

IV C 3, 6, 7 & 8-Development Planning Review
City of Malibu
FY 2010-2011

3. List the types and numbers of BMPs that your agency required for priority projects to meet the requirements described above.

Ten (10) projects representing Twenty-four (24) BMPs are listed as having completed the development planning review stage and have been approved to proceed with issuance of permits for development. These BMPs include 3 types of Catch Basins with Filter, 7 types of filters, landscaping/vegetated bio-filters, 3 detention tanks, 4 Rip-Rap energy dissipaters, and general good housekeeping BMPs.

The City requires that BMPs be installed and/or implemented but cannot be prescriptive as to what is specifically installed on a project. The Standard Urban Stormwater Mitigation Plan (SUSMP) requirements including the Water Quality Mitigation Plan (WQMP) and associated BMPs are imposed in the conditions of approval on projects. These conditions are largely derived from the Local Coastal Plan (LCP). However, the Local Coastal Plan (LCP) Local Implementation Plan (LIP) provides examples of what are acceptable BMPs in Chapter 17 Water Quality Protection Ordinance Appendix A and Appendix B Table 3. Chapter 17 of the LIP, relevant appendices, and some BMP definitions are attached at the end of this document (it is also available for review at www.malibucity.org).

When a project is required to meet SUSMP criteria, the City tracks the BMPs proposed as part of the plan. This SUSMP log recording the projects that completed the review process and were likely issued permits this year is included at the end of this document. The log illustrates the address of each project and the types of BMPs that will be constructed or implemented as part of the project's Water Quality Mitigation Plan (WQMP) for post construction BMPs (SUSMP requirement).

6. Describe the process your agency uses to include SUSMP design standards in new development and redevelopment project approvals.

Development Planning Review

All development and re-development in the City is subject to review through the Development Planning process. During this process, projects are reviewed for compliance with standards found in the City's LCP (including the Local Implementation Plan and Land Use Plan), the State Water Resources Control Board Orders, the California Environmental Quality Act (CEQA), the City's Municipal Code, local requirements as a result of the City's coverage under a municipal NPDES permit, and local wastewater treatment requirements. Projects requiring issuance of a Coastal Development Permit (CDP) are subject to review and approval of Planning Commission. Projects that do not pose a threat to or have the potential to impact coastal resources may be subject to either Administrative Planning Review (APR) or issuance of other permits. Upon submittal of a development application, a development project is reviewed by applicable City Departments and agencies for compliance with all of the standards and regulations mentioned above, which may include review by the Planning

Division and the City Biologist, Public Works Department, the City Geologist, the Coastal Engineer and Environmental Health Administrator and the Los Angeles County Fire Department. During the Public Works review, the Department determines whether the project will need to meet SUSMP requirements. During this Development Planning review, the Departments generate proposed conditions of approval which are then included in the development permit and imposed by the Planning Commission or administratively by the Planning Manager, depending on the specifics of the project.

These conditions of approval recommended by the Public Works Department include conditions required for compliance with the NPDES Permit and the Planning Development requirement to complete a SUSMP, or the plan locally referred to as a Water Quality Mitigation Plan (WQMP). After approval of the Planning permit, detailed construction plans are submitted to the Environmental Building and Safety Division for building plan check, in preparation for issuance of grading and building permits. Any development project submitted for plan check that includes any grading or new construction is referred to the plan check engineer in Public Works. The applicant is directed to the online BMP handbook for assistance and is also required to have an approved drainage and erosion control plan.

7. How many of each of the following projects did your agency review and condition to meet SUSMP requirements last year?

i. Total number of permits issued to priority projects

The City reviewed and imposed conditions and mechanisms for stormwater management and mitigation on fifty-nine (59) new projects this year (this number represent the projects that were reviewed in the Development Planning stage, and conditioned to meet the provisions of the SUSMP *during this reporting year*). After this initial review, a proposed project proceeds to development permit review and these conditions will be included on any City issued development permits. Due to the extensive planning and environmental review procedures in Malibu, few projects are able to obtain development permits, let alone final building permit approval within the same year that the review began. It is not uncommon for it to take several years before development planning review is completed and building permits are issued to begin construction. Also, while the City imposed these development conditions on 59 projects, this number includes projects that have not yet been approved for development permits, and projects that may be or have been ultimately denied by the Planning Commission. The City tracks development planning conditions during the review stage only.

As explained in question #3 above, 10 of these 59 projects have recorded covenants indicating a high likelihood that this project will proceed to development and obtaining building permits.

8. What is the percentage of total development projects that were conditioned to meet SUSMP requirements?

59 projects were conditioned out of 248 total reviewed or 24%. As explained above in Section IV.C.3, due to the unusually stringent review procedures in Malibu, most projects do not receive permits (neither development planning nor building permits) in the same year that the review process begins and it is not uncommon for a development application to take longer than two years from submittal to when building permits are finally pulled. So, even

though the City has many pending projects, many have not yet been conditioned because they have not completed the initial review process through to the final development planning permitting and conditioning stage (i.e. Planning Commission) and actually pulled building permits. This number also includes projects that may have been ultimately denied or in which a final decision on the application has yet to be made.

10-11 MBU IV C 3-Development Planning Review

SUSMP ACTIVITY													
ID	Fiscal Year	Last Name	First Name	BUSINESSNAME	ADDRESS	SUSMP APPROVED	COVENANT REC'D	BMP 1	BMP 2	BMP 3	BMP 4	BMP 5	BMP 6
100	2010-11	Washington	Kevin	24052 Malibu Road LLC	24052 Malibu Rd	01/31/2011	yes	Kri-star Flogard-Plus Fossil Filter	Outlet protection	Rip rap dissipater	Storm drain stenciling	General BMPs	
101	2010-11	Brada	Donald	Reeves Brada Family Trust	6400 Busch Dr	2 /11/2011	yes	Kri-star Flow-gard+Plus catch basin insert	FloGuard LoPro trench drain filter	Energy Dissipater	Rip Rap Pad	General BMPs	
102	2010-11			Malibu Realty LLC	3469 Cross Creek Rd	3 /31/2011	yes	Bioretention area	Rock lined swale	Storm drain signage and stenciling	Rip rap dissipater	General BMPs	
103	2010-11			First Oaks Oil, LLC	23387 PCH	11/29/2010	yes	FloGard+Plus media filter	Trash storage areas	Efficient irrigation systems	Landscape design	Storm drain signage and stenciling	
104	2010-11	Moritz	Neal	Neal Moritz Trust of 2000	23460 Malibu Colony Rd #86	04/12/2011	yes	2 12"x12" Drainpac Catch Basins with filtration	General BMPs				
105	2010-11	McNelley	Gary		29917 PCH	04/25/2011	yes	Kristar Flow-Gard Plus Catch Basin filter	FloGuard LoPro Trench Drain filter insert	Detention system/ Dispersal structure	Landscaping	Efficient irrigation	general BMPs
106	2010-11			Mariposa Land Company	3730 Cross Creek Rd	05/10/2011	yes	Vegetated swales	Covered storage containers	2 Portable toilets	Covered trash containers	General BMPs	
107	2010-11	Yeh	Man-Li		33740 PCH	06/15/2011	yes	Kristar FloGard Plus Catch Basin insert filters	Riprap dissipater and landscaping	Storm drain signage and stenciling	Efficient irrigation	Infiltration planters	Flow-Through planters
108	2010-11			Oranjeboom, Inc	4343 Encinal Canyon Rd	05/16/2011	yes	KriStar Catch Basin filter insert	LoPro trench drain filter	3 detention tanks	Storm drain stencil and signage	Efficient irrigation	Riprap dissipater
109	2010-11	Katz	Ronald	Ronald Alan Katz Family Trust	22768 PCH	06/28/2011	yes	DrainPac storm drain filter inserts	24"x24" Catch basin				

RESOLUTION NO. 10-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING ADMINISTRATIVE PLAN REVIEW NO. 07-120, CONDITIONAL USE PERMIT NO. 07-015, AND GENERAL PLAN MAP AMENDMENT NO. 09-001— AN APPLICATION TO PERMIT THE DEMOLITION OF TWO AUTOMOTIVE SERVICE BAYS, REMODEL AND EXPANSION OF AN EXISTING SERVICE STATION CONVENIENCE STORE, IN THE COMMUNITY COMMERCIAL ZONING DISTRICT LOCATED AT 26101 PACIFIC COAST HIGHWAY. INCLUDING AN AMENDMENT FROM COMMUNITY COMMERCIAL TO COMMERCIAL VISITOR-SERVING 1 TO CORRECT A LAND USE AND ZONING DESIGNATION DISCREPANCY BETWEEN THE GENERAL PLAN LAND USE MAP AND THE LOCAL COASTAL PROGRAM LAND USE MAP (DELAILLA INC.)

THE CITY COUNCIL OF THE CITY OF MALIBU DOES FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

- A. On September 17, 2007, an application was submitted to the Planning Division for Administrative Plan Review (APR) No. 07-120 and Conditional Use Permit (CUP) No. 07-015 by Marissa Coughlan, on behalf of property owner Delailla Inc.
- B. On January 16, 2008, a courtesy notice of the proposed development was mailed to all property owners and occupants within a 500 foot radius of the subject property located at 26101 Pacific Coast Highway (PCH) (APN 4459-005-011)..
- C. On April 13, 2010, a General Plan Map Amendment (GPMA) and Zoning Map Amendment (ZMA) were filed to correct a zoning discrepancy between the City's Zoning designation and Local Coastal Program (LCP) zoning designation.
- D. On April 16, 2010, a Notice of Application was posted on the subject site.
- E. On April 16, 2010, the application was deemed complete for processing.
- F. On April 22, 2010, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.
- G. On May 4, 2010, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record. At that hearing, the Planning Commission recommended the City Council approve the subject application.
- H. On July 1, 2010, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

I. On July 26, 2010, the City Council held a duly noticed public hearing to consider written reports, public testimony, and information relating to the subject application.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council has analyzed the proposal as described above. The City Council has found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment; and therefore, are exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15301 Class 1(a) – Existing Structures.

Furthermore, the proposed modification to the zoning of the subject parcel as per the General Plan Land Use Map are for the purposes of consistency with the City's certified LCP whereby the California Coastal Commission (CCC) had previously updated the subject parcel's zoning designation from Community Commercial (CC) to Commercial Visitor-Serving (CV-1) in 2002. Pursuant to CEQA Section 15265, certified LCP's and their amendments, including changes in zoning and land use are exempt from CEQA. The project does not propose to increase the size of the existing onsite development, nor add any new uses; however, modifying the General Plan designation will provide for consistency with the certified LCP zoning and land use designation. Pursuant to CEQA Section 15061(b)(3) the project is exempt from CEQA, since the modification to the zoning designation was studied during the CCC's certification process for the City's LCP.

Section 3. Administrative Plan Review Approval.

The proposed remodel of the existing structure and site improvements, including landscaping requires an APR pursuant to the Malibu Municipal Code (M.M.C.). APRs are typically reviewed and approved by the Planning Manager, however, since this project requires a CUP, GPMA, and ZMA, the APR is being pressed concurrently with these permits. The proposed project has been reviewed for conformance with the property development and design standards of M.M.C. Section 17.40.080.

The proposed project is determined to be consistent with all applicable City goals and policies. On December 4, 2009, a traffic assessment was completed by KOA Corporation for the proposed project and was reviewed by the City Traffic Engineer. The results of the traffic assessment indicated that the proposed project would not likely create any significant traffic impacts on the surrounding roadway system, nor would it impact onsite circulation. In addition, the project site has also been evaluated for potential impacts to archaeological resources per the City Cultural Resources Map. The project does not propose any earth moving activities and the site has a very low potential of containing archaeological or paleontological resources.

The Planning Commission determined that the proposed project, with the inclusion of the GPMA and ZMA conforms to the property development and design standards in the M.M.C. In addition, the GPMA and ZMA provide consistency with the City's certified LCP designation for the subject parcel.

Section 4. Conditional Use Permit Findings and Approval.

Since this use has been in operation prior to incorporation of the City, no CUP has been issued for the site. The applicant is now requesting a CUP to allow for the expansion of an existing convenience store and the operation of a service station that includes a 24-hour convenience store. The proposed 24-hour convenience store will sell pre-packed and prepared food, beer and wine, general retail items including personal toiletries, and the existing eight gas pumps will remain. Currently, the existing convenience store has a Type 20 license from the California Department of Alcoholic Beverage Control Board (ABC) for Offsite-Sale of Beer and Wine and no changes are proposed to the existing ABC license. Based on the evidence within the record, the City Council hereby makes the following findings of fact for CUP No. 07-015.

Finding B1. The proposed use is one that is conditionally permitted within the subject zone and complies with the intent of all of the applicable provisions of Title 17 of the Malibu Municipal Code.

The current use of the site as a service station and convenience market has been in operation prior to the incorporation of the City. The CC zoning district does not permit the operation of convenience stores; however, at the August 16, 1993 City Council meeting, the Council directed Planning Division staff to modify the definition of a convenience store to permit the continued operation of both the service station and the convenience store at this location, however this does not appear to have occurred. The project is conditioned to comply with all applicable provisions of the M.M.C. The LCP zoning and Land Use Maps identify the site as CV-1 which permits the operation of a service station with a convenience store. With the approval of the GPMA in the subject resolution and the ZMA in Ordinance No. 351, the proposed CUP will allow for a use that is conditionally permitted in the CV-1 zoning district.

Finding B2. The proposed use would not impair the integrity and character of the zoning district in which it is located.

The service station and convenience store have been in operation since the 1960s. The expansion of the existing convenience store into the existing service bay area will not impair the integrity and character of its zoning district as it is an established use in the area that operates 24 hours a day.

Furthermore, the subject site is located across the street from existing commercial development (BeauRivage Restaurant). Existing uses in the area include the BeauRivage restaurant which includes a wine tasting venue, residential beachfront development which is located across PCH, a State park and a recreational vehicle park located to the east of the site. To date, City staff has not documented any code enforcement complaints filed against the subject property and its use. The continued operation of the service station with a convenience market would not impair the integrity and character of the zoning district because the project proposes an already established use on the site that is similar to the surrounding commercial residential and visitor-serving uses.

Finding B3. The subject site is physically suitable for the type of land use being proposed.

Since the site is currently developed and utilized for commercial purposes, and the floor area ratio for the site is in compliance with the requirements of the M.M.C., it is physically suitable for the proposed renovation. The project proposes to utilize an existing structure by converting the existing automotive service bays into retail area which offers precooked and prepackage food; no expansion of the existing structure's footprint will take place. The existing restrooms will be maintained and will not require an upgrade to the existing onsite wastewater treatment system. City and applicable County agencies have reviewed the project and found it to be in conformance with the applicable development standards for the parcel. The expansion of the convenience store will further the site's ability to serve both local residents and visitors.

Finding B4. The proposed use is compatible with the land uses presently on the subject property and in the surrounding neighborhood.

As noted in Finding B2, the subject site is currently developed and is adjacent to existing commercial visitor serving development. In addition, the existing service station is located on a corner lot and its driveways are oriented toward PCH.

Finding B5. The proposed use would be compatible with existing and future land uses within the zoning district and the general area in which the proposed use is to be located.

The proposed use has been in operation since the 1960s and is compatible with existing and future land uses within the zoning district and the general area. The existing station does not create odors or noise levels that are in excess of those created by neighboring uses. Furthermore, the elimination of the automotive service bays will reduce the noise and odors generated by the service station. The surrounding land uses consist of a restaurant including a wine tasting venue, residential beachfront development, a State park and a recreational vehicle park.

Finding B6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety and the project does not affect solar access or adversely impact existing public and private views, as defined by the staff.

The subject site is currently developed and upon completion of the project, existing utilities will continue to service the proposed project. The City's Environmental Health Administrator has reviewed the proposed development and found the existing onsite wastewater treatment system (OWTS) to be adequately sized for the proposed remodel of the existing structure. In addition, no increase in the existing structure's height is proposed and, therefore, the project will not impact solar access or public and private views.

Finding B7. There would be adequate provisions for public access to serve the subject proposal.

The proposed expansion to the convenience store does not include a modification to the footprint of the existing onsite development. Based on the circulation analysis submitted by the applicant's traffic engineer and subsequently reviewed by the City Traffic Engineer, it is

anticipated that the expansion of the existing convenience store would not negatively impact public access or circulation.

Finding B8. The proposed use is consistent with the goals, objectives, policies, and general land uses of the General Plan.

As discussed in Finding B1, map amendments are being processed concurrently to correct a zoning inconsistency between the City's zoning and Land Use Maps and the LCP's zoning and Land Use Maps. The CV-1 zoning district allows for the operation of a service station that includes a convenience store.

Finding B9. The proposed project complies with all applicable requirements of state and local law.

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and other related agencies such as the ABC, Los Angeles County Fire Department (LACFD), and the Los Angeles County Department of Public Health.

Finding B10. The proposed use would not be detrimental to the public interest, health, safety, convenience or welfare.

The proposed project is for the expansion of the existing convenience store that is part of an existing service station, which is a conditionally permitted use in the LCP's CV-1 zoning district. As previously described in this resolution and with the incorporation of conditions of approval, the proposed use will not be detrimental to the public interest, health, safety, convenience or welfare.

Finding B11. If the project is located in an area determined by the City to be at risk from earth movement, flooding or liquefaction, there is clear and compelling evidence that the proposed development is not at risk from these hazards.

The subject property is not located in a special flood hazard area (Federal Emergency management Agency Map No. 06037C1536F). Furthermore, as designed and conditioned, the site will not be at risk from earth movement. The project does not propose any new structures. The existing commercial structure will be remodeled to accommodate the expansion of the convenience store. It has been determined that with standard engineering and building techniques the proposed remodel to the existing structure will be not be at risk from liquefaction.

Section 5. General Plan Map Amendment Approval.

The parcel is currently designated as CC according to the City's General Plan Land Use Map, however, the parcel is zoned CV-1 per the Certified LCP Zoning Map. The CC zoning district does not permit the operation of convenience stores as part of service stations, however, the LCP permits the operation of service stations that include a convenience store component. In 2002, the CCC updated the subject parcel's zoning land use designation from CC to CV-1. Approval of a General Plan Map Amendment will change the land use designation of the subject parcel

from CC to CV-1 to match the land use designation identified on the Certified LCP Land Use Map.

A. Pursuant to M.M.C. Section 17.74.030, the Planning Commission shall recommend approval modification or denial of the proposed map amendment to the City Council.

B. On May 18, 2010, the Planning Commission approved Planning Commission Resolution 10-45 recommending that the City Council approve General Plan Map Amendment No. 09-001.

Section 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council approves Administrative Plan Review No. 07-120, Conditional Use Permit No. 07-015, and General Plan Map Amendment No. 09-001 subject to the following conditions.

Section 7. Conditions of Approval.

Standard Conditions

1. The applicants and property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.
2. The scope of work approved includes:
 - a. Interior demolition of the existing automotive service bays;
 - b. Remodel and conversion of the 784 square feet into additional space for the expansion of the existing convenience store;
 - c. Removal of the existing storage containers;
 - d. Landscaping;
 - e. Removal of no more than 50 percent of the existing exterior walls as part of the renovation, and
 - f. GPMA to change the zoning designation of the subject parcel from Community Commercial to Commercial Visitor-Serving 1.
3. Subsequent submittals for this project shall be in substantial compliance with the plans date-stamped received by the Planning Division on **November 20, 2008**. The project shall comply with all conditions of approval stipulated in the department referral sheets attached to the agenda report for this project. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. The conditional use permit shall not be effective until the applicant signs and records the Affidavit of Acceptance of Conditions with the Los Angeles County Recorder. A certified copy of said recordation shall be filed with the Planning Division within 10 days of the effective date of the approval.
5. The Planning Manager is authorized to make minor changes to any of the conditions if such modifications shall achieve substantially the same results, as would strict compliance with said plans and conditions.

Conditional Use Permit

6. Both the convenience store and gas pumps are permitted to operate 24 hours a day.
7. The applicant is required to provide to the Planning Division a copy of the California Department of Alcohol Beverage Control issued License(s).
8. This conditional use permit allows for the sale of beer and wine in closed containers and does not approve the sale of distilled spirits of any kind.
9. The sale of alcoholic beverages shall be limited to the shelf space or floor area devoted to alcoholic beverage sales that existed on May 18, 2010 and no sales of alcohol shall take place between the hours of 12:00 am and 6:00 am.
10. The applicant shall comply with Storm Water Management and Discharge Control requirements of M.M.C. Chapter 13.04.
11. No trash or recycling pick up is permitted between the hours of 10:00 pm and 8:00 am.
12. Bottles and glass containers shall not be emptied into outdoor trash or recycling bins between 11 pm and 7 am.
13. The subject property including all landscaped areas shall be kept in good repair and in compliance with the provisions of M.M.C.
14. There shall be no storage (whether permanent or temporary) of materials outside of the structure proposed to be remodeled.
15. The two existing onsite storage containers which are located along PCH and Corral Canyon Road shall be removed as part of the proposed project.
16. The applicant shall submit a plan to the Planning Division to upgrade the existing trash enclosure prior to the issuance of building permits.
17. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.

18. That upon the revocation of the conditional use permit, the applicant shall cease operation of the service station and convenience store.

Construction

19. Any tenant improvements associated with the proposed use shall require a permit from the City of Malibu Environmental and Building Safety Division.
20. Construction hours shall be limited to Monday through Friday from 7:00 am to 7:00 pm and Saturdays from 8:00 am to 5:00 pm. No construction activities shall be permitted on Sundays and City-designated holidays.
21. To better protect the existing propane tank located on the southeast corner of the parcel, the existing bollards shall be increased from six inches to eight or twelve inches in diameter as determined by the City's Building Official.

Solid Waste

22. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.
23. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
24. In the event that more than 50 percent of exterior walls are removed or more than 50 percent of the existing square footage is added, the structure shall be considered a replacement structure, forfeit any legal non-conforming status, and is required to be brought into conformance with the current policies and standards of the LCP.

Onsite Wastewater Treatment System

25. No modification to existing onsite wastewater treatment system (OWTS) is permitted as part of this approval.

Biology

26. The applicant shall be required to submit a landscape plan to the planning division for review prior to the issuance of building permits. This plan shall show both existing and proposed landscaping.

Fixed Conditions

27. The conditions under which this conditional use permit was approved may be modified by the City of Malibu without the consent of the property owner or operator if the Planning Commission finds that the use is creating a nuisance.
28. A conditional use permit that is valid and in effect, and was granted pursuant to the provisions of this title shall run with the land and continue to be valid upon change of ownership of the land or any lawfully existing building or structure on the land.
29. Violation of any of the conditions of approval shall be cause for revocation of the conditional use permit and termination of all rights contained therein.
30. This CUP shall become null and void with the demolition of the building.
31. If it has cause to believe that grounds for revocation or modification may exist, the Planning Commission shall hold a public hearing upon the question or modification or revocation of this conditional use permit granted under or pursuant to the provisions of M.M.C. Section 17.66.100(C).
32. The conditional use permit shall be revoked if the Planning Commission finds that one or more of the following conditions exists:
 - a. The conditional use permit was obtained in a fraudulent manner.
 - b. The use for which the conditional use permit was granted has ceased or was suspended for at least six successive calendar months.
 - c. One or more of the conditions found within this resolution have not been substantially met.

Section 8. Certification.

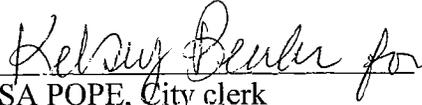
The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 26th day of July 2010.



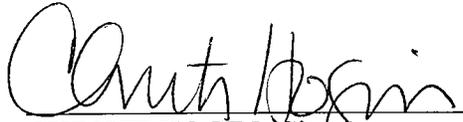
JEFFERSON WAGNER, Mayor

ATTEST:



LISA POPE, City clerk
(seal)

APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 10-42 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 26th day of July, 2010, by the following vote:

AYES: 5 Councilmembers: Conley Ulich, La Monte, Rosenthal, Sibert, Wagner
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)

RESOLUTION NO. 11-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
ADOPTING THE CONFLICT OF INTEREST CODE AND REPEALING
RESOLUTION NOS. 98-054, 99-02 AND 00-27

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

SECTION 1. Recitals.

- A. The Political Reform Act, Government Code sections 81000, et seq., requires the adoption of a conflict of interest code.
- B. Government Code Section 87306 requires every agency to amend its conflict of interest code when changes occur which include the creation of new positions which must be designated positions, the deletion of old positions and relevant changes in the duties assigned to existing positions.
- C. Section 2 accurately sets forth those positions which should be designated and the categories of financial interests which should be made reportable.

SECTION 2. The City requires full disclosure for the positions listed below which participate in making decisions which may foreseeably have a material effect on financial interests. Full Disclosure includes all interests in real property in the City of Malibu, as well as investments, business positions, and sources of income, including gifts, loans, and travel payments.

Assistant City Attorney
Assistant City Manager
Building Inspector
City Biologist
City Clerk
City Geologist
Code Enforcement Officer
Community Development Director/Building Official
Consultants*
Building Safety Manager/Deputy Building Official
Environmental Health Administrator
Finance/Accounting Manager
Mobilehome Park Rent Stabilization Commissioners
Parks and Recreation Director
Planning Director
Principal Planner
Public Works Director/City Engineer
Public Works Inspector
Public Works Superintendent
Senior Civil Engineer
Senior Code Enforcement Officer
Senior Public Works Inspector

Additional positions required to provide full disclosure pursuant to Government Code Section 87200 include:

City Attorney
City Council
City Manager
City Treasurer
Planning Commissioners

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination must include a description of the consultant's duties and, based upon the description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and must be retained for public inspection in the same manner and location as this Conflict of Interest Code.

SECTION 2. Resolution Nos. 98-054, 99-02 and 00-27 are hereby repealed.

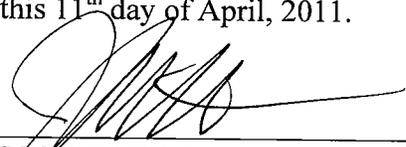
SECTION 3. The Political Reform Act requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regulations Section 18730, which contains the terms of a standard Conflict of Interest Code, that can be incorporated by reference and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. The terms of 2 Cal. Code of Regulations Section 18730, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference. These provisions constitute the Conflict of Interest Code of the City of Malibu. The City of Malibu is considered the "agency" within the purview of this code. The Conflict of Interest Code of the City of Malibu so adopted amends and replaces any Conflict of Interest Code of the City of Malibu previously in effect.

SECTION 4. Designated positions must file Statements of Economic Interests with the City Clerk; the originals of which will be on file with the City Clerk's office. Originals for those filers designated under Government Code Section 87200 are maintained by the Fair Political Practices Commission. The City Clerk will perform the duties of Filing Officer for the City of Malibu.

SECTION 5. Any change provided for in this Conflict of Interest Code will not affect or excuse any offense or act committed or done or omission or any penalty or forfeiture incurred or accruing under any other Conflict of Interest Code; nor will it affect any prosecution, suit or proceeding pending or any judgment rendered in connection with any other Conflict of Interest Code.

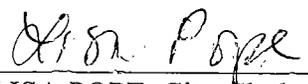
SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 11th day of April, 2011.



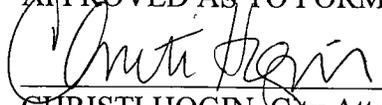
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

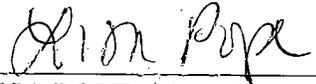
APPROVED AS TO FORM:



CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 11-14 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 11th day of April, 2011, by the following vote:

AYES: 4 Councilmembers: Conley Ulich, La Monte, Wagner, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 1 Councilmember: Rosenthal



LISA POPE, City Clerk
(seal)

RESOLUTION NO. 11-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU APPROVING LOCAL COASTAL PROGRAM AMENDMENT NO. 10-001 AND GENERAL PLAN AMENDMENT NO. 10-001 TO AMEND THE INSTITUTIONAL LAND USE DESIGNATION STANDARDS, PERMITTED AND CONDITIONALLY PERMITTED USES AND OTHER RELATED SECTIONS IN THE LOCAL COASTAL PROGRAM LAND USE PLAN AND GENERAL PLAN LAND USE ELEMENT

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On October 12, 2009, the City Council directed staff to begin preparation of a comprehensive amendment package permitted and conditionally permitted uses and accompanying development standards for the Institutional zone.

B. On November 9, 2009, in compliance with Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 19.2.1(A) and Malibu Municipal Code (M.M.C.) Section 17.74.020(B), the City Council adopted City Council Resolution No. 09-59, initiating changes to the LCP and M.M.C. regarding Institutional zone development standards, permitted and conditionally permitted uses. The City Council directed the Planning Commission to schedule a public hearing regarding the amendment package.

C. On November 10, 2009, a draft amendment package was presented to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) for review and recommendation. ZORACES recommended staff to return with a revised version of the amendment package that was exclusive to adding outdoor lights at public high schools as a conditionally permitted use within the Institutional zone. All remaining updates to Institutional zone development standards, permitted and conditionally permitted uses were recommended to be removed and to proceed under a subsequent amendment package. Accordingly, the public high school lights amendment proceeded separately under Local Coastal Program Amendment (LCPA) No. 09-004 and Zoning Text Amendment (ZTA) No. 09-006, and was submitted to the California Coastal Commission (CCC) on April 20, 2010 for review and certification. The subject amendment package includes the remaining updates to the Institutional zone development standards and uses initiated under City Council Resolution No. 09-59.

D. On June 22, 2010, the amendment package was presented to ZORACES for review and recommendation prior to scheduling for Planning Commission review.

E. On August 26, 2010, a one-quarter page Notice of Planning Commission Public Hearing and Notice of Availability for LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

F. On September 21, 2010, the Planning Commission held a duly noticed public hearing on LCPA No. 10-001, ZTA No. 10-002, and General Plan Amendment (GPA) No. 10-001, at which time the Planning Commission reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information on the record. At that meeting, the Planning Commission directed staff to return with recommended changes to the amendment package.

G. On November 11, 2010, a one-quarter page Notice of Planning Commission Public Hearing and Notice of Availability for LCP Documents was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC.

H. On December 7, 2010, the Planning Commission continued the item to the February 1, 2011 meeting and requested additional notification be made to homeowner's associations in the City.

I. On February 1, 2011, the Planning Commission held a duly noticed public hearing on LCPA No. 10-001, ZTA No. 10-002, and GPA No. 10-001, at which time the Planning Commission reviewed and considered the agenda report, written reports, public testimony, and other information on the record. At that meeting, the Planning Commission directed staff to prepare a resolution, as amended, recommending that the City Council approve the updated institutional development standards and uses.

J. On March 1, 2011, the Planning Commission adopted Planning Commission Resolution No. 11-16 recommending that the City Council approve the amendment which updated the institutional development standards and uses.

K. On April 28, 2011, pursuant to LIP Section 19.3 and M.M.C. Chapter 17.74, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all interested parties; property owners within the Institutional zone; homeowner's associations on record with the City; regional, state and federal agencies affected by the amendment; local libraries and media; and the CCC indicating that the City Council would hold a public hearing on May 23, 2011 to consider amendments to the LCP, M.M.C. and General Plan.

L. On May 23, 2011, the City Council heard and considered the evidence and information provided in support of and in opposition to the application, public testimony of all interested persons and the recommendations of the Planning Commission.

Section 2. Environmental Review.

In accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City as necessary

for the preparation and adoption of an LCP amendment. This application is for an amendment to the LCP, which must be certified by the CCC before it takes effect. LIP Section 1.3.1 states that the provisions of the LCP take precedence over any conflict between the LCP and a provision of the General Plan. In order to prevent an inconsistency between the LCP and the General Plan, if the LCP amendment is approved, the City must also approve the corollary amendment to the General Plan OS Element. This amendment is necessary for the preparation and adoption of the LCP amendment and because they are entirely dependent on, related to, and duplicative of, the exempt activity, they are subject to the same CEQA exemption.

Section 3. Local Coastal Program Amendment No. 10-001.

A. Based on evidence in the whole record, the City Council hereby finds that the proposed amendment meets the requirements of, and is in conformance with the policies and requirements of Chapter 3 of the California Coastal Act. Updating the Institutional land use designation standards and applicable provisions guides future growth and development, promotes public health, safety, and general welfare, and assures adequate public uses, facilities, and improvements within the City. The incorporation of updated uses accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of coastal resources.

B. The amendment to the LCP meets the requirements of, and is in conformance with the goals, objectives and purposes of the LCP as identified in said document. Updated institutional land use designation standards ensures that development within the Institutional land use designation advances the overarching goals of protecting coastal resources and promoting the public safety, convenience, and the general welfare. The incorporation of land use standards accommodates the need for new development and improvements to existing facilities, while taking into consideration the protection of environmentally sensitive habitat area (ESHA), visual resources, public access, and the avoidance or mitigation of hazards. Combined with the amendments to the LIP, institutional development standards will help ensure that new development is feasible, adequate for the use it is intended to serve, does not adversely affect neighborhood character, and is located in close proximity to existing development with available public services. Incorporating institutional development standards promotes LIP Sections 1.2(D) and (G) (guides future growth and development), LIP Section 1.2(F) (promotes public health, safety, and general welfare), and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). Updated permitted and conditionally permitted uses within the Institutional land use designation promotes LIP Section 1.2(F) (promotes public health, safety, and general welfare) and LIP Section 1.2(K) (assures adequate public uses, facilities, and improvements). The updated uses provide needed clarification; improvements to public necessity and safety, convenience, and the general welfare; and provide additional flexibility for public recreational opportunities within the coastal zone. The incorporation of updated uses accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of ESHA, visual resources, public access, and the avoidance or mitigation of hazards.

Section 4. Local Coastal Program Amendments.

LCPA No. 10-001 includes amendments to the LUP and corollary amendments to the General Plan Land Use Element. Corollary amendments to the General Plan are identified in Section 6 of this resolution. Related amendments to the LIP are included in Ordinance No. 359. The City Council hereby amends the LUP as follows.

A. Amend LUP Policy 5(C)(2) (Land Use Designations) under “Institutional” to read as follows:

INSTITUTIONAL (I): The I designation accommodates public and quasi-public uses and facilities in the City. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where additional significant public benefits and amenities are provided as part of the project. Uses that are permitted and/or conditionally permitted include but are not limited to the following: emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations.

Section 5. General Plan Amendment No. 10-001.

The City Council hereby finds that the General Plan amendment is necessary for the proposed LCP amendment and approves the General Plan amendment on the condition that the General Plan amendment only take effect if the LCP amendment is certified by the California Coastal Commission. Pursuant to M.M.C. Section 17.74.030, the City Council further finds that the subject General Plan amendment is consistent with the objectives, policies, and general land uses in the General Plan, as amended by the LCP amendment. The General Plan amendment guides future growth and development, promotes public health, safety, and general welfare, and assures adequate public uses, facilities, and improvements within the City. Further, it accommodates the need for new development, activities, and improvements to existing facilities, while taking into consideration the protection of coastal resources. The General Plan amendment will allow the text of the General Plan Land Use Element to be amended consistent with the amended LCP and is only corollary of that action.

Section 6. General Plan Amendments.

GPA No. 10-001 includes amendments to the General Plan Land Use Element. Related amendments to Title 17 (Zoning) of the M.M.C. are included in Ordinance No. 359. The City Council hereby amends the General Plan as follows.

A. Amend Land Use Element (Land Use Designations) Section 1.5.8 for “Institutional (I)” to read as follows:

INSTITUTIONAL (I): The I designation accommodates public and quasi-public uses and facilities in the City. The maximum Floor to Area Ratio (FAR) is 0.15. The FAR may be increased to a maximum of 0.20 where additional significant public benefits and amenities are provided as part of the project. Uses that are permitted and/or conditionally permitted include but are not limited to the following: emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations

B. Amend the text in Table 1-1 (Existing Land Uses) of Land Use Element Section 1.2.1 (Characteristics of Development) under “Public and Semi-Public Facilities” to read as follows:

Public and Semi-Public Facilities

Includes uses such as emergency communications and services, libraries, museums, maintenance yards, educational (private and public) and religious institutions, community centers, parks and recreational facilities, and governmental facilities including police and fire stations.

C. Amend Land Use Element Section 1.2.1 (Characteristics of Development) for “Public and Semi-Public Facilities” to read as follows:

Public and Semi-Public Facilities – Public facilities which include government facilities, police stations, fire stations, religious institutions, libraries, community centers, parks and recreational facilities, as well as private and public educational facilities account for about one-and-a-half percent of all land uses within the City. These land uses are scattered throughout Malibu. There is a government center, City Hall, police station, public library, medical offices and the Webster Elementary School located in the Civic Center area. The Malibu Middle/High School and Juan Cabrillo Elementary School are located in West Malibu in the Malibu Park area. Located in Point Dume is the Pt. Dume Marine Science Elementary School. The public schools are owned and operated by the Santa Monica-Malibu Unified School District. There are four fire stations located throughout the City, as well as County and State-operated maintenance facilities and vehicle storage yards. Religious institutions such as churches and synagogues are also located throughout the City.

Section 7. Approval.

Subject to the contingency set forth in Section 9, the City Council hereby adopts LCPA No. 10-001 and GPA NO. 10-001 amending the LCP and General Plan regarding Institutional land use designation standards and permitted and conditionally permitted uses.

Section 8. Submittal to California Coastal Commission.

The City Council hereby directs staff to submit LCPA No. 10-001 to the California Coastal Commission for certification, in conformance with the submittal requirements specified in California Code of Regulation, Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 7 and Chapter 6, Article 2 and Code of Regulations Section 13551, et. seq.

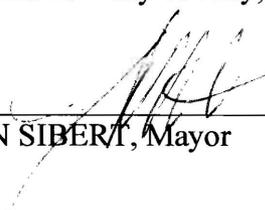
Section 9. Effectiveness.

The LCP amendment and General Plan amendment approved in this resolution shall become effective only upon certification by the California Coastal Commission of this amendment to the LCP.

Section 10. Certification.

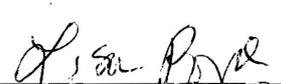
The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of May, 2011.



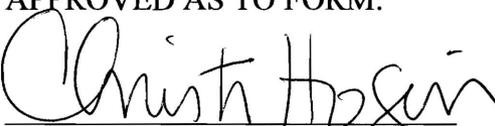
JOHN SIBERT, Mayor

ATTEST:



LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

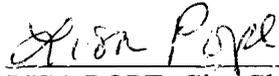


CHRISTI HOGIN, City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the Malibu Municipal Code and Code of Civil Procedure.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 11-23 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 23rd day of May 2011, by the following vote:

AYES: 5 Councilmembers: Conley Ulich, La Monte, Wagner, Rosenthal, Sibert
NOES: 0
ABSTAIN: 0
ABSENT: 0

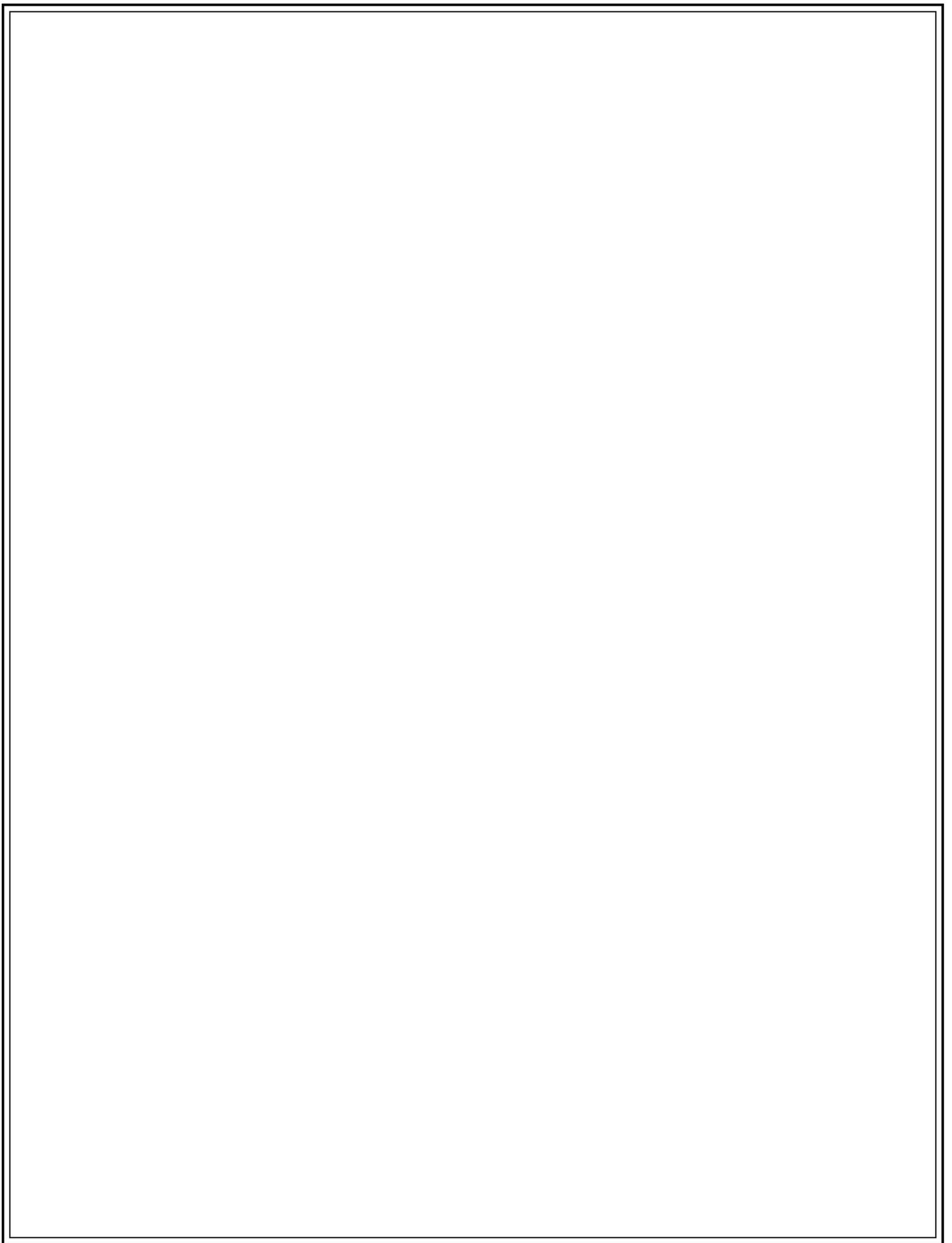


LISA POPE, City Clerk
(seal)

CITY OF MALIBU CLEAN WATER PROGRAM



GUIDELINES FOR RUNOFF MANAGEMENT AND WATER QUALITY MITIGATION PLAN (WQMP) PREPARATION



BEING A PART OF THE TEAM TO PREVENT POLLUTION

Clean water is everyone's business. Protecting water quality and ensuring all projects comply with regulations established to prevent environmental degradation are top priorities for the City of Malibu. Studies have shown that urban and storm water runoff is the leading contributor of pollutants to waterways. The United States Environmental Protection Agency (EPA) has determined that nationwide, storm water is a leading source of water pollution. Storm water and urban runoff carry pollutants including oil, dirt/sediment, animal waste containing bacteria, and chemicals such as pesticides, and fertilizers directly to our local streams and Santa Monica Bay, where they can degrade water quality. The purpose of this guide is to help address the potential impacts of development on water quality.

Natural landscapes allow rainwater and runoff to filter slowly into the ground. In contrast, impervious (nonporous) surfaces like driveways, patios, and rooftops prevent water from infiltrating, or soaking, into the ground. In fact, most of the water remains above the surface, where it flows rapidly and in unnaturally large amounts into the storm drain system. The increased runoff flows can cause erosion of hillsides and stream banks, and can carry pollutants into our receiving waters. When planning a new development or redevelopment, it is important to consider controlling the volume of runoff by using low impact development (LID), structural controls, and pollution prevention strategies.

The City of Malibu, along with its neighboring cities and counties, has been issued a National Pollutant Discharge Elimination System (NPDES) Permit by the Los Angeles Regional Water Quality Control Board (RWQCB) to regulate municipal storm water and urban discharges. In addition, because the City is in the Coastal Zone, the Malibu Local Coastal Program (LCP) and the associated Local Implementation Plan (LIP) protect water quality with development standards for coastal development permit projects. The City's regulations on storm water and water quality have been incorporated into the Malibu Municipal Code (M.M.C.) and LCP which are available on the City's website at www.ci.malibu.ca.us.

The following guidelines are provided to assist development professionals responsible for meeting the obligations imposed by the NPDES Permit and the Malibu LCP for development and redevelopment projects.

REQUIREMENTS FOR ALL PROJECTS

The City of Malibu's Storm Water Ordinance No. 157 (Chapter 13.04 of the M.M.C.) and Section 17.5 LIP require that all projects implement a Storm Water Management Plan (SWMP). The design elements of the SWMP should be incorporated as part of the project's grading and drainage plan so that they are constructed properly, and must address the following concepts:

- a) Conserve natural areas;
- b) Protect slopes and channels;
- c) Divert roof runoff to vegetated areas before discharge (unless the diversion would result in slope instability); and

- d) Direct surface flow to vegetated areas before discharge (unless the diversion would result in slope instability).

These concepts may be addressed by site design, source control, and structural or treatment control BMPs in accordance with Section 17 and Appendix A of the Local Implementation Plan, available on the City's website. If structural or treatment control BMPs are included in the design, the SWMP must include the operation and maintenance plans for these BMPs. While the primary intention of the SWMP itself is to minimize or prevent post construction polluted runoff, it must also include a local Storm Water Pollution Prevention Plan (SWPPP) to address construction phase BMPs. The SWMP shall be certified by a California Registered Civil Engineer or Licensed Architect and approved by the City's Department of Public Works.

WATER QUALITY MITIGATION PLAN (WQMP)

The NPDES Permit requires implementation of a Standard Urban Stormwater Mitigation Plan (SUSMP) program. Therefore, the City of Malibu requires applicants to submit a Water Quality Mitigation Plan (WQMP) for certain "priority projects" that includes mitigation measures to reduce the quantity and improve the quality of water running off developed areas. The WQMP includes site design concepts such as slowing water flows to allow infiltration, as well as implementing structural and treatment control Best Management Practices (BMPs), in addition to good housekeeping BMPs. The WQMP is intended to ensure that designs for pollutant management are part of the planning and approval process for all new development and redevelopment projects that fall into a priority project category or contain elements with specified characteristics that have the potential to adversely impact water quality of post-development runoff. The design elements of the WQMP should be incorporated as part of the project's grading and drainage plan so that they are constructed in accordance with what the WQMP specifies, however the WQMP itself is a stand alone document.

GUIDELINES

1. ***What is the Standard Urban Storm Water Mitigation Plan?*** The City is required by the RWQCB to implement the Standard Urban Storm Water Mitigation Plan, or SUSMP (pronounced "sue-sump"). It identifies a number of permanent Best Management Practices (BMPs) the City must require for public and private new development or significant redevelopment projects in order to protect and enhance the water quality of the region's surface waters. These BMPs are site design features and storm water treatment devices incorporated as permanent parts of the project that remain in place to provide ongoing management of runoff once the site is in use. Note that construction-phase BMPs – temporary measures put in place to prevent pollution while the project is built - are addressed through other standards and guidelines. The City implements its SUSMP obligation by requiring applicants to prepare and submit a WQMP for priority projects.
2. ***Which projects must submit a WQMP?*** A WQMP Category Checklist must be completed as part of the project submittal. The checklist determines whether the

development or redevelopment project is a “priority project” and must include a WQMP. If one or more of the items on the checklist describes the project, then a WQMP will be required. The checklist is available to view on the City’s website and may be obtained from the City’s Planning Counter.

Generally, all new development and significant redevelopment projects that meet one of the following criteria will be considered a **priority project**:

- A single-family hillside residence disturbing one acre or greater;
- A housing development with 10 or more residential units (including single-family, multi-family, condominium, and apartment units);
- A beachfront development with 2,500 sq. ft. or more impervious surface;
- A commercial development of one acre (43,560 sq. ft.) or more impervious surface;
- An automotive service facility (vehicle repair) with at least 5,000 sq. ft. impervious surface;
- A retail gasoline outlet with at least 5,000 sq. ft. impervious surface (gas station);
- A restaurant with at least 5,000 sq. ft. impervious surface;
- A redevelopment project resulting in the creation, addition or replacement of 5,000 sq. ft. or more of impervious surface area on an already developed site;¹
- A parking lot (5,000 sq. ft. or more of impervious surface area or with 25 or more parking spaces);
- An agricultural, horticultural, or confined animal facility;
- A project located on or directly adjacent to or discharging directly to an Environmentally Sensitive Habitat Area (ESHA) that meets threshold conditions as follows:
 1. Discharges storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and
 2. Creates 2,500 sq. ft. or more of impervious surface area

The following elements of projects may also potentially have adverse impacts on post-development runoff water quality. Therefore, projects that include any of these elements will also be required to include LID and post-construction treatment controls in the design to mitigate water pollution. A WQMP is required where one or more of the project characteristics in the following list is included in the project:

- Vehicle or equipment fueling areas;
- Vehicle or equipment maintenance areas, including washing and/or repair;
- Commercial or industrial waste handling or storage;

¹Redevelopment thresholds include: 1) Where redevelopment results in an alteration to more than fifty percent (50%) impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, then the entire project must be mitigated; or 2) Where redevelopment results in an alteration of less than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. NOTE: Existing single family structures are exempt from the redevelopment requirements.

- Outdoor handling or storage of hazardous materials or waste;
- Outdoor manufacturing areas;
- Outdoor food handling or processing, including loading areas;
- Outdoor animal care, confinement, or slaughter; or
- Outdoor agricultural or horticulture activities

3. What must the WQMP contain? At a minimum, the WQMP shall include the following sections:

1. The pollutants of concern for the project;
2. The BMPs selected to address the identified pollutants of concern; and
3. A description of the inspection and maintenance requirements necessary to ensure ongoing effectiveness of each BMP.

Along with these three mandatory sections in the plan, a Covenant to Maintain Drainage Facilities (document available from the City), the site legal description, an exhibit showing the general location of the selected BMPs, the property owner's signature acknowledged by a notary, and the Annual Inspection Form provided as Attachment C of the Covenant constitute the document that must be recorded prior to the issuance of grading or building permits for the project.

4. What is the goal of WQMP? The goal of the WQMP is to substantially reduce the impact that runoff from development activities has on water quality. During grading and construction, developers are required to implement BMPs that will keep any sediment or other materials from leaving the site. These are generally *temporary* BMPs (e.g., sandbags, plastic sheeting, etc.) used during construction. The WQMP addresses *permanent* BMPs that will control the volume of runoff from the property, as well as treat the runoff for any pollutants of concern. Examples of these types of improvements include storm water infiltration basins, underground detention tanks with sand filtration beds, catch basins filter inserts, and the simple design of allowing storm runoff to flow through a vegetated area rather than piping it directly to the street or storm drain. Additionally, proper site design techniques, popularly called Low Impact Development (LID), such as locating potential pollutant generating facilities away from drains or waterbodies, and adding design elements such as porous/permeable paving, cisterns and rain barrels, green roofs, and vegetated swales/buffers are highly effective and increasingly more desirable options to meet requirements.

5. Who must prepare a WQMP? The WQMP shall be prepared by an engineer, architect, landscape architect or other qualified professional, who by experience or education has knowledge of water quality issues and mitigation techniques, including the BMPs that are appropriate to meet the Maximum Extent Practicable (MEP) standard imposed by the Federal Clean Water Act, and by applicable State or local requirements.

6. What criteria should be considered in selecting appropriate BMPs? The following selection criteria should be considered when "screening" through BMP options to determine which are appropriate for the project:

- Pollutant removal capability of the BMP (i.e., is the BMP effective at addressing the pollutant(s) likely to occur in the project's runoff);
- The receiving water that will ultimately receive runoff from the project);
- Contributing watershed size;
- Site factors including but not limited to slope, the presence of concentrated drainage through the site, flow volume, and geologic stability;
- Project land use and size characteristics;
- Short-term and long-term costs of the BMP (e.g., maintenance);
- Party responsible for maintenance (e.g., homeowner, business owner, landlord, property manager, etc.); and
- Environmental enhancement (e.g., opportunity to improve or restore habitat or aesthetic qualities of the site or project)

7. What are the pollutants of concern? Pollutants likely to occur in runoff vary depending on the purpose or use of the development. Pollutants that should be considered include (but are not limited to) automotive fluids, cleaning solvents, toxic or hazardous chemicals, detergents, sediment, metals, pesticides, oil and grease (both petroleum and fat-based), herbicides, fertilizers, and pet wastes (containing bacteria and nutrients).

8. How are the pollutants of concern determined? Development projects by their nature produce pollutants of various types and in various quantities. The following table provides a breakdown of potential pollutants based on land use type.

Potential Pollutants Generated by Land Use Type

Land Use	Sediment	Nutrients	Organic	Trash	Oxygen Demand	Bacteria	Oil	Pesticides	Metals
Detached Residence	E	E	N	E	E	E	E	E	N
Attached Residence	E	E	N	E	P	P	P	E	N
Commercial/Industrial	P	P	P	E	P	P	E	P	P
Auto Repair	N	N	E	E	N	N	E	N	P
Restaurant	N	N	N	E	E	E	E	N	N
Hillside Development	E	E	N	E	E	E	E	E	N
Parking Lots	P	P	E	E	P	P	E	P	E
Streets	E	P	E	E	P	P	E	P	E

Abbreviations: E = Expected P = Potential N = Not Expected

Select the land use category that most closely fits the project to identify Expected and Potential Pollutants. List these as Pollutants of Concern in the project WQMP. If a project is unique in some way such that a pollutant identified in the table as Expected will not likely be present in this case, a sentence or brief paragraph shall be included to explain why the pollutant will not apply to this project. An example would be a beachfront house that is going to sit on a raised floor system due to the minimum flood zone elevation requirements which prevent the structure from reaching the ground. In such a case, a general explanation would be needed to explain the fact that there will not be exterior landscaping, thus sediment and Biological Oxygen Demand (BOD) substances will not be present. This should be satisfactory to address those issues.

In addition to the Potential Pollutants Table above, applicants shall consult the State 303(d) list, a list mandated by the EPA and maintained for California by the State Water Resources Control Board to include water bodies which are impaired for specific pollutants. An applicant must seek information on all water bodies to which the project site may drain to ensure the design properly addresses mitigation for any additional pollutants that were not listed in the Potential Pollutants Table. The 303(d) list is updated every three years to add and/or potentially remove water bodies and pollutants depending on data available to the State Water Board. Therefore, it is imperative that the current 303(d) list be consulted. The list can be found on the State Water Board's website at www.waterboards.ca.gov. For example, a property that is in the Zuma Creek subwatershed will have to identify 303(d)-listed pollutants from both Zuma Creek and Santa Monica Bay since the project can contribute runoff to either water body.

9. How are BMPs selected to treat the Potential Pollutants of concern? While one BMP may be effective at treating a certain pollutant of concern, it may be totally useless against other pollutants. The RWQCB has established a priority order each applicant must use for selecting appropriate BMPs for a priority project. The order of priority is:

1. Infiltration-type BMPs
2. Capture and reuse BMPs
3. Vegetated treatment BMPs
4. Manufactured infiltration BMPs also known as LID systems
5. Manufactured filtration systems

The applicant must evaluate BMP options in this order of priority. For example, if infiltration BMPs are not acceptable for a project due to geologic stability or infiltration rate issues, the applicant must next evaluate capture and reuse BMPs for the site rather than jumping to manufactured filtration systems, which is the fifth priority BMP. The WQMP shall include a detailed explanation for rejecting BMPs from a higher priority category of BMPs must be given within the WQMP. The WQMP must also provide an explanation of the effectiveness of the selected BMP(s) for the removal of the pollutants of concern. This explanation shall be supported by manufacturer's effectiveness data, as applicable. Note that since BMPs may be effective against one type of pollutant and not against others, it may be necessary to link two or more BMPs in a series to achieve treatment that complies with the MEP Federal Standard. See the Additional Resources section at the end of this document for links to BMP and LID information, in particular www.cabmphandbooks.com.

The following table provides general guidance on the effectiveness of various BMP categories for treating particular pollutants.

Treatment Control BMP Selection Matrix

Pollutant	Biofilters	Detention Basins	Infiltration	Wet Ponds	Filtration systems	Water Quality Inlets	Hydrodynamic separators	Proprietary systems
Nutrients	L	M	H/M	H/M	L/M	L	L	U
Organic Compounds	U	U	U	U	H/M	L	L	U
Trash	L	M	U	U	H/M	M	H/M	U
OD	L	M	H/M	H/M	H/M	L	L	U
Bacteria	U	U	H/M	U	H/M	L	L	U
Oil and Grease	H/M	M	U	U	H/M	M	L/M	U
Pesticides	U	U	U	U	U	L	L	U
Metals	H.M	M	H	H	H	L	L	U
Sediment	H/M	M	H/M	H/M	H/M	L	H/M	U

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

Once the pollutants of concern are identified based on the table “Potential Pollutants Generated by Land Use Type” and the 303 (d) list, the designer then must determine where in the Order of Priority the project will fall. Then, based on the Treatment Control BMP Selection Matrix, one or more BMPs as necessary should be selected to remove the pollutants to the MEP standard established in Federal Law.

10. What are the inspection and maintenance requirements for maintaining BMP effectiveness? Every BMP must be maintained to retain its maximum effectiveness. The designer must include in the WQMP a section with details on the types of maintenance required for each BMP. This information should include the recommended maintenance frequency and, by general designation, the party that is responsible for the inspection and maintenance of each BMP. For example, weekly maintenance by the hired gardener may be acceptable for a vegetated swale BMP, while more specialized inspection and maintenance may be required annually (such as by a manufacturer, engineer or other specialist familiar with the BMP’s specifics) for an infiltration system BMP. The designer must establish a reasonable and prudent inspection schedule, provide the owner with a checklist for use during the inspection and maintenance process and inform the owner that inspection records should be kept for three years under the terms of the City permit. The designer should also so note any special training that will be required to perform inspections and maintenance, such as confined space training for entering underground tanks or pipes.

11. What else is necessary to complete the WQMP requirements? Maintaining the BMPs shown in the WQMP is an obligation of the property owner once the project is complete. To ensure that future owners are aware of and understand what their obligations are, the City of Malibu has chosen to require that a “Covenant to Maintain Drainage Devices” be

recorded against title so that future owners will receive notice of this obligation that will be transferred upon the close of escrow. The City has three standard covenant forms currently available: one for residential projects, one for commercial projects, and one for agricultural and confined animal facility projects. The correct covenant must be used for each project.

The covenant must be signed by the legal entity that owns the property. Property ownership is often more complicated than “John Smith and Mary Smith, Husband and Wife,” as community property. For example, properties may be held by a trust, by a limited liability corporation or LLC, by a partnership or by a corporation. It is important that the covenant be properly signed by the property owner or legal signatory. To this end, the City will request a copy of the latest title report for the property showing how title is held to confirm that the owner is signing the document; in the case of a trust, partnership, corporation or other entity, additional documentation of the legal signatory may also be required.

To assure that the covenant is tied to the correct property, it must include a complete legal description of the property. The legal description must match that of the title report, and may consist of the metes and bounds, or the Tract Map or Record of Survey reference, as appropriate.

Prior to recordation, the complete WQMP document (including covenant) must be submitted to the City Public Works Department for approval. If the WQMP has already been through a detailed review process and the applicant has made all changes as requested by the City, the pre-recordation approval process should be a relatively simple process. If Public Works has not previously reviewed the document, then the applicant should allow for a multiple week process with corrections being requested. Once the WQMP document is approved, the City of Malibu will stamp it approved, make copies for distribution, and return the original and one copy to the Applicant for recording. **It is important to note that the building or grading permits for a project will not be issued until the approved WQMP is recorded and a certified copy of the document is returned to the City.** Ultimately, the Los Angeles County Recorder will return the recorded document to the City; however, this process can take up to three months. It is the applicant’s responsibility to take this timing into consideration with respect to permitting and construction schedules.

ADDITIONAL RESOURCES

City of Malibu (for M.M.C, LCP, and LIP)

www.ci.malibu.ca.us

State Water Resources Control Board - Sustainable Storm Water Management

www.swrcb.ca.gov/water_issues/programs/low_impact_development/index.shtml

County of Los Angeles Low Impact Development Standards Manual

http://planning.lacounty.gov/assets/upl/project/green_la-county-lid-manual.pdf

California Stormwater Quality Association (CASQA) *Stormwater Best Management Practice Handbooks* (a source for BMP selection)

www.cabmphandbooks.com

CASQA - California's LID Portal

<http://www.casqa.org/LID/tabid/186/Default.aspx>

Green Infrastructure for the City of Los Angeles: Addressing Urban Runoff and Water Supply through Low Impact Development

<http://www.ci.la.ca.us/SAN/wpd/Siteorg/program/Exec-Summ-Grn-Infrastruct.pdf>

City of Los Angeles Low Impact Development Program Information

www.ci.la.ca.us/san/wpd/Siteorg/program/LID/lidintro.htm

Surfrider Foundation Ocean Friendly Garden Program

www.surfrider.org/ofg.asp

Disclaimer

The information presented in this document is intended for guidance purposes only and is not all-inclusive. The information provided may be of value as an educational or reference tool. However, the City does not endorse any content or product that may be noted from this booklet. Please note that laws and regulations are subject to change. It is recommended that the applicable codes and statutes be reviewed to verify which requirements pertain to your project. Although the material contained in this guide will be routinely updated, it may not reflect the most recent changes in the various laws and regulations

**CITY OF MALIBU
LOCAL COASTAL
PROGRAM
Local Implementation Plan**

Adopted September 13, 2002

Codified, Edited and Published by

**LexisNexis Municipal Codes
Matthew Bender & Company, Inc.
701 East Water Street
Charlottesville, VA 22902
866-501-5155**



LexisNexis™

Municipal Codes

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CHAPTER 1—TITLE, PURPOSE, AND GENERAL PROVISIONS

1.1. TITLE

The regulations contained in this article shall be known as and referred to as the “Local Implementation Plan of the City of Malibu Local Coastal Program”.

1.2. PURPOSE

The purpose of this article is to implement the policies of the California Coastal Act of 1976, to carry out the policies of the City of Malibu Land Use Plan, and to:

- A. Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this City and of the State.
- B. Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- C. Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- D. Provide a definite plan for development so as to guide the future growth of the City.
- E. To protect and enhance the quality of the natural environment.
- F. To promote the public health, safety and general welfare.
- G. To ensure that any development in the coastal zone preserves and enhances coastal resources; and protects coastal views and access; and guides growth, development, and environmental management in a manner consistent with the provisions of the Land Use Plan of the Local Coastal Program.
- H. To lessen congestion on the streets and provide for adequate off-street parking.
- I. To prevent damage and injury from disasters such as fire, flood, tsunamis, tidal action ocean storms, geologic and seismic hazards and other dangers.
- J. To provide adequate light and air, clean ground water, and non-polluting waste disposal.

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- K. To assure adequate public transportation, utilities, schools, parks, open space, roads and other public facilities and improvements.
- L. To protect and preserve the areas, sites and structures of historic, cultural, archaeological and paleontological significance.

1.3. GENERAL PROVISIONS

1.3.1 Conflict with Other Provisions

If there is a conflict between a provision of the Malibu LCP and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision.

1.3.2 Severability

If any chapter, section, subsection, paragraph, sentence, clause, phrase or other portion of the Malibu Local Implementation Plan is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the Local Implementation Plan.

1.3.3 City of Malibu Municipal Code References

Where the City of Malibu LCP references a chapter or section of the City of Malibu Municipal Code, the version of the code cited is that which exists on September 13, 2002.

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ARTIST LOFT/STUDIO - A room or structure in which original works of art are created on site and, if living quarters for the artist are included, the living quarters do not exceed fifty percent (50%) of the square footage of the total studio space.

AUTHORIZED ENFORCEMENT OFFICER - the City Manager or his or her designee. (Resolution No. 07-04 (LCPA No. 05-001))

AUTOMOBILE SERVICE STATION - any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs and carburetors cleaning are conducted. Automobile services stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body and fender work are conducted.

AUTOMOTIVE SERVICE FACILITY - 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. (Resolution No. 07-04 (LCPA No. 05-001))

AWNING - a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

BAR AND COCKTAIL LOUNGE - saloons, bars, cocktail lounges, nightclubs, pubs, discotheques, taverns and similar places used primarily for drinking and designed for social interaction and/or stage show entertainment.

BASEMENT - that portion of a building or an area enclosed by walls located below finished grade and beneath or partially beneath the first floor footprint above, where the vertical distance from finished grade to the bottom of the finished floor above is no more than three (3) vertical feet at all points around the perimeter of all exterior walls. A basement does not constitute a story. (Resolution No. 07-04 (LCPA No. 01-006); Resolution No. 07-04 (LCPA No. 05-001))

BED AND BREAKFAST INN - a facility offering transient lodging accommodations to the public and providing kitchen facilities adequate to provide meals to the guests of the facility only and not otherwise open to the public.

BEST MANAGEMENT PRACTICES (BMPs) - 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

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treatment and detention facilities (see Structural BMPs), among others. (Resolution No. 07-04 (LCPA No. 05-001))

BICYCLE PARKING SPACE - any permanently maintained bicycle rack or other similar device which is designed for the secure storage of a standard size bicycle.

BLUFF EDGE - For coastal and canyon bluffs, the bluff edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Where a coastal bluff curves landward to become a canyon bluff, the termini of the coastal bluff edge, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the coastal bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the canyon facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

BOOKSTORE - any premises which has a substantial or significant portion of its stock in trade books, magazines, periodicals, pamphlets or newspapers.

BUILDING - any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials or any kind or nature.

BUILDING, ENCLOSED - a structure which is not open to the air for more than forty percent (40%) of its surface.

BULK - is the total interior cubic volume as measured from the exterior surface of the structure.

CALIFORNIA COASTAL ACT OR COASTAL ACT - is the California Coastal Act of 1976, Division 20 of the Public Resources Code, as amended.

CELLAR - any structure located entirely outside of the first floor footprint of a building, and located entirely below grade, except for an opening for pedestrian ingress and egress that shall have a minimum clear width of at least thirty (30) inches and a maximum clear width of forty-eight (48) inches. (Resolution No. 07-04 (LCPA No. 05-001))

CENTERLINE - where reference is made to the 'centerline' of any parkway, major or secondary highway, such centerline is deemed to be the centerline established by the County engineer for any proposed or dedicated public way which, in whole or in part, is included in any such parkway, major or secondary

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SEA - the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks and flood control and drainage channels. (Resolution No. 07-04 (LCPA No. 05-001))

SEA CLIFF - a cliff or slope produced by wave action, situated at the seaward edge of the coast or the landward side of the wave-cut platform, and marking the inner limit of beach erosion.

SECOND UNIT - an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated. The maximum living area of a second unit shall not exceed 900 square feet, including any mezzanine or storage space. A second unit may include a garage not to exceed 400 sq. ft. The square footage of the garage shall not be included in the maximum living area.

SEDIMENT BASIN - a basin constructed to collect and store debris or sediment. (Resolution No. 07-04 (LCPA No. 05-001))

SENSITIVE FACILITIES - those facilities which may by nature of their occupants be inhibited in their rapid evacuation capabilities, such as nursing homes, senior citizens' housing and other low-mobility uses; and commercial and industrial facilities containing hazardous materials or potentially hazardous operations requiring safe shut-down procedures.

SETBACK - the distance between the parcel line and a building not including permitted projections.

SHALLOW RESIDENTIAL LOT - any residentially zoned lot with a depth of one hundred feet (100') or less.

SITE COVERAGE - the horizontal area measured at the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

SITE DESIGN BMP - 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. (Resolution No. 07-04 (LCPA No. 05-001))

SOURCE CONTROL BMP - 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. (Resolution No. 07-04 (LCPA No. 05-001))

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SPECIAL EVENT - a significant occurrence or happening which is arranged for a particular occasion or purpose.

STAND - a structure for the display and sale of products with no space for customers within the structure itself.

STANDARD URBAN STORM WATER MITIGATION PLAN or SUSMP - 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. (Resolution No. 07-04 (LCPA No. 05-001))

STORM WATER MANAGEMENT PLAN - 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. (Resolution No. 07-04 (LCPA No. 05-001))

STORM WATER RUNOFF - 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. (Resolution No. 07-04 (LCPA No. 05-001))

STORY - that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. A basement shall not be considered a story if the finished first floor does not exceed three (3) feet above the average natural grade of the parcel. An unfinished attic shall not be considered a story. A mezzanine shall be considered a story if it is not open to the floor below, if it contains any enclosed rooms, bathrooms, closets, and the like, or if it contains more than 33-1/3% of the total floor area of the room(s) onto which it opens.

STREAM - is a topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

STREET - a public or private right-of-way, major or secondary highway or alley, whose function is to carry vehicular traffic and/or provide vehicular access to abutting property.

STRINGLINE RULE - a development standard used to establish beachfront structure setbacks.

STRUCTURAL BMP - 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

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may include both Treatment Control BMPs and Source Control BMPs. (Resolution No. 07-04 (LCPA No. 05-001))

STRUCTURE - anything construed or erected which requires a fixed location on the ground, or is attached to a building or other structure having a fixed location on the ground.

SUBMERGED LANDS - all lands that lie below the line of mean low tide.

TEMPORARY EVENT - is (a) an activity or use that constitutes development as defined in Section 30106 of the Coastal Act but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures such as bleachers, vendor tents/canopies, portable toilets, stages, film sets, etc., and/or involve exclusive use of sandy beach, parkland, filled tidelands, water, streets, or parking areas in temporary facilities, public or private buildings or open spaces, or outside of buildings which are otherwise open and available for general public use; or (b) an activity as defined in section (a) that involves any commercial component such as: admission fee, renting of facility, charging for valet parking or shuttle service and/or public advertising.

TEMPORARY STRUCTURE - a structure without any foundation or footings, and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TERRACE - an earthen embankment, a channel, or combination ridge and channel constructed across the slope. (Resolution No. 07-04 (LCPA No. 05-001))

THEATER - an enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals, circuses, stock shows and conventions. This definition shall include auditorium.

TIDELANDS - all lands which are located between the lines of mean high tide and mean low tide.

TOTAL DEVELOPMENT SQUARE FOOTAGE - the calculation of the interior space of the primary and accessory structures (including interior and exterior walls). Accessory structures shall include, but are not limited to, guest houses, garages, barns, sheds, gazebos, cabanas. Decks, terraces and balconies shall not be included in total square footage calculations when they are a part of a primary or accessory structure and are open on all sides.

TREATMENT - 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. (Resolution No. 07-04 (LCPA No. 05-001))

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TREATMENT CONTROL BMP - 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. (Resolution No. 07-04 (LCPA No. 05-001))

TREE - a plant having at least one well defined stem or trunk and normally attaining a mature height of at least fifteen (15) feet, and having a trunk that shall be kept clear of leaves and branches at least six (6) feet above grade at maturity.

TREE, 15-GALLON - a fifteen (15) gallon container tree shall be no less than one inch caliper and at least six (6) feet in height above grade at the time of planting.

TREE, 24-INCH BOX - a twenty-four (24) inch box tree shall be no less than one and three quarters (1-3/4) inch caliper and at least seven (7) feet in height above grade at the time of planting.

TREE REMOVAL - the destruction or displacement of a tree by cutting, bulldozing, or other mechanical or chemical method which results in physical transportation of the tree from its site and/or death of the tree.

TRELLIS - A frame supporting open latticework, typically used for training vines and other climbing plants.

UPLAND LIMIT OF A WETLAND - is 1) the boundary between land with predominately hydrophytic cover and land with predominately mesophytic or xerophytic cover; 2) the boundary between soil that is predominately hydric and soil that is predominately nonhydric; or 3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

URBAN RUNOFF - surface water flow produced by non-storm water resulting from residential, commercial, and industrial activities involving the use of potable and non-potable water. (Resolution No. 07-04 (LCPA No. 05-001))

USE - the purpose or activity for which land or a structure is designed, arranged, intended, occupied or maintained.

VINEYARD - a plantation of grapevines where wine grapes are produced. (Resolution No. 07-04 (LCPA No. 05-001))

WALLS - see FENCES.

WAREHOUSING - the storage of materials in a warehouse or terminal, where such materials may be combined, or separated for transshipment or storage purposes but the original material is not chemically or physically changed.

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, 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 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 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

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- 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 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. APPLICATION SUBMITTAL REQUIREMENTS

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

17.3.1. Construction Phase Requirements: Local Storm Water Pollution Prevention Plan

A. A 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 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.)

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- 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

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- Provide adequate disposal facilities for solid waste produced during construction and recycle where possible

17.3.2. 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 17.3.3 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 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 17.5 of the Malibu LIP and Appendix A to minimize or prevent post-construction polluted runoff. The SWMP should also specify any Treatment Control or Structural BMPs that the applicant elects to include in the development to minimize or prevent post-construction polluted runoff, and 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 that will be implemented to minimize or prevent post-construction polluted runoff (see 17.4.1 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. Storm Water Pollution Prevention Plan (SWPPP), as required in Section 17.3.1. of the Malibu LIP above.

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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 onsite 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 onsite 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

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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 (or 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. Requests for waivers must be approved, in writing, by the Planning Department, the Public Works Department, and the Environmental and Building Safety Department. A variance under Section 13.26 of the LIP from any requirements of this section shall not be granted.

17.3.3. 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 17.3.2 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 Plan¹ 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 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 17.3.3.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.

- A. A WQMP shall be required for projects that fall into one or more of the following categories of development:
 - Single family hillside² residential developments (1 acre or more of disturbed area)

¹ 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.

² "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.

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- Beachfront developments (2500 square feet or more of impervious surface area)
 - Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more
 - Industrial/commercial development (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 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
- 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 17.4.1 and 17.4.2)
 - 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

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- 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, gulying 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 onsite 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.

The City Engineer, or his/her designee, who reviews coastal development permits shall determine if the development requires post-development BMP efficacy monitoring and shall approve the monitoring program.

- 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 17.3.3 until the Authorized Enforcement Officer confirms that either (1) the project plans comply with the applicable WQMP requirements, or (2) compliance with the applicable WQMP 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 WQMP at the time the last Discretionary approval was granted by the City, the Design Standards set forth in 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 17.3.3, 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 Struc-

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tural or Treatment Control BMPs will be maintained in compliance with 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 WQMP, 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 Board³:
 - 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. A variance under Section 13.26 of the LIP from the requirements of the WQMP shall not be granted.
5. CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.

17.3.4. 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

³ 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."

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- 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 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.

17.3.5. Water Quality Mitigation 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 Water Quality Mitigation Plan for Agricultural and Confined Animal Facility Development (WQMP-Ag) shall be developed in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. The 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

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- 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.

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- 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 by-products of agricultural activities.

17.3.6. 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?

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- 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?

17.4. DEVELOPMENT STANDARDS

17.4.1. 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 17.3.2 of the Malibu LIP, and a WQMP requires the implementation of Site Design, Source Control and Treatment Control BMPs, as specified in 17.3.3 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 17.5 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

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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 17.5 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 17.5 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.

17.4.2. 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 storm-water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs and/or the 85th percentile, 1-hour storm event (with an appro-

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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 17.3.3.A. of the Malibu LIP).

17.4.3. 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 feasible
 - Control or reduce or eliminate flow to natural drainage systems to the maximum extent 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.
- 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.

17.5. DEVELOPMENT-SPECIFIC DESIGN STANDARDS

17.5.1. 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.

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- 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.

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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.

17.5.2. 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.

17.5.3. 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

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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.

17.5.4. 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.

17.5.5. 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.

17.5.6. 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.

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- 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.

17.6. 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.

17.7. 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.

17.8. 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, unless no feasible alternative exists, is the only acceptable method of bank stabilization and flood protection for new development, and the preferred method for redevelopment. Where armoring of stream banks has failed, streambanks shall be stabilized using bioengineered structures, unless no feasible alternative exists. 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.

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- 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.

17.9. 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 the LIP. For this type of development, a Water Quality Mitigation Plan for Agricultural and Confined Animal Facility Development (WQMP-Ag) shall be developed in order to minimize or prevent polluted runoff and water quality impacts resulting from the development. The WQMP-Ag shall be submitted with an application for a Coastal Development Permit, as specified in 17.3.5 of the Malibu LIP. (Resolution No. 07-04 (LCPA No. 05-001))
- B. In addition to the requirement of the 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 by-products 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

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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 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

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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

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Appendix B

BMP IMPLEMENTATION TABLES

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

<i>Priority Project Categories</i>	General Pollutant 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

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Table 2. Site Design and Source Control BMP Selection Matrix

<i>Priority Project Categories</i>	<i>Specific Areas for Implementation of Site Design and Source Control BMPs</i>													
	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

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Table 3. Treatment Control BMP Selection Matrix(1)

<i>Pollutant of Concern</i>	<i>Treatment Control BMP Categories</i>						
	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).