# CHAPTER 17 – WATER QUALITY PROTECTION ORDINANCE

## 17.1. PURPOSE AND INTENT

The purpose of this Chapter is to protect and enhance coastal waters within the City of Malibu in accordance with the policies of the City's Local Coastal Plan, ~~and~~ Sections 30230, 30231, 30232 and 30240 of the California Coastal Act, and the City's municipal NPDES permit requirements under the Regional Water Quality Control Board. To implement the certified Land Use Plan, application submittal requirements, development standards, and other measures are provided to ensure that permitted development shall be sited and designed to conserve natural drainage features and vegetation, prevent the introduction of pollutants into coastal waters, and protect the overall quality of coastal waters and resources.

The intent of this Chapter is to address the following principles:

A. All development should be evaluated for potential adverse impacts to water quality and applicants should consider Site Design, Source Control and Treatment Control BMPs in order to ~~minimize~~ prevent polluted runoff and water quality impacts resulting from the development. Site Design BMPs reduce the need for Source and/or Treatment Control BMPs, and Source Control BMPs may reduce the amount of Treatment Control BMPs needed for a development. Therefore, BMPs should be incorporated into the project design in the following progression:

- Site Design BMPs
- Source Control BMPs
- Treatment Control BMPs

B. All development should be designed to ~~minimize~~ prevent the introduction of pollutants that may result in water quality impacts. Projects should be designed to control post-development peak runoff rates and average volumes to maintain or reduce pre-development downstream erosion rates. These objectives can be accomplished through the creation of a hydrologically functional project design that strives to mimic the natural hydrologic regime and by achieving the following goals:

- Maintain and use natural drainage courses and vegetation
- Conserve natural resources and areas by clustering development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural, undisturbed condition
- Reduce the amount of directly connected impervious surface and total area of impervious surface
- Incorporate on-site retention and infiltration measures

- Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces to reduce the amount of storm water leaving the site
- Minimize clearing and grading

Incorporating these goals and principles into the project design will help to ~~minimize~~ prevent the introduction of pollutants to the site and decrease the amount of polluted runoff leaving the site, resulting in the overall objective of water quality protection. Sections 17.4, 17.5 and 17.6 of the Malibu LIP describe the requirements and process for implementing BMPs into development and provide examples of types of BMPs to incorporate.

## 17.2. APPLICABILITY

All properties within the City of Malibu are located within the coastal zone as defined in the California Coastal Act and are subject to the policies, standards and provisions of this Chapter, in addition to any other policies or standards contained elsewhere in the certified LCP that may apply. Where any policy or standard provided in this Chapter conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the certified Malibu LCP, and it is not possible for the development to comply with both the Malibu LCP and other plans, resolutions or ordinances, the policies, standards or provisions described herein shall take precedence.

## 17.3. DEFINITIONS

~~Except as specifically provided herein, any term used in this Chapter shall be defined as that term is defined in the City's certified LCP, the current Municipal NPDES Permit, or in the current version of the Standard Urban Storm Water Mitigation Plan ("SUSMP") approved by the Regional Water Quality Control Board-Los Angeles Region, or if it is not specifically defined in either the Municipal NPDES Permit or the SUSMP, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder.~~ The following words and phrases shall have the following meanings when used in this Chapter:

"AUTHORIZED ENFORCEMENT OFFICER" means the City Manager or his or her designee.

"AUTOMOTIVE SERVICE FACILITY" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5511, 5541, 7532-7534, or 7536-7539.

"BEST MANAGEMENT PRACTICES (BMPs)" means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges and any program, technology, process, siting criteria,

operational methods or measures, or engineered systems, which when implemented prevent, control, remove, or reduce pollution. Examples of BMPs may include public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge- or waste-handling and disposal, as well as storm water treatment and detention facilities (see Structural BMPs), among others.

"CITY" means the City of Malibu.

"COMMERCIAL DEVELOPMENT" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

“CONSERVATION COVER” means establishing and maintaining perennial vegetative cover to protect soil and water resources on land retired from agricultural production.

“CRITICAL AREA PLANTING” means planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas. Critical Area Planting does not include tree planting mainly for wood products.

“CROP RESIDUE USE” means using plant residues to protect cultivated fields during critical erosion periods.

"DISCRETIONARY PROJECT" is defined in the same manner as Section 15357 of the Guidelines for Implementation of the California Environmental Quality Act contained in Title 14 of the California Code of Regulations, as amended, and means a project which requires the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

“DIVERSION” means a channel constructed across the slope with a supporting ridge on the lower side.

“FILTER STRIP” means a strip or area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater.

"GOOD HOUSEKEEPING PRACTICES" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain

any leaks or spills.

“GRASSED WATERWAY” means a natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.

"GREATER THAN 9 UNIT HOME SUBDIVISION" means any subdivision being developed for 10 or more single-family or multi-family dwelling units.

"HILLSIDE" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent (25%) or greater.

“INFILTRATION” means the downward entry of water into the surface of the soil.

"MATERIAL" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

"MUNICIPAL NPDES PERMIT" means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles" (Order No. 01- 182), dated December 13, 2001, issued by the California Regional Water Quality Control Board-Los Angeles Region, and any successor permit to that permit.

"MUNICIPAL SEPARATE STORM SEWER SYSTEM" or "MS4" or "STORM DRAIN SYSTEM" means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting, or disposing of storm water.

"NEW DEVELOPMENT" - For the purpose of this Chapter “New Development” is defined to mean land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

"NON-STORM WATER DISCHARGE" means any discharge to a Municipal Separate Storm Sewer System that is not composed entirely of storm water.

"NPDES PERMIT" means any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES Permit pursuant to Water Code §§ 13370 (other than the Municipal NPDES Permit).

~~"ONE HUNDRED THOUSAND (100,000) SQUARE FOOT COMMERCIAL DEVELOPMENT" means any Commercial Development that creates at least one hundred thousand (100,000) square feet of impervious area, including parking areas.~~

“ORCHARD” means an area of land devoted to the cultivation of fruit or nut trees.

"PARKING LOT" means land area or a facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with a lot size of five thousand (5,000) square feet or more, or with twenty-five (25) or more parking spaces.

"POLLUTANT" means those "pollutants" defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. § 1362(6)) and incorporated by reference into California Water Code § 13373.

“RAINY SEASON” means the calendar period beginning November 1 through March 31.

"REDEVELOPMENT" - For the purpose of this Chapter, the term “Redevelopment” means, land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"REGIONAL BOARD" means the California Regional Water Quality Control Board-Los Angeles Region.

"RESTAURANT" means a stand-alone facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

“RETAIL GASOLINE OUTLET” means any facility engaged in selling gasoline and lubricating oils.

“SEDIMENT BASIN” means a basin constructed to collect and store debris or sediment.

“SITE DESIGN BMP” means any project design feature that reduces the creation or severity of potential pollutant sources or reduces the alteration of the project site’s natural flow regime.

"SOURCE CONTROL BMP" means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

"STANDARD URBAN STORM WATER MITIGATION PLAN" or "SUSMP" means ~~the current version and its updates of~~ the Standard Urban Storm Water Mitigation Plan (SUSMP) approved by the Los Angeles Regional Water Quality Control Board on March 8, 2000, and any updates or amendments approved thereafter by the Los Angeles Regional Water Quality Control Board.~~and on file in the office of the City Clerk of this City, and the NPDES Permit models that have been approved by the Executive Officer of the Regional Board for implementation to control storm water pollution from New Development and Redevelopment.~~

"STORM WATER MANAGEMENT PLAN" means a plan which shall be required in connection with any new development for the purposes of construction erosion control, runoff detention to control runoff rate to predevelopment levels, and runoff retention or other treatment measures to prevent dry-weather pollution from entering the storm drain system.

"STORM WATER RUNOFF" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the Municipal Separate Storm Sewer System or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"STRUCTURAL BMP" means any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution (e.g., canopy, structural enclosure). Structural BMPs may include both Treatment Control BMPs and Source Control BMPs.

“TERRACE” means an earthen embankment, a channel, or combination ridge and channel constructed across the slope.

"TREATMENT" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"TREATMENT CONTROL BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

"URBAN RUNOFF" means surface water flow produced by non-storm water resulting from residential, commercial, and industrial activities involving the use of potable and

non-potable water.

"VINEYARD" means a plantation of grapevines where wine grapes are produced.

## 17.4. APPLICATION SUBMITTAL REQUIREMENTS

The following plans shall be submitted with an application for a Coastal Development Permit according to the requirements listed below.

### 17.4.1. Construction Phase Requirements: ~~Erosion Control and Polluted Runoff Control Plan~~Local Storm Water Pollution Prevention Plan

A. A ~~Construction Phase Erosion Control and Polluted Runoff Control Plan~~Local Storm Water Pollution Prevention Plan (SWPPP) shall be required for all development that requires a Coastal Development Permit and a grading or building permit, and it shall apply to the construction phase of the project. The ~~plan~~ SWPPP shall include:

- Property limits, prior-to-grading contours, and details of terrain and area drainage
- Locations of any buildings or structures on the property where the work is to be performed and the location of any building or structures of adjacent owners that are within 15 ft of the property or that may be affected by the proposed grading operations
- Locations and cross sections of all proposed temporary and permanent cut-and-fill slopes, retaining structures, buttresses, etc., that will result in an alteration to existing site topography (identify benches, surface/subsurface drainage, etc.)
- Area (square feet) and volume (cubic yards) of all grading (identify cut, fill, import, export volumes separately), and the locations where sediment will be stockpiled or disposed
- Elevation of finished contours to be achieved by the grading, proposed drainage channels, and related construction
- Details pertaining to the protection of existing vegetation from damage from construction equipment, for example: (a) grading areas should be minimized to protect vegetation; (b) areas with sensitive or endangered species should be demarcated and fenced off; and (c) native trees that are located close to the construction site should be protected by wrapping trunks with protective materials, avoiding placing fill of any type against the base of trunks, and avoiding an increase in soil depth at the feeding zone or drip line of the retained trees
- Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
    - Is located within or adjacent to ESHA, or
    - Includes grading on slopes greater than 4:1
- Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 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

- Information on potential flow paths where erosion may occur during construction
- Proposed erosion and sediment prevention and control BMPs, both structural and non-structural, for implementation during construction, such as:
    - Stabilize disturbed areas with vegetation, mulch, geotextiles, or similar method
    - Trap sediment on site using fiber rolls, silt fencing, sediment basin, or similar method
    - Ensure vehicles on site are parked on areas free from mud; monitor site entrance for mud tracked off-site
    - Prevent blowing dust from exposed soils
- Proposed BMPs to provide adequate sanitary and waste disposal facilities and prevent contamination of runoff by construction chemicals and materials, such as:
    - Control the storage, application and disposal of pesticides, petroleum and other construction and chemical materials
    - Site washout areas more than fifty feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies
    - Provide sanitary facilities for construction workers
    - Provide adequate disposal facilities for solid waste produced during construction and recycle where possible

### 17.4.2. Post Construction Phase Requirements: Storm Water Management Plan

Post construction plans detailing how stormwater and polluted runoff will be managed or mitigated will be required for all projects that require a Coastal Development Permit. The basic requirement for all projects will be a Storm Water Management Plan that shows how the project will use appropriate Site Design and Source Control BMPs to minimize or prevent adverse effects of the project on water quality. For certain categories of development (see 17.4.3 of the Malibu LIP below) a Water Quality Mitigation Plan will be required showing how Treatment Control (or Structural) BMPs will be used (in addition to Site Design and Source Control BMPs) to minimize or prevent the discharge of polluted runoff from the project.

~~A.~~A Storm Water Management Plan (SWMP) shall be required for all development that requires a Coastal Development Permit and shall require the implementation of appropriate Site Design and Source Control BMPs from Section 17.6 of the Malibu LIP and Appendix A to minimize or prevent post-construction polluted runoff. The SWMP ~~shall~~ should also specify any Treatment Control or Structural BMPs that the applicant ~~chooses to~~ ~~will~~ elects to include in the development to minimize or prevent post-

construction polluted runoff, and ~~shall~~ include the operation and maintenance plans for these BMPs.

A. The SWMP shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works. The following information shall be included in a SWMP:

- Site design and~~,~~ source control BMPs ~~and treatment control BMPs~~ that will be implemented to minimize or prevent post-construction polluted runoff (see 17.5.1 of the Malibu LIP)
- Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)
- Potential flow paths where erosion may occur after construction
- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements

B. In addition to the requirements in A. above, the SWMP shall implement the requirements for a SWMP found in the Malibu Storm Water Code, Section 5.4.09, described below:

1. ~~Construction Phase Erosion Control and Polluted Runoff Control Plan~~Local Storm Water Pollution Prevention Plan (SWPPP), as required in Section 17.4.1. of the Malibu LIP above.

2. Storm drainage improvement measures to mitigate any offsite/downstream negative impacts due the proposed development, including, but not limited to:

a. Mitigating increased runoff rate due to new impervious surfaces through on-site detention such that peak runoff rate after development does not exceed the peak runoff of the site before development for the 100 year clear flow storm event (note; Q/100 is calculated using the Caltrans Nomograph for converting to any frequency, from the Caltrans "Hydraulic Design and Procedures Manual"). The detention basin/facility is to be designed to provide attenuation and released in stages through orifices for 2-year, 10-year and 100-year flow rates, and the required storage volume of the basin/facility is to be based upon 1-inch of rainfall over the proposed impervious surfaces plus 1/2-inch of rainfall over the permeable surfaces. All on-site drainage devices, including pipe, channel, and/or street & gutter, shall be sized to cumulatively convey a 100 year clear flow storm event to the detention facility, or;

b. Demonstrating by submission of hydrology/hydraulic report by a California Registered Civil Engineer that determines entire downstream storm drain conveyance devices (from project site to the ocean outlet) are adequate for 25-year storm event, or;

c. Constructing necessary off-site storm drain improvements to satisfy b. above, or;

d. Other measures accomplishing the goal of mitigating all offsite/downstream impacts.

3. Storm drain pollution prevention measures including all construction elements and Best Management Practices (BMPs) to address the following goals in connection with both construction and long-term operation of the site:

a. Maximize, to the extent practicable, the percentage of permeable surfaces in order to allow more percolation of runoff into the ground,

b. Maximize, to the extent practicable, retention of dry-weather runoff onsite to allow percolation into the ground, or installation of other treatment measures thereby preventing pollutants from entering the storm drain system.

4. The applicant is required to comply with the approved SWMP.

C. The City of Malibu will review a SWMP according to the following requirements, found in the City of Malibu Storm Water Code, Section 5.4.09:

1. The City's evaluation of the SWMP will ascertain how well the proposed plan meets the combined objectives set forth above. In addition, the City will analyze the watershed characteristics and land uses, and estimate water quality requirements for each project. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

2. The SWMP shall be approved or disapproved by the Director of Public Works ~~and the Director of Building and Safety~~ (or ~~their~~ designees) within twenty-one (21) calendar days following submittal. If the plan is disapproved, the reasons for disapproval shall be given in writing to the applicant and made available to the public.

3. Full or partial waivers of compliance with this Section may be obtained for development sites where it can be adequately demonstrated that the accomplishment of these storm drain management measures is an economic and/or physical impossibility due to the particular configuration of the site ~~or due to irreconcilable conflicts with other City requirements~~. Requests for waivers must be approved, in writing, by the Planning Department, the Public Works Department, and the Environmental and Building Safety Department.

~~**17.4.3.Water Quality Mitigation Plan**~~

~~A.A Water Quality Mitigation Plan (WQMP), requiring specific Site Design and Source Control BMPs, consistent with the most recent Standard Urban Storm Water Mitigation Plan (SUSMP), shall be required for all development that requires a Coastal Development Permit and falls into one or more of the following categories:~~

- ~~? Single family hillside[1] residential developments (one unit or more)~~
- ~~? Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more~~
- ~~? Industrial/commercial development (100,000 square feet or more of impervious surface area)~~
- ~~? Automotive service facilities~~
- ~~? Retail gasoline outlets~~
- ~~? Restaurants~~
- ~~? Parking lots (5,000 square feet or more of surface area or with 25 or more parking spaces)~~
- ~~? Projects discharging directly to an ESHA~~
- ~~? Redevelopment projects that result in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site~~

**17.4.3. Post Construction Phase Requirements: Water Quality Mitigation Plan**

Post construction plans detailing how stormwater and polluted runoff will be managed or mitigated will be required for all projects that require a Coastal Development Permit. The basic requirement for all projects will be a Storm Water Management Plan (see 17.4.2 above) that shows how the project will use appropriate Site Design and Source Control BMPs to minimize or prevent adverse effects of the project on water quality. For certain categories of development a Water Quality Mitigation Plan[2] will be required showing how Treatment Control (or Structural) BMPs will be used (in addition to Site

[1] "HILLSIDE" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent (25%) or greater.

[2] The Water Quality Mitigation Plan is essentially a local version of the model Standard Urban Stormwater Mitigation Plan (SUSMP) required by the RWQCB for these categories of development.

Design and Source Control BMPs) to minimize or prevent the discharge of polluted runoff from the project.

A Water Quality Mitigation Plan (WQMP) shall be required for all development that requires a Coastal Development Permit and is in a category of \development identified in 17.4.3. A. below. In addition to the Site Design and Source Control BMPs required for a Storm Water Management Plan, the WQMP shall include Treatment Control (or Structural) BMPs identified in Appendix A to minimize or prevent post-construction polluted runoff. The WQMP shall also include the operation and maintenance plans for these BMPs.

~~B.~~A. ~~Treatment Control BMPs~~A WQMP shall ~~also~~ be required ~~as part of the WQMP~~for projects that fall into one or more of ~~for~~ the following categories of development:

- Single family hillside[3] residential developments (~~one unit~~1 acre or more of disturbed area)
- Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more
- Industrial/commercial development (~~100,000 square feet~~1 acre or more of impervious surface area)
- Automotive service facilities (5,000 square feet or more of impervious surface area)
- Retail gasoline outlets (5,000 square feet or more of impervious surface area)
- Restaurants (5,000 square feet or more of impervious surface area)
- Parking lots (5,000 square feet or more of impervious surface area or with 25 or more parking spaces)
- Projects that are 2500 square feet or more of impervious surface area and discharge~~ing directly~~ to an ESHA
- Redevelopment projects that result in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site

~~C.The WQMP shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works and the City's Department of Environmental and Building Safety. The following information shall be included in a WQMP:~~

~~? Site design, source control and treatment control BMPs that will be implemented to minimize post-construction polluted runoff (see 17.5.1 and 17.5.2)~~
~~? Pre-development peak runoff rate and average volume~~
~~? Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)~~

[3] "HILLSIDE" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent (25%) or greater.

~~? Potential flow paths where erosion may occur after construction~~
~~? Expected post-development peak runoff rate and average volume from the site with all proposed non-structural and structural BMPs~~
~~? Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements~~
~~? Measures to treat, infiltrate, or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel, ponding on building pads, discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures (alone or in combination) such as on-site desilting basins, detention ponds, dry wells, biofilters, etc.~~
~~? A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.~~

B. The WQMP shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works. The following information shall be included in a WQMP:

- Site design, source control and treatment control BMPs that will be implemented to minimize or prevent post-construction polluted runoff (see 17.5.1 and 17.5.2)
- Pre-development peak runoff rate and average volume
- Drainage improvements (e.g., locations of diversions/conveyances for upstream runoff)
- Potential flow paths where erosion may occur after construction
- Expected post-development peak runoff rate and average volume from the site with all proposed non-structural and structural BMPs
- Methods to accommodate onsite percolation, revegetation of disturbed portions of the site, address onsite and/or offsite impacts and construction of any necessary improvements
- Measures to treat, infiltrate, or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel, ponding on building pads, discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or other potentially adverse impacts. Such measures may include, but are not limited to, the use of structures

(alone or in combination) such as on-site desilting basins, detention ponds, dry wells, biofilters, etc.

- A long-term plan and schedule for the monitoring and maintenance of all drainage-control devices. All structural BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year. Owners of these devices will be responsible for insuring that they continue to function properly and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season.

~~D.~~C. In addition to implementing the requirements in A. and B. above for a WQMP, the City will implement the following measures, consistent with SUSMP requirements, as described in the Malibu Storm Water Code, Section 5.4.09.5:

1. Issuance of Discretionary Permits. No Discretionary permit may be issued for any New Development or Redevelopment Project identified in Section 17.4.3. ~~A~~ until the Authorized Enforcement Officer confirms that either (1) the project plans comply with the applicable SUSMP requirements, or (2) compliance with the applicable SUSMP requirements is impracticable for one or more of the reasons set forth below in paragraph 3 regarding issuance of waivers. Where a Redevelopment project results in an increase of less than fifty percent (50%) of the impervious surfaces of a previously existing development, and the existing development did not require a SUSMP at the time the last Discretionary approval was granted by the City, the Design Standards set forth in the SUSMP and the WQMP will apply only to the addition, and not to the entire development.

2. Issuance of Certificates of Occupancy. As a condition for issuing a Certificate of Occupancy for a New Development or Redevelopment Project identified in Section 17.4.3. ~~A~~, the Authorized Enforcement Officer shall require facility operators and/or owners to build all of the storm water pollution control Best Management Practices and Structural or Treatment Control BMPs that are shown on the approved project plans and to submit a signed Certification Statement stating that the site and all Structural or Treatment Control BMPs will be maintained in compliance with the SUSMP, the WQMP and other applicable regulatory requirements.

3. Granting of Waiver. The Authorized Enforcement Officer shall have the authority to grant a waiver to a Development or Redevelopment Project from the requirements of the SUSMP, if impracticability for a specific property can be established by the project applicant. A waiver of impracticability may be granted only when all Structural or Treatment Control BMPs have been considered and rejected as infeasible. Recognized situations of impracticability are limited to the following, unless approved by the Regional Board[4]:

a. Extreme limitations of space for treatment on a Redevelopment project;
b. Unfavorable or unstable soil conditions at a site to attempt infiltration; and
c. Risk of ground water contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than ten (10) feet from the soil surface.

4. CEQA. Provisions of this section shall be complementary ~~complimentary~~ to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.

### 17.4.4. Verification of Ongoing BMP Maintenance and Conditions of Transfer

All applicants shall provide verification of maintenance provisions for Structural and Treatment Control BMPs, including but not limited to legal agreements, covenants, CEQA mitigation requirements, and conditional use permits. Verification at a minimum shall include:

- The developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; and either
- A signed statement from the public entity assuming responsibility for Structural and Treatment Control BMP maintenance and that it meets all local agency design standards; or
- Written conditions in the sales or lease agreement, which require the recipient to assume responsibility for maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project conditions, covenants, and restrictions (CCRs) for residential

[4] Note that the Standard Urban Storm Water Mitigation Plan (SUSMP) for Los Angeles County and Cities in Los Angeles County (March 8, 2000) specifies that except for those three situations above, "Any other justification for impracticality must be separately petitioned by the City and submitted to the Los Angeles Regional Water Quality Control Board for consideration. A waiver granted by the City to any development or redevelopment project may be revoked by the Regional Board Executive Officer for cause and with proper notification upon petition."

properties assigning maintenance responsibilities to the Home Owners Association for maintenance of the Structural and Treatment Control BMPs; or

- Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction Structural and Treatment Control BMPs.

**17.4.5. ~~Polluted Runoff~~ Water Quality Mitigation~~Management~~ Plan for Agricultural and Confined Animal Facility Development**

A. New and/or expanded agricultural development, including vineyards and orchards, and the development of confined animal facilities, shall require a Coastal Development Permit if it involves placement or erection of any solid material or structure; grading, removing, dredging, mining, or extraction of any materials; change in intensity of use of land; or removal of significant native vegetation, except for residential vegetable gardens that meet the conditions for an exemption from the Coastal Development Permit requirements under Section 13.4.1 of this Ordinance. For this type of development, a ~~Polluted Runoff~~ Water Quality Mitigation~~Management~~ Plan for Agricultural and Confined Animal Facility Development (~~PR~~WQMP-Ag) shall be developed in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. The ~~PR~~WQMP-Ag shall be submitted with an application for a Coastal Development Permit and shall include the following measures:

1. Minimize erosion and prevent excessive sediment and pollutants from adversely impacting water quality by incorporating BMPs such as:

    a. Diversions
    b. Grassed waterways
    c. Sediment basins
    d. Terraces
    e. Critical area planting
    f. Crop residue use
    g. Conservation cover
    h. Filter strips

2. Minimize the release of pesticides into the environment by implementing Integrated Pest Management (IPM) strategies that apply pesticides only when an economic benefit to the producer will be achieved and apply pesticides efficiently and at times when runoff losses are least likely shall be implemented. Pesticide runoff shall be carefully managed in a comprehensive manner, including evaluating past and current pest problems and cropping history, evaluating the physical characteristics of the site, selecting pesticides that are the most environmentally benign, using anti-backflow devices on hoses used for filling tank mixtures, and providing suitable mixing, loading and storage areas.

3. Minimize nutrient loss by developing and implementing comprehensive nutrient management plans based on crop nutrient budgets, identification of the types, amounts and timing of nutrients necessary to produce a crop based on realistic crop yield expectations and identification of onsite environmental hazards.

4. Reduce water loss to evaporation, deep percolation and runoff, remove leachate efficiently, and minimize erosion from applied water by implementing a managed irrigation system that includes the following components:

a. Irrigation scheduling
b. Efficient application of irrigation water
c. Efficient transport of irrigation water
d. Use of runoff or tailwater
e. Management of drainage water

5. Reduce physical disturbance of soil and vegetation and minimize direct loading of animal waste and sediment to sensitive areas by implementing the following siting and design measures for confined animal facility development:

a. Natural vegetation shall be maintained on site and vegetated filter strips, sediment basins and other measures to treat runoff shall be incorporated into the animal facility design.
b. Animal waste shall be managed, contained, and disposed of to ensure that waste is not introduced to surface runoff or groundwater.
c. Paddocks, stalls and bedding shall be cleaned on a regular basis and waste stored at least 100 feet away from streams or other surface waters. Wastes shall be covered with impermeable materials during the rainy season (November 1 – March 31), at a minimum.
d. Clean water shall be diverted around feedlots, holding pens, and the storage or disposal areas for waste, compost, fertilizer, amended soil products and any other byproducts of agricultural activities.

### 17.4.6. Water Quality Checklist

A water quality checklist will be developed by the City and used in the permit review process to assess potential water quality impacts and appropriate mitigation measures. Examples of questions that should be asked include:

- Could the proposed project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen,

turbidity and other typical storm water pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

- Could the proposed project result in significant alteration of receiving water quality during or following construction?
- Could the proposed project result in increased impervious surfaces and associated increased runoff?
- Could the proposed project create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?
- Could the proposed project result in increased erosion downstream?
- Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired?
- Is the project tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?
- Could the proposed project have a potentially significant environmental impact on surface water quality or wetlands?
- Could the proposed project have a potentially significant adverse impact on ground water quality?
- Could the proposed project cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?
- Could the project impact aquatic, wetland, or riparian habitat?

## 17.5. DEVELOPMENT STANDARDS

### 17.5.1. BMP Requirements and Implementation

A. All development shall be evaluated for potential adverse impacts to water quality and the applicant shall consider Site Design, Source Control and Treatment Control BMPs in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. A SWMP requires the implementation of Site Design and Source Control BMPs, as specified in 17.4.2 of the Malibu LIP, and a WQMP requires the implementation of Site Design, Source Control and~~, in certain cases,~~ Treatment Control BMPs, as specified in 17.4.3 of the Malibu LIP. In order to maximize the reduction of water quality impacts, BMPs should be incorporated into the project design in the following progression: (1) Site Design BMPs, (2) Source Control BMPs, and (3) Treatment Control BMPs. Examples of these BMPs can be found in Section 17.6 and Appendix A of the Malibu LIP.

B. BMP Selection Process.

1. In selecting BMPs to incorporate into the project design, the applicant should first identify the pollutants of concern that are anticipated to be

generated as a result of the development. Table 1 in Appendix B should be used as a guide in identifying these pollutants of concern. These pollutants of concern should then be prioritized, identifying primary pollutants of concern using the following process:

a. For each of the proposed project's discharge points, identify the receiving water(s) that each discharge point proposes to discharge to, including hydrologic unit basin number(s), as identified in the most recent version of the *Water Quality Control Plan for the Los Angeles Basin*, prepared by the Los Angeles Regional Water Quality Control Board.

b. Identify any receiving waters, into which the developed area would discharge to, listed on the most recent list of Clean Water Act Section 303(d) impaired water bodies. List any and all pollutants for which the receiving waters are impaired.

c. Compare the list of pollutants for which the receiving waters are impaired with the pollutants anticipated to be generated by the project (as identified in Table 1). Any pollutants identified by Table 1 for the project that are also causing impairment of receiving waters shall be considered primary pollutants of concern.

d. Pollutants generated by the development that exhibit one or more of the following characteristics shall also be considered primary pollutants of concern:

i. Current loadings or historical deposits of the pollutant are impairing the beneficial uses of a receiving water
ii. Elevated levels of the pollutant are found in water or sediments of a receiving water and /or have the potential to be toxic to or bioaccumulate in organisms therein
iii. Inputs of the pollutant are at a level high enough to be considered potentially toxic

2. Site Design and Source Control BMPs are required based on pollutants commonly associated with the project type, as identified in Table 1. Table 2 in Appendix B should be used as guidance to determine the specific areas for each project where Site Design and Source Control BMPs are required to be implemented. BMPs that minimize the identified pollutants of concern may be selected from the examples in Appendix A and Section 17.6 of the Malibu LIP, targeting primary pollutants of concern first. In the event that the implementation of a BMP listed in Appendix A or Section 17.6 of the Malibu

LIP is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

3. Treatment Control BMPs should be selected using the matrix in Table 3 in Appendix B as guidance to determine the removal efficiency of the BMP for the pollutants of concern for that project. Treatment Control BMPs that maximize pollutant removal for the identified primary pollutants of concern should receive priority for BMP selection, followed by BMPs that maximize pollutant removal for all other pollutants of concern identified for the project. The most effective combination of BMPs for polluted runoff control that results in the most efficient reduction of pollutants shall be implemented. The applicant may select from the list of BMPs in Appendix A. In the event that the implementation of a BMP listed in Appendix A is determined to be infeasible at any site, the implementation of other BMPs that will achieve the equivalent reduction of pollutants shall be required.

### 17.5.2. Sizing of Treatment Control BMPs

For design purposes, with case-by-case considerations, post-construction Treatment Control BMPs (or suites of BMPs) shall be designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85$^{th}$ percentile, 24-hour storm event for volume-based BMPs and/or the 85$^{th}$ percentile, 1-hour storm event (with an appropriate safety factor, i.e. 2 or greater) for flow-based BMPs. The above numerical design criteria shall apply to Treatment Control BMPs implemented as part of a WQMP (see Section 17.4.3.A.of the Malibu LIP). ~~for the following projects:~~

~~? Single family hillside residential developments (one unit or more)~~
~~? Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more~~
~~? Industrial/commercial development (100,000 square feet or more of impervious surface area)~~
~~? Automotive service facilities (5,000 square feet or more of impervious surface area).~~
~~? Retail gasoline outlets (5,000 square feet or more of impervious surface area)~~
~~? Restaurants (5,000 square feet or more of impervious surface area)~~
~~? Parking lots (5,000 square feet or more of impervious surface area or with 25 or more parking spaces)~~
~~? Projects discharging directly to an ESHA~~
- ~~Redevelopment projects that result in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site~~

### 17.5.3. Development on Steep Slopes

A. Soils shall be stabilized and infiltration practices incorporated during the development

of roads, bridges, culverts and outfalls to prevent stream bank or hillside erosion. Project plans must include the following BMPs to decrease the potential of slopes and/or channels from eroding and impacting storm water runoff:

- Convey runoff safely from the tops of slopes and stabilize disturbed slopes
- Utilize natural drainage systems to the maximum extent ~~practicable~~feasible
- Control or reduce or eliminate flow to natural drainage systems to the maximum extent ~~practicable~~feasible
- Stabilize permanent channel crossings
- Vegetate slopes with native or drought tolerant vegetation
- Install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion

B. Additional measures to prevent downstream erosion, such as contour drainage outlets that disperse water back to sheet flow, shall be implemented for projects discharging onto slopes greater than 10 percent.

~~B.~~C. New development on steep slopes, on sites with low permeability soil conditions, or areas where saturated soils can lead to geologic instability should incorporate BMPs that do not rely on or increase infiltration.

## 17.6. DEVELOPMENT-SPECIFIC DESIGN STANDARDS

### 17.6.1. Commercial Development

Commercial development shall be designed to control the runoff of pollutants from structures, parking and loading areas. The following measures shall be implemented to minimize the impacts of commercial development on water quality.

A. Properly Design Loading/Unloading Dock Areas
Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

B. Properly Design Repair/Maintenance Bays

Oil and grease, solvents, car battery acid, coolant, and gasoline from repair and maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

- Repair/ maintenance bays must be indoors or designed in such a way that doesn't allow storm water runoff or contact with storm water runoff.
- Design a repair/maintenance bay drainage system to capture all washwater, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

C. Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area must be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer.

D. Properly Design Parking Areas

Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:

- Reduce impervious surface land coverage of parking areas.
- Infiltrate runoff before it reaches storm drain system.
- Treat runoff before it reaches storm drain system.

Parking lots may also accumulate oil, grease, and water insoluble hydrocarbons from vehicle drippings and engine system leaks. To minimize impacts to water quality, the following measures are required:

- Treat to remove oil and petroleum hydrocarbons at parking lots that are heavily used (e.g. fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, discount warehouse stores).
- Ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging prevention control.

### 17.6.2. Restaurants

Restaurants shall be designed to minimize runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system. The following measures shall be implemented to minimize the impacts of restaurants on water quality.

A. Properly Design Equipment/Accessory Wash Areas
The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for the washing/steam cleaning of equipment and accessories. This area must be:

- Self contained, equipped with a grease trap, and properly connected to a sanitary sewer.
- If the wash area is to be located outdoors, it must be covered, paved, have secondary containment and be connected to the sanitary sewer.

### 17.6.3. Gasoline Stations, Car Washes and Automotive Repair Facilities

Gasoline stations, car washes and automotive repair facilities shall be designed to minimize runoff of oil and grease, solvents, car battery acid, coolant and gasoline to stormwater system. The following measures shall be implemented to minimize the impacts of gasoline stations, car washes and automotive repair facilities on water quality.

A. Properly Design Fueling Areas

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant, and gasoline to the storm water conveyance system. Therefore, design plans for fueling areas must include the following:

- The fuel dispensing area must be covered with an overhanging roof structure or canopy. The canopy's minimum dimensions must be equal to or greater than the area within the grade break. The canopy must not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area.
- The fuel dispensing area must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable.
- At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

B. Properly Design Repair/Maintenance Bays

Oils and grease, solvents, car battery acid, coolant, and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

- Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water run-on or contact with storm water runoff.
- Design a repair/maintenance bay drainage system to capture all wash-water, leaks, and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. Obtain an Industrial Waste Discharge Permit if required.

C. Properly Design Vehicle/Equipment Wash Areas

The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. This area must be:

- Self-contained and/or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer or to a permit disposal facility.

D. Properly Design Loading/Unloading Dock Areas

Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

- Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

### 17.6.4. Outdoor Material Storage Areas

Outdoor material storage areas refer to storage areas or storage facilities used solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Outdoor material storage areas shall be designed to prevent stormwater contamination from stored materials. Where proposed project plans include outdoor areas for storage of materials

that may contribute pollutants to the storm water conveyance system, the following measures are required:

- Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as a cabinet, shed or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes or curbs.
- The storage areas must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

### 17.6.5. Trash Storage Areas

A trash storage area refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Loose trash and debris can be easily transported by the forces of water or wind into nearby storm drain inlets, channels, and/or creeks. Trash storage areas shall be designed to prevent stormwater contamination by loose trash and debris. All trash container areas must meet the following requirements (individual family residences are exempt from these requirements):

- Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- Trash container areas must be screened or walled to prevent off-site transport of trash.

### 17.6.6. Pools and Spas

Chlorinated and brominated pool and spa drainage have the potential to negatively impact both aquatic and marine plant and animal species. To minimize impacts to water quality, and to ensure that any runoff or drainage from the pool or spa will not include excessive amounts of chemicals that may adversely affect water quality or environmentally sensitive habitat area, the following design criteria are required:

- Alternative sanitization methods are required for all pools and spas. This may include no chlorine or low chlorine sanitization methods.
- Prohibit discharge of chlorinated pool water.
- Prohibit discharge of non-chlorinated pool water into a street, storm drain, creek, canyon, drainage channel, or other location where it could enter receiving waters.

## 17.7. PROHIBITED ACTIVITIES

Design, construction and implementation of development in the City of Malibu shall take into consideration the prohibitions on discharges to the Municipal Separate Storm Sewer

System (MS4) from the Malibu Storm Water Code (Section 5.4.05). Development in the City of Malibu shall also be designed, constructed and implemented in a manner that minimizes or eliminates these types of discharges to other watercourses, water bodies, potable groundwater and wetlands within the City.

## 17.8. GOOD HOUSEKEEPING PROVISIONS

Design, construction and implementation of development in the City of Malibu shall take into consideration the good housekeeping provisions from the Malibu Storm Water Code (Section 5.4.07). Development in the City of Malibu shall also be designed, constructed and implemented in a manner that encourages these types of practices.

## 17.9. HYDROMODIFICATION

A. Alterations or disturbance of streams or natural drainage courses or human-made or altered drainage courses that have replaced natural streams or drainages and serve the same function, shall be prohibited, except for:

- Necessary water supply projects where no feasible alternative exists
- Flood protection for existing development where there is no other feasible alternative
- The improvement of fish and wildlife habitat

B. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering is the only acceptable method of bank stabilization and flood protection for new development, and the preferred method for redevelopment. ~~alternatives shall be preferred for flood protection over "hard" solutions such as concrete or riprap channels.~~ Any permitted stream alterations shall include BMPs such as incorporating vegetation in structure design, deflecting flow from eroding stream banks, and reshaping the eroding bank and establishing vegetation.

C. Any channelization or dam proposals shall be evaluated as part of a watershed planning process, evaluating potential benefits and/or adverse impacts. Potential adverse impacts of such projects include effects on wildlife migration, downstream erosion, dam maintenance (to remove silt and trash) and interruption of sand supplies to beaches.

## 17.10. AGRICULTURE AND CONFINED ANIMAL FACILITIES

A. New and/or expanded agricultural development, including vineyards and orchards, and the development of confined animal facilities, shall require a Coastal Development Permit if it involves placement or erection of any solid material or structure; grading, removing, dredging, mining, or extraction of any materials; change in intensity of use of

land; or removal of significant native vegetation, except for residential vegetable gardens that meet the conditions for an exemption from the Coastal Development Permit requirements under Section 13.4.1 of this Ordinance. For this type of development, a ~~Polluted Runoff~~ Water Quality Mitigation~~Management~~ Plan for Agricultural and Confined Animal Facility Development (~~PR~~WQMP-Ag) shall be developed in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. The ~~PR~~WQMP-Ag shall be submitted with an application for a Coastal Development Permit, as specified in 17.4.5 of the Malibu LIP.

B. In addition to the requirement of the ~~PR~~WQMP-Ag, agricultural and confined animal facility development shall comply with the following:

1. Development shall not result in the placement of compost, fertilizer, or amended soil products in or within 100 feet of streams or other surface waters.

2. Development shall not result in the disposal of animal wastes, wastewater, or any other byproducts of agricultural activities in or within 100 feet of streams or other surface waters.

3. Confined animal facility development shall not produce sedimentation or polluted runoff on any public road, adjoining property, or in any drainage channel.

# Appendix A

## STORM WATER BEST MANAGEMENT PRACTICES

The following are a list of BMPs that may be used to minimize or prevent the introduction of pollutants of concern that may result in significant impacts to receiving waters. Other BMPs approved by the City as being equally or more effective in pollutant reduction than comparable BMPs identified below are acceptable. All BMPs must comply with local zoning and building codes and other applicable regulations.

## Site Design BMPs

Minimizing Impervious Areas

- Reduce sidewalk widths
- Incorporate landscaped buffer areas between sidewalks and streets.
- Design residential streets for the minimum required pavement widths
- Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
- Use open space development that incorporates smaller lot sizes
- Increase building density while decreasing the building footprint
- Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together
- Reduce overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spillover parking areas

Increase Rainfall Infiltration

- Use permeable materials for private sidewalks, driveways, parking lots, and interior roadway surfaces (examples: hybrid lots, parking groves, permeable overflow parking, etc.)
- Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the urban runoff conveyance system

Maximize Rainfall Interception

- Maximizing canopy interception and water conservation by preserving existing native trees and shrubs, and planting additional native or drought tolerant trees and large shrubs

Minimize Directly Connected Impervious Areas (DCIAs)

- Draining rooftops into adjacent landscaping prior to discharging to the storm drain
- Draining parking lots into landscape areas co-designed as biofiltration areas
- Draining roads, sidewalks, and impervious trails into adjacent landscaping

Slope and Channel Protection

- Use of natural drainage systems to the maximum extent ~~practicable~~feasible
- Stabilized permanent channel crossings
- Planting native or drought tolerant vegetation on slopes
- Energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels

Maximize Rainfall Interception

- Cisterns
- Foundation planting

Increase Rainfall Infiltration

- Dry wells

## Source Control BMPs

- Storm drain system stenciling and signage
- Regular street and parking lot sweeping
- Outdoor material and trash storage area designed to reduce or control rainfall runoff
- Efficient irrigation system

## Treatment Control BMPs

Biofilters

- Grass swale
- Grass strip
- Wetland vegetation swale
- Bioretention

Detention Basins

- Extended/dry detention basin with grass lining

- Extended/dry detention basin with impervious lining

Infiltration Basins

- Infiltration basin
- Infiltration trench
- Porous asphalt
- Porous concrete
- Porous modular concrete block

Wet Ponds and Wetlands

- Wet pond (permanent pool)
- Constructed wetland

Drainage Inserts

- Oil/Water separator
- Catch basin insert
- Storm drain inserts
- Catch basin screens

Filtration Systems

- Media filtration
- Sand filtration

Hydrodynamic Separation Systems

- Swirl Concentrator
- Cyclone Separator

## Appendix B

## BMP IMPLEMENTATION TABLES

Table 1. Anticipated and Potential Pollutants Generated by Land Use Type

| | ***General Pollutant Categories*** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ***Priority Project Categories*** | Sediments | Nutrients | Heavy Metals | Organic Compounds | Trash & Debris | Oxygen Demanding Substances | Oil & Grease | Bacteria & Viruses | Pesticides |
| Detached Residential Development | X | X | | | X | X | X | X | X |
| Attached Residential Development | X | X | | | X | P(1) | P(2) | P | X |
| Commercial Development >100,000 $ft^2$ | P(1) | P(1) | | P(2) | X | P(5) | X | P(3) | P(5) |
| Automotive service facilities | | | X | X(4)(5) | X | | X | | |
| Retail Gasoline Outlets | | | X | X(4)(5) | X | | X | | |
| Restaurants | | | | | X | X | X | X | |
| Hillside development | X | X | | | X | X | X | | X |
| Parking Lots | P(1) | P(1) | X | | X | P(1) | X | | P(1) |
| Streets, Highways & Freeways | X | P(1) | X | X(4) | X | P(5) | X | | |

X = anticipated
P = potential
(1) A potential pollutant if landscaping exists on-site
(2) A potential pollutant if the project includes uncovered parking areas
(3) A potential pollutant if land use involves food or animal waste products
(4) Including petroleum hydrocarbons
(5) Including solvents

Table 2. Site Design and Source Control BMP Selection Matrix

| | ***Specific Areas for Implementation of Site Design and Source Control BMPs*** | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Priority Project Categories*** | Private Roads | Residential Driveways & Guest Parking | Loading/Unloading Dock Areas | Repair/Maintenance Bays | Vehicle Wash Areas | Outdoor Processing Areas | Equipment Wash Areas | Parking Areas | Roadways | Fueling Areas | Hillside Landscaping | Outdoor Material Storage Areas | Trash Storage Areas | Pools and Spas |
| Detached Residential Development | R | R | | | | | | | | | R | | | R |
| Attached Residential Development | R | | | | | | | | | | | | R | R |
| Commercial Development >100,000 $ft^2$ | | | R | R | R | R | | | | | | R | R | |
| Automotive service facilities | | | R | R | R | | R | | | R | | R | R | |
| Retail Gasoline Outlets | | | R | R | R | | R | | | R | | R | R | |
| Restaurants | | | R | | | | R | | | | | R | R | |
| Hillside development | R | | | | | | | | | | R | | | |
| Parking Lots | | | | | | | | R | | | | | R | |
| Streets, Highways & Freeways | | | | | | | | | R | | | | | |
| R = Required – minimize pollutants of concern by selecting appropriate Site Design and Source Control BMPs | | | | | | | | | | | | | | |

Table 3. Treatment Control BMP Selection Matrix[1]

| ***Pollutant of Concern*** | ***Treatment Control BMP Categories*** | | | | | | |
|---|---|---|---|---|---|---|---|
| | Biofilters | Detention Basins | Infiltration Basins[2] | Wet Ponds or Wetlands | Drainage Inserts | Filtration | Hydrodynamic Separator Systems[3] |
| Sediment | M | H | H | H | L | H | M |
| Nutrients | L | M | M | M | L | M | L |
| Heavy Metals | M | M | M | H | L | H | L |
| Organic Compounds | U | U | U | U | L | M | L |
| Trash & Debris | L | H | U | U | M | H | M |
| Oxygen Demanding Substances | L | M | M | M | L | M | L |
| Bacteria | U | U | H | U | L | M | L |
| Oil & Grease | M | M | U | U | L | H | L |
| Pesticides | U | U | U | U | L | U | L |

(1) The City is encouraged to periodically assess the performance characteristics of many of these BMPs to update this table.
(2) Including trenches and porous pavement
(3) Also known as hydrodynamic devices and baffle boxes

L: Low removal efficiency
M: Medium removal efficiency
H: High removal efficiency
U: Unknown removal efficiency

Sources: *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* (1993), *National Stormwater Best Management Practices Database* (2001), *and Guide for BMP Selection in Urban Developed Areas* (2001).

# CHAPTER 18 – ON-SITE WASTEWATER TREATMENT ~~DISPOSAL~~ SYSTEM STANDARDS ORDINANCE

## 18.1. PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect coastal waters within the City of Malibu from impacts resulting from the design, siting, installation, operation, and maintenance of On-site Wastewater ~~Disposal~~ Treatment Systems (~~OSDS~~OSTSs), in accordance with the policies of the City's Local Coastal Plan. To implement the certified Land Use Plan; permit application requirements; siting, design and performance standards; maintenance, operation and monitoring requirements; and other measures are provided to ensure that permitted ~~OSDS~~OSTSs shall be designed, sited, installed, operated and maintained to prevent the introduction of pollutants into coastal waters and protect the overall quality of coastal waters and resources.

## 18.2. APPLICABILITY

All properties within the City of Malibu are located within the coastal zone as defined in the California Coastal Act and are subject to the policies, standards and provisions of this Chapter in addition to any other policies or standards contained elsewhere in the certified LCP that may apply. Where any policy or standard provided in this Chapter conflicts with any other policy or standard contained in the City's General Plan, Zoning Code or other City-adopted plan, resolution or ordinance not included in the certified LCP, and it is not possible for the development to comply with both the LCP and other plans, resolutions or ordinances, the policies, standards or provisions described herein shall take precedence.

OSTSs shall be designed, sited, installed, operated and maintained in compliance with the policies, standards and provisions contained herein in the LCP. At such time as the rules and regulations developed for OSTSs by the State Water Resources Control Board pursuant to Assembly Bill 885 become effective, if they conflict with the requirements of the LCP, the City shall submit an LCP amendment seeking to modify the requirements of the LCP.

Development involving onsite wastewater discharges shall also be consistent with the rules and regulations of the California Regional Water Quality Control Board-Los Angeles Region, including Waste Discharge Requirements, revised waivers and other regulations that apply.

## 18.3. DEFINITIONS

Except as specifically provided herein, any term used in this Chapter shall be defined as that term is defined in the City's certified LCP. The following words and phrases shall

have the following meanings when used in this Chapter:

"CESSPOOL" means a lined or partially lined underground pit into which raw household wastewater is discharged and from which the liquid seeps into the surrounding soil.

"EFFLUENT DISPERSAL SYSTEM" means typically a soil-based system containing a bed or trenches with clean gravel and a system of piping through which treated sewage may seep into the surrounding soil for further treatment and disposal. The systems are usually subsurface but can be above the natural grade as well. Typical horizontal systems include leachfields and seepage beds. Vertical systems (i.e., seepage pits) consist of a deep hole and use no piping.

"GRAYWATER" means domestic wastewater. Graywater does not include water from a toilet, kitchen sink, or dishwasher.

"LEACHFIELD" means the area used for disposal of septic tank effluent through a non-water-tight artificial structure, conduit, or porous material by downward or lateral drainage, or both, into the surrounding permeable soil. A leachfield is considered a standard ~~soil absorption field~~subsurface sewage effluent dispersal system/soil absorption field.

"ON-SITE WASTEWATER ~~DISPOSAL~~ TREATMENT SYSTEM" OR "~~OSDS~~OSTS" means an on-site system designed to treat and dispose of domestic sewage.

"REGIONAL BOARD" means the California Regional Water Quality Control Board-Los Angeles Region.

"SEEPAGE PIT" means a deep hole with a porous-walled inner chamber and a filling of gravel between the chamber and the surrounding soil. Septic tank effluent enters the inner chamber and is temporarily stored there until it gradually seeps out and infiltrates into the surrounding sidewall soil. A seepage pit is considered a vertical sewage effluent dispersal system.

"SEPTIC SYSTEM" means an on-site system designed to treat and dispose of domestic sewage. A typical septic system consists of a tank that receives waste from a residence or business and a system of tile lines or a pit for disposal of the liquid effluent that remains after decomposition of the solids by bacteria in the tank. Solids remaining in the tank must be pumped out periodically.

"SOIL ABSORPTION SYSTEM" means a soil-based effluent dispersal system typically containing a bed or trenches with clean gravel and a system of piping through which

treated sewage may seep into the surrounding soil for further treatment and disposal. The systems are usually subsurface, but can be above the natural grade as well.

## 18.4. PERMIT APPLICATION AND OTHER GENERAL REQUIREMENTS

A. A CDP is required for all new ~~OSDSs~~OSTSs, for any expansion and modification of an existing ~~OSDS~~OSTS, or for a change in the type or intensity of use of an existing system. The CDP shall not be approved unless (1) the existing or proposed septic system is consistent with the requirements contained in this Chapter, current Guidelines of the Regional Water Quality Control Board or such other requirements of the City of Malibu, whichever are more stringent, or (2) a condition is imposed on the permit that requires upgrade or redesign of the existing septic system, or construction of a new septic system, to comply with the requirements contained in this Chapter.

B. The application for a CDP for ~~OSDS~~ OSTS installation and expansion shall include a Site Evaluation Report (SER) prepared by a qualified professional. The SER shall contain results of soils analysis and/or percolation tests including but not limited to: soil conditions, characteristics and estimated permeability, depth of zones of saturation, depth to bedrock, surrounding geographic and topographic features, direction of ground contour and % slopes, distance to drainages, water bodies and potential for flooding. Site limitations and special characteristics shall be listed in the SER.

C. The SER prepared for ~~OSDS~~OSTS installation or expansion shall also include the following information:

1. Existing uses on the site (for expansion only)
2. Existing and proposed locations of all buildings, roads, driveways, and other physical features
3. Property lines
4. Easements
5. Water sources, wells and surface water courses or drainage ways.
6. Locations for septic tank, distribution box or drop boxes, and all other system components
7. Locations of soil treatment area and replacement area, drawn to scale.
8. Operations and maintenance instructions for ~~OSDS~~OSTS components

D. The SER prepared for the following developments shall include a cumulative impact analysis evaluating the potential impact by the proposed ~~OSDS~~OSTS(s) on groundwater level and quality (i.e., effects of groundwater mounding, nitrate loading and fecal/pathogen contamination), quality of nearby surface drainages (i.e., nitrate loading and fecal/pathogen contamination), and slope stability:

1. Individual ~~OSDS~~OSTS with flow of greater than 1,500 gallons per day (gpd);
2. Subdivisions;
3. ~~OSDS~~OSTSs for commercial developments;
4. For any lot which involves two or more ~~OSDS~~OSTSs within 100 feet of each other with a combined capacity of over 1,500 gpd;
5. ~~OSDS~~OSTSs for multi-family residential developments;
6. Any "community" disposal system which includes three or more individual homes utilizing one disposal system;
7. System(s) which the City or LA RWQCB has identified as presenting a potential threat to surface water or groundwater beneficial uses; and
8. For systems within areas of known nitrate groundwater problems.

E. The minimum values used in the cumulative impact analysis for the total nitrogen concentration of septic tank effluent shall be 40 mg/L as N (for average flow conditions) for residential wastewater, or as determined from the sampling of comparable system(s) or literature values acceptable to the City. ~~OSDS~~OSTSs shall not cause the groundwater nitrate-nitrogen concentration to exceed 10.0 mg/L as N at any current or potential source of drinking water on or off-site.

F. Groundwater mounding analysis (in the cumulative impact analysis) shall be used to predict the highest rise of the water table and shall account for background groundwater conditions during the wet weather season. The maximum acceptable rise of the water table under treatment systems for short periods of time during the wet weather season, as estimated from groundwater mounding analysis, shall be as follows;

1. All ~~OSDS~~OSTSs: Groundwater mounding beneath the ~~disposal field~~effluent dispersal system/soil absorption field shall not result in more than 50% reduction in the minimum depth to seasonably high groundwater as required in this Ordinance.
2. Large Systems: Notwithstanding (F)(1), systems with design flows of 1,500 gpd or more shall have a minimum unsaturated depth of 24 inches beneath the ~~trench~~ bottom of the subsurface effluent dispersal system (for leachfield or similar systems) or beneath the natural grade (for above ground systems).

G. Development that includes new ~~OSDS~~OSTS(s) or expansion of existing ~~OSDS~~OSTS(s) shall also include the installation of low-flow plumbing fixtures, including but not limited to flow-restricted showers and ultra-low flush toilets, and, where feasible, the elimination of garbage disposals to avoid hydraulic overloading of the ~~OSDS~~OSTS.

H. Where feasible, development that includes new ~~OSDS~~OSTS(s) or expansion of existing ~~OSDS~~OSTS(s) shall divert graywater such as washing machine and bath/shower

wastewater from the septic system for separate treatment and/or reuse on site.

I. The construction dimensions of the ~~subsurface~~ sewage effluent ~~disposal~~ dispersal ~~area~~ system (soil absorption field~~/leachfield~~) of an ~~OSDS~~OSTS shall be based on soils analysis and/or percolation tests. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California Registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist.

J. A valid Standard Operating Permit (SOP) or Renewable Operating Permit (ROP) shall be required for all new, modified, and expanded ~~OSDS~~OSTSs. A SOP shall be issued for standard ~~OSDS~~OSTSs for single-family residences in areas of low environmental sensitivity. A ROP shall be issued for:

1. Systems for commercial and multi-family residential developments.
2. Alternative/enhanced treatment systems.
3. Performance-based systems required to achieve specific water quality criteria.

K. The City shall not issue an operating permit until the as-built plans and the operations and maintenance instructions are submitted and the final inspection and testing of the system has been performed. The plans showing placement of soil absorption systems shall be kept on file in City offices.

L. The operating permit shall include all applicable monitoring, operation and maintenance requirements contained in this Chapter and all applicable regulations.

M. The ROP shall further require that maintenance contracts with qualified service providers be established and remain in effect. In addition, the City shall only renew a ROP after a satisfactory compliance inspection. The City shall require any corrections necessary to bring the ~~OSDS~~OSTS into compliance with all applicable regulations. Failure to make the corrections within thirty days after written notification or posting of a correction notice at the site shall result in a violation of the permit process and the issuance of a violation notice by the City.

N. All ~~OSDS~~OSTSs shall be designed, sited, installed, operated, and maintained in full compliance with the requirements contained in this LCP.

## 18.5. LAND DIVISION

A. Any residential land division including single and/or multi-family residential parcels

that will use ~~OSDS~~OSTS for wastewater treatment shall be subject to the following criteria for approval:

1. Documented site and soils evaluation by a qualified professional and the City. The evaluation shall be based on a soils analysis and/or percolation test providing information including but not limited to:

    a. Depth to groundwater on each proposed lot with an ~~OSDS~~OSTS or, where allowed, lot(s) used for a community ~~OSDS~~OSTS;
    b. Seasonal and cyclical variations; and
    c. Adequacy of percolation rates in post-grading conditions.

2. Any additional evaluation or testing deemed necessary to satisfy the standards set forth in this LCP and all applicable regulations.
3. Each parcel within the proposed land division shall have a designated soil treatment area. The location of the treatment area shall be determined from evaluation of the site and soil characteristics, and absorption capacity of the soil in gallons per day, per square foot. The treatment areas for all parcels shall be sufficient to accommodate, at a minimum, a 2-bedroom home and the recommended type of treatment system.
4. A plot or site plan prepared by the professional performing the site and soils evaluation noting the dimension and location of the proposed soil treatment area. The soil treatment area shall note the size and dimension of the primary soil absorption field and the reserve field. The reserve field shall have the capability to accommodate the entire wastewater flow. The site plans shall be recorded with the parcel or subdivision map. A copy of the site plan and recommended type of ~~OSDS~~OSTS shall be placed on file with the City.

~~5.The City shall require deed restrictions or Covenants, Conditions, and Restrictions (CC&Rs) to protect the set-aside area for the reserve soil absorption field on each parcel from development.~~

~~6.~~5. An analysis for the proposed land division showing no potential significant cumulative impact as a result of the construction and operation of the ~~OSDS~~OSTSs on groundwater level and quality (i.e., effects of groundwater mounding, nitrate loading and fecal/pathogen contamination), quality of nearby surface drainages (i.e., nitrate loading and fecal/pathogen contamination), and slope stability.

~~7.~~6. The minimum values used in the cumulative impact analysis for the total nitrogen concentration of septic tank effluent shall be 40 mg/L as N (for average flow conditions) for residential wastewater, or as determined from the sampling of comparable system(s) or literature values. ~~OSDS~~OSTSs shall not cause the groundwater nitrate-nitrogen

concentration to exceed 10.0 mg/L as N at any current or existing source of drinking water.

~~8.~~7. Groundwater mounding analysis (in the cumulative impact analysis) shall be used to predict the highest rise of the water table and shall account for background groundwater conditions during the wet weather season. The maximum acceptable rise of the water table for short periods of time during the wet weather season, as estimated from groundwater mounding analysis, shall be as follows:

a. All ~~OSDS~~OSTSs: Groundwater mounding beneath the ~~disposal~~ effluent dispersal system/soil absorption field shall not result in more than 50% reduction in the minimum depth to seasonably high groundwater as required in this Ordinance.

b. Large Systems: Notwithstanding the above, systems with design flows of 1,500 gpd or more shall have a minimum unsaturated depth of 24 inches beneath the ~~trench~~ bottom of the subsurface effluent dispersal system (for leachfield or similar systems) or beneath the natural grade (for above ground systems).

B. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California Registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist.

C. The creation of parcels for commercial use shall conform to the above criteria established for single and multi-family residential parcels except that the designated soil treatment area shall be sized according to the estimated strength and volume of waste flow generated by the commercial facility. The use of ~~OSDS~~OSTS for any waste discharge other than sewage and graywater shall not be allowed without prior approval by the Executive Officer of the Regional Board.

## 18.6. MANAGEMENT PROGRAM

A. The City ~~should~~ will develop, adopt and implement, by December 31, 2004, a Wastewater Management Plan (WMP) in consultation with the Environmental Review Board and other pertinent City committees, to address future wastewater issues. The WMP should include a set of management objectives, and an accompanying set of associated elements and activities targeted towards the satisfactory achievement of the objectives. The WMP should map out actions for the City to:

1. Identify its management objectives;
2. Evaluate whether its current program is adequate;
3. Determine both an appropriate management program, and the necessary program enhancements to achieve its management objectives and public health and environmental goals; and
4. Establish a funding structure.

B. The WMP should provide a flexible framework and guidance to best tailor the City's programs to the specific needs of the community, and to the institutional capacity of the regulatory authority. As such, the WMP should provide the necessary framework, guidelines and legal authority for:

1. Creation of an ~~OSDS~~OSTS inventory;
2. Establishment of a computer-based record keeping and reporting program to ensure that up-to-date records are kept of location, ownership, site evaluation, design, and compliance reports are maintained, and performance of systems is monitored;
3. Enhancement of system operator/owner's awareness of maintenance needs;
4. Performance monitoring of all new, expanded, or modified ~~OSDS~~OSTSs subject to a CDP issued pursuant to this LCP throughout the jurisdiction or in concentrated areas of special concern, whichever is considered appropriate to protect public health and safety and evaluate the effects on ground and surface water quality;
5. Inspection of ~~OSDS~~OSTSs as prescribed by this LCP, the WMP and all applicable regulations;
6. Management of enhanced treatment/alternative systems and/or large, complex systems (e.g., systems for multi-family or commercial developments), on new developments and redevelopments, through maintenance contracts and Renewable Operating Permits;
7. Required performance monitoring for complying with specific water quality criteria where applicable;

C. The WMP should, to the extent practicable, follow the framework and guidelines provided in the September 26, 2000, Draft EPA Guidelines for Management of Onsite/Decentralized Wastewater Systems, or any modifications thereof.

## 18.7. SITING, DESIGN AND PERFORMANCE REQUIREMENTS

A. ~~OSDS~~OSTSs shall be located above the ten-year floodplain and be protected from standing water to the maximum extent ~~practicable~~feasible.

B. The construction dimensions of the ~~subsurface~~ sewage effluent ~~disposal~~ dispersal area

(soil absorption field) of an ~~OSDS~~OSTS shall be based on soils analysis and/or percolation tests. Soils analysis shall be conducted by a California Registered Geotechnical Engineer or a California Registered Civil Engineer in the environmental/geotechnical field and the results expressed in United States Department of Agriculture classification terminology. Percolation tests shall be conducted by a California Registered Geologist, a California Registered Geotechnical Engineer, a California Registered Civil Engineer, or a California Registered Environmental Health Specialist.

C. Septic tank and leach area systems shall be used only where the proposed site can maintain subsurface disposal. When a percolation test is required, no standard ~~OSDS~~OSTS shall be permitted to serve a new development or redevelopment if that test shows the absorption capacity of the soil is less than 0.83 gallons per square foot (33.8 L/m) per 24 hours.

D. The proposed site for ~~soil absorption field~~subsurface sewage effluent dispersal system/soil absorption system shall also be free from poorly drained soils and soils or formations containing continuous channels, cracks, or fractures, unless a setback of 250 ft. to domestic water supply well or surface water is assured, or unless secondary or tertiary wastewater pre-treatment is provided prior to discharging to the system.

E. Under no circumstances shall construction of new cesspools be allowed.

~~F.OSDSs designed for surface water discharge of effluent shall provide tertiary treatment.~~

~~G.~~F. Use of treated ~~OSDS~~OSTS effluent for above-surface irrigation, as an alternative to subsurface treatment, shall require the design and operation approval by the Executive Officer of the Regional Board and/or any other applicable permitting authorities.

~~H.~~G. Depth from the bottom of the ~~leach area~~effluent dispersal system to groundwater shall be based upon percolation rate, but no less than 5 feet. Groundwater shall be defined as the highest seasonal level of the permanent water table in the soil.

~~I.~~H. Seepage pits shall be used only where distances between pit bottom and groundwater is equal to or greater than the following minimum separations, based on soil type:

1. 50 ft (Gravels – soils with over 95% by weight coarser than a No. 200 sieve and over half of the coarse fraction larger than a No. 4 sieve.)
2. 20 ft (Gravels with few fines – soils with 90% to 94% coarse fraction larger than a No. 4 sieve.)
3. 10 ft (Other)

~~J.~~I. Standard systems shall not be placed on soils having percolation rates above 60

minutes per inch (mpi) or below 5 mpi. Enhanced treatment/alternative systems offering secondary or tertiary effluent treatment prior to discharging to any subsurface sewage effluent dispersal system shall be used instead.

~~K.~~J. Siting of soil absorption fields/~~leachfields~~ effluent dispersal systems on slopes greater than 10% shall be evaluated to assess possible impacts of lateral migration of effluent. The evaluation results shall be included in the SER. No soil absorption fields~~/leachfields~~ shall be located on slopes greater than 45%. Conventional gravity trench leachfields shall not be installed on slopes greater than 30%. Soil absorption fields~~/leachfields~~ located on slopes between 30 and 45% shall be designed to address critical factors of soil depth, restrictive horizons, soil permeability, application rates and disposal methods. The soil shall have a minimum effective depth of six feet with no evidence of seasonal saturation.

~~L.~~K. Where a cumulative impact analysis has been performed as required in this Chapter, ~~OSDS~~OSTS installation or expansion shall be allowed only if all of the following are true:

1. ~~OSDS~~OSTSs will not cause the groundwater nitrate-nitrogen concentration to exceed 10.0 mg/L as N at any current or potential source of drinking water on or off-site; and
2. The maximum acceptable rise of the water table under treatment systems for short periods of time during the wet weather season, as estimated from groundwater mounding analysis, shall be as follows:

    a. All ~~OSDS~~OSTSs: Groundwater mounding beneath the ~~disposal~~ effluent dispersal system/soil absorption field shall not result in more than 50% reduction in the minimum depth to seasonably high groundwater as required in this Ordinance; and
    b. Large Systems: Notwithstanding the above, systems with design flows of 1,500 gpd or more shall have a minimum unsaturated depth of 24 inches beneath the ~~trench~~ bottom of the subsurface effluent dispersal system (for leachfield or similar systems) or beneath the natural grade (for above ground systems).

~~M.~~L. All ~~OSDS~~OSTSs on new developments and redevelopments shall comply with the following horizontal setbacks (in feet):

| Min. Horizontal Setback From: | Septic Tank | ~~Soil Absorption Field~~Horizontal Effluent Dispersal System | Vertical Effluent Dispersal System (Seepage Pit) |
|---|---|---|---|
| Buildings or structures | 5 | 8 | 8 |
| Property line | 5 | 5 | 8 |
| Water supply wells | ~~50~~150 | ~~100~~150 | 150 |
| Perennial streams | ~~50~~100 | 100 | 100 |
| Intermittent/ephemeral streams | ~~50~~100 | ~~50~~100 | 100 |
| Springs or seeps | 50 | 50 | 100 |
| Ocean/Lakes/Reservoirs[1] | 50 | 100 | 100 |
| Upgradient groundwater interceptor | 20 | 20 | 20 |
| Downgradient groundwater interceptor | 25 | 50 | 50 |
| Storm drainage pipe[2] | 5 | 50 | 50 |
| Fill / Cut bank[3] | 10 | 4 x Height | 4 x Height |
| Trees | 10 | N/A | 10 |
| On-site domestic water service line | 5 | 5 | 5 |
| Distribution box | N/A | 5 | 5 |
| Pressure public water main | 10 | 10 | 10 |

~~N.~~M. Design flows shall be estimated by one of two methods: by number of bedrooms for the proposed dwelling or by estimating the treatment capacity of the soil treatment area/soil absorption field in gallons per day per square foot (gpd/sf). In sizing by number of bedrooms the designer shall use a minimum of 300 gallons per day per bedroom (gpd/bdrm) or 120 gpd/bdrm for low-flow fixtures. The dwelling shall be designed not to

[1] Systems that provide secondary or tertiary effluent treatment prior to discharge to the subsurface effluent dispersal systems are not required to meet these minimum horizontal setback requirements provided that no parts of the OSTS are, at any time, submerged or exposed to direct contact with these surface water bodies. In the case of beachfront developments and redevelopments, the OSTS shall, to the maximum extent feasible, be located at the farthest point from the Ocean on a parcel to avoid the construction of protective structures such as sea walls and bulkheads.

[2] Where publicly owned storm drainage pipes run across a property rendering it impossible to meet these minimum horizontal setback requirements, the effluent dispersal system is allowed to be located within 50 feet of the pipes provided that these pipes are positioned vertically higher than the bottom of the effluent dispersal system or the applicant demonstrates that the pipes are sealed so that there is no possibility for shallow groundwater to infiltrate the storm drain.

[3] Where a California Registered Geologist finds and states in writing that the stability of the fill or cut bank will not be compromised by a shorter horizontal separation and that a shorter horizontal separation will not result in sewage effluent daylighting, a shorter horizontal setback for the effluent dispersal system can be used per the said geologist's recommendation.

exceed the maximum number of fixture units or number of bedrooms than can be supported by the estimated maximum daily flow. For commercial developments, the design flows shall be based on the estimated waste/sewage flow rates for the various commercial uses identified in Table K-3 of the City of Malibu's Uniform Plumbing Code, 1997 Edition, as amended in 2000.

~~O.~~N. All systems shall comply with the following application rates according to the different soil textures:

| Soil Texture | Structure | Application Rate (gpd/sf) |
|---|---|---|
| Gravelly coarse sand & coarser | Loose or cemented | 0.0 |
| Clay, sandy or silty clay silt loam | Weak or massive<br>Massive | 0.0<br>0.0 |
| Sandy clay loam, clay loam or silty clay loam | Massive | 0.0 |
| Sandy clay, clay or silty clay | Moderate to strong | 0.2 |
| Sandy clay loam, clay loam or silty clay loam | Weak | 0.2 |
| Sandy clay loam, clay loam or silty clay loam | Moderate to strong | 0.4 |
| Sandy loam, loam or silt loam | Weak | 0.4 |
| Sandy loam, loam or silt loam | Moderate to strong | 0.6 |
| Fine, very fine, loamy fine and very loamy fine sand | Not Applicable | 0.8 |
| Coarse, single grain sand | Not Applicable | 1.2 |

~~P.~~O. Septic tanks shall be designed to provide a minimum retention time of at least 24 hours, with one-half to two-thirds of the tank volume reserved for sludge and scum accumulation. The appropriate septic tank capacity shall conform to requirements contained in Table K-2 of the City of Malibu's Uniform Plumbing Code, 1997 Edition, as amended in 2000.

P. There shall be a minimum of 100% reserve area set aside for replacement of the soil absorption field. The backup field shall be capable of accommodating the entire wastewater flow.

~~R.~~Q. No soil absorption fields/~~leachfields~~ subsurface effluent dispersal systems shall be allowed beneath nonporous paving or ~~other nonporous~~ surface covering.

~~S.~~R. Soils in the designated soil absorption field shall not be compacted during construction and post construction of new developments and redevelopments. Construction vehicles shall be restricted from entering the designated soil absorption field area. Septic owners shall not place buildings, livestock, impervious materials, equipment, parking areas, or driveways over the soil absorption area. Surface and subsurface soils in these areas shall not be removed, ripped, contoured or compacted.

## 18.8. ALTERNATIVE SYSTEMS

A. Alternative systems are defined as any system other than a standard system. They shall be used on parcels where site and soil conditions will not support a standard system or where increased treatment is needed. They are generally characterized as having increased design and performance criteria.

B. Alternative systems shall be designed by a California Registered Geologist, California Registered Geotechnical Engineer, California Registered Civil Engineer or a California Registered Environmental Health Specialist.

C. Alternative systems shall be reviewed on a case-by-case basis. Their use shall only be considered when combined with a reasonable testing and monitoring protocol subject to approval by the Executive Officer of the Regional Board. Alternative systems shall be tested and evaluated for a minimum of three years. The owner of the system shall be responsible for the performance, operation and evaluation of the system for the first five years. Thereafter, the owner shall assume responsibility for repair and/or replacement should the system fail to perform in accordance with applicable requirements contained in the operating permit, this LCP and any other pertinent regulations.

D. Package wastewater treatment plants shall only be used on parcels where site and soil conditions will not support a standard system and other alternative systems or where it can be demonstrated that a package treatment plant would have fewer adverse impacts to coastal resources, water quality or geology stability than traditional or other alternative systems. Package treatment plants shall be designed by a California Registered Civil Engineer ~~or a California Registered Environmental Health Specialist~~.

E. Package wastewater treatment plants shall be reviewed on a case-by-case basis. Their use shall only be considered when combined with a reasonable testing and monitoring protocol subject to approval by the Executive Officer of the Regional Board. Package wastewater treatment plants shall be tested and evaluated for a minimum of three years. The owner of the system shall be responsible for the performance, operation and evaluation of the system for the first five years. Thereafter, the owner shall obtain a Renewable Operating Permit from the City and assume responsibility for repair and/or replacement should the system fail to perform in accordance with applicable requirements contained in the operating permit, this LCP and any other pertinent regulations.

F. The construction of public package wastewater treatment facilities may be permitted where it is demonstrated to be the preferable long-term wastewater management solution, where it is designed to not exceed the capacity for growth allowed in the LCP, and where it can be constructed consistent with all requirements of this LCP and all applicable regulations.

## 18.9. MAINTENANCE, OPERATION AND MONITORING

A. Owners and/or operators of new, expanded, or modified septic systems shall submit monitoring and evaluation reports to the City with results of inspection and maintenance work performed every three years, or according to any similar requirements in the operating permit, whichever is more frequent. The septic owners and/or operators shall be responsible for proposing and undertaking all measures necessary to ensure the continuing proper operation and adequate capacity of the septic tank and leach line systems. The first report shall be submitted, at the latest, three years from the date of issuance of the operating permit.

B. The City should have a continuing public education program to provide homeowners with onsite system operation and maintenance guidelines. Information can be distributed by mailing with water bills or another method on an annual basis. Homeowners shall be informed of the routine ~~OSDS~~OSTS inspection and maintenance needs and notified that they should periodically check their septic tank for pumping need. Homeowners shall also be notified of other problems indicative of system failure. Some examples include wet spots in leachfield area, lush grass growths, slowly draining wastewater, and sewage odors.

C. Permit conditions shall be imposed to ensure that all new, expanded, or modified ~~OSDS~~OSTSs subject to a CDP issued pursuant to this LCP are maintained, operated and monitored in accordance with the following requirements:

1. Septic tanks shall be inspected every two to five years to determine the need for pumping. If garbage grinders or dishwashers discharge into the septic tank, inspection should occur at least every two years.
2. Septic tanks shall be pumped when the clear liquid zone separation in the tank is less than 2/3 of the total depth in the tank.
3. Leachfields shall be alternated when leachfield inspection pipes reveal a high water level.
4. ~~OSDS~~OSTSs shall be operated and maintained to prevent the surfacing of effluent. In the event of surfacing effluent, the owner shall minimize use or cease operation of the system until it is repaired.
5. No buildings, livestock, impervious materials, equipment, parking areas, or driveways shall be placed over the soil treatment areas/soil absorption fields. Surface and subsurface soils in the treatment areas shall not be

removed, ripped, contoured or compacted. The treatment areas may be tilled with a light duty, hand operated garden tiller (no tractor operated implements), hand graded and covered with lawn or non-invasive plants. The treatment areas may be irrigated with portable sprinklers or landscape irrigation. Flood irrigation and surface drainage shall not encroach on or impact components of the ~~OSDS~~OSTS.

6. The septic owner and/or operator shall control the wastewater discharge to the system within the design quantity and strength parameters.
7. The septic owner and/or operator shall operate and maintain their system in conformance with the conditions prescribed in the operating permit and the designer and installer's recommendations.

D. Septic owners and/or operators of new, expanded, or modified ~~OSDS~~OSTSs subject to a CDP issued pursuant to this LCP shall use one or more of the following management methods to monitor and maintain their systems:

1. For a standard ~~OSDS~~OSTS with a Standard Operating Permit, owners may manage their own system and provide to the City routine monitoring and evaluation reports per requirements set forth by the City.
2. Recording the requirement for an on-going service contract on the property deed and implementing the requirement.
3. Obtaining a Renewable Operating Permit with the requirement for maintaining a service contract by employing a qualified public or private entity to provide monitoring and maintenance of ~~OSDS~~OSTSs.
4. Obtaining the services of a management entity (e.g., public utility districts, water & sewer districts, special-use districts, and corporations and home-owner associations with demonstrated capacity to assure long-term management) to provide maintenance, operation and monitoring assurance.

E. Permit conditions shall be imposed to require that: prospective buyers of property with new, expanded, or modified ~~OSDS~~OSTSs authorized in a CDP issued pursuant to this LCP shall be informed of any enforcement action affecting the property; the seller shall have his/her ~~OSDS~~OSTS(s) inspected at the time of property sale prior to close of escrow; certified staff or representative officer of the City, or a qualified professional, at the expense of the property owner, shall prepare an inspection report; and the report shall be presented to the buyer and City. The report shall contain the following information:

1. The type, configuration and condition of the septic tank, the primary soil treatment system (and reserve treatment area if known) and any enhanced treatment components and treating devices.
2. The operation status of the system as observed in the field or taken from recent monitoring reports on file with the City.
3. Pumping need of the septic tank(s).

4. Any observable problems or needed repairs requiring immediate attention.
5. An estimate of remaining usable area on the parcel to support repair or expansion of the existing soil absorption field if no known expansion site has been designated for the system.

## 18.10. WATER SYSTEMS/WASTEWATER MANAGEMENT

A. The expansion of existing community sewer facilities (package wastewater treatment plants, dedicated sewer service systems, existing trunk lines, etc.) in existing developed areas shall be limited in capacity to the maximum level of development allowed by this LCP.

B. The formation of On-site Wastewater Disposal Zones pursuant to Section 6950 et seq. of the California Health and Safety Code should be investigated and considered for use as a method to protect water quality in areas where site-specific soil and groundwater conditions may adversely affect the performance of ~~OSDS~~OSTSs. Such areas of special concern may include the Civic Center area, the Point Dume area, the immediate coastal strip and any areas known to have poor percolation rates, a high water table or known to be prone to geologic hazards. These zones could be used to establish site-specific design criteria, inspection and maintenance frequencies, monitoring protocols, performance standards and other water quality protection practices.

C. A City-wide public sewer system may be designed and proposed~~, in consultation with the Departments of Health Services and Public Works~~ where it is found to be the least environmentally damaging wastewater treatment alternative, where it is designed to serve a capacity of development which does not exceed the amount allowed by the LCP, and where it is found to be consistent with all other policies of the LCP. In particular, the proposed method of effluent disposal shall be required to be consistent with policies requiring the protection of marine resources, riparian habitat and water quality.

D. Any proposed sewer system shall be submitted to and approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction. Any assessment district formed to finance construction of a public sewer system shall be considered a public works project pursuant to PRC Section 30114~~-~~.

E. Additional water storage facilities and/or new pipelines may be allowed in the City to replace deteriorated or undersized facilities and/or to ensure an adequate source of domestic and fire protection water supply during outages or pipeline interruptions provided such facilities are designed and limited to accommodate existing or planned development allowed by the Land Use Plan and are consistent with all applicable policies of the LCP.

# CHAPTER 19—LOCAL COASTAL PROGRAM AMENDMENTS

## 19.1 PURPOSE AND INTENT

The City Council may amend the Local Coastal Land Use Plan, the Official Zoning Map, or the text of Local Coastal Implementing Ordinances when required by public necessity, convenience and general welfare or protection of coastal resources, or where required by specific policies in the Land Use Plan by following the procedure specified in this Chapter. For purposes of this Chapter, amendments of a certified Local Coastal Program includes, but is not limited to, any action by the City that authorizes the use of a parcel of land other than a use that is designated in the certified local coastal program as a permitted use of the parcel, except for temporary uses as defined in Chapter 2 of the Malibu LIP (Definitions). Such amendments will not take effect until effectively certified by the Coastal Commission.

## 19.2 APPLICATION.

### 19.2.1 Proposals.

A. Initiation.

An amendment to the Official Zoning Map, or to the LCP Land Use Plan or Implementing Ordinances, may be initiated by:

1. Resolution of the City Council; or by
2. Resolution of intention of the Planning Commission;
3. Property owners, their duly authorized agents, by filing a complete and verified application with the Planning Commission for amendments to the LCP involving their property.
4. Any person authorized to undertake a public works project or proposing an energy facility development may request to amend the local coastal program, if the purpose of the proposed amendment is to meet public needs of an area greater than that included within such certified local coastal program that had not been anticipated by the person making the request at the time the local coastal program was before the Coastal Commission for certification.

B. Contents of Amendment Applications.

The amendment application shall include:

1. Except for amendments initiated under Section 19.2.1 (A)(3) or (4) of the Malibu LIP, a summary of the measure taken to provide the public and affected agencies and districts maximum opportunity to participate in the LCP amendment process, pursuant to Section 19.3 of the Malibu LIP; a listing of members of the public,

organizations, and agencies appearing at any hearing or contacted for comment on the LCP; and copies or summaries of significant comments received and of the City's response to the comments.

2. All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment to a land use plan shall include, where applicable, a readily identifiable public access component as set forth in California Code of Regulations Section 13512.
3. The application shall be accompanied by a map drawn to scale showing the location of the property concerned and the location of all highways, streets and alleys, public easements or Offers to Dedicate Public Easements and all lots and parcels of land within a distance of five hundred feet from the exterior boundaries of the property involved. The accuracy of such map shall be the responsibility of the applicant.
4. A discussion of the amendment's relationship to and effect on the other sections of the certified LCP.
5. An analysis that meets the requirements of California Code of Regulations Section 13511 that demonstrates conformity with the requirements of Chapter 6 of the Coastal Act.
6. Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP.
7. An indication of the zoning measures or implementation that will be used to carry out the amendment to the land use plan (unless submitted at the same time as the amendment to the land use plan).

Any application made pursuant to subsection A (3) of this section shall be in writing and signed and verified by the owner of the land involved or by his authorized agent. If a person other than the owner makes the application, except as provided in subsection A (4), written authorization to act on behalf of the owner shall be submitted with such application. The application shall show or be accompanied by the legal description of the property for which the amendment is requested, and the street address or addresses, if any, or other common description of the premises.

**19.2.2 Review of Filing.**

An amendment to a certified LCP together with all necessary attachments and exhibits shall be deemed "submitted" after having been received and found by the Planning Director to be in proper order and legally adequate to comply with Section 19.2.1 of the Malibu LIP. The Planning Director shall cause a date of receipt stamp to be affixed to all LCP submissions on the day they are so received and a stamp of the date of submittal on the day they are found to be properly submitted.

## 19.3 LCP Amendment Hearing and Notice

Upon receipt in proper form of an LCP amendment application, or upon receipt of a Resolution Of Intention from either the Planning Commission or City Council, the Planning Commission shall set a public hearing for a time no earlier than 6 weeks from the filing of the amendment proposal.

### 19.3.1 Notice of Document Availability.

Notice of the availability of review drafts of the proposed LCP amendment materials and transmittal of said documents pursuant to noticing requirements in (a) and (b) of this section shall be made as soon as such drafts are available, but at a minimum at least six (6) weeks prior to any final action on the documents by the City. Review drafts shall also be made readily available for public perusal in local libraries, in the City administrative offices, and at the Coastal Commission District office.

A. At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the proposed amendment of the LCP shall be mailed to:

1. Any member of the public who has so requested;
2. Each local government contiguous with the area that is the subject of the Amendment;
3. Local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the Amendment;
4. Regional, state and federal agencies that may have an interest in or be affected by the amendment;
5. Local libraries and media;
6. The Coastal Commission.

Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups.

B. Proposed LCP amendment documents including review drafts shall be made available at no cost to relevant state agencies and to other interested persons and agencies upon request.

### 19.3.2 Notice Of Public Hearings.

Notice of public hearings shall be given at least ten (10) days prior to the hearing. Such notice shall state the nature of the proposed change, location of the affected area, and the time(s) and place(s) of the scheduled hearing(s) and for accepting comments on the proposed amendment.

A. For Amendments to the LCP Land Use Plan or text of the Implementing Ordinances, the notice shall be provided by mail to parties identified in section 19.3.1(A) of the Malibu LIP above and one of the following additional procedures:

1. By placing a display advertisement of at least one-fourth page in a newspaper having the greatest circulation within the area affected by the proposed action; or

2. By placing an insert within any generalized mailing sent by the City to property owners and tenants in the area affected by the proposed action.

B. For Amendments to the LCP Zoning Map that propose to reclassify property, the notice shall be provided by mail to parties identified in section (a) above and by one of the following additional procedures:

1. Notice for the hearing shall be mailed, post prepaid, to all owners and tenants of property within a radius of five hundred (500) feet of the exterior boundaries of the property or properties involved in the amendments, excluding roads. In addition, a legal advertisement shall be placed in the newspaper of greatest circulation within the area affected by the proposed action.

2. In the event the number of owners to whom notice would be sent pursuant to (1) above is greater than one thousand (1,000), notice may at the discretion of the City be given at least ten (10) days prior to the hearing by either of the alternate procedures explained in Section (A) above.

C. Following a public hearing, the Planning Commission shall recommend approval, modification or denial of the proposed amendment to the City Council. The recommendation shall be by resolution carried by the affirmative vote of not less than the majority of the entire Commission. It shall be transmitted to the City Council within forty (40) days after the rendering of a decision. Such decision is final and conclusive and may not be reconsidered except upon referral by the City Council.

## 19.4 COUNCIL HEARING AND NOTICE

After receipt of the Planning Commission's recommendation, the City Council shall hold a public hearing and shall give notice in the same manner as required for the Planning Commission in Section 19.3 of the Malibu LIP above.

## 19.5 COUNCIL DECISION.

After the required hearing, the City Council shall take either or both of the following

actions on the Amendment, as applicable:

A. For amendments to the Local Coastal Land Use Plan, by resolution, approve, modify or deny the proposed amendments;

B. For amendments to the Local Coastal Implementing Ordinances or Zoning Map, by adopting an ordinance approving or modifying the amendment or denying the proposal by adopting a resolution of denial.

## 19.6 REQUIRED FINDINGS.

Before approval of any LCP Amendment, the City Council must make the finding that such amendment meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 the California Coastal Act.

## 19.7 CERTIFICATION OF LOCAL COASTAL PROGRAM AMENDMENTS.

### 19.7.1 Submittal to Coastal Commission.

Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30510, 30512, 30513 and 30514 of the Public Resources Code and Sections13551 and 13552 of the California Code of Regulations.

### 19.7.2 Effective Certification.

An amendment to the Commission-certified Local Coastal Program shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and is effectively certified by the California Coastal Commission pursuant to Chapter 6, Article 2, of the California Coastal Act.

### 19.7.3 Amendments Pursuant to PRC 30515.

LCP Amendments approved by the Coastal Commission pursuant to Public Resources Code Section 30515 shall be effectively certified upon final action by the Coastal Commission.

## TABLE B - PERMITTED USES

| KEY TO TABLE (In addition to a coastal development permit, the following permits are required.) | |
|---|---|
| **P** | **Permitted use** |
| **MCUP** | **Requires the approval of a minor Conditional Use Permit by the Director** |
| **CUP** | **Requires the approval of a Conditional Use Permit** |
| **A** | **Permitted only as an accessory use to an otherwise permitted use** |
| **LFDC** | **Requires the approval of a Large Family Day Care permit** |
| **WTF** | **Requires the approval of a Wireless Telecommunications Facility** |
| • | **Not permitted (Prohibited)** |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL** | | | | | | | | | | | | | | | | |
| Single family residential | P | P | P | P | • | • | • | • | • | • | • | • | • | **A** | • | • |
| Manufactured homes | P | P | P | P | • | • | • | • | • | • | • | • | • | • | • | • |
| Multiple-family residential (including duplexes, condominiums, stock cooperatives, apartments, and similar developments) | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Second units | A[1] | A[1] | A[1] | A[1] | • | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home parks | • | • | • | • | P | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home park accessory uses (including recreation facilities, meeting rooms, management offices, storage/maintenance buildings, and other similar uses) | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | • |
| Mobile home as residence during construction | • | • | • | MCUP | • | • | • | • | • | • | • | • | • | • | • | • |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Accessory uses (guest units, garages, barns, pool houses, pools, spas, gazebos, storage sheds, greenhouses (non-commercial), sports courts (non-illuminated), corrals (non-commercial), and similar uses) | A[1] | A[1] | A[1] | A[1] | • | • | • | • | • | • | • | • | • | • | • | • |
| Residential care facilities (serving 6 or fewer persons) | P | P | P | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Small family day care (serving 6 or fewer persons) | A | A | A | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Large family day care (serving 7 to 12 persons) | LFDC | LFDC | LFDC | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Home occupations | P/ MCUP[2] | P/ MCUP[2] | P/ MCUP[2] | P/ MCUP[2] | • | • | • | • | • | • | • | • | • | • | • | • |
| **AGRICULTURAL/ANIMAL-RELATED** | | | | | | | | | | | | | | | | |
| Domestic animals kept as pets or for personal use | A | A | A | A | A | • | • | • | • | • | • | • | • | • | • | • |
| Equestrian and hiking trails (public and private) | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Equestrian riding and training facilities and activities including boarding of horses and domestic animals, tournaments, shows and contests (including accessory uses such as club house with food and beverage service, pro shop, tack shop, riding rings, boarding/training/show facilities, barns, parking lots, sports courts, and living accommodations for members, their guests, participants, employees and persons required for the operation and maintenance of such facilities) | • | • | • | • | • | CUP | • | • | CUP | • | • | CUP | • | • | • | • |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grazing of cattle, horses, sheep or goats, including the supplemental feeding of such animals, provided that such grazing is not a part of nor conducted in conjunction with any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises | P[3] | • | • | • | • | CUP[3] | • | • | • | • | • | • | • | • | • | • |
| Raising of horses and other equine, cattle, sheep and goats, including the breeding and training of such animals | P | A | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • |
| Boarding of horses as a commercial use | MCUP[3] | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Raising of hogs or pigs | P | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • |
| Raising of poultry, fowl, birds, rabbits, fish, bees and other animals of comparable nature | P | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • |
| Greenhouses | P | • | CUP | • | • | CUP | • | • | • | • | • | • | • | • | • | • |
| Raising of crops (field, tree, bush, berry row, nursery stock, etc.) provided no retail sale from the premises | A | A | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Wildlife preserves | • | • | • | • | • | P | • | • | • | • | • | • | P | • | • | • |
| **RETAIL USES** | | | | | | | | | | | | | | | | |
| Book stores | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |
| Convenience stores | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | • | • | • | • |
| Food markets | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |
| Hardware, garden supply stores | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |
| Liquor stores | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | CUP | • | • | • | • |
| Plant nurseries | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |
| Prescription pharmacies | • | • | • | • | • | • | A | P | P | P | P | P | • | • | • | • |
| Stationary supplies | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Visitor-oriented goods such as recreational equipment and clothing, souvenirs, local arts/crafts, and similar uses | • | • | • | • | • | • | • | MCUP | • | P | P | • | • | • | • | • |
| **GENERAL SERVICES** | | | | | | | | | | | | | | | | |
| Bakeries (no on-site seating) | • | • | • | • | • | • | • | P | P | P[4] | P[4] | P | • | • | • | • |
| Barber shops, beauty salons | • | • | • | • | • | • | • | P | P | P[4] | P[4] | P | • | • | • | • |
| Laundry, dry cleaners | • | • | • | • | • | • | • | P | P | P[4] | P[4] | P | • | • | • | • |
| Miscellaneous services including travel agencies, photocopy services, photographic processing and supplies, mailing services, appliance repair, and similar uses | • | • | • | • | • | • | • | P | P | P[4] | P[4] | P | • | • | • | • |
| **OFFICE/HEALTH USES** | | | | | | | | | | | | | | | | |
| Banks, financial institutions | • | • | • | • | • | • | • | P | P | P[4] | P[4] | P | • | • | • | • |
| Health care facilities | • | • | • | • | • | • | • | • | CUP | CUP[4] | CUP[4] | CUP | • | CUP | • | • |
| Medical, dental, physical therapy, and veterinary clinics and offices | • | • | • | • | • | • | P | P[5] | P[5] | P[4,5] | P[4,5] | P[5] | • | • | • | • |
| Professional offices | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • | • |
| **DINING, DRINKING, AND ENTERTAINMENT** | | | | | | | | | | | | | | | | |
| Amphitheatre | • | • | • | • | • | • | • | • | • | P | P | • | • | • | • | • |
| Bars | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • |
| Live entertainment | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • |
| Movie theaters | • | • | • | • | • | • | • | • | • | P | P | CUP | • | • | • | • |
| Refreshment stands, ice cream stands, and other fixed location outdoor food vending stands | • | • | • | • | • | • | • | • | • | CUP | CUP | CUP | • | • | • | • |
| Restaurants | • | • | • | • | • | • | • | CUP[6] | CUP[7] | CUP[7] | CUP[7] | CUP[7] | • | • | • | • |
| **AUTOMOTIVE RELATED USES** | | | | | | | | | | | | | | | | |
| Vehicle washing/detailing | • | • | • | • | • | • | • | CUP[8] | CUP[8] | | | CUP | • | • | • | • |
| Service stations (without convenience market) | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | • | • |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Towing and automobile storage | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • |
| **RECREATION AND LEISURE** | | | | | | | | | | | | | | | | |
| Camping | • | • | • | • | • | MCUP | • | • | • | • | • | • | P | • | • | • |
| Community stage theaters | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Cultural and artistic uses (such as museums, galleries, performing arts venues) | • | • | • | • | • | CUP | • | CUP | CUP | CUP | CUP | CUP | • | • | • | • |
| Dance studios | • | • | • | • | • | • | • | P | P | P | P | P | • | • | • | • |
| Golf driving ranges | • | • | • | • | • | • | • | • | CUP | CUP | CUP | CUP | • | • | P | • |
| Health clubs | • | • | • | • | • | • | • | P | P | P | P | P | • | • | P | • |
| Hotels | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • | • |
| Motels, bed and breakfast inns | • | • | • | • | • | • | • | • | • | CUP | CUP | • | • | • | • | • |
| Parks, beaches, and playgrounds | CUP | CUP | CUP | CUP | • | P | • | CUP | CUP | CUP | CUP | CUP | P | • | P | • |
| Public Beach Accessway | P | P | P | P | P | | | P | P | P | P | P | P | | | |
| Recreation facilities (swimming pools, sandboxes, slides, swings, lawn bowling, volleyball courts, tennis courts and similar uses) | • | • | • | • | • | A | • | • | CUP | CUP[9] | CUP[9] | CUP | P | • | P | • |
| Recreation facilities (neighborhood – for use by surrounding residents and operated by a non-profit corporation or neighborhood association for non-commercial purposes) | • | CUP | CUP | CUP | • | • | • | CUP | CUP | • | • | CUP | • | • | • | • |
| Recreational vehicle parks | • | • | • | • | CUP | • | • | • | • | • | • | • | • | • | • | P |
| Sports courts (lighted) | • | • | • | • | • | • | • | CUP | CUP | CUP[9] | CUP[9] | CUP | • | • | • | • |
| **PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES** | | | | | | | | | | | | | | | | |
| Charitable, philanthropic activities | • | • | • | • | • | • | • | P[10] | P[10] | P[10] | P[10] | P[10] | • | • | • | • |
| Churches, temples, and other places of worship | • | • | CUP | • | • | • | • | CUP | CUP | CUP | CUP | CUP | • | CUP | • | • |
| Community centers | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Day care facilities, nursery schools | CUP | CUP | CUP | • | • | • | • | CUP | CUP | CUP | CUP | CUP | • | • | • | • |
| Educational (non-profit) activities | • | • | • | • | • | • | • | P | P | P | P | P | P | • | • | • |
| Educational institutions (public or private) | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • |
| Emergency communication and service facilities | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP[4] | CUP[4] | CUP | CUP | CUP | CUP | CUP |
| Helipad sites | CUP | • | • | • | • | • | • | • | • | • | • | • | • | • | • | • |
| Government facilities | • | • | CUP | • | • | • | • | P | P | P[4] | P[4] | P | • | CUP | • | • |
| Libraries, museums | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • |
| Maintenance yards | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • |
| Public utility facilities | CUP | CUP | CUP | CUP | • | • | • | CUP | CUP | CUP[4] | CUP[4] | CUP | • | CUP | • | • |
| Research institutions | • | • | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • |
| Residential care facilities for the elderly | • | • | • | • | • | • | • | • | CUP | CUP | CUP[4] | CUP[4] | • | • | • | • |
| Wastewater storage and hauling | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • |
| Wireless telecommunications antennae and facilities | WTF | • | • | • | • | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF | WTF |
| **CONSTRUCTION/LIGHT INDUSTRIAL USES** | | | | | | | | | | | | | | | | |
| Construction services (neighborhood-serving) | • | • | • | • | • | • | • | • | CUP | • | • | CUP | • | • | • | • |
| Manufacturing, processing, or treatment of products | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • |
| Masonry and building supplies | • | • | • | • | • | • | • | • | • | • | • | P | • | • | • | • |
| Metal welding | • | • | • | • | • | • | • | • | • | • | • | P | • | • | • | • |
| Research and development, testing facilities | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • |
| Self-storage | • | • | • | • | • | • | • | CUP | CUP | • | • | CUP | • | • | • | • |
| Wholesale, storage, and distribution | • | • | • | • | • | • | • | • | • | • | • | CUP | • | • | • | • |
| **OTHER USES** | | | | | | | | | | | | | | | | |
| Uses permitted by right that operate between the hours of 11:00 p.m. to 7:00 a.m. | • | • | • | • | • | • | MCUP | MCUP | • | • | • | · | · | · | · | · |

| USE | RR | SF | MF | MFBF | MHR | CR | BPO | CN | CC | CV-1 | CV-2 | CG | OS | I | PRF | RVP |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mixed use (commercial and residential) | • | • | • | • | • | • | • | • | • | • | • | CUP | · | · | · | · |

Notes

1. Subject to Residential Development Standards (Section 3.6)
2. Subject to Home Occupations Standards [(Section 3.6(O)]
3. Use Prohibited in Environmentally Sensitive Habitat Areas
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor serving commercial use
5. CUP for veterinary hospitals
6. Maximum interior occupancy of 125 persons
7. If exceeding interior occupancy of 125 persons
8. By hand only
9. Use permitted only if available to general public
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.