

**CALIFORNIA COASTAL COMMISSION**  
SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-2801  
VOICE (805) 585-1800



# W14a

**A-4-MAL-23-0041 (Muir)**

**December 13, 2023**

**EXHIBITS**

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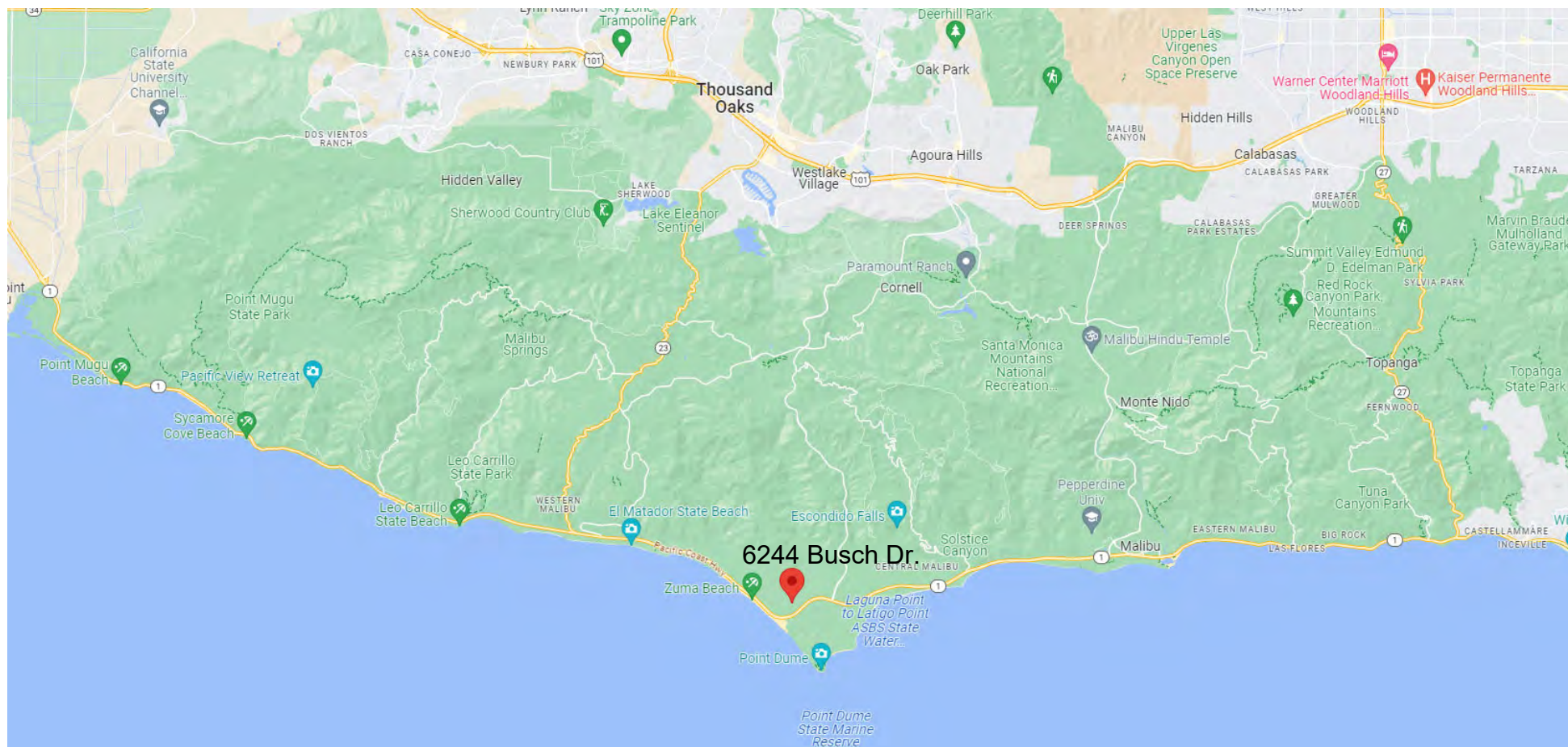


Exhibit 1  
Vicinity Map  
Appeal No. A-4-MAL-23-0041





Exhibit 2  
Aerial View  
Appeal No. A-4-MAL-23-0041

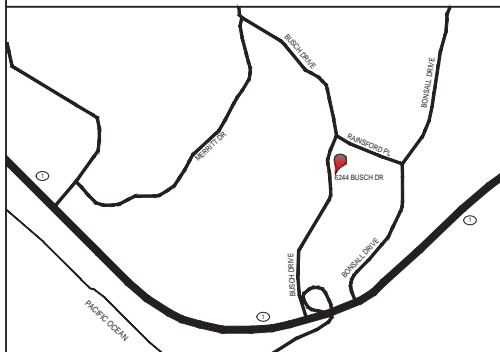


1. THE PROJECT DEFINED IN THESE CONSTRUCTION DOCUMENTS IS SUMMARIZED HEREIN AND CONSIST ENTIRELY OF THE ADDITION TO EXISTING S.F.D.
2. THE OWNER IS RESPONSIBLE FOR ALL CONNECTION FEES, LICENSE FEES, AND MISCELLANEOUS CHARGES BY THE VARIOUS BUILDING OFFICIALS. THE OWNER IS ALSO RESPONSIBLE FOR ALL PERMIT AND APPLICATION FEES.
3. THE CONTRACTOR SHALL PROVIDE THE MINIMUM FACILITIES AS REQUIRED BY HEALTH AND SAFETY LAWS AND SHALL REMOVE THEM UPON PROJECT COMPLETION.
4. ALL WORK SHALL CONFORM TO ALL APPLICABLE CODES GOVERNING AUTHORITIES (INCLUDING OSHA STANDARDS), SHALL BE OF BEST PRACTICE OF EACH TRADE.
5. PROVISIONS SHALL BE MADE BY THE CONTRACTOR TO ENSURE SAFETY, PROTECT LIFE AND PROPERTY AND CONTROL DUST AND NOISE, AND LIMIT DEBRIS AT WORK AREAS. PARTICULAR CARE SHALL BE TAKEN AT AREAS ADJACENT TO PUBLIC RIGHT OF WAY. PROVISIONS INCLUDE BUT NOT LIMITED TO, BACKDROPS, COVERED PASSAGEWAYS, SOUNDPROOF BARRIERS, WARNING LIGHTS AND SIGNS, TEMPORARY FIRE PROTECTION SYSTEMS, BRACING AND SCAFFOLDING FOR WEAKENED ASSEMBLIES CAUSED BY DEMOLITION WORK AND TRUSS DISPOSAL.
6. THE WORK OF ALL TRADE IS TO BE PERFORMED IN A WORKMAN-LIKE MANNER, AND SHALL BE PLUMB, LEVEL AND TRUE TO LINE. MATERIALS ARE TO BE NEW, FREE FROM DEFECTS, AND STORED AT THE JOBSITE IN A MANNER SUITABLE TO MAINTAIN THE INTEGRITY OF THE MATERIAL.
7. ALL ELECTRICAL WORK SHALL COMPLY WITH THE CALIFORNIA ELECTRICAL CODE AND NATIONAL ELECTRICAL CODE.
8. ALL PLUMBING WORK SHALL COMPLY WITH UNIFORM PLUMBING CODE.
9. ALL HEATING SHALL COMPLY WITH UNIFORM BUILDING CODE, UNIFORM MECHANICAL CODE AND TITLE 24.
10. CONTRACTOR SHALL COORDINATE ALL MECHANICAL, PLUMBING, ELECTRICAL, AND ARCHITECTURAL WORK. CONTRACTOR SHALL NOTIFY THE DESIGNER OF ANY DISCREPANCIES OR CONFLICTS RELATIVE TO CONSTRUCTION DOCUMENTS AND FILED CONDITIONS PRIOR TO SUBMITTING FROM THE PROJECT SITE.
11. CONTRACTOR SHALL VERIFY THE SIZES AND LOCATIONS OF ALL MECHANICAL AND ELECTRICAL EQUIPMENT PADS, BASES, AND HOUSING AS WELL AS POWER, WATER, AND DRAIN REQUIREMENTS FOR SUCH EQUIPMENT WITH EQUIPMENT MANUFACTURERS.
12. ALL WORK SHALL BE DONE TO THE HIGHEST QUALITY STANDARD IN THE INDUSTRY IN A SAFE AND CLEAN MANNER.
13. SAMPLES AND/OR CATALOG CUTS OF ALL PRODUCTS AND FINISHES WILL BE REQUIRED FOR APPROVAL PRIOR TO INSTALLATION.
14. PROVIDE WEATHER STRIPPING AT ALL EXTERIOR DOORS AND WINDOWS, UNLESS NOTED OTHERWISE.
15. CONTRACTORS SHALL TAKE PRECAUTIONS TO AVOID DAMAGE TO EXISTING BUILDING AND SITE AREA AND FEATURES, INCLUDING HARDSCAPE, SIDEWALKS, ROADWAYS, CURBS, TREES AND PLANTING, TREE GRATES, DRAIN COVERS, UNDERGROUND UTILITIES AND OTHER EXISTING FEATURES. IF DAMAGE TO ANY OF THESE OCCURS, AS A RESULT OF NECESSARY OR ANY PORTION OF WORK OR MATERIAL FABRICATION, CONTRACTOR SHALL REPAIR TO ORIGINAL CONDITION AT NO COST TO OWNER.
16. COMPLETED NEW WORK SHALL BE PROTECTED DURING CONSTRUCTION TO AVOID DAMAGE. SHOULD DAMAGE OCCUR, REPAIRS SHALL BE MADE SO THAT NEITHER THE DAMAGE NOR THE REPAIRS ARE EVIDENT. CONTRACTOR SHALL BRING REPAIRED DAMAGES TO THE ATTENTION OF THE OWNER AND DESIGNER FOR APPROVAL IN TERMS OF APPEARANCE.
17. UPON COMPLETION OF HISHER WORK, EACH CONTRACTOR SHALL LEAVE THE WORK BROOM CLEAN AND REMOVE ALL OF HISHER DEBRIS FROM THE PROJECT SITE.
18. THE CONSTRUCTION DOCUMENTS ARE NOT TO BE REPRODUCED OR USED FOR ANY OTHER PURPOSE THAN ORIGINALLY INTENDED WITHOUT WRITTEN PERMISSION OF THE DESIGNER.
19. ALL UTILITY SERVICE CONNECTIONS SHALL BE PLACED UNDERGROUND, SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNING DISTRICT.
20. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH A LIST OF HEATING, COOLING, WATER HEATING, AND LIGHTING SYSTEMS. ALSO SUPPLY INCLUDING OPERATE INSTRUCTIONS FOR EACH DEVICE ACCORDINGLY.
21. DISCREPANCIES, ERRORS, OMISSIONS, AMBIGUITIES, CONFLICTS, AND THE LIKE APPEARING IN THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNERS ATTENTION BY THE CONTRACTOR BEFORE COMMENCING WORK.
22. THE CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT PRIOR TO START OF ANY PORTION OF WORK OR MATERIAL FABRICATION.
23. ALL DIMENSIONS ARE TO ONE OF THE FOLLOWING: GRID FINISHED LINES, COLUMN OR OPENING CENTER LINES, OR FACE OF FINISHED CONSTRUCTION, UNLESS OTHERWISE NOTED. FLOOR ELEVATIONS ARE TO FINISH FLOOR LEVEL.
24. DRAWINGS INDICATE DETAILS OF GENERAL DESIGN INTENT. DETAILS ARE INTENDED TO SHOW GENERAL MANNER OF ACCOMPLISHING WORK. MINOR MODIFICATIONS MAY BE REQUIRED TO SUIT JOB DIMENSIONS OR CONDITIONS, AND ARE INCLUDED AS PART OF THE WORK. CONTRACTOR SHALL OBTAIN APPROVAL OF ALL MODIFICATIONS FROM THE DESIGNER.
25. ALL OMISSIONS OR CONFLICT BETWEEN THE VARIOUS DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO WORK.
26. CONSTRUCTION DOCUMENTS SHALL NOT BE SCALED FROM ANY DOCUMENTS HEREWITH. LARGER SCALE DIMENSIONS SHALL TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS. NOTED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
27. ANY WALL OR ROOF PENETRATION FOR ANY PURPOSE SHALL BE PROPERLY PROTECTED FROM WATER MIGRATION BY PROVIDING FLASHING AND/OR WATER-RESISTIVE BARRIER WITH PROPER LAPS THAT PREVENT ANY WATER MIGRATION INTO THE BUILDING CAVITY.
28. ALL MATERIALS AND WORKMANSHIP SHALL COMPLY WITH THE STATE AND LOCAL BUILDING CODES AS WELL AS ALL GOVERNING CODES, ORDINANCES, REGULATIONS AND LAWS.
29. ALL TECHNICAL DESIGNATIONS SHALL BE AMENDED TO DATE UNLESS OTHERWISE NOTED.
30. APPROVAL OF THE INSPECTOR DOES NOT NECESSARILY ACKNOWLEDGE FULL COMPLIANCE WITH THE PLANS AND SPECIFICATIONS. ANY DETAIL WHICH FAILS TO BE CLEAR OR IS AMBIGUOUS MUST BE REFERRED TO THE DESIGNER OR ENGINEER FOR INTERPRETATION OR CLARIFICATION.
31. THE DESIGN, ADEQUACY AND SAFETY OR ERECTION BRACING, SHORING, TEMPORARY SUPPORTS SCAFFOLDING IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
32. CONTRACTOR SHALL CONSULT ALL REPRESENTATIVES OF THE COUNTY, GAS, LIGHT, WATER, POWER, PHONES, OR CABLE COMPANIES TO VERIFY AVAILABLE UTILITIES, FACILITIES AND INFORMATION BEFORE STARTING WORK OR CONNECTING UTILITY LINES.
33. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR COMPLETENESS OF PLANS FOR BID PURPOSES PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.
34. THE IMPROVEMENTS SHALL BE INSURED AGAINST LOSS BY FIRE DURING THE PROGRESS OF WORK BY THE OWNER.
35. THE TERM CONTRACTOR AND SUB-CONTRACTOR ARE USED INTERCHANGEABLY THROUGHOUT THE CONSTRUCTION DOCUMENTS.
36. SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR THE CORRECTNESS OF THE WORK. EACH SUB-CONTRACTOR IS RESPONSIBLE FOR HIS OWN WORK UNTIL SAME HAS BEEN COMPLETED AND ACCEPTED AND ALSO FOR HIS OWN MATERIALS. SUB-CONTRACTORS SHALL KEEP THE PREMISES CLEAN OF RUBBISH CAUSED BY HIS WORK.
37. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE GENERAL CONTRACTOR DURING COURSE OF CONSTRUCTION TO VERIFY UNIFORM DISTRIBUTION OF BUILDING MATERIALS ABOVE FRAINED FLOORS AND/OR ROOFS TO PREVENT DEFLECTIONS OF FRAMING MEMBERS.
38. ALL MATERIALS SHALL BE OF THE BEST QUALITY, UNLESS OTHERWISE NOTED. ALL INSTALLATIONS SHALL BE PERFORMED IN THE BEST POSSIBLE MANNER BY SKILLED LABOR.
39. ALL MATERIALS SHALL BE DELIVERED AND STORED TO PREVENT WATER DAMAGE, DEBRIS, BENDING OR DISTORTION OF MATERIAL IN ANY FORM. PROPER ACCLIMATION FOR INTERIOR WOOD MATERIALS SHALL BE FOLLOWED.
40. CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED FINISH MATERIAL AND/OR STRUCTURAL MEMBERS AS REQUIRED AND AS REQUESTED BY THE BUILDING INSPECTOR.
41. THE DESIGNERS APPROVAL OF SHOP DRAWINGS SHALL NOT RELIEVE THE GENERAL CONTRACTOR OR SUBCONTRACTOR FROM RESPONSIBILITY FOR DEVIATIONS FROM DRAWINGS OR SPECIFICATIONS UNLESS HE HAS, IN WRITING, NOTIFIED THE DESIGNERS ATTENTION.
42. ALL BUILDING COMPONENTS SUCH AS, BUT NOT LIMITED TO, APPLIANCES, PLUMBING, AND ELECTRICAL FIXTURES, DOORS, WINDOWS, ROOFING, SIDING, WEATHER BARRIER, FIREPLACE, ETC. SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS TO INSURE THAT THE WARRANTY IS NOT BREACHED. CONTRACTOR SHALL VERIFY SITE CONDITIONS WITH MATERIAL'S SUPPLIER.
43. UPON APPROVAL OF THESE DRAWINGS, THE OWNER AND/OR CONTRACTOR AGREE TO HOLD HARMLESS THE DESIGNER AND/OR ENGINEER FROM ANY AND ALL LIABILITY FOR ANY ACTS OF ERRORS OR OMISSION ON THE PART OF THE CONTRACTOR AND/OR ANY OF HIS SUBCONTRACTORS.

## MALIBU, CA 90265

CODES	PROJECT DESCRIPTION:
<p><u>APPLICABLE CODE INFORMATION</u></p> <p>ALL WORK AND MATERIALS SHALL COMPLY WITH THE FOLLOWING:</p> <p>2019 CALIFORNIA RESIDENTIAL CODE  2019 CALIFORNIA GREEN BUILDING STANDARDS CODE  W/CITY AMENDMENTS  2019 CALIFORNIA ELECTRICAL CODE  2019 CALIFORNIA MECHANICAL CODE  2019 CALIFORNIA PLUMBING CODE  2019 CALIFORNIA ENERGY CODE</p> <p>AND ALL APPLICABLE LOCAL CODES &amp; REGULATIONS WHERE REQUIRED.</p>	<p><b>NEW ALTERNATIVE SEPTIC SYSTEM WITH NEW POWDER ROOM CONVERTED FROM MUD ROOM, 2ND STORY GYM AND OFFICE CONVERTED TO GUEST HOUSE WITH ONE FULL BATHROOM, KITCHEN, LIVING ROOM AND BEDROOM. NO NEW SQUARE FOOTAGE AND NO EXTERIOR WORK PROPOSED.</b></p> <p><b>PROPOSED = 3,448 SQ FT</b>  <b>MAXIMUM TDSF ALLOWED = 4,637 SQ FT</b>  <b>MAXIMUM IMPERVIOUS AREA ALLOWED = 7,191.45 SQ FT</b>  <b>PROPOSED IMPERVIOUS AREA= 3,528 SQ FT</b></p> <p><b>LEGAL DESCRIPTION:</b>  RECORD OF SURVEY AS PER BK 56 PG 14 TO 17 OF R S LOT COM NW ON NE LINE OF LOT 8 433.85 FT FROM MOST E COR OF SD LOT TH NW ON SD NE LINE 97.57 FT TH SE ON NE ... SEE MAPBOOK FOR MISSING PORTION ...</p> <p><b>ASSESSOR PARCEL:</b>  4467-029-021</p>
PROJECT DIRECTORY:	PROJECT INFO:
<p><b>PROJECT</b>  <b>MANAGER/DESIGNER:</b>  <b>LAURA HANSON DESIGN</b>    4479 DEANWOOD DR.  WOODLAND HILLS, CA 91364    (310)968-9471    laura@laurahansondesign.com</p>	<p><b>BUILDING DATA:</b>  CONST. TYPE VB - SPRINKLERED  OCCUPANCY - R-3/U-1  HEIGHT - 18'-0"</p> <p><b>LOT DATA:</b>    GROSS LOT AREA: 21,041 S.F.  AREA OF EASEMENTS: 494 S.F.  AREA OF 1:1 SLOPES OR GREATER: 0  NET LOT AREA: 20,547 S.F.</p> <p><b>SETBACKS:</b>    AVERAGE LOT DEPTH: 97'-9" (20%≧19.55")  AVERAGE LOT WIDTH: 180'-9" (25%≧45.2', 18' minimum)  FRONT: 20'- 7"  SIDE: 18'-2"  SIDE: 43'-5"  REAR: 46'-3"</p>
<p><b>OWNER:</b>  <b>TYLER &amp; BRIDGETTE MUIR</b>  6244 BUSCH DR.  MALIBU, CA 90265  (310)804-7161</p> <p><b>SOILS ENGINEER:</b>  <b>GOLD COAST GEOSERVICES INC.</b>  5251 VERDUGO WAY  SUITE J  CAMARILLO, CA 93012  805.484.5070</p> <p><b>SEPTIC ENGINEER:</b>  JOHN N YAROSLASKI PE  ENSITU ENGINEERING INC.  7475 CARMELITA AVE.  ATASCADERO, CA 93422  TEL: (805) 772-0150  CEL: (805) 857-2570  EML: JYAROSLASKI@ENSITU.COM</p>	

## VICINITY MAP:



CS -	COVER SHEET AND GENERAL NOTES
GN1 -	GENERAL NOTES
CG1 -	CAL GREEN SHEET 1
CG2 -	CAL GREEN SHEET 2
<b><u>ARCHITECTURAL:</u></b>	
A1 -	PROPOSED SITE PLAN
A2 -	EXISTING AND PROPOSED 1ST FLOOR PLAN
A2.1 -	EXISTING AND PROPOSED 2ND FLOOR PLAN
A2.2 -	CONDITIONS OF APPROVAL




LAURA HANSON  
DESIGN

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

**Interior Remodel and new Septic System  
for Single Family Dwelling:**

MUIR RESIDENCE  
6244 BUSCH DRIVE  
MALIBU CA 90265

## COVER SHEET

DESIGNED: Laura Hanson	PROJECT NUMBER:
CAD: A. Santos	SCALE: <b>NOTED</b>
	DRAWING NUMBER:  <b>CS</b>
DATE: 08/22/23	

Exhibit 3  
Project Plans  
Appeal No. A-4-MAL-23-0041

ALL ORIGINATOR AND WRITTEN MATERIAL ABRAHAMSON, CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF ALBA M. HANSON, DESIGNED AND THE SAME MAY NOT BE REPRODUCED, REPRODUCED, OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF ALBA M. HANSON, DESIGNED

**FIRE ENGINEERING - FBU**

**SECURITY GATE**

THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF THE SWINGING OR SLIDING TYPE. CONSTRUCTIONS OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.8. ACTION REQUIRED: PROVIDE VERBATIM NOTE ON SITE PLAN, AND INDICATES THE ACCESS WIDTH OF SECURITY GATE ON SITE PLAN. ALSO INDICATE THE MEANS OF EMERGENCY OPERATION, AND THE REQUIREMENT THAT IT BE MAINTAINED OPERATIONAL AT ALL TIMES.

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



**LAURA HANSON  
DESIGN**

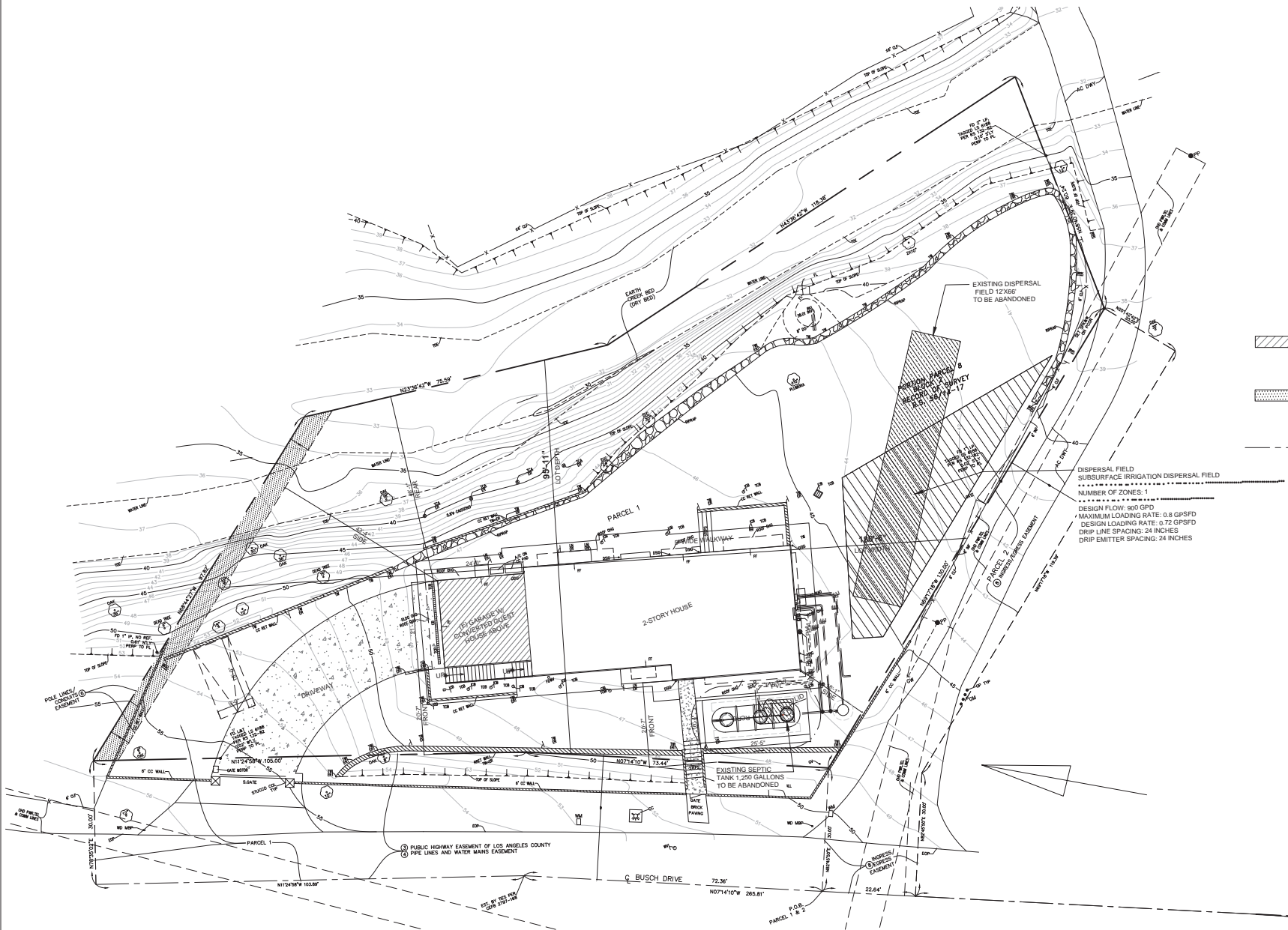
4479 DEANWOOD DR.  
WOODLAND HILLS, CA 91364  
PHONE: 310-968-9471  
LAURA@LAURAHANSONDESIGN.COM

Interior Remodel and new Septic System  
for Single Family Dwelling:

**MUIR RESIDENCE**  
6244 BUSCH DRIVE  
MALIBU CA 90265

**SITE PLAN**

DESIGNED: Laura Hanson	PROJECT NUMBER:
CAD: A. Santos	SCALE: <b>NOTED</b>
DATE: 08/22/23	DRAWING NUMBER: <b>A 1</b>



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



ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF LAURA M. HANSON DESIGNER, AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF LAURA M. HANSON DESIGNER



6244 BUSCH DRIVE  
MALIBU, CA 90265

(FIRE REBUILD)  
(CDPWF 22-004)

S.F.D.: 3 Bedroom/25 Fixture Units to  
3 Bedroom/35 Fixture Units (R)  
A.D.U.: 1 Bedroom/13 Fixture Units (N)  
TREATMENT: 3,634 Gallon MicroSepTec ES12  
TANK: w/UV Disinfection Unit (N)  
ACTIVE: 1,250-sf Drip Dispersal Field (N)  
FUTURE: N/A  
PERC RATE: 0.8 gpf/sf  
DESIGNER: John Yaroslaski, RCE 60149  
REFERENCE: Ensitu: OWTs report dated 1-13-2022  
Gold Coast Geoservices:  
Engineering Geologic report dated  
8-23-2021

#### NOTES:

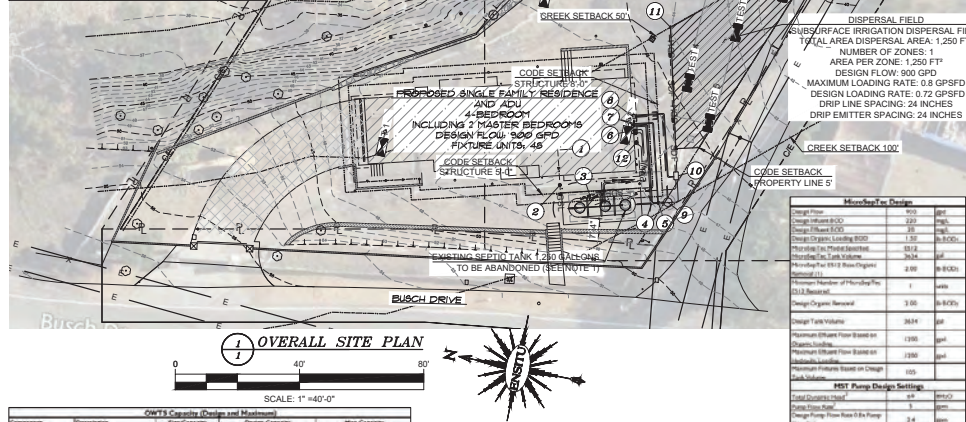
- This conformance review is for a 3 bedroom (25 fixture units) to 3 bedroom (35 fixture units) remodel to an existing single family dwelling, and a 1 bedroom (13 fixture units) new ADU. The new advanced onsite wastewater treatment system conforms to the requirements of the Malibu Municipal Code (MMC)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



SETBACK REDUCTIONS				
COMPONENT	SITE ELEMENT	CODE REQUIREMENT	ACTUAL	EXISTING
DISPERSAL FIELD	CREEK	100'	50'-2"	32'-2"

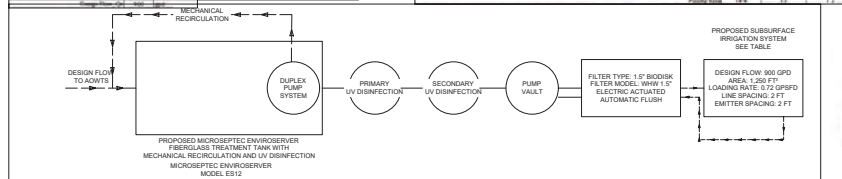
PIPING SCHEDULE		
TAG	DESCRIPTION	SPECIFICATION
4" SCH40 PVC	PROPOSED GRAVITY SEWER LINE	4" SCH40 PVC
12" SCH40 PVC	PROPOSED PUMPED EFFLUENT LINE	12" SCH40 PVC
12" SCH40 PVC	SUBSURFACE DISPERAL HEADER	12" SCH40 PVC
12" SCH40 PVC	SUBSURFACE DISPERAL FLUSH	12" SCH40 PVC
12" SCH40 PVC	SUBSURFACE DISPERAL LINE	12" SCH40 PVC

LEGEND	
TEST X	INFILTRATION TEST LOCATION
TEST PT X	TEST PT LOCATION
PROPOSED DISPERSAL FIELD	
EXISTING OWTs TO BE ABANDONED (SEE GENERAL NOTE 1)	
BUILDINGS AND STRUCTURES	
HARDSCAPE	



OWTS Capacity (Design and Maximum)		
Component	Design Capacity	Max Capacity
Treatment Volume (Future Unit Capacity)	3,634 gallons	480 gallons
Treatment Volume (Current Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Future Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Current Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Future Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Current Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Future Unit Capacity)	3,634 gallons	480 gallons
Dispersal Volume (Current Unit Capacity)	3,634 gallons	480 gallons

INFILTRATION TEST CALCULATIONS									
Flow	Rate	Flow	Rate	Flow	Rate	Flow	Rate	Flow	Rate
1.0	0.8	1.0	0.8	1.0	0.8	1.0	0.8	1.0	0.8
2.0	1.6	2.0	1.6	2.0	1.6	2.0	1.6	2.0	1.6
3.0	2.4	3.0	2.4	3.0	2.4	3.0	2.4	3.0	2.4
4.0	3.2	4.0	3.2	4.0	3.2	4.0	3.2	4.0	3.2
5.0	4.0	5.0	4.0	5.0	4.0	5.0	4.0	5.0	4.0
6.0	4.8	6.0	4.8	6.0	4.8	6.0	4.8	6.0	4.8
7.0	5.6	7.0	5.6	7.0	5.6	7.0	5.6	7.0	5.6
8.0	6.4	8.0	6.4	8.0	6.4	8.0	6.4	8.0	6.4
9.0	7.2	9.0	7.2	9.0	7.2	9.0	7.2	9.0	7.2



EQUIPMENT SCHEDULE		
ITEM	QTY	DESCRIPTION
1	1	CONNECTION TO BUILDING SEWER
2	1	GRAVITY CLEAN-OUT AND BACKWATER VALVE
3	1	TREATMENT TANK
4	1	UV DISINFECTION PRIMARY
5	1	UV DISINFECTION SECONDARY
6	2	AIR COMPRESSOR
7	1	REMOTE TELEMETRY CONTROL UNIT
8	1	CONTROL UNIT DEDICATED COMMUNICATION AND POWER AS OUTLINED IN MANUFACTURER INSTALLATION GUIDELINES
9	1	DUPLEX PUMP SYSTEM
10	1	DISPERSAL FIELD HEADWORK
11	1	AIR VENT/VAUCLUX RELIEF ASSEMBLY
12	1	VENT ASSEMBLY

FINAL FOR APPROVAL  
ISSUED  
01/13/2022

Received

04/01/2022

Planning Dept.

JOHN N. YAROSLASKI  
PRINCIPAL ENGINEER

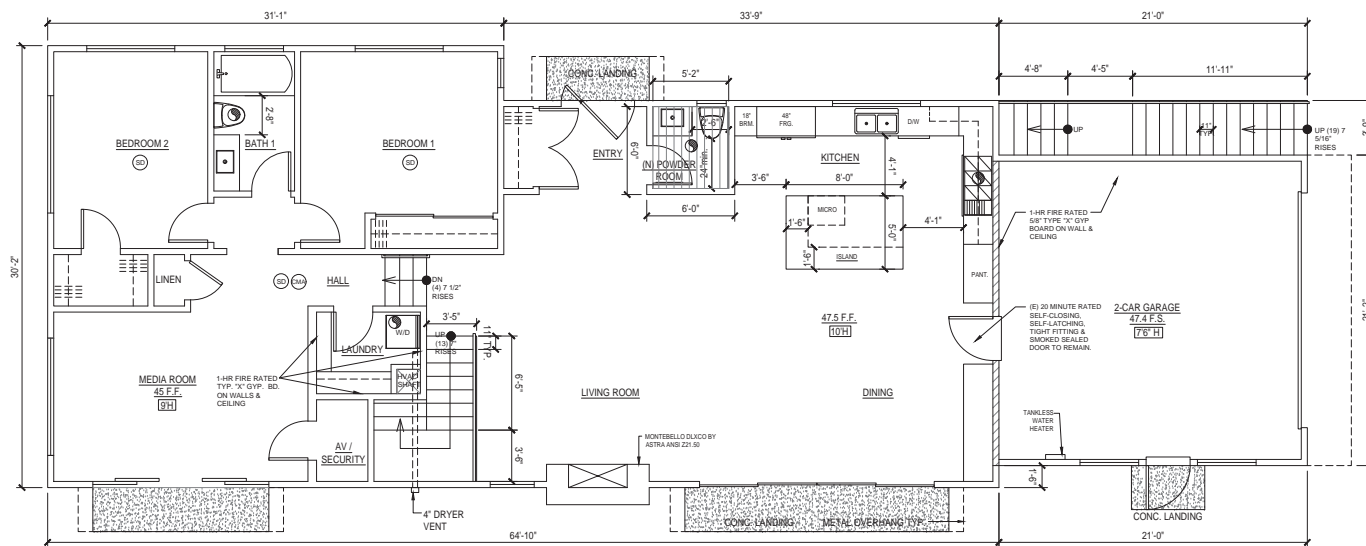
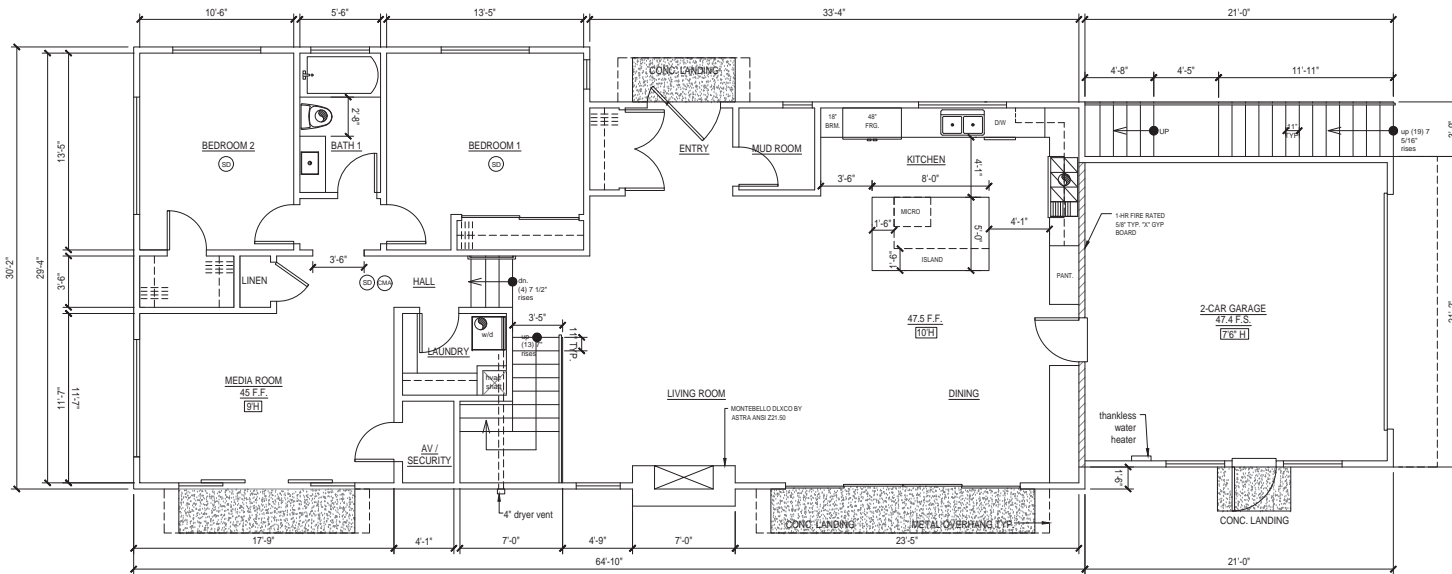
6244 BUSCH DRIVE; AOWTS FINAL DESIGN PLANS  
FD-SITE PLANS AND TABLES 11x17  
MALIBU, CALIFORNIA

REVISIONS

DATE BY

NO.

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



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



**LAURA HANSON  
DESIGN**

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

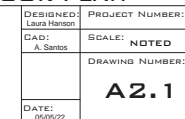
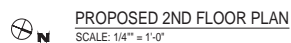
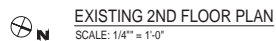
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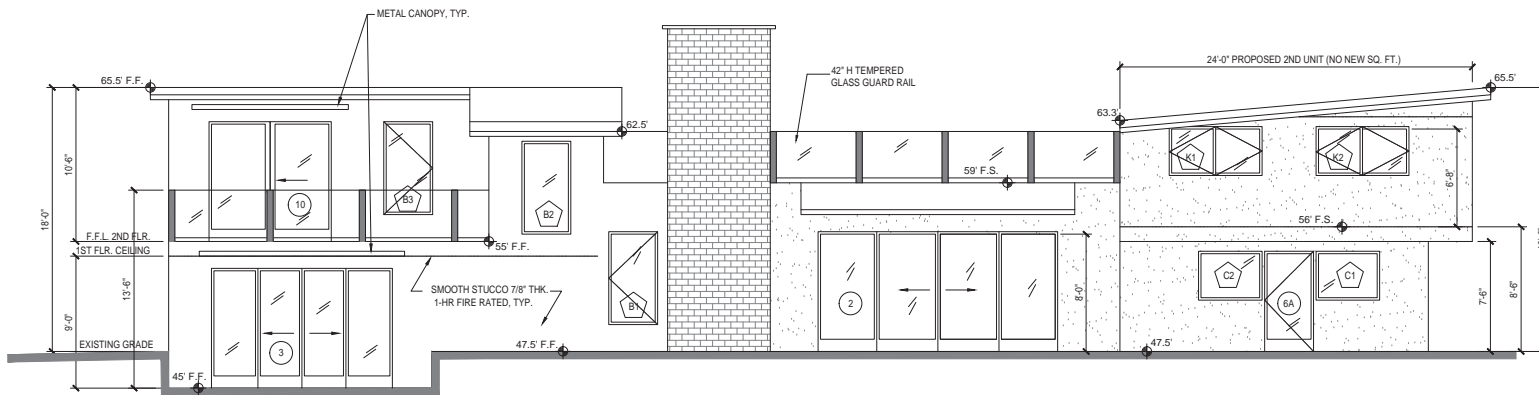
**EXISTING 1ST  
FLOOR PLAN**

DESIGNED: Laura Hanson	PROJECT NUMBER:
CAD: A. Santos	SCALE: <b>NOTED</b>
	DRAWING NUMBER:
DATE: 0005/22	<b>A2.0</b>

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF LAURA M. HANSON DESIGNER, AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF LAURA M. HANSON DESIGNER

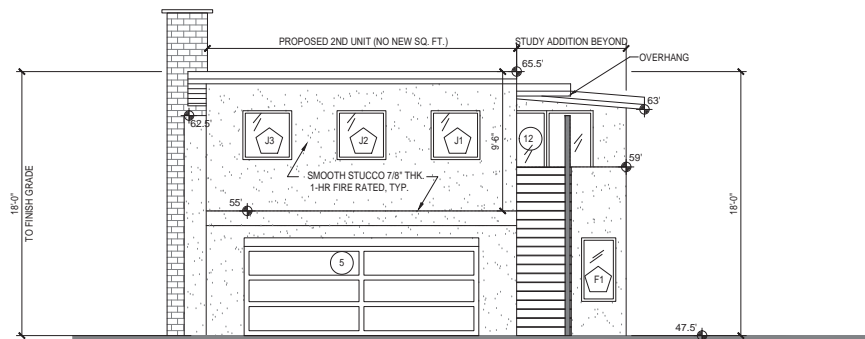






PROPOSED EAST ELEVATION  
SCALE: 1/4" = 1'-0"

No Change to Exterior.



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



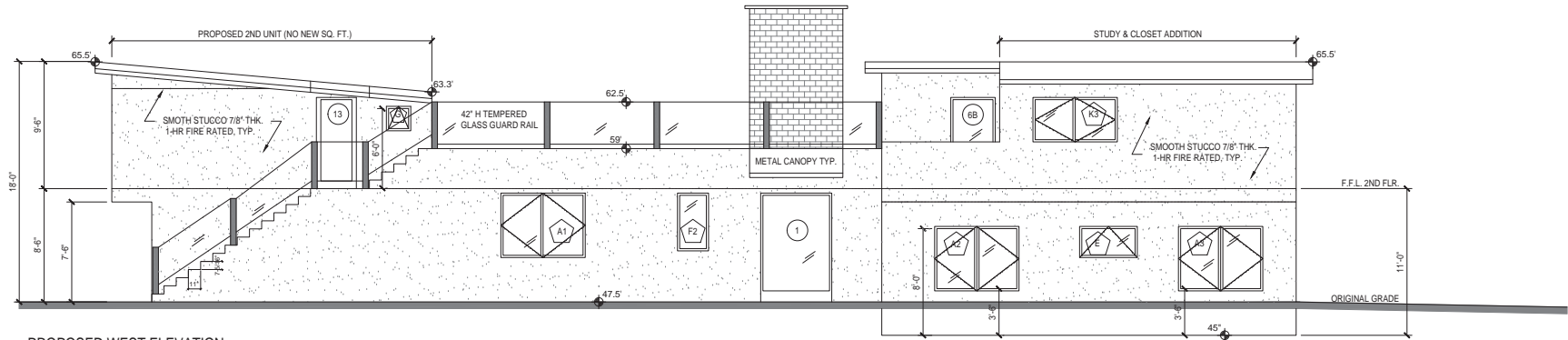
**LAURA HANSON  
DESIGN**  
4479 DEANWOOD DR.  
WOODLAND HILLS, CA 91364  
PHONE: 310-968-9471  
LAURA@LAURAHANSONDESIGN.COM

Addition to Single Family Dwelling:

**MUIR RESIDENCE**  
6244 BUSCH DRIVE  
MALIBU CA 90265

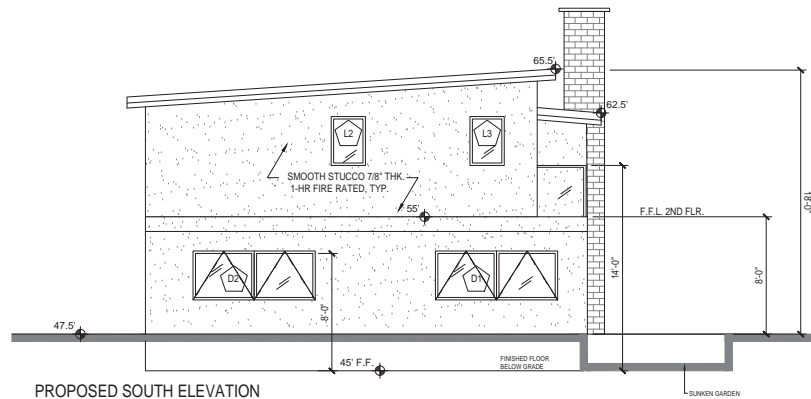
# **PROPOSED ELEVATIONS**

DESIGNED: Laura Hanson	PROJECT NUMBER:
CAD: A. Santos	SCALE: <b>NOTED</b>
DATE: 08/17/21	DRAWING NUMBER: <b>A3.0</b>



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

No Change to Exterior.



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



**LAURA HANSON  
DESIGN**

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

Addition to Single Family Dwelling:

**MUIR RESIDENCE**  
6244 BUSCH DRIVE  
MALIBU CA 90265

**PROPOSED  
ELEVATIONS**

DESIGNED: Laura Hanson	PROJECT NUMBER:
CAD: A. Santos	SCALE: <b>NOTED</b>
	DRAWING NUMBER: <b>A3.1</b>
DATE: 08/17/21	





## Appeal of local CDP decision

Exhibit 4  
Appeal by Jo Drummond  
Appeal No. A-4-MAL-23-0041

### 1. Appellant information<sup>1</sup>

Name: Jyoti Drummond  
Mailing address: 20223 Piedra Chica Rd Malibu, CA 90265  
Phone number: 3055067874  
Email address: joannedrummond@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☒ Other

Describe: I've submitted comments on this project directly to the Coastal Commission via Denise Gonzalez in May/22 as well as to the Planning Commission and City Council several times on this particular project. I've also spoken out in person at both Planning Commission and City Council. I informed both the City Council & Planning Commission to no avail that the original project required a CDP and not simply a PV plus Administrative Plan Review and there was no way to appeal this decision as it bypassed all requirements.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes)

Describe: The original project which is a 40% bigger fire rebuild in ESHA should have gone through a CDP but the City put it through as an Option 4 PV plus APR project for anything over 10% yet under 50% and is NOT in ESHA or the appealable zone. This application is applying for an increase while in ESHA and an ADU when no ordinance exists. I opposed the planning commission's approval and bypassed the City Council because it charges \$750

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



## Appeal of local CDP decision

### Page 3

#### 2. Local CDP decision being appealed<sup>2</sup>

Local government name:

City of Malibu

Local government approval body:

City of Malibu

Local government CDP application number:

20-2143/21-0693 22-007

Local government CDP decision:



CDP approval



CDP denial<sup>3</sup>

Date of local government CDP decision:

Sept 5, 2023

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 6244 Busch Drive APN 4467-029-021

Although this is not the subject of this appeal it is worthy to note that this is a fire rebuild within 100 ft of ESHA that made a 40% addition without a CDP but only a Planning Verification plus APR via the illegal Option #4. This option was also only to be used for projects NOT in the appealable zone or ESHA so it bypassed multiple requirements, fees and appeals as it IS in the appealable zone. It was approved by the planning dept - APRWF 21-008 on 04/26/21 and finalized on 1/11/22.

This appeal is for the Sept 5, 2023 planning commission approval of the increase of septic system for the larger build within 100 ft of ESHA (violating 4.6.1 of the LIP). The Commission also approved an ADU/second unit within an ESHA buffer when there is only one single family residence allowed on this 2-acre lot – (violating Chapter 5 C 2. of the LIP) as there is no ordinance approved as of yet and no new development allowed in ESHA.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

### Page 4

#### 3. Applicant information

Applicant name(s): Tyler & Brigit Muir

Applicant Address: 6244 Busch Drive Malibu, CA 90265

#### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Exemption 13.4.1 was incorrectly used in this fire rebuild in ESHA. #1. It does not apply to projects or fire rebuilds within ESHA or for an increase in their Onsite Wastewater Treatment System

#2. It cannot be applied for a fire rebuild as no house existed prior to the addition.

\_\_\_\_\_

A 15 ft high stream bank descends along the east side of the drainage course and does not maintain the current state and city required 100 ft setback distance from this drainage course. (Section 4.6.1 A of the LCP/LIP). The proposed conversion of a gym/office to a second accessory dwelling unit will increase the water usage and effluent at the property and for the OWTS. The original septic tank was 1250-gallon capacity and now the new one is 3,634-gallon. \_\_\_\_\_

RR-2 in the LCP does not allow second units or ADU's so it does NOT conform to Chapter 13.9 or Chapter 5 C 2 of the LIP. RR-2 only allows 1 maximum density unit so only ONE single family home on parcels ranging from 1-20 acres.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal. SEE ATTACHED

A smaller OWTS tank would be the least environmentally damaging.

A few plantings will not stop the additional flow from an ADU/second unit.



## Appeal of local CDP decision

### Page 5

#### 5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.



Interested persons identified and provided on a separate attached sheet

#### 6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Jyoti Drummond



Signature

Date of Signature Oct 4, 2023

#### 7. Representative authorization<sup>6</sup>

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Jyoti Drummond

CDP Application or Appeal Number 20-2143/21-0693/APRWF 21-008

**Lead Representative**

Name Jyoti (Jo) Drummond  
Title \_\_\_\_\_


Street Address. 20223 Piedra Chica Rd

City Malibu

State, Zip CA 90265

Email Address jyotidrummond@yahoo.com  
Daytime Phone 3055067874

Your Signature



Date of Signature Oct 4, 2023


Additional Representatives (as necessary)

Name Malibu Township Council  
Title \_\_\_\_\_  
Street Address. PO Box 803  
City Malibu  
State, Zip CA 90265  
Email Address info@malibutownshipcouncil.org  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
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Name \_\_\_\_\_  
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State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature  \_\_\_\_\_

Date of Signature Oct 4, 2023



Appeal – 6244 Busch Drive, Malibu, CA 90265

There is a substantial issue in that the City has a pattern for approving fire rebuilds in a size greater than the allowable 10% with a Planning Verification plus a subsequent Administrative Plan Review without obtaining CDPs for larger structures without regard to their location.

For example, in this instance, this project is entirely within the 100-foot ESHA buffer of a mapped blue line stream (Zuma Creek) in violation of the LIP. This fire rebuild is 40% greater in size than the destroyed residence. For this particular project the time to appeal its size has passed. Because it was simply and illegally granted a PV plus an APR and treated as it was not in the appealable zone when it actually was so the opportunity to appeal was never given.

This appeal is for Planning Commission approval of a conversion of a portion of the new second story into an Accessory Dwelling Unit (ADU) within an ESHA buffer resulting in the need for a septic system much larger than what is allowed under the LIP. The original septic tank was 1250-gallon capacity and the new one is 3,634-gallon. If the Commission doesn't find substantial issue this city practice will continue to ignore the LIP CDP requirements and ESHA buffer protection provisions.

This project did not qualify for a CDP exemption under 13.4.6 which states:

#### Exemption for Structures Destroyed by Natural Disaster

- A. The replacement of any structure, other than a public works facility, destroyed by a disaster provided that the replacement structure meets all the following criteria:
  2. It does not exceed the floor area, height, or bulk of the destroyed structure by more than 10 percent...

This LIP section was violated as the new second story of this fire rebuild is 40% larger than the allowable 10% and was approved without a CDP. There was no notification of this project ever being approved as it only required a planning verification and administrative approval under illegal option #4 (the 2 step process whereby the City allows a Planning Verification for the first 10% and then an immediate subsequent APR for projects NOT in the appealable zone- see attached) therefore there was no way or

means to appeal the project's violation of the LIP though I did notify the Coastal Commission of the approval when I heard about it. It should have gone through the City's Option 5 process whereby a planning verification for the first 10% and then a CDP for the larger addition in the appealable zone.

<https://malibucity.org/951/14834/Submit-Your-Application>

What is being appealed is the conversion of a gym /office area on the second-floor addition of this new fire rebuild into an ADU within the one-hundred-foot ESHA buffer of a mapped blueline stream and as a result requiring the installation of an OWTS that is more than twice the size of the original septic system which is not allowed under Section 13.4.6 which reads:

“B. An onsite wastewater treatment system (OWTS) that was damaged or destroyed by a disaster may be replaced provided that the replacement OWTS does not exceed the capacity of the of the damaged or destroyed OWTS by more than 10 percent. For purposes of this section, if the existing tank is less than 1500 gallons the proposed new tank shall be allowed to increase in capacity to 1500 gallons only to meet the minimum code requirement of the city under this exemption.”

The applicant did apply for a CDP for the new OWTS HOWEVER it is more than double the size of the pre-fire septic system within the 100ft buffer of the blue line stream in ESHA which is not allowed under the LIP/LCP. By denying the ADU in the ESHA buffer a smaller OWTS would be constructed which would have less of an impact on the blueline stream.

**4.6.1. “Buffers** New development adjacent to the following habitats shall provide native vegetation buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Vegetation removal, vegetation thinning, or planting of non-native or invasive vegetation shall not be permitted within buffers except as provided in Section 4.6.1 (E) or (F) of the Malibu LIP.

The following buffer standards shall apply:”

- A. “Stream/Riparian - New development shall provide a buffer of no less than 100 feet in width from the outer edge of the canopy of riparian vegetation.

Where riparian vegetation is not present, the buffer shall be measured from the outer edge of the bank of the subject stream.”

Under this LIP section an ADU cannot be allowed within 100 ft of a riparian stream.

The following required findings in LIP Section 13.9 can’t be made to approve this CDP:

A. “That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with certified City of Malibu Local Coastal Program;” **IT DOES NOT.**

C. “The project is the least environmentally damaging alternative.” It is not.

A smaller OWTS tank would be the least environmentally damaging. By denying the conversion of a portion of the fire rebuild’s new second story to an ADU, a smaller OWTS could be built which would discharge less effluent into the nearby stream ESHA.

D. “If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.”

The ERB review never took into consideration that ADUs/second units are NOT allowed in the rural residential zone where this expanded home is located without an LCP amendment. The second story must remain a gym/office area or Section 7.4.1 of the General Plan or Chapter 5 C 2. of the LIP will be violated.

5 C 2. Land Use Designations RURAL RESIDENTIAL (RR): The RR designation allows sensitively designed, large lot single family residential development, with a range of maximum densities from one dwelling per acre to one dwelling *unit* per 40 acres. Minimum lot sizes range from 1 to 40 acres, with agricultural uses and animal keeping as accessory uses to approved residential development. Public open space and recreation may be permitted. The following maximum residential density standards shall apply:

RR1	One dwelling <i>unit</i> per acre
RR2	One dwelling <i>unit</i> per 2 acres



## Section 7.4.1 of the General Plan

### Table 7-24 Residential Land Use Categories – \_Malibu General Plan Designation

Maximum  
Density<sup>1</sup>

### Description

Rural Residential (RR) – \_Includes RR-40, RR-20, RR-10, RR-5, RR-2 & RR-1

1.0

Single-family homes on large parcels ranging from one to 20 acres or more.

“While the City has a considerable amount of vacant land, only a small portion is suitable for development because of steep hillsides, unstable soils and subsurface conditions, extreme fire hazards, and environmentally sensitive habitat areas (ESHA). Since its incorporation in 1991, the City has focused its efforts on preserving its rural character, protecting environmental resources, and improving fire safety.”

The staff report admits that the applicant did not submit a more environmentally sensitive alternative – note on page 9:

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

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

This argument is not justified because expanded septic systems are not allowed in ESHA. The landscaping approved will not stop this double the effluent from entering the stream.

If you uphold the planning commission’s decision it would send a message to city staff and Applicants that in Malibu one could build a second story or an addition as an “office/gym” and then convert it later to an ADU which is not allowed in Rural Residential neighborhoods or in ESHA.

If the larger septic system is allowed to accommodate the ADU then it sends the message that Malibu will allow an increase of septic discharge in ESHA buffers and to violate its rural residential codes.

Required information was not obtained:

LIP 4.4. Requires the following supplemental information which has not been provided:

4.4.1. Applications for new development on sites containing or adjacent to a stream or wetland shall include evidence of preliminary approval from the California Department of Fish and Game.

Lastly but certainly not least the two planning commissioners who voted in favor of this project should have been recused and thus the vote would have been 2-1 denying the project. Please see attached letter from Ann M. Ravel, Former Chair of the Fair Political Practices Committee and Deputy Assistant Attorney General, United States Department of Justice regarding the commissioners being put on notice for Conflict of Interest. Therefore, this decision should be voided completely and denied.



## NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

# Received

SEP 20 2023

**Date of Notice: September 18, 2023**

**Notice Sent to (US. Certified Priority Mail):**

California Coastal Commission  
South Central Coast District Office  
89 South California Street, Suite 200  
Ventura, CA 93001

**Contact:**

Aakash Shah, Contract Planner  
City of Malibu  
23825 Stuart Ranch  
Malibu, CA 90265  
(310) 456-2489

Please note the following **Final City of Malibu Action** on a coastal development permit application (all local appeals have been expired for this matter):

### Project Information

**COASTAL DEVELOPMENT PERMIT-WOOLSEY FIRE NO. 22-004 AND VARIANCE NO. 22-007-** An application to allow for a conversion of 508-square feet of office/gym space into an attached second unit, and a new onsite wastewater treatment system; including a variance for development within Environmentally Sensitive Habitat Area buffer to allow for the replacement OWTS

Application Date:	March 31, 2022
Issue Date:	September 18, 2023
Applicant:	Cindy Martin, Schmitz and Associates, Inc., 28230 Agoura Road, Suite 200, Agoura Hills, CA 91301
Owner:	Tyler and Bridgette Muir
Location:	6244 Busch Drive
APN:	4467-029-021

### Final Action Information

Final Local Action: ☐ Approved    0 Approved with Conditions    D Denied  
Final Action Body: Approved by the Planning Commission on September 5, 2023

Required Materials Suoorting the Final Action	Enclosed	Previously Sent (date)
Adopted Staff Report: September 5, 2023 PlanninQ Commission MeetinQ		8/25/2023
Adopted Findings and Conditions: Planning Commission Resolution No. 23-40	X	
Site Plans and Elevations		8/25/2023

### California Coastal Commission Appeal Information

This Final Action is:

☐ **NOT** appealable to the California Coastal Commission (CCC). The Final City of Malibu Action is now effective.

☒ **Appealable** to the California Coastal Commission. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this final action. The final action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission South Central Coast District Office in Ventura, California; there is no fee for such an appeal. Should you have any questions regarding the California Coastal Commission appeal period or process, please contact the CCC South Central Coast District Office at 89 South California Street, Suite 200, Ventura, California, 93001 or by calling (805) 585-1800.

Copies of this notice have also been sent to:

- Property Owner/Applicant

Prepared by: Rebecca Evans, Administrative Assistant

CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 23-40

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

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

SECTION I. Recitals.

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

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

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

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

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

F. On August 10, 2023, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

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

SECTION 2 Environmental Review.

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



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

### SECTION 3. Coastal Development Permit Findings.

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

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.

#### **A. General Coastal Development Permit (LIP Chapter 13)**

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

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

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

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

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

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

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

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

4. The granting of the variance is to allow for the installation of a new OWTS within the required ESHA buffer. The project will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives, and policies of the LCP, pursuant to LIP Section 4.6.4(A).

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

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

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

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

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

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

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

**H. Hazards (LIP Chapter 9)**

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

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

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

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

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

**SECTION 4. Planning Commission Action.**

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDPWF No. 22-004 and VAR No. 22-007, subject to the following conditions.

**SECTION 5. Conditions of Approval.**

I. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of

litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:
  - a. Conversion of 508-square feet office/gym space into a second unit;
  - b. Installation of new landscaping in compliance with MMC Section 17.53 (Landscape Water Conservation);
  - c. Installation of a new OWTS; and
  - d. Discretionary Re-quests:
    - i. VAR No. 22-007 for encroachment within ESHA buffer;
3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department dated and stamped August 23, 2023. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event project plans conflict with any condition of approval, the condition shall take precedence.
4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to the issuance of any development permits.
5. The applicant shall submit a complete set of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. The CDP shall be expired if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
7. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
8. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Coastal Engineer, City Environmental Health Administrator, City geotechnical consultant reviewers, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.



9. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
10. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
11. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

#### *Cultural Resources*

12. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in MMC Section 17.54.040(D)(4)(b) shall be followed.
13. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

#### **Lighting**

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

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

#### **Fencing and Walls**

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

#### **Building Plan Check**

##### ***Construction / Framing***

25. A construction staging plan shall be reviewed and approved by the Planning Director prior to plan check submittal.
26. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
27. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the

California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

28. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
  - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
  - b. Grading activities shall be planned during the southern California dry season (April through October).
  - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
  - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
29. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning Department for review and sign off on framing.
30. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

### ***Biology / Landscaping***

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

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

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

#### ***Fuel Modification***

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

#### ***Grading/Drainage/Hydrology***

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



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

- a. Installation of BMPs that are designed to treat the potential pollutants in the stormwater runoff so that it does not alter the natural ocean water quality. These pollutants include trash, oil and grease, metals, bacteria, nutrients, pesticides, herbicides and sediment.
  - b. Prohibits the discharge of trash.
  - c. Only discharges from existing storm drain outfalls are allowed. No new outfalls will be allowed. Any proposed or new storm water discharged shall be routed to existing storm drain outfalls and shall not result in any new contribution of waste to the ASBS (i.e., no additional pollutant loading).
  - d. Elimination of non-storm water discharges.
44. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

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

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

45. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- a. Is located within or adjacent to ESHA, or
  - b. Includes grading on slopes greater than 4 to 1.

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

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

### ***Geology***

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

### ***Onsite Wastewater Treatment System (OWTS)***

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

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

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

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

#### ***Water Quality / Water Service***

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

#### ***Prior to Occupancy***

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



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

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

***Deed Restrictions***

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

***Fixed Conditions***


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

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

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of September 2023.

  
SKYLAR PEAK, Planning Commission Chair

ATTEST:

  
REBECCA EVANS, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and

filing fee, as specified by the City Council. Appeal forms may be found online at [www.malibucity.org](http://www.malibucity.org), in person at City Hall, or by calling (310) 456-2489, ext. 245.

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

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

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

AYES: 3  
NOES: 2  
ABSTAIN: 0  
ABSENT: 0

Commissioners: Smith, Jennings, Peak  
Commissioners: Hill, Mazza



REBECCA EVANS, Recording Secretary