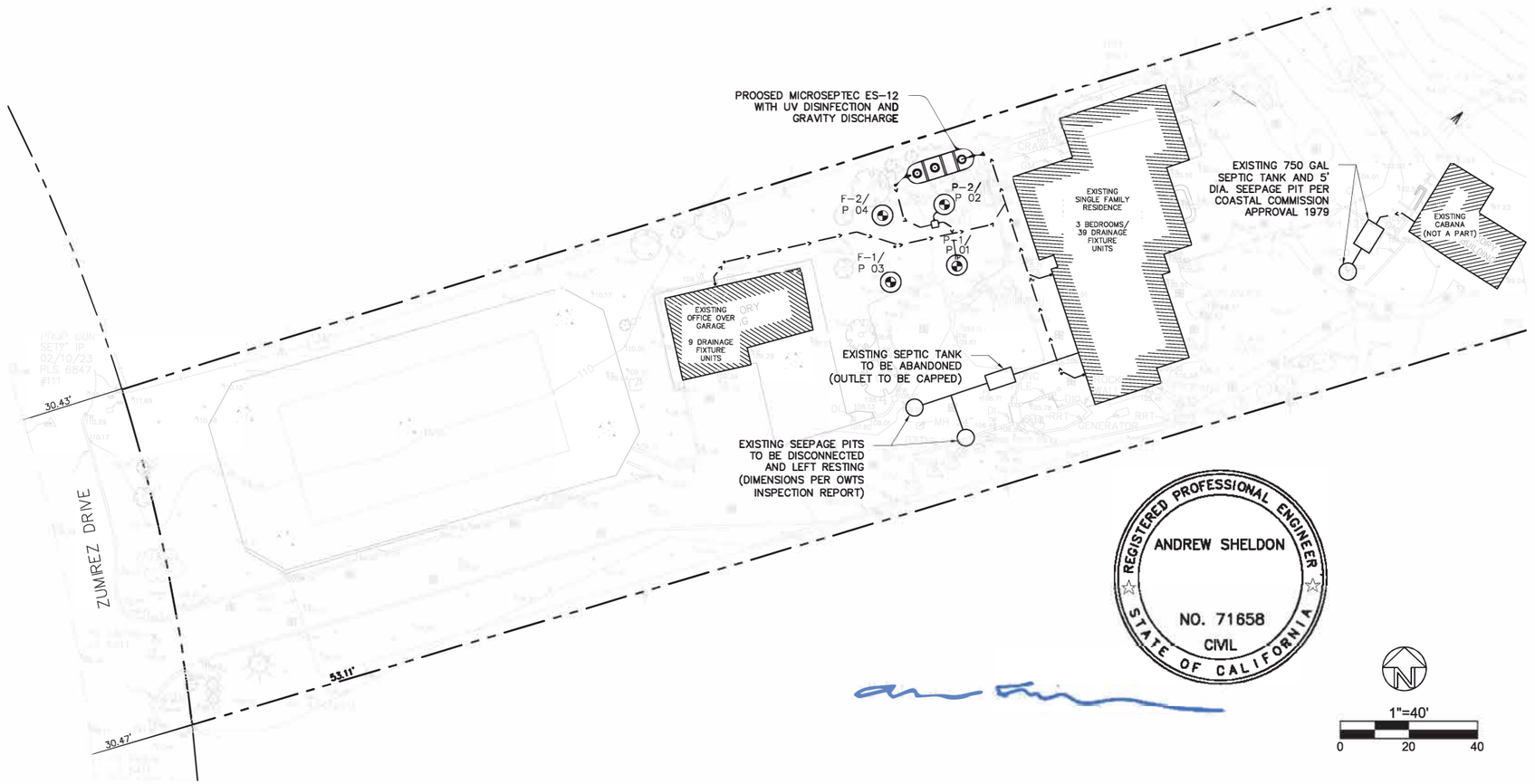
1. NEW ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM TO REPLACE EXISTING CONVENTIONAL ONSITE WASTEWATER TREATMENT SYSTEM (NO NEW WASTEWATER DISPOSAL).
2. ABANDON EXISTING 1,000 GALLON SEPTIC TANK UNDER PERMIT.
3. REMOVE ALL TREES WITHIN 10-FT OF NEW WASTEWATER TANK AND SEEPAGE PITS.

REFERENCES AND TRACINGS

1. LAND & AIR SURVEYING. PARTIAL ARCHITECTURAL SURVEY. ISSUED 2-16-2022 TO 2-20-2022.
2. SUBSURFACE DESIGNS. OWTS SUPPORTING GEOLOGY REPORT, ISSUED 9-12-2024.
3. CITY OF MALIBU. OWTS APPROVAL. ISSUED 2-7-2001.

LEGEND

- GROUNDWATER/PERCOLATION TEST BORING
- PERCOLATION TEST BORHOLE
- GRAVITY BUILDING SEWER
- PROPERTY LINE



1. ONSITE WASTEWATER TREATMENT SYSTEM SITE PLAN

PRELIMINARY

FOR PLANNING PURPOSES ONLY
NOT FOR CONSTRUCTION

OWTS DESIGN NOTES

SEEPAGE PITS DISPOSAL AREA

1. DESIGN FLOW FOR SINGLE FAMILY RESIDENCE (SFR) + OFFICE EFFLUENT DISPOSAL CALCULATED AS FOLLOWS:
   - 4 BEDROOMS @ 1,200 GALLON SEPTIC TANK CAPACITY (STC|br) or 48 DRAINAGE FIXTURE UNITS (DFU) @ 2,250 GALLON STC (STC|dfu)
   - DAILY DISPOSAL CAPACITY REQUIRED (REQD. GPD) = 3X STC|dfu = 6,750 GALLONS (GAL) > 5x STC|br = 6,000 GAL

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   PRESENT: TWO (2) 6' X 43' BI WITH 5' CAP
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4. FUTURE EFFLUENT DISPERSAL CAPACITY PROVIDED FOR SFR + OFFICE IS ESTABLISHED BY PERCOLATION TEST:
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DESIGN WASTEWATER GENERATION RATE FOR ADVANCED ONSITE WASTEWATER TREATMENT SYSTEM TO SERVE 3-BEDROOM SINGLE FAMILY RESIDENCE WITH 1-BEDROOM (EQUIVALENT) DETACHED OFFICE:

4 BEDROOMS

1 MASTER BEDROOMS @ 300 GAL PER DAY (GPD)..... 300 GPD
3 ADDITIONAL BEDROOMS @ 150 GPD..... 450 GPD

PEAK DAILY FLOW..... 750 GPD
AVG DAILY FLOW (65% OF PEAK)..... 500 GPD

ATTACHMENT !

Received
2/26/26
Planning Division

Notes

First Issued	Oct-28 2024
Revision 1	Dec-2 2024

6728 Zumirez Drive
Malibu, California 90265

Advanced Onsite Wastewater Treatment System Plot Plan for Repacement of an Existing Conventional OWTS

Sheldon Engineering, Inc.
21070 Summit Rd
Topanga, CA
(310) 570-7549

October 2024

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 **REVISED DATE** 04/06/2026

PROJECT NUMBER: CDP 26-016

JOB ADDRESS: 6728 ZUMIREZ DR

APPLICANT / CONTACT: Charles Santos, Santos Planning Inc

APPLICANT EMAIL: charles@santosplanning.com

PLANNER: Didier Murillo

PROJECT DESCRIPTION: Follow up CDP to install AOWTS

REVISION:

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 4/14/26

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)	Charles Santos, Santos Planning Inc charles@santosplanning.com		
Project Address:	**6728 ZUMIREZ DR** Malibu, CA 90265		
Planning Case No.:	CDP 26-016		
Project Description:	Follow up CDP to install AOWTS		
Date of Review:	April 14, 2026		
Reviewer:	Courtney McCammon	Signature:	Courtney McCammon
Contact Information:	Phone: (310) 456-2489 ext 277	Email:	biology@malibucity.org

SUBMITTAL INFORMATION

Site Plan:	4/6/26
Site Survey:	4/6/26
Landscape Plan:	
Hydrozone Plan:	
Irrigation Plan:	
Fuel Modification Plan:	
Grading Plan:	
OWTS Plan:	4/6/26
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:** 02/10/2026

PROJECT NUMBER: CDP 26-016

JOB ADDRESS: 6728 ZUMIREZ DR

APPLICANT / CONTACT: Charles Santos, Santos Planning Inc

APPLICANT EMAIL: charles@santosplanning.com

PROJECT DESCRIPTION: Follow up CDP to install 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 Thomas
Signature

February 26, 2026
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)	Charles Santos charles@santosplanning.com		
Project Address:	**6728 Zumirez Drive** Malibu, California 90265		
Planning Case No.:	CDP 26-016		
Project Description:	New AOWTS follow up to ECDP 25-008		
Date of Review:	February 26, 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 12-2-2024
OWTS Report:	Sheldon Engineering: Report dated 12-2-2024
Geology Report:	Subsurface Designs Inc.: Report dated 12-20-2023
Miscellaneous:	Ely Jr Pumping Inc.: Emergency request letter dated 2-28-2025
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 Administrative Coastal Development and Building Plan Check Approval:

1) **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.

   Note: *The existing seepage pits labeled "to be disconnect" serving the pre-existing development of the existing single-family residence and garage/office structures shall be labeled "to be abandoned.*" This is required prior to Environmental Health approval.

2) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report (*dated within the last year*) and large set of construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by a City Registered OWTS Designer, and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

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

   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing drainage fixture units, and the subsurface effluent dispersal system acceptance rate. The drainage fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

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

   c. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and the design basis for engineered systems.

   d. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system's geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent

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

e. All OWTS design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11" x 17" plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18" x 22" for review by Environmental Health). [Note: For OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]

f. **Certified Fixture Unit Worksheet**: The fixture unit worksheet must be updated to match the OWTS Design criteria pertaining to the total number of bedrooms and drainage fixtures to serve the proposed OWTS.

3) 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.

- The OWTS plot plan shows the existing septic tank serving the existing building/structures to be capped and abandoned. The existing seepage pits must also be abandoned and disconnected as they will not be utilized as part of the proposed OWTS.

4) 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.*"

5) 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.

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

7) 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.

8) 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**.

9) **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**.

10) **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.

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

12) **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.

13) **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.

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

15) **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.

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 final approval shall be submitted with the application.

-o0o-

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

cc: Environmental Health file
Planning Department

6728 ZUMIREZ DRIVE (CDP 26-016)
MALIBU, CA 90265 (ECDP 25-008)

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CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT.
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

SIGNATURE: DATE: 2/26/26

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SCOPE OF WORK

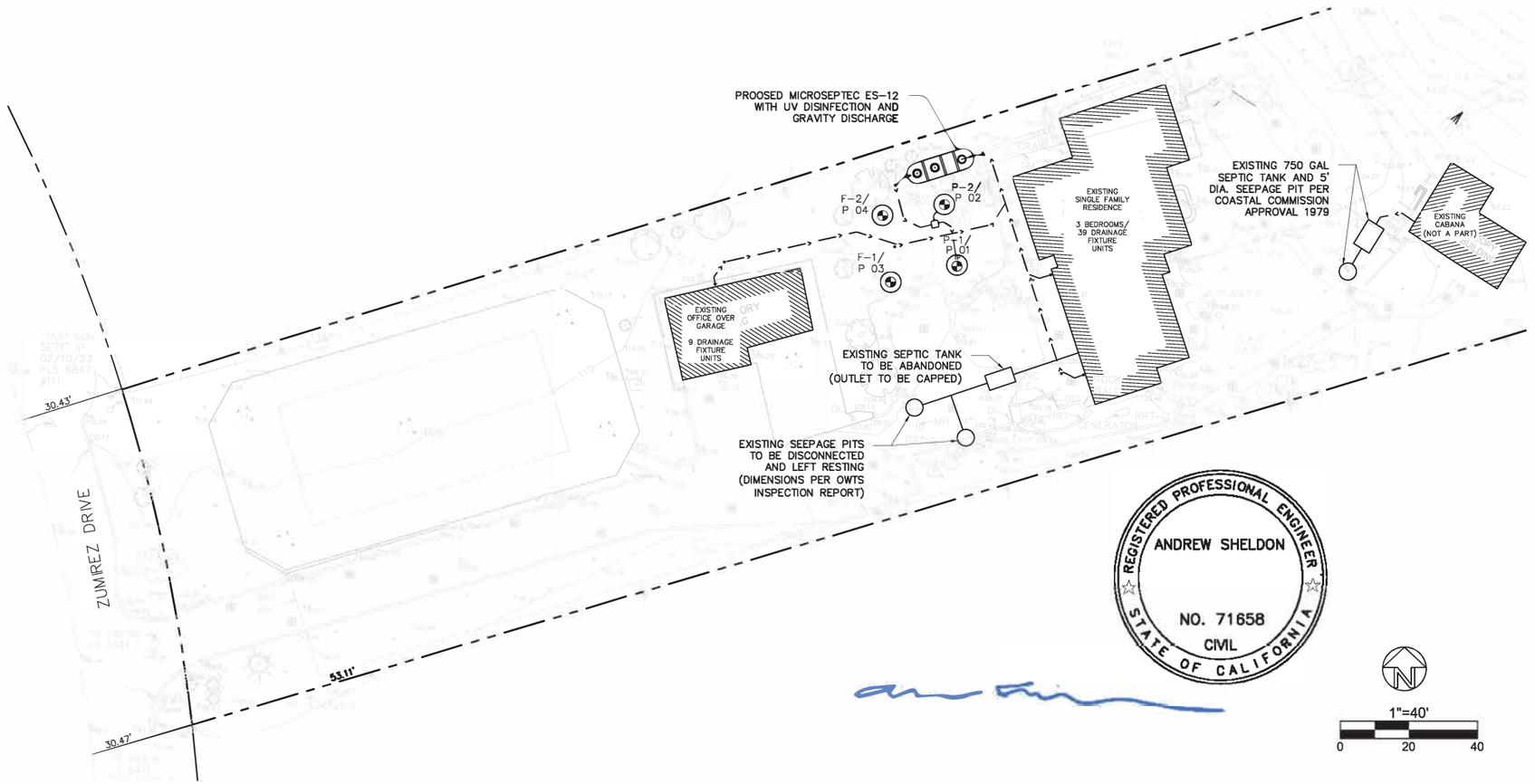
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- PERCOLATION TEST BORHOLE
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- PROPERTY LINE



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PRELIMINARY

FOR PLANNING PURPOSES ONLY
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SEEPAGE PITS DISPOSAL AREA

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4 BEDROOMS

1 MASTER BEDROOMS @ 300 GAL PER DAY (GPD)..... 300 GPD
3 ADDITIONAL BEDROOMS @ 150 GPD..... 450 GPD

PEAK DAILY FLOW..... 750 GPD
AVG DAILY FLOW (65% OF PEAK)..... 500 GPD

Notes

First Issued	Oct-28 2024
Revision 1	Dec-2 2024

6728 Zumirez Drive
Malibu, California 90265

Advanced Onsite Wastewater Treatment System Plot Plan for Replacement of an Existing Conventional OWTS

Sheldon Engineering, Inc.
21070 Summit Rd
Topanga, CA
(310) 570-7549

October 2024

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:	February 23, 2026	**Review Log #:**	**5410**
Site Address:	6728 Zumirez Drive		
Lot/Tract/PM #:		**Planning #:**	**CDP 26-016**
Applicant/Contact:	Charles Santos, charles@santosplanning.com	**BPC/GPC #:**	**P1**
Contact Phone #:	818-643-5950	**Planner:**	**Didier Murillo**
Project Type:	New Onsite Wastewater Treatment System (OWTS)		

Submittal Information

Consultant(s) / Report Date(s): *(Current submittal(s) in **Bold**.)*	Subsurface Designs, Inc. (Triebold, CEG 1796): **12-20-2023** Sheldon Engineering, Inc. (Sheldon, RCE 71658; REHS # 7111): **10-29-2024 (revised 12-2-2024)** **1st Coastal Development Permit Submittal** **OWTS Plot Plan prepared by Sheldon Engineering, Inc. dated December 2, 2024.** **Permit No. 25-5026 for Abandonment of existing OWTS and the installation of a New OWTS, dated April 8, 2025.** **Emergency CDP Permit prepared by the Planning Department dated April 25, 2025.**
Previous Reviews:	None; Ref: 4-7-2025, Environmental Health Review Sheet dated 3-6-2025 (for ECDP 25-008)

Review Findings

Coastal Development Permit Review

☒ The new OWTS project is **ACCEPTABLE** from a geotechnical perspective.

☐ 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 OWTS 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 OWTS plans are **NOT COMPLETE** from a geotechnical perspective. The listed 'Building Plan-Check Stage Review Comments' shall be addressed prior to Building Plan-Check Stage completion.

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 the 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.

Note to the Applicant: It should be noted that the City cannot close out or final the permits for the new OWTS until the CDP is issued.

Remarks

The referenced supporting geologic report, OWTS design and percolation report, and OWTS plot plan, as well as the files for the ECDP and permits issued for the project, were reviewed by the City's consultants from a geotechnical perspective. The project includes installing a new onsite wastewater treatment system to serve the residence consisting of a new 3,634-gallon MicroSepTec EnviroServer ES12 treatment tank system with UV disinfection and two active 6' diameter x 43' BI seepage pits with 5' caps (borings P-1 and P-2) and one future 6' diameter x 43'BI seepage pit with a 5' cap (boring P-3). The existing conventional 1000-gallon septic tank will be capped and properly abandoned. The existing seepage pits will be disconnected and left resting.

Review Comments:

None.

Building Plan Check Review Comments:

1. Two sets 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: _____ 2-23-2026

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

Geotechnical Engineering Reviewed by: _____ 2-23-2026

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

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. 26-016 - An application to install a new advanced onsite wastewater treatment system to replace an existing failed onsite wastewater treatment system as a follow up to Emergency Coastal Development Permit No. 25-008

LOCATION / APN:	**6728 Zumirez Dr** / 4466-002-002
ZONING:	Rural Residential, One-Acre (RR-1)
APPLICANT / OWNER(S):	Santos Planning Inc / John Patrick McNicholas IV & Melinda McNicholas
APPEALABLE TO:	Planning Commission and California Coastal Commission
ENVIRONMENTAL REVIEW:	Categorical Exemption CEQA Guidelines Section 15303(d)
APPLICATION FILED:	February 10, 2026
CASE PLANNER:	Didier Murillo, Principal Planner, dmurillo@malibucity.org / (310) 456-2489, ext. 342

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 August 11, 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 August 17, 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 August 11, 2026, the appeal period would expire on Friday, August 21, 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.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Community Development Director's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

YOLANDA BUNDY, Community Development Director Date: July 23, 2026

ATTACHMENT 3

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

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NOTICE OF DECISION

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YOLANDA BUNDY, Community Development Director Date: August 6, 2026