

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 585-1800



# Item W 11f

**DATE:** November 9, 2007

**TO:** Commissioners and Interested Parties

**FROM:** South Central Coast District Staff

**SUBJECT:** Agenda Item 11f, Wednesday, November 14, 2007, Permit Application No. 4-06-135 (Goodfriend)

The purpose of this addendum is to present two comment letters that have been received concerning the project and report other permitting activity associated with one of the properties that is the subject of application 4-06-135.

Note: ~~Strikethrough~~ indicates text to be deleted from the October 31, 2007 staff report and underline indicates text to be added to the October 31, 2007 staff report.

1) Two comment letters have been received to date concerning the project. Both are attached as exhibits to this addendum. One dated is from Pat Foley of BP West Coast Products. BP West Coast Products owns the property southwest of the project and the letter voices support for the applicant. The second letter is from Natasha Roit who owns two of the properties that are the subject of this application. Ms. Roit is not a co-applicant to CDP application 4-06-135, but has given permission for the project. Ms. Roit's letter requests clarification in the Commission staff report that Mr Goodfriend was responsible for construction of a pool and patio on the subject property, not a previous landowner. Whether or not Mr. Goodfriend constructed the pool and patio or a previous landowner, it is now Mr. Goodfriend's responsibility as owner of the property at 2925 Malibu Vista Road to resolve any potential violations of the Coastal Act that may be associated with his property. In response to these comments, Section B., Page 8 of the October 31, 2007 staff report shall be modified as follows:

The single family residence at 3925 Malibu Vista Road was also built in 1962. According to aerial photos, the site has been developed since 1977 with the existing single family residence and small viewing platform west of the residence. Between 1977 and 1986 it appears that ~~the previous owner of the residence constructed a pool and patio area~~ was constructed directly south of the residence.

2) Commission staff note the receipt of an exemption request 4-07-077-X from Marvin Goodfriend on October 25, 2007 for after-the-fact approval of a 407 sq. ft. addition and remodel at 3925 Malibu Vista Drive, Malibu. Commission staff are in the process of reviewing this application to determine how close the addition is to the top of the coastal bluff on the property.

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COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

PATRICIA H. FOLEY  
Area Development Manager  
4 Centarpeaks Dr.  
La Brea, CA 90009  
949-279-4626

BP WEST COAST PRODUCTS, LLC  
a Delaware limited liability company

November 8, 2007

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

RE: Permit Number 4-06-135

To Whom It May Concern:

This letter is written in support of our neighbor Marvin Goodfriend's permit application to remove debris and install a hillside drainage system as indicated in Permit Number 4-06-135. I have been to the property several times and I have not seen any construction debris dumped on our property during the term of our lease which began ten years ago. Mr. Goodfriend is a good neighbor and we appreciate his efforts resolve this matter.

Sincerely,

Pat Foley  
Area Development Manager  
BP West Coast Products

AddendumCDP 4-06-135Exh1

# ***LAW OFFICES OF NATASHA ROIT***

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3929 MALIBU VISTA DRIVE, MALIBU, CALIFORNIA 90265  
TELEPHONE (310) 657-7871 FACSIMILE (310) 657-3026  
E-MAIL [NatashaRoit@yahoo.com](mailto:NatashaRoit@yahoo.com)

November 9, 2007

**VIA FAX NO. (805) 641-1732**

Ms. Melissa Hetrick, Planner  
California Coastal Commission  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

Re: 3925 Malibu Vista Drive; Application No. 4-06-135

Dear Ms. Hetrick:

Thank you so much for forwarding to us the Staff Report and for yours and the Commission's hard work on this project.

Our only comment at this time is that the Staff Report seems to indicate that the construction of the pool and deck on the Goodfriend Property without Coastal approval was done by a prior owner (Section B, page 8):

*Between 1977 and 1986 it appears that the previous owner of the residence constructed a pool and patio area directly south of the residence.*

However, that work was done during Mr. Goodfriend's ownership of the property and by Mr. Goodfriend. I am attaching herewith an excerpt from Mr. Goodfriend's deposition wherein he admits the same (p. 605, lines 20-24)

It is also our understanding that at the time of applying for the pool permit, Mr. Goodfriend requested a permit for importation of fill on his property which request was rejected. Photographs within our possession demonstrate that the Goodfriend property used to have an upper level, a down slope, and a lower level, much like our adjoining property, which visibly is not the case today leading to the conclusion that fill was brought in at that time. I am attaching herewith another excerpt from Mr. Goodfriend's deposition wherein he admits to putting in the deck, doing grading at the same time, and attempting to level the property (p. 369 line 6 to 371 line 23).

Further, I am attaching a drawing submitted at that time (the stamp on the back of the drawing seems to reflect the date of September 1, 1978) by Mr. Goodfriend to the Department of Public Works in conjunction with pulling permits, which depicts the slope as it existed at that time, the

***LAW OFFICES OF NATASHA ROIT***

Page Two

Re: *3925 Malibu Vista Drive; Application No. 4-06-135*

November 9, 2007

then existing dwelling without the current addition, and the garage without the currently existing workroom and guesthouse.

Thank you again and we look forward to the hearing on November 14, 2007.

Very truly yours,

/s/

NATASHA ROIT

NR/wp

1 MY ADVICE IS RELATIVE TO MY CLIENT.

2 BUT WE'LL GO AHEAD AND ANSWER THIS  
3 QUESTION, UNDERSTANDING THAT WE'RE NOT GOING TO  
4 ALLOW COUNSEL TO GO FAR AFIELD AND UNDULY HARASS YOU  
5 WITH RESPECT TO INFORMATION THAT'S NOT RELEVANT TO  
6 THIS LAWSUIT.

7 THE WITNESS: IT APPEARS THAT THIS DRAWING  
8 IS ABOUT 25 YEARS AGO, AND I DON'T RECOLLECT  
9 SPECIFICALLY WHAT WAS DONE 25 YEARS AGO.

10 BY MS. ROIT:

11 Q. THAT WASN'T MY QUESTION, SIR,

12 MY QUESTION -- I KNOW THERE WAS A LOT OF  
13 COLLOQUY IN BETWEEN MY QUESTION AND YOUR ANSWER, SO  
14 LET ME ASSIST YOU WITH RECALLING WHAT MY QUESTION  
15 WAS.

16 YOU TESTIFIED THAT THERE WERE EIGHT OR TEN  
17 STEPS, AND YOU PLACED THEM FOR ME.

18 MY QUESTION TO YOU IS, WHEN WERE THOSE  
19 STEPS PUT IN?

20 A. I BELIEVE THEY WERE PUT IN AT THE SAME TIME  
21 THAT THE SWIMMING POOL WAS PUT IN, AROUND 1979.

22 Q. AND YOU DID THAT; RIGHT? YOU HAD THE  
23 SWIMMING POOL PUT IN?

24 A. YES.

25 Q. AND I JUST WANT TO MAKE ABSOLUTELY CERTAIN

1 A. No.

2 Q. If you don't have a purged schedule, can  
3 you think of any reason at all that you would not have  
4 maintained this document?

5 A. I cannot give you a reason.

6 Q. Did you do any grading when you were  
7 doing your deck construction?

8 A. Yes, I believe we did.

9 Q. Where did you do this grading?

10 A. We did the grading on the upper property  
11 leading to the lower property.

12 Q. Where your deck presently sits at the  
13 edge that is closest to the ocean side, from that edge  
14 going down downhill, can you estimate for me -- first of  
15 all, was any grading done in that area?

16 A. Not to my recollection.

17 Q. If we took the area of the deck from the  
18 edge of it that's closer to the ocean, tell me in  
19 relation to that where you did the grading.

20 A. The grading was done below that.

21 Q. Below the deck?

22 A. Yes.

23 Q. What was below the deck before the  
24 grading was done?

25 A. Ivy.

1 Q. Anything else?

2 A. Perhaps some ice plant.

3 Q. Was it essentially level ground? In  
4 other words, what were you doing in terms of grading  
5 down below the deck?

6 A. When we built the deck, we also re-did  
7 the landscaping in the backyard and put in a new lawn  
8 and palm trees and ice plant and tried to level the  
9 property to some extent.

10 Q. When you say tried to level it, what did  
11 you do to try to level the property to some extent  
12 during that time?

13 A. I don't remember the specifics. I just  
14 don't remember.

15 Q. Did you bring dirt in?

16 A. We might have. I don't remember.

17 Q. Can you give me an explanation, sir, or  
18 visual as to when you say you "tried to level the  
19 property," did you raise it in points an inch, two  
20 inches, feet? Give me a sense.

21 A. I remember that after building the deck  
22 sometime in '89 that we moved earth and planted new ice  
23 plant below the deck and some palm trees and a path.  
24 That's all I remember.

25 Q. Respectfully, sir, that's not what I'm

1 asking you. I'm asking you in terms of dirt  
2 importation. When I said earlier did you bring in dirt,  
3 last time in your session you indicated you did not. In  
4 this session you indicated you may have. I'm following  
5 up on what the circumstances are.

6 So in relation to the time that you put  
7 in the deck, did you bring in dirt in order to do some  
8 leveling of your property?

9 A. I don't remember.

10 Q. When you say earlier you did some  
11 grading, did you lower the higher portions of your  
12 property as opposed to raise the lower portions of your  
13 property?

14 A. I don't remember.

15 Q. Let me divide the question. Did you  
16 lower any portions of your property, in other words,  
17 take dirt out?

18 A. I don't remember.

19 Q. Did you raise any portions of your  
20 property with dirt?

21 A. I don't remember.

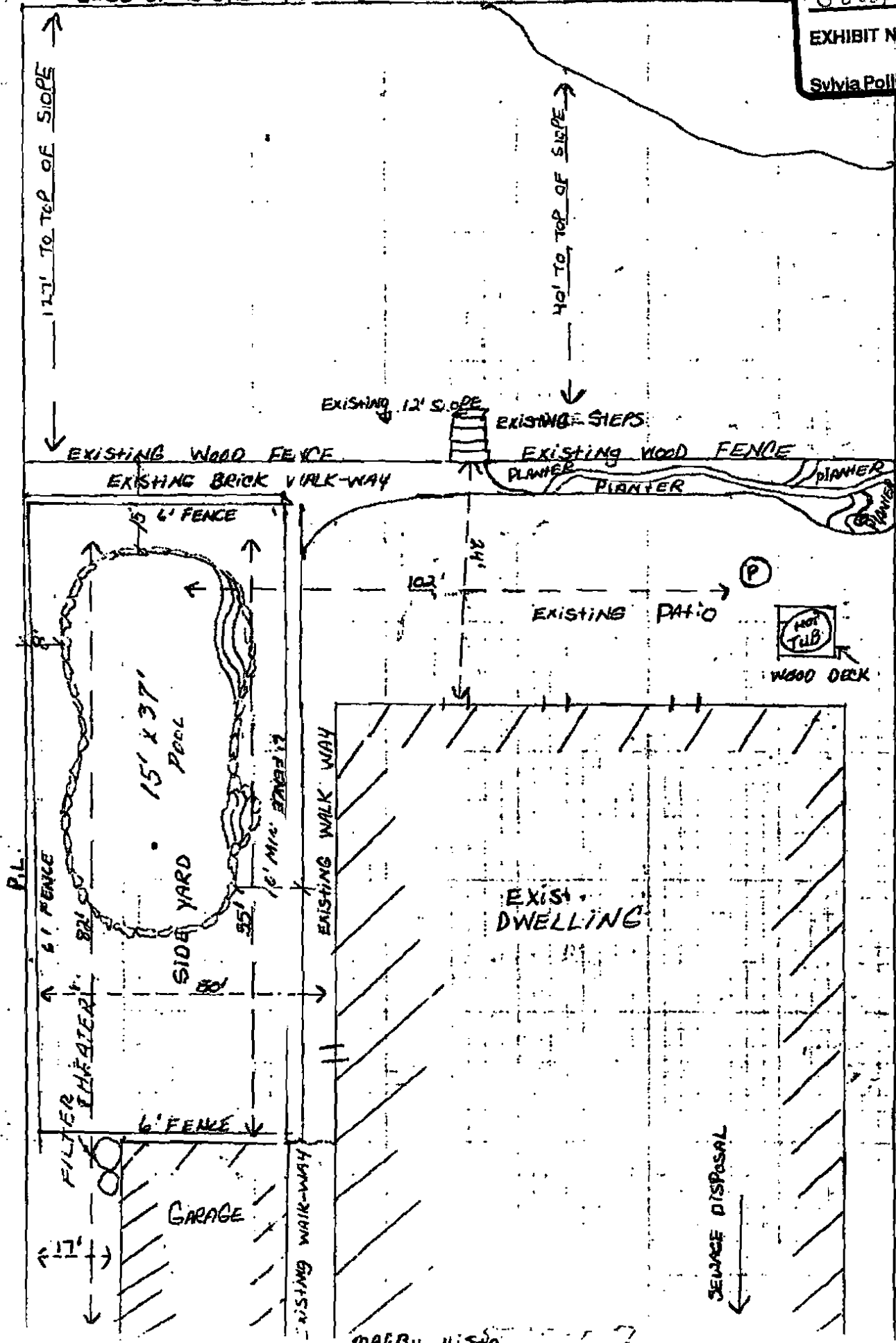
22 Q. Who did that work for you?

23 A. I don't even remember who built the deck  
24 for us.

25 Q. When you say you did some leveling and

EDGE OF SLOPE P.L.

Goodfriend  
EXHIBIT NO. 45  
Sylvia Pollick



MG0130

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page 4

DIVISION OF BUILDING AND SAFETY  
Department of County Engineer  
**APPROVED**  
UNDER ORDINANCE NO. 2225 N.B.  
BY M. [Signature]

SEP 1 1979

This set of plans and specifications MUST be kept on the job at all times and it is understood that no changes or alterations can be made without the approval of the Division of Building and Safety, County of Los Angeles. The changing of this plan and specifications SHALL NOT be held to permit or to be an approval of the applicability of any provisions of any County Ordinance or State Law.

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MG0129