

CALIFORNIA COASTAL COMMISSION

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



W19a-e

ADDENDUM

DATE: May 2, 2008
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: **Items W19a-e**
Dispute Resolution Nos. A-4-07-067-EDD (Lunch Properties LLLP)
A-4-07-068-EDD (Vera Properties LLLP)
A-4-07-146-EDD (Mulryan Properties LLLP)
A-4-07-147-EDD (Morleigh Properties LLLP)
A-4-07-148-EDD (Mulryan & Morleigh)

The purpose of this addendum is to: (1) attach and respond to correspondence received from the applicants' agent, Schmitz & Associates, on April 30, 2008 (**Exhibit 1**), and (2) attach two letters of correspondence to the Commission received from Mr. James Smith on April 24 and April 30, 2008 (**Exhibit 2**).

1. The applicants' agent submitted analysis to address one of the application incomplete items requested by staff that is being disputed in the subject appeal—the Water Source Alternatives Analysis. The applicants' agent states that an alternative to the proposed water line extension from Costa Del Sol would be drilling a well on the subject properties. However, the agent states that geologic testing that has previously been conducted on the sites did not encounter groundwater up to a 160-foot depth, but that drilling test wells beyond that depth would be required to definitively determine whether or not water wells are feasible. The applicants are unwilling to drill test wells because wells are not proposed as part of the projects. While the submitted analysis provides some information about the feasibility of water wells, the letter does not conclude whether water wells are feasible or not. However, staff is willing to proceed with the information provided by the applicants regarding this filing requirement because the issue can be further analyzed by staff and considered by the Commission in its review of the applications. Especially on large parcels in the Santa Monica Mountains, such as the subject properties, it is staff's experience that although water may be difficult to reach given its depth, it is not impossible to find water that is suitable for residential development.
2. The letters submitted by Mr. James Smith, a Sweetwater Mesa Road resident, express support for staff's recommendation and highlights geologic constraints associated with the proposed projects and City of Malibu-related issues regarding the proposed projects.

April 25, 2008
(Via Email and Hand-Delivery)

RECEIVED
APR 22 2008

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

Attn: Deanna Christensen, Coastal Program Analyst

Re: CDP Application 4-07-067: (APN: 4453-005-037)
Applicant: Lunch Properties, LLLP
Potable Water Source Alternatives Analysis

Dear Ms. Christensen,

We are in receipt of your letter dated February 29, 2008, in which you requested that the applicant provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the subject property. In response to that request and pursuant to our meeting with Staff on April 10, 2008, please see below.

The alternative to connecting the proposed residence to Las Virgenes Municipal Water District's public water line at Costa Del Sol would be drilling a well on the subject property to provide a private source of potable water. To confirm the availability of groundwater and the viability of utilizing groundwater as a private source of potable water, the applicant would be required to drill a test well(s). In the geologic testing that has been conducted to date, the project geologist encountered no groundwater up to a depth of 160 feet as confirmed in the previously submitted geologic report.

Even if it was determined that a water well is feasible as an alternative, it is not the preferred alternative based upon Los Angeles County Code and the policies of the Coastal Act.

Section 508.1.1 of Los Angeles County Code states that:

Except as otherwise provided by this section, every application for a building permit shall be accompanied by:

1. Evidence indicating to the building official that the proposed structure will be provided with a reliable water supply. The building official may accept as sufficient evidence a certificate from a water utility that it can supply water to the proposed structure in compliance with Title 20 of the Los Angeles County Code, except that if the building official knows that such water utility cannot so supply water the official may reject such certificate; or



SCHMITZ
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EMAIL: INFO@SCHMITZANDASSOCIATES.NET WEBSITE: WWW.S

EXHIBIT NO. 1
APPLICATION NO.
A-4-07-067-EDD et al Addendum
Water Source Alternative Analysis

2. *A certificate from the fire department that there is, or is under construction, a private water supply which, in the fire code official's opinion, is adequate for fire protection. (emphasis added)*

As evidenced by the Las Virgenes Municipal Water District's approval of the proposed water line extension, it is clear that the water utility can provide a reliable water supply to the proposed residence. Therefore, the exception identified in part 1 of Section 508.1.1 would be inapplicable. Part 2 of Section 508.1.1 relies on the opinion of the fire department to determine the adequacy of a private well to provide fire protection. Los Angeles County Fire Department Head Fire Prevention Engineer James Bailey previously submitted a letter to Coastal Staff stating that, "it is far superior from a fire safety standpoint to have public mains and hydrants as opposed to relying on water wells and/or tanks. Public mains provide a much more reliable and consistent source of water with sufficient flow rates to adequately protect the residents and structures in the area."

As stated previously, drilling a test well(s) would be required to confirm groundwater levels, flow-rates, etc. However, the Fire Department has stated that the water line is a superior alternative to private water wells. This indicates that the Fire Department would be significantly more likely to approve the proposed water line extension over a private water well due to the superiority of the water line's ability to provide a reliable, consistent, and adequate supply of water.

Section 20.16.060 of Los Angeles County Code establishes the minimum fire flow and fire hydrant requirements. This section states that in Very High Fire Hazard Severity Zones, in which the subject property is located;

...the fire flow duration should be provided from storage located at an elevation capable of delivering the fire flow by gravity. Pumping stations in gravity feed systems shall have available two separate means of pumping; one such means may be either a portable emergency generator or portable pumping unit driven by an internal combustion engine. An alternative system employing dual pumping facilities utilizing two independent sources of power, one of which shall be an internal combustion engine utilizing natural gas piped to the site or other fuel stored on the site, may be substituted for a gravity system. (emphasis added)

Extending the proposed water line from Costa Del Sol utilizes Las Virgenes Municipal Water District's existing storage located at a higher elevation than the subject property. The proposed water line uses this elevation differential to deliver water to the subject property via a gravity system consistent with Section 20.16.060.

In our above-referenced meeting, Staff expressed concerns pertaining to potential habitat impacts associated with the proposed maintenance road. As noted on the exhibit our office submitted to you on January 30, 2008, the approximate area of potential habitat disturbance associated with the water line maintenance road is less than 0.4 acres (approximately 17,100 sq. ft.).

Section 30240 of the Coastal Act states that:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

It should be noted that the area of the proposed water line is not located within any mapped Sensitive Environmental Resource Areas in the 1986 Land Use Plan, including Environmentally Sensitive Habitat Area (ESHA).

Section 30253 of the Coastal Act states that new development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (emphasis added)*

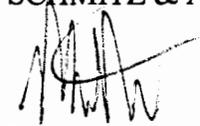
The proposed water line would provide a reliable source of water that would not only protect the subject property, but would also assist fire fighters in minimizing and containing the spread of wildfire into adjacent areas such as Serra Retreat and Carbon Canyon. Minimizing the spread of wildfire in this manner reduces the area impacted by the fire itself, as well as potential habitat impacts from emergency fire fighting practices such as fire breaks and the use of fire retardants. Fire fighting measures such as fire breaks and fire retardant are necessary in emergency situations to protect life and property from imminent danger. However, improving water supply to allow for increased containment to minimize the impacted area would inherently reduce and minimize these potential impacts. Emergency fire breaks can extend up to a mile or more and inherently require extensive brush clearance without any level of prior environmental review.

An additional factor to consider in weighing the potential habitat impacts associated with widespread wildfire damage is revegetation. After a wildfire, there is competition between native and invasive species to establish/reestablish themselves. Certain invasive species can quickly establish themselves in burned/disturbed soils and displace previously existing native vegetation due to the fact that there are no natural means in place to check the growth and spread of these invasive species. The spread of invasive weeds can negatively impact the structure and function of the native species and can negatively impact their ability to recover. The larger the impacted area, the more widespread these potential impacts become and the more difficult it is to monitor and remove invasive species. Therefore, measures to reduce the area impacted by a fire incident would minimize potential widespread threats to native species and habitat.

A recommendation of denial, due to the potential impacts associated with the water line and maintenance road (i.e. less than 0.4 acres of disturbance) based upon a misapplication of Section 30240 alone would take a narrow view of potential impacts to coastal resources. Viewing the broad potential impacts of wildfire and measures to minimize those impacts demonstrates the proposed water line's consistency with Section 30253 and Section 30240 in protecting life, property, and native habitat throughout the Santa Monica Mountains.

Thank you for your time and attention to this matter. Based upon the foregoing, we respectfully request that Staff provide a recommendation of approval for the proposed water line based upon its consistency with all policies of the Coastal Act. If you have any questions or comments regarding this matter, please feel free to contact me at (310) 589-0773.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Matt Jewett
Project Team Manager

Cc: Lunch Properties, LLLP
Jack Ainsworth, Deputy Director
Steve Hudson, District Manager

April 25, 2008
(Via Email and Hand-Delivery)

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

Attn: Deanna Christensen, Coastal Program Analyst

Re: CDP Application 4-07-068: (APN: 4453-005-018)
Applicant: Vera Properties, LLLP
Potable Water Source Alternatives Analysis

Dear Ms. Christensen,

We are in receipt of your letter dated February 29, 2008, in which you requested that the applicant provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the subject property. In response to that request and pursuant to our meeting with Staff on April 10, 2008, please see below.

The alternative to connecting the proposed residence to Las Virgenes Municipal Water District's public water line at Costa Del Sol would be drilling a well on the subject property to provide a private source of potable water. To confirm the availability of groundwater and the viability of utilizing groundwater as a private source of potable water, the applicant would be required to drill a test well(s). In the geologic testing that has been conducted to date, the project geologist encountered no groundwater up to a depth of 160 feet as confirmed in the previously submitted geologic report.

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Section 30240 of the Coastal Act states that:

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It should be noted that the area of the proposed water line is not located within any mapped Sensitive Environmental Resource Areas in the 1986 Land Use Plan, including Environmentally Sensitive Habitat Area (ESHA).

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Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Matt Jewett
Project Team Manager

Cc: Vera Properties, LLLP
Jack Ainsworth, Deputy Director
Steve Hudson, District Manager

April 25, 2008
(Via Email and Hand-Delivery)

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

Attn: Deanna Christensen, Coastal Program Analyst

Re: **CDP Application 4-07-146: (APN: 4453-005-092)**
Applicant: Mulryan Properties, LLLP
Potable Water Source Alternatives Analysis

Dear Ms. Christensen,

We are in receipt of your letter dated February 29, 2008, in which you requested that the applicant provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the subject property. In response to that request and pursuant to our meeting with Staff on April 10, 2008, please see below.

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Matt Jewett
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Cc: Mulryan Properties, LLLP
Jack Ainsworth, Deputy Director
Steve Hudson, District Manager

April 25, 2008
(Via Email and Hand-Delivery)

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

Attn: Deanna Christensen, Coastal Program Analyst

Re: **CDP Application 4-07-147: (APN: 4453-005-091)**
Applicant: Morleigh Properties, LLLP
Potable Water Source Alternatives Analysis

Dear Ms. Christensen,

We are in receipt of your letter dated February 29, 2008, in which you requested that the applicant provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the subject property. In response to that request and pursuant to our meeting with Staff on April 10, 2008, please see below.

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- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (emphasis added)*

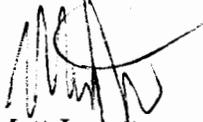
The proposed water line would provide a reliable source of water that would not only protect the subject property, but would also assist fire fighters in minimizing and containing the spread of wildfire into adjacent areas such as Serra Retreat and Carbon Canyon. Minimizing the spread of wildfire in this manner reduces the area impacted by the fire itself, as well as potential habitat impacts from emergency fire fighting practices such as fire breaks and the use of fire retardants. Fire fighting measures such as fire breaks and fire retardant are necessary in emergency situations to protect life and property from imminent danger. However, improving water supply to allow for increased containment to minimize the impacted area would inherently reduce and minimize these potential impacts. Emergency fire breaks can extend up to a mile or more and inherently require extensive brush clearance without any level of prior environmental review.

An additional factor to consider in weighing the potential habitat impacts associated with widespread wildfire damage is revegetation. After a wildfire, there is competition between native and invasive species to establish/reestablish themselves. Certain invasive species can quickly establish themselves in burned/disturbed soils and displace previously existing native vegetation due to the fact that there are no natural means in place to check the growth and spread of these invasive species. The spread of invasive weeds can negatively impact the structure and function of the native species and can negatively impact their ability to recover. The larger the impacted area, the more widespread these potential impacts become and the more difficult it is to monitor and remove invasive species. Therefore, measures to reduce the area impacted by a fire incident would minimize potential widespread threats to native species and habitat.

A recommendation of denial, due to the potential impacts associated with the water line and maintenance road (i.e. less than 0.4 acres of disturbance) based upon a misapplication of Section 30240 alone would take a narrow view of potential impacts to costal resources. Viewing the broad potential impacts of wildfire and measures to minimize those impacts demonstrates the proposed water line's consistency with Section 30253 and Section 30240 in protecting life, property, and native habitat throughout the Santa Monica Mountains.

Thank you for your time and attention to this matter. Based upon the foregoing, we respectfully request that Staff provide a recommendation of approval for the proposed water line based upon its consistency with all policies of the Coastal Act. If you have any questions or comments regarding this matter, please feel free to contact me at (310) 589-0773.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Matt Jewett
Project Team Manager

Cc: Morleigh Properties, LLLP
Jack Ainsworth, Deputy Director
Steve Hudson, District Manager

RECEIVED
APR 24 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

JAMES P. SMITH
3140 SWEETWATER MESA
MALIBU, CA. 90265

310 456-2781
FAX 310 456-5467
Cell 310 422-2130

April 23 , 2008

Deanna Christenson
Re: Extension of Sweetwater Mesa Rd.
Coastal Commission

Deanna ,

The applicants appeal claiming County Geology review of the road has weak merit .
Enclosed are two exhibits from the file at your office plus one page from Cal West's report on the road portion within the City of Malibu .

Exhibit "2" shows borings # B-6 and B-9 circled in blue . For B-6 bedrock was hit 59.5 feet down as shown by the number in the triangle . B-9 hit bedrock at 52 feet . The pink line is the edge of a landslide which is labeled QLS meaning landslide .

Exhibit #1" shows 3 manufactured slopes . Using the yellow reference point on both exhibits you can see slopes "A" and "B" are on the landslide . The page from Cal West addresses a similar section of the road on landslide at the LA County - Malibu boundary extending 850 feet into Malibu . I have discussed the 850 foot section with engineers and there is doubt that the recommended piles can actually be built . It would require about 100 piles at depths of around 100 feet . In addition , slope "B" is a cut slope . You can not do cut slopes and bench drains on a landslide . Slopes B and C in pink are cut slopes . Slope A in blue is a fill slope .

The elevation of the toe of slope "A" is 1,064 feet . The elevation of the top of cut on slope "C" is 1,284 feet . This means the vertical total amount of manufactured slopes A , B and C with bench drains and down drains is 220 feet high .

Also included are the conditions the City of Malibu placed on the variances to build the 1,600 feet of road in Malibu . Condition "I" requires a CDP before Malibu grants a permit . It would certainly be to the applicants benefit to forestal the geology issue until after a CDP is approved as that would enable aggressive pursuit of a road permit from Malibu .

Coastal's request for County geology review is reasonable and valid .

Regards ,

Jim Smith

EXHIBIT NO. 2
APPLICATION NO.
A-4-07-067-EDP et al Addendum
Correspondence

Section 6. Conditions of Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves of Plot Plan Review No. 00-094 and Variance No. 00-036, subject to the conditions listed below:

A. The permit and rights conferred in this approval shall not be effective and no building permits shall be issued until the applicant signs, notarizes and records the affidavit accepting the conditions set forth below with the Los Angeles County Recorder. The applicant and/or property owner shall provide the City Clerk a certified copy of said recordation within 60 days of the City Council's decision, no later than August 14, 2004.

B. This approval is contingent upon the applicant providing evidence to the Planning Manager and the City Attorney approval for the location of at least one residence on one of the five lots by the Los Angeles County Public Works Department and Los Angeles County Health Department.

C. Prior to the issuance of a grading permit for the permanent road, the applicant shall provide proof of purchase of 10-acre parcel, identified as APN 4453-005-013 and shall record a deed restriction against the title that prevents this parcel from access to the south via Sweetwater Mesa Road. The form of the deed restriction shall be submitted to the City of Malibu Planning Division in a form acceptable to the City Attorney.

D. Prior to the issuance of a grading permit for the permanent road, approval for a temporary, exploratory road shall be obtained from the Planning Division and the Building Official. The temporary road shall be constructed along the identical alignment of the permanent road. The temporary road shall be no greater than ten feet in width. The applicant shall provide for erosion control in accordance with City standards and ordinances.

E. Proof of approval by the Los Angeles County Health Department and Los Angeles County Public Works Department that at least one of the five residential lots is geologically adequate for development and acceptable for a waste disposal system shall be provided to the Planning Division. If none of the five sites are to be found to be geologically adequate for development and acceptable for a waste disposal system, or if the County finds for any reason that it cannot approve a home on any one of the five lots, the applicant shall be required to fully restore the temporary road and any associated grading with the road construction to its natural state that existed prior to construction.

F. The applicant shall provide title reports to the Planning Division for all surrounding properties indicating the rights of access held by those properties to the nearest public right-of-way, if any. If there is access to Sweetwater Mesa Road from any of the surrounding properties, the variance shall not be effective unless this condition is amended or waived by the City Council through a noticed public hearing.

G. Sweetwater Mesa Road shall be terminated after the access point to Lot 5. Prior to the issuance of a grading permit, the applicant shall record a deed restriction, in a form acceptable to the City Attorney, limiting the access rights to this portion of Sweetwater Mesa Road to five lots.

H. 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.

I. A coastal development permit or exemption shall be obtained prior to issuance of building permits. If a coastal development permit is denied for the project, this approval shall be null and void. (NOTE: A Project with Approval in Concept may require significant modifications to comply with Local Coastal Program, and in some cases, compliance may not be possible. Additional subsequent approvals may be required dependent on the extent of modifications that may be required.)

J. The proposed development shall be constructed in substantial conformance with the project plans submitted to the Planning Division on December 6, 1999. In the event the project plans conflict with any condition of approval, the condition shall control.

K. The Planning Manager is authorized to make minor changes to the approved plans or any of the conditions if such modifications shall achieve substantially the same result as would strict compliance with said plans and conditions.

L. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights there under.

M. Prior to stamping plans Approved-in-Concept, this Resolution shall be copied in its entirety and place directly onto a separate plan sheet behind the cover sheet of the development plans to be submitted entity responsible for issuing the Coastal Development Permit and the plans to be submitted to the Environmental and Building Safety Division for plan check.

N. Prior to submitting to the Environmental and Building Safety Division for plan check, the applicant shall provide the Planning Division with five complete sets of the working drawings for Approval-in-Concept stamps.

O. Subsequent to final building approval, the applicant shall receive planning sign-off for compliance with these conditions of approval.

alignment of the currently constructed temporary 10 foot wide equipment access road. Subsurface conditions along the proposed access road alignment vary from south to north, and consist of surficial soil over volcanic bedrock for approximately 700 lineal feet of the road alignment. The remaining portion of the access road (within the limits of the City of Malibu), approximately 850 feet of road alignment is underlain with landslide debris of varying thickness ranging from 36 feet at the intersection with Cross-section D-D' to up to 91 feet at the intersection with Cross section C-C', underlain by sedimentary bedrock, as interpreted by the project engineering geologist, Mountain Geology Inc.

Based on our slope stability analyses, included in Appendix E, the proposed access road, (specifically the portion above the landslide debris mass), exhibit factors of safety below the 1.5 and 1.1 for the static and pseudo-static conditions respectively, as required by the City of Malibu Department of Building and Safety with the pseudo static condition posing the most critical scenario.

Slope stability analyses were performed to establish the Geotechnical Foundation Setback Plane (GFSP), with minimum factor of safety of 1.5 and 1.1, for the static and pseudo-static conditions, respectively. Conveniently, directly beneath the proposed access road the Geotechnical Foundation Setback Plane (GFSP) coincides with the landslide debris/bedrock contact plane.

From a geotechnical perspective, the proposed access road starting at the terminus of the paved section of Sweetwater Mesa, extending approximately 700 lineal feet to the north, located to the southeast of the Geotechnical Foundation Setback Line (GFSL), is underlain with surficial soil over sedimentary bedrock and may be constructed at the proposed grade elevation. However, the portion of the access road, which encroaches into the landslide mass west of the Geotechnical Foundation Setback Line (GFSL), ~~(measuring approximately 850 lineal feet), should be supported with soldier/friction piles tied together with a structural grade beams, founded below the Geotechnical Foundation Setback Plane (GFSP).~~ The soldier/friction piles should be embedded a minimum depth of 15 feet into site bedrock, to a depth that complies with the foundation setback recommendations presented in the later sections of this report, or to the depth specified by the project civil/structural engineer, whichever is greater.

It should be noted, given the geologic setting, i.e. landslide debris within portions of the access road alignment up to 90 feet thick, the calculated equivalent fluid pressures seem excessive and possibly beyond the realm of conventional design. However, the project civil/structural engineer should evaluate the design data presented in this report, and based on their evaluation, provide the appropriate plan details. The equivalent fluid pressure analyses, corresponding loading diagrams and summaries are included in Appendix F.

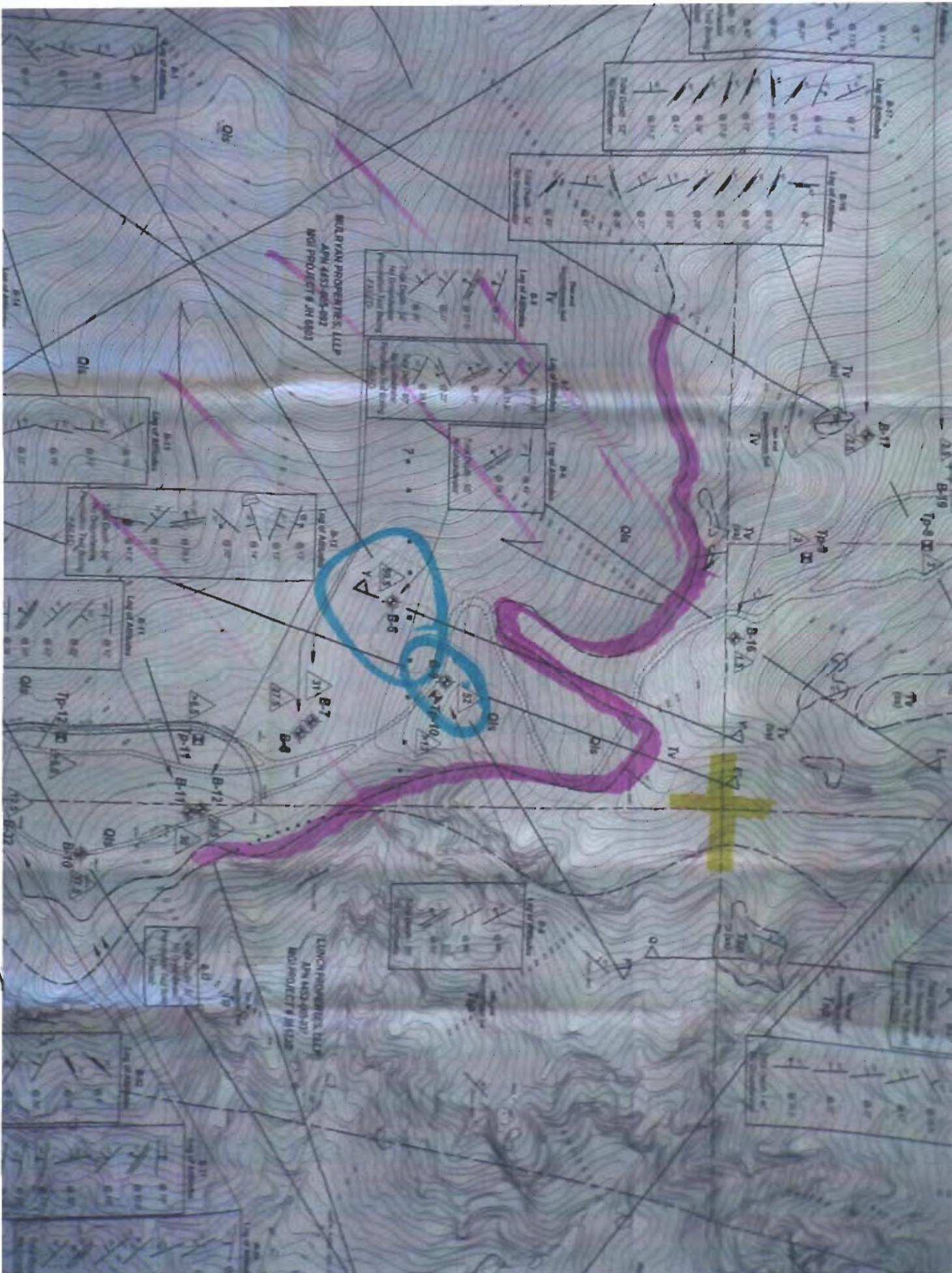


EXHIBIT #2

JAMES P. SMITH
3140 SWEETWATER MESA
MALIBU, CA. 90265

310 456-2781
FAX 310 456-5467
Cell 310 422-2130

April 28 , 2008

Deanna Christensen
Coastal Commission

Re: Dispute Resolutions Lunch Properties et. all
Extension of Sweetwater Mesa Rd.

Dear Deanna ,

The Coastal Staff Report refers to Coastal's request for evidence of City of Malibu approval for the portion of road within Malibu. Exhibit 3 ,the applicants letter hand delivered March 24 , 2008 , on page 2 paragraph 3 states they are seeking approval from the City prior to obtaining approval from Coastal . When Malibu granted the variances July 12 , 2004 condition "I " required a CDP before Malibu would approve the road . This was before the LCP was finalized and it was the City Councils intent to avoid having a portion of road within the City built to the County boundary without knowing that the applicant's project would be permitted . Another party is legally obligated to pay for the Malibu portion of road so the applicant could demand the road to be built without concern of cost or need . The Council clearly wanted Coastal approval BEFORE City approval . The applicant is now trying to reverse this sequence .

The applicant did not obtain a permit from Malibu for the road for which the variances were granted . The Malibu LCP became law and all new permits have to comply with it . The applicant has to receive new variances from the Malibu Planning Commission and that has not yet been done.

Numerous violations of the July 12 , 2004 conditions of approval have occurred . Since the variances approved are no longer valid , these issues can be addressed by the Planning Commission when new hearings are conducted . The City Council was very concerned about having a road built behind Serra Retreat to the LA County boundary and then having numerous County projects approved with the City unable to be involved . This was the main reason for Condition "I".

Some examples of the deceptive history of this project :

1. At the July 12 , 2004 City Council hearing the City was told no easements existed to the North . On December 9 , 2003 , an easement was recorded granting the applicant a utility easement 20 feet in width with rights to grade slopes outside the easement . The 20 feet width meets Fire Dept. requirements and the grade of the route also meets Fire Dept. requirements . The Utility easements includes ingress egress rights for the grantee and prohibits blocking off the utility road . Exhibit "M"
2. On June 24 , 2004 , 18 days before the City Council approved the variances , Whitson Engineering had completed a revision to easement "M" which slightly adjusted the route and gave the applicant easement rights for "ALL PURPOSES". This was not disclosed to the City . If the Council knew about this , the variances would not have been granted at that time . On July 30 , just 16 days after the Council acted , this easement was signed by the applicant and recorded . Condition

"F" calls for a public hearing by the City Council because of this . It is quite apparent that the direction the various easements are headed for is to creat a connection between Piuma Road and Sweetwater Mesa , another throughfare over the Santa Monica mountains . There is the Debell easement which historically gives ingress egress rights to several hundred acres which this project would provide most of the road necessary to make the connection . Exhibit "N"

3. Condition "C" requires deed restrictions on parcel 4435-005-013 preventing this parcel from accessing Sweetwater Mesa . The City was trying to limit amount of development that could access Sweetwater Mesa . On June 28 , 2004 , fourteen days before the Council approved the variances , the applicant recorded easements rights to Sweetwater Mesa for this parcel and did not disclose it to the Council . Condition "A" required the applicant to record an affidavit stating they accepted the conditions . This was done . On August 15 , 2005 over one year later , the applicant recorded a second easement expanding the route for this parcel to access Sweetwater Mesa . This is blatant defiance of the conditions of approval . Exhibits "O" and "P" .

4. Council for the applicant wrote a letter to the City of Malibu June 14 , 2004 , one month before the Council acted . His letter declares Northern Access Is Not Available . Ten days later on June 24 , just such an access had been completed by Whitson Engineering and as mentioned in item 2 above was recorded shortly after the Council acted . Exhibit "Q".

The current applicant has continued to use the same team of consultants and advisors as mentioned in these facts . The current applicant is also bound by the conditions approved and recorded and can be considered as having accepted them . This project is for four spec homes plus a home the owner says he wants to live in . It will involve extensive grading in landslides , high visibility for miles and significant impact in an ESHA . The grading in landslide areas might not be able to get County approval . Coastal Staff is being asked to accept a possibly undoable project and then seek Coastal approval for it .

The staff's request for more information is ligitiment and necessary .

Sincerely ,

A handwritten signature in black ink, appearing to read "J. Smith". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Section 6. Conditions of Approval.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves of Plot Plan Review No. 00-094 and Variance No. 00-036, subject to the conditions listed below:

A. The permit and rights conferred in this approval shall not be effective and no building permits shall be issued until the applicant signs, notarizes and records the affidavit accepting the conditions set forth below with the Los Angeles County Recorder. The applicant and/or property owner shall provide the City Clerk a certified copy of said recordation within 60 days of the City Council's decision, no later than August 14, 2004.

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C. Prior to the issuance of a grading permit for the permanent road, the applicant shall provide proof of purchase of 10-acre parcel, identified as APN 4453-005-013 and shall record a deed restriction against the title that prevents this parcel from access to the south via Sweetwater Mesa Road. The form of the deed restriction shall be submitted to the City of Malibu Planning Division in a form acceptable to the City Attorney.

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F. The applicant shall provide title reports to the Planning Division for all surrounding properties indicating the rights of access held by those properties to the nearest public right-of-way, if any. If there is access to Sweetwater Mesa Road from any of the surrounding properties, the variance shall not be effective unless this condition is amended or waived by the City Council through a noticed public hearing.

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H. 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.

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O. Subsequent to final building approval, the applicant shall receive planning sign-off for compliance with these conditions of approval.

Recording Requested By and
When Recorded, Mail To:

03 3721709

Catherine A. Philipovitch
Bosso, Williams, Sachs, Atack, Gallagher & Sanford
P.O. Box 1822
Santa Cruz, CA 95061-1822

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$0 - Consideration less than \$100
 computed on full value of property conveyed, or
 computed on full value less liens and encumbrances remaining at time of sale.
 Unincorporated area: City of _____.

GRANT OF EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
STEPHEN P. VERNON, a married man as his sole and separate property, does hereby
GRANT to JEAN ROSS, LLC, a California limited liability company, MIKA HEIGHTS,
LLC, a California limited liability company, CATHERINE ISABEL, LLC, a California
limited liability company, and BRIAN A. SWEENEY, a married man as his sole and
separate property who took title as Brian A. Sweeney, a single man, a non-exclusive
easement for utility purposes over, under and on the real property described in Exhibit A,
attached hereto and incorporated herein by this reference (the "Easement Area"). The
aforesaid easement shall be appurtenant to and for the benefit of the real property

EX "M"

03 3721709

3²

commonly known as APNs 4453-005-013, 4453-005-037, 4453-005-18, 4453-005-038, 4453-005-091 and 4453-005-092 in Los Angeles County, California, legal descriptions of which are attached hereto as Exhibit B and incorporated herein by this reference (the "Benefited Property"). This easement shall include the right to grade slopes adjacent to the Easement Area if reasonably necessary for the construction of improvements consistent with this easement. Grantor also grants to Grantees a temporary construction easement over portions of Grantor's real property as reasonably necessary for purposes of constructing improvements consistent with this easement.

At Grantees' written request, Grantor shall agree to slight modifications as to the location of the Easement Area if required by any utility company serving the Benefited Property, or if reasonably necessary due to actual construction conditions. Under these circumstances, Grantor and Grantee shall execute and record a modification to this Easement.

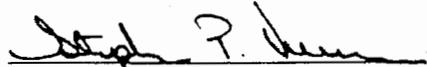
Grantee shall permit Grantor to connect to all utilities encompassed within said easement, including but not limited to, the main water line installed by Grantee pursuant to this Easement at no charge to Grantor for the benefit of Grantor's real property described in Exhibit C attached hereto and incorporated herein by this reference ("Grantor's Parcels"). Grantor shall permit Grantee to construct, at Grantee's expense, a main water line leading from the terminus of the existing main water line to Grantor's Parcels, and Grantor shall thereafter permit Grantee to connect to said main water line for

03 3721709

purposes of using this Easement. Grantee shall construct one hydrant on each of Grantor's Parcels when the main water line is constructed within the Easement Area.

Notwithstanding anything to the contrary contained herein, Grantee shall not exercise such easement rights in any manner which will obstruct roadway ingress and egress (including but not limited to vehicular ingress and egress) for unrestricted purposes by Grantor or Grantor's agents or invitees, over the Easement Area.

Dated: November 11, 2003


STEPHEN P. VERNON

B Grantor and Grantee desire to modify the location of the Easement, as more particularly set forth below

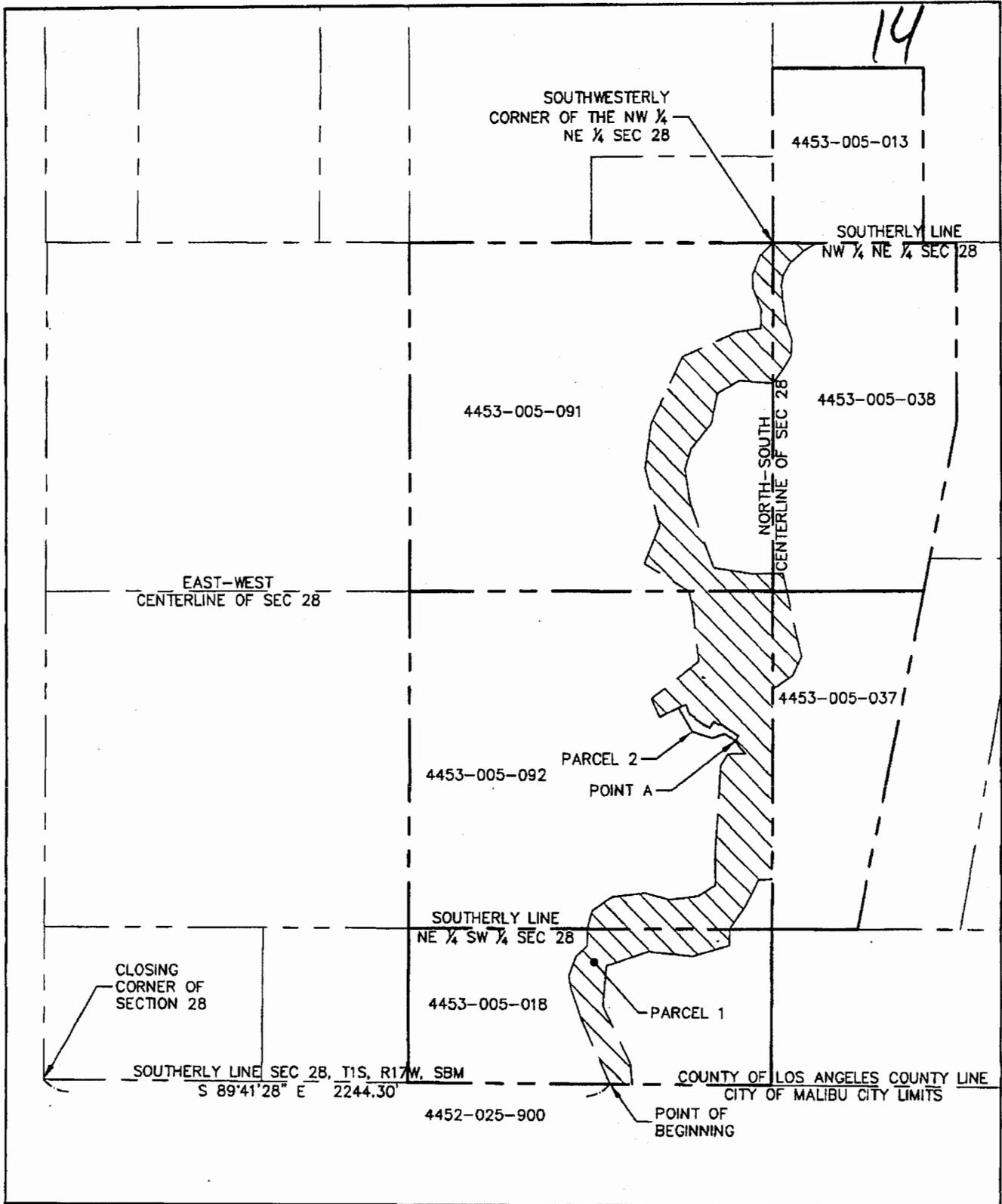
Agreement

Now, therefore, for good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows

- 1) Modification of Easement Area. Exhibit A of the Easement (the "Old Description") is hereby deleted in its entirety, and is replaced with the legal description attached hereto as Exhibit A, and incorporated herein by this reference (the "New Description") Grantor hereby grants to Grantees an easement over, under and on the ~~New Description for all purposes~~, and on such terms as are contained in the Easement Grantees hereby quitclaim unto Grantor all right, title and interest of Grantees in the Old Description
- 2) Remaining Terms Except as expressly modified herein, the Easement shall remain in full force and effect

05 1949184

14

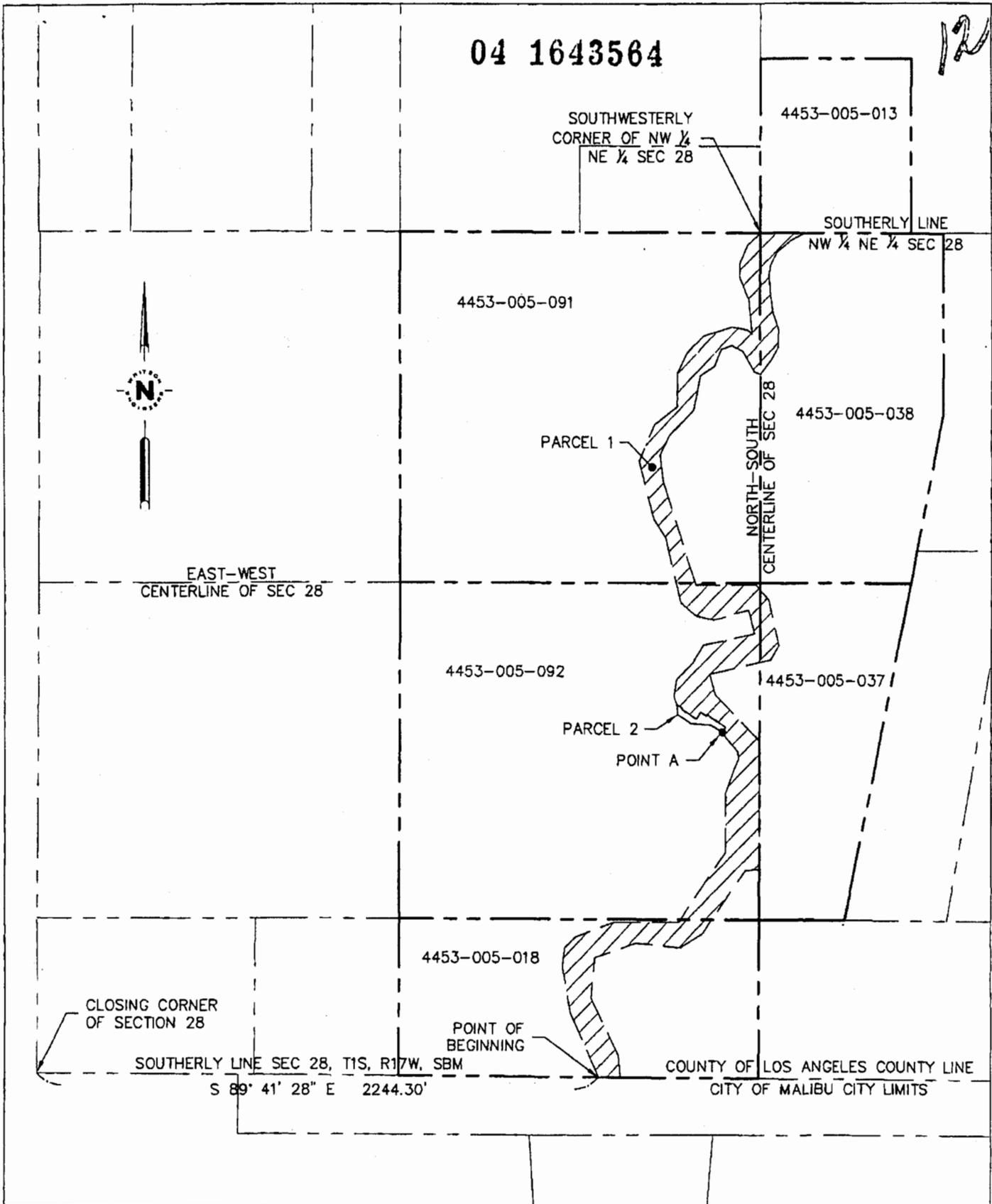


WE	ATTACHMENT TO EXHIBIT C		DATE: JUNE 27, 2005	SHEET
	LOS ANGELES COUNTY	CALIFORNIA	SCALE: 1" = 500'	1
	PARCEL 1 AND 2		DRAWN: MB	
	DRAWING PATH: SWM Easement-REV.dwg		CHECKED: KW	
			PROJECT #: 1039.02	OF 1

EX "0"

04 1643564

12



ATTACHMENT TO EXHIBIT B

LOS ANGELES COUNTY

CALIFORNIA

PARCEL 1 AND PARCEL 2

DRAWING PATH: SWM Easement.dwg

DATE: JUNE 15, 2004

SHEET

SCALE: 1"=500'

DRAWN: D.B.

CHECKED: K.W.

PROJECT #: 1039.02

1

OF 1

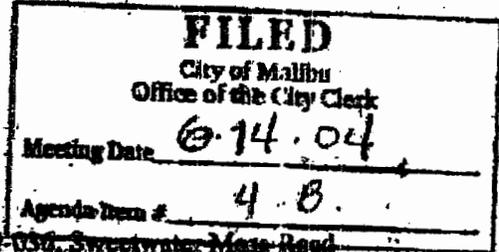
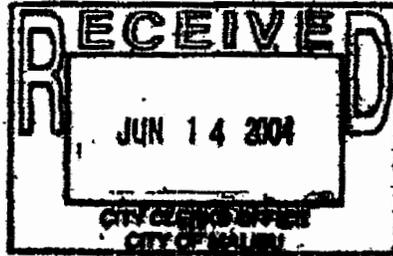
EX "P"

COXCASTLE NICHOLSON

Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, California 90067-3284
P 310.277.4222 F 310.277.7889

Stanley W. Lampert
516.284.2275
slampert@coxcastle.com

File No. 40462



June 14, 2004

City Council
City of Malibu
23815 Stuart Ranch Road
Malibu, CA 90265 4861

Re: Plot Plan Review No. 00-094 and Variance No. 99-036, Sweetwater Mesa Road

Dear Mayor Barovsky and Members of the City Council:

We represent Brian Sweeney, Mika Heights, LLC, Catherine Isabel, LLC and Jean Ross, LLC, the applicants in this proceeding ("Applicants"). The variance and plot plan application before you now is the same application that the City Council denied on June 22, 2002. The Applicants challenged that decision in the Los Angeles Superior Court, which on December 15, 2003 ruled that the City had no legal basis to deny the application. The Court remanded the application back to the City Council for further proceedings consistent with its ruling.

This letter addresses two points with respect to the Staff Report. First, the Staff Report emphasis on the potential access to the north is misplaced because the Court recognized that northern access is not a relevant consideration. Second, the Staff Report discussion regarding conditions in the two Certificates of Compliance recorded on August 13, 1987 with respect to the two northernmost lots in Section 28 is incorrect.

1. Potential Northern Access Is Not Relevant.

The Applicants have consistently maintained that access to their properties from the north is not relevant in the determination of whether they are entitled to a variance to develop the DeBell Easement in the City of Malibu. The Court concurred.

In addressing the lack of evidence to support the speculation that the Applicants could obtain access from the north, the Court made it clear that northern access is not a relevant consideration. The Court began the discussion regarding the lack of evidence by stating, "[e]ven if access to the north were a relevant consideration, no evidence supports the speculation in the record that petitioners could obtain an easement to the north or that it would constitute a viable option." (emphasis added.)

CC: Council; CM; CA; Planning; original to 6-14-04 agenda file

EX "Q"

The Staff Report fails to recognize that the Court did not consider northern access to be a relevant consideration. The Staff Report's continued emphasis on potential northern access as a consideration in the decision to approve the variance is misplaced.

2. Even If It Is Relevant, Northern Access Is Not Available.

The first full paragraph on page 5 of the Staff Report states that "Although the Costa del Sol easement ends at this point, staff has been provided with additional evidence that would allow the applicant to pursue an easement from the terminus of the Costa del Sol easement to the applicant's property." The Staff Report then states, "On August 13, 1987, two Certificates of Compliance were recorded for the two northern most lots in Section 28 (the Vernon properties). Included within these Certificates of Compliance were conditions requiring the owner of these properties to allow access easements to other property owners with Section 28."

The foregoing statement is incorrect. The Certificates of Compliance do not require the owner of the Vernon properties to grant an easement that would connect the Applicants' properties to Costa del Sol Road. The conditions require only that the owner dedicate a right-of-way over the portion of the road that exists on the Vernon lots and grant an easement over only that dedicated right-of-way, which does not currently exist and which has no potential to connect to the Applicants' properties.

Vernon properties consist of two lots that are side-by-side. The certificate for the western lots requires the owner to offer a right-of-way over any portion of Costa del Sol Way on the property and offer an easement over "said Right-of-Way" to other property owners in Section 28. However, Costa del Sol Way does not currently extend to this Vernon lot and there is no evidence the road will ever do so. To the extent the extension of Costa del Sol Way corresponds to the November 4, 1987 easement referenced on page 5 of the Staff Report, the easement stops at the far northwest corner of the Vernon lot and does not reach the Applicants' properties. (See Ex. "1.") The Certificate of Compliance does not require that Vernon property owner has to grant an easement for the Applicants to cross the Vernon property to reach the right-of-way.

The same language is in the certificate for the eastern lot with respect to any extension of Summit Drive onto the lot, which also does not currently reach the Vernon properties. (See Ex. "1.") Once again, even if the 1987 easement were construed as the extension of Summit Drive on paper, the easement stops at the northwest corner of the Vernon property and does not extend over the more than 30 acres between the end of the 1987 easement and the Applicants' properties. Once again the Certificate of Compliance does not require the Vernon property owner to grant an easement for the Applicants to cross the Vernon property to reach the right-of-way. Neither requirement applies until Vernon develops his site, which may never happen.

Both certificates require Vernon property owner to construct all weather access to a public street, but neither requires the owner to dedicate an easement to the Applicants over that access.

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Thus, there is no requirement that the owner of the Vernon properties grant an easement to the Applicants for access north of the Applicants' properties. The Applicants agree with the Staff Report that to the extent the Certificates of Compliance impose such a requirement, which is clearly not the case, no such easement is forthcoming. Neither Certificate of Compliance condition applies until Vernon property owner develops the lot, which may never happen. Furthermore, Stephen Vernon, the current owner, has repeatedly stated that he does not intend to grant Applicants an easement over the Vernon Properties for the legitimate reason that "to connect to Costa Del Sol Way, any road from [Petitioners'] parcels would likely adversely impact the building sites on my parcels."

These are the same facts that were before the Court when it found that "no evidence supports the speculation in the record that [the Applicants] could obtain an easement to the north or that it would constitute a viable option." The Staff Report is incorrect to the extent it suggests that the Certificates of Compliance for the Vernon properties require the owner to grant an easement to the Applicants over those properties.

The Applicants request that the City Council consider the record in light of the foregoing corrections to the discussion in the Staff Report and approve the variance and plot plan review.

Very truly yours,

Stanley Lampert
Stanley W. Lampert

SWL:rsj
404631003624v2

cc: Ms. Christi Hogan
Mr. Scott Albright
Mr. Don Schmitz

CALIFORNIA COASTAL COMMISSION

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Submitted: 3/24/08
Staff: D. Christensen
Staff Report: 4/21/08
Hearing Date: 5/7/08



W 19a-e

STAFF REPORT: APPEAL OF EXECUTIVE DIRECTOR DETERMINATION

DISPUTE RESOLUTION NOS: A-4-07-067-EDD, A-4-07-068-EDD, A-4-07-146-EDD, A-4-07-147-EDD, and A-4-07-148-EDD

APPLICANTS: Lunch Properties LLLP, Vera Properties LLLP, Mulryan Properties LLLP, and Morleigh Properties LLLP

AGENT: Schmitz & Associates, Inc. (Don Schmitz)

PROJECT LOCATION: North of Sweetwater Mesa Road (APNs 4453-005-037, -018, -091, and -092), Santa Monica Mountains, Los Angeles County

EDD APPEAL DESCRIPTION: Appeal of the Executive Director's Determination deeming Coastal Development Permit Applications 4-07-067, 4-07-068, 4-07-146, 4-07-147, and 4-07-148 incomplete, pursuant to Section 13056(d) of Title 14 of the California Code of Regulations.

MOTION & RESOLUTION: Page 2

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission **concur** with the Executive Director's determination that the subject coastal development permit applications are incomplete. Commission staff requested several documents, information, confirmations of approvals by other agencies, and/or types of analyses (collectively, "incomplete items") that staff felt were needed in order to complete the applications. Although the applicants have not objected to all of these requests, they do now appeal the Executive Director's determination with respect to five (5) of the requested incomplete items. There are still other information requests outstanding that the applicants' agent has indicated will be satisfied.

Upon further consideration of the five incomplete items that are the subject of these appeals, Commission staff has concluded that two of the five incomplete items were requested to address issues that can be adequately addressed after filing of the applications, for example through the imposition of conditions of approval, if the

applications are approved. Thus, staff will no longer require that those items (City of Malibu Approval and Alternative Parcel Configuration Analysis) be provided as a prerequisite to the filing of the applications. The remaining three disputed incomplete items are necessary for staff's analysis of the development proposals, and for the Commission's consideration of the CDP applications, to determine whether the projects comply with all relevant policies of the Coastal Act. Due to the related nature of the five coastal permit applications and their incomplete status, the subject appeals are being addressed in one staff report.

I. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following findings and resolution to uphold the Executive Director's determination that the applications remain incomplete.

MOTION: *I move that the Commission reject the Executive Director's determination that the applications are incomplete.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in (1) the Commission upholding the Executive Director's determination that the applications are incomplete, pursuant to Section 13056 of the Commission's regulations, (2) the applications remaining unfiled, and (3) the Commission's adoption of the following resolutions and findings. A majority of the Commissioners present is required to approve the motion.

RESOLUTION:

The Commission hereby (1) finds that the applications are incomplete, pursuant to Section 13056 of the Commission's regulations, and (2) adopts the following findings in support of its decision.

II. APPEAL PROCEDURES

Pursuant to Section 13056(d) of Title 14 of the California Code of Regulations, an applicant may appeal to the commission a determination by the executive director that an application is incomplete. The executive director shall schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) calendar days after receipt of the appeal of the filing determination and shall prepare a written recommendation to the commission on the issues raised by the appeal of the filing determination. The Commission may overturn the executive director's determination and/or direct the executive director to prepare a different determination reflecting the commission's decision. Otherwise, the executive director's determination shall stand.

In this case, the Commission received the appeals on March 24, 2008. The 60th day after commission receipt of the appeals is May 23, 2008. Therefore, in accordance with Section 13056(d), the subject appeals have been scheduled for the May 2008 commission hearing.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PERMIT APPLICATION BACKGROUND AND APPEAL OF EXECUTIVE DIRECTOR'S DETERMINATION DEEMING APPLICATIONS INCOMPLETE

On July 16, 2007, the Commission received Coastal Development Permit (CDP) Application Nos. 4-07-067 (Lunch Properties LLLP) and 4-07-068 (Vera Properties LLLP) for residential development on two adjacent vacant properties. On August 10, 2007, Commission staff sent a letter to the applicants' common agent, notifying them that the applications were incomplete and outlining the items that needed to be submitted in order for Commission staff to deem the applications complete. On November 30, 2007, the Commission received CDP Application Nos. 4-07-146 (Mulryan Properties LLLP), 4-07-147 (Morleigh Properties LLLP), and 4-07-148 (Mulryan Properties LLLP and Morleigh Properties LLLP) for development on two other adjacent properties (including a lot line adjustment between the two lots and residential development on each lot) that are contiguous with the properties of application 4-07-067 and 4-07-068. The same agent who represented the original two applicants was also listed as representing these two new applicants. On December 17, 2007, Commission staff sent a letter to that agent, notifying him that these applications were incomplete and outlining the items needed in order to deem the applications complete. This initial staff correspondence (incomplete letters no. 1 of 2) to the applicants for each application is attached as **Exhibit 5**.

The subject properties are contiguous and located on the southern flank of the Santa Monica Mountains, east of Malibu Canyon Road, west of Las Flores Canyon Road, and near the terminus of Sweetwater Mesa Road about a mile inland from Pacific Coast Highway (**Exhibits 1, 2**). The properties are situated along a ridgeline separating the Sweetwater Canyon and Carbon Canyon watersheds. The area is characterized as undeveloped, rugged hillside terrain blanketed by relatively undisturbed contiguous native chaparral habitat (**Exhibit 15**).

In 2004, the Commission granted CDP No. 4-01-108 to improve an existing 1,750 ft. long jeep trail to provide access to the undeveloped parcel that is the subject of the first application listed in this section (APN 4453-005-037), for geologic testing purposes. The approved pilot access road (part of which was approved by the Commission and part of which was approved by the City of Malibu) traversed north from the terminus of Sweetwater Mesa Road in the City of Malibu, across three parcels within the jurisdiction

of the City of Malibu, and across two of the parcels that are the subject of these permit application appeals: APN 4453-005-018 (associated with CDP application No. 4-07-068) and APN 4453-005-092 (associated with CDP application No. 4-07-146). Special conditions of the Commission's permit approval related to revegetation of graded and disturbed slopes, erosion control and drainage, and City of Malibu approval of the improvements within their jurisdiction.

Each of the subject properties is owned by a separate Limited Liability Limited Partnership (LLLP).

The project descriptions for each permit application are as follows:

CDP Application No. 4-07-067 (Lunch Properties LLLP) (APN 4453-005-037)

The applicant is proposing to construct a two-story, 10,251 sq. ft. single-family residence on an approximately 20-acre parcel, with an attached 698 sq. ft. garage, 750 sq. ft. detached guest house, swimming pool, spa, wine cellar, driveway, septic system, and 1,230 cu. yds. grading (1,050 cu. yds. cut; 180 cu. yds. fill) (**Exhibits 7, 8, 10**). The proposed project includes a 2,450 ft. long, 20 ft. wide access road to connect Sweetwater Mesa Road north to the subject property, involving 8,950 cu. yds. grading (5,300 cu. yds. cut; 3,650 cu. yds. fill), retaining walls, drainage improvements, and turnarounds. A water main line proposed as part of CDP application 4-07-068 below will also serve the proposed project.

CDP Application No. 4-07-068 (Vera Properties LLLP) (APN 4453-005-018)

The applicant is proposing to construct a two-story, 8,674 sq. ft. single-family residence on an approximately 20-acre parcel, with a 2,372 sq. ft. detached garage, 750 sq. ft. detached guest house, swimming pool, septic system, 292 ft. long driveway, retaining walls, and 8,390 cu. yds. grading (8,250 cu. yds. cut; 140 cu. yds. fill) (**Exhibits 7, 8, 10, 13**). The proposed project will utilize the access road proposed in CDP application 4-07-067 described above. The proposed project also includes extension of an 8-inch diameter water line down to the subject property from an existing municipal water main beneath Costa Del Sol Way to the north. The total length of the proposed water line is approximately 7,800 feet. In addition, a 10-ft. wide maintenance road is proposed along a portion of the proposed water main alignment. According to preliminary grading plans, the proposed water line maintenance road will require retaining walls and approximately 1,145 cu. yds. grading (1,135 cu. yds. cut; 10 cu. yds. fill).

CDP Application No. 4-07-146 (Mulryan Properties LLLP) (APN 4453-005-092)

The applicant is proposing to construct a two-story, 10,802 sq. ft. single-family residence on an approximately 40-acre parcel, with a 995 sq. ft. garage, swimming pool, septic system, access drive, and 5,250 cu. yds. grading (4,750 cu. yds. cut; 500 cu. yds. fill) (**Exhibits 7, 11**). The proposed project will also utilize the access road proposed in CDP application 4-07-067 described above, and 4-07-147 described below. A water main line proposed as part of CDP application 4-07-068 above will also serve the proposed project.

CDP Application No. 4-07-147 (Morleigh Properties LLLP) (APN 4453-005-091)

The applicant is proposing to construct a three-story, 10,720 sq. ft. single-family residence on an approximately 40-acre parcel, with a 991 sq. ft. garage, swimming pool, septic system, access road, driveway, and 31,150 cu. yds. grading (27,400 cu. yds. cut; 3,750 cu. yds. fill) (**Exhibits 7, 12**). The proposed project will extend the access road proposed in CDP application 4-07-067 described above to the proposed building site. A water main line proposed as part of CDP application 4-07-068 above will also serve the proposed project.

CDP Application No. 4-07-148 (Mulryan and Morleigh) (APNs 4453-005-092, -091)

The applicants of this CDP application propose a lot line adjustment between their two vacant 40-acre parcels in order to optimally site future residential development proposed in CDP applications 4-07-146 and 4-07-147 above. The size of each parcel will not change as a result of the proposed reconfiguration (**Exhibits 2, 7, 14**).

Commission staff received additional information from the applicants' agent on January 30, 2008 (regarding applications 4-07-146, -147, and -148) and February 20, 2008 (regarding applications 4-07-067 and -068). Some of the information that staff had initially requested was provided at this time. However, several outstanding items remained, and additional information/clarification based upon the agent's submittals was needed. Commission staff sent a follow-up letter (dated February 29, 2008) to the applicants' agent for each of the permit applications, noting the items still needed and requesting additional information and clarification based upon the new information provided by the agent (**Exhibit 4**).

The applicant's agent submitted a letter in response to staff's February 29, 2008 letter for each application, dated March 24, 2008, stating that several of the staff's information requests were "irrelevant, onerous, or impossible to provide" and that the applicants wished to appeal the Executive Director's "incomplete" determination to the Commission pursuant to Section 13056(d) of Title 14 of the California Code of Regulations (**Exhibit 3**). Due to the related nature of the proposed development for each application and similarity of issues, the items requested by staff in each incomplete letter were nearly identical. Note that the applicants are not objecting to all of the information requests as

part of the subject appeal, just several of them. There are still other information requests outstanding that the applicants' agent has indicated will be satisfied. The applicants object to five (5) requested items in this appeal, which are outlined in the table below. All five issues pertain to the applications proposing residential development. One of the five issues pertains to the lot line adjustment application as well. Analysis of the subject appeals are provided in the following section.

	CDP 4-07-067 APN 4453-005-037	CDP 4-07-068 APN 4453-005-018	CDP 4-07-146 APN 4453-005-092	CDP 4-07-147 APN 4453-005-092	CDP 4-07-148 Lot Line Adj.
1	Water source alternatives analysis/address feasibility of on-site well / water tank				-
2	County-approved Geologic Review Sheet				-
3	City of Malibu approval of proposed access road segment within City jurisdiction				-
4	Alternative Parcel Configuration Analysis				
5	County Approval-In-Concept for the water main line/maintenance road				-

B. ANALYSIS OF APPLICANTS' APPEALS OF EXECUTIVE DIRECTOR DETERMINATION DEEMING APPLICATIONS INCOMPLETE

As mentioned previously, the applicants' agent submitted a letter in response to staff's February 29, 2008 incomplete letter for each of the subject permit applications, dated March 24, 2008, stating that several of the items requested by staff were "irrelevant, onerous, or impossible to provide" and that the applicants wished to appeal the Executive Director's "incomplete" determination to the Commission pursuant to Section 13056(d) of Title 14 of the California Code of Regulations (**Exhibit 3**). The applicants' objections are addressed individually below, in the order that they appear in the table above and the subject appeals.

Objection 1. Water Source Alternatives Analysis

In each incomplete letter to the applicants regarding CDP applications 4-07-067, 4-07-068, 4-07-146, and 4-07-147, Commission staff requested they provide an analysis of alternatives to the proposed water main line and address the feasibility of an on-site well to supply the proposed development with potable water. In the subject appeals for each of those applications, the applicants' agent argues that the proposed water line extension would provide a more reliable and consistent source of water for development within a high fire hazard area. The letters states that:

Staff's assertion that the applicant should incur the time and expense to drill a test well as an "alternative" that would place life and property in greater jeopardy is unacceptable and inconsistent with Section 30253 of the Coastal Act.

In essence, the applicant's agent is asserting that because they have chosen a "superior" method to provide water (for household use as well as potential fire-fighting needs) to the proposed project site, there is no reason to analyze alternative methods to adequately meet the water needs of the proposed project.

However, even if the Commission were to agree that the proposed method for providing water would be more reliable than using an on-site well (a proposition that is not before the Commission at this point and on which it takes no position), that would not end the Commission's analysis. The Commission is required to consider a range of factors in addition to reliability/safety, such as the environmental impacts of a reasonable range of alternative approaches. See, e.g., 14 CCR § 13053.5(a). The Commission cannot simply conclude that a proposed method of development is acceptable without assessing whether it is the environmental preferred alternative, which, in turn, requires analyzing a range of project alternatives and their associated environmental impacts. Given the remote locations of the subject sites, extending a water line will not be without significant impacts. The proposed projects involve extending an 8-inch diameter water line across undeveloped, rugged hillside terrain down to the subject properties from an existing municipal water main beneath Costa Del Sol Way to the north. The total length of the proposed water line will be approximately 7,800 linear feet (well over a mile), with approx. 3,600 ft. of that amount traversing nine other vacant properties beyond the proposed development properties. In addition, a 10-ft. wide maintenance road is proposed along an approximately 900 linear foot long portion of the proposed water main alignment. According to preliminary grading plans, construction of the proposed water line and maintenance road will require retaining walls, approximately 1,145 cu. yds. grading (1,135 cu. yds. cut; 10 cu. yds. fill), steep west-facing cut slopes (1:1 to ½ :1), and removal of relatively undisturbed native chaparral vegetation.

While the staff review of the proposed projects has not been completed, staff's preliminary review of aerial photographs and submitted biological reports indicates that the proposed water main line alignment will adversely impact relatively undisturbed chaparral vegetation that is part of a very large, unfragmented block of habitat. The chaparral habitat in this area would likely meet the definition of an environmentally sensitive habitat area (ESHA) pursuant to Section 30107.5 of the Coastal Act. Section 30240 of the Coastal Act states that environmentally sensitive habitat areas ("ESHAs") must be protected against significant disruption of habitat values. In this case, the water line extension element of the proposed projects would not serve to avoid or minimize impacts on ESHA to the greatest extent feasible.

In its future consideration of the four subject applications, the Commission must consider alternatives to the proposed projects to determine if there is an alternative that would lessen or avoid significant environmental impacts to ESHA to such an extent that it would be consistent with Section 30240, as well as considering consistency with Section 30253's mandate to minimize risks to life and property. As such, staff requested that the applicants provide information regarding potential alternatives to the proposed water line aspect of the proposed projects. Staff requested that this analysis include, but not be limited to, the feasibility of using one easily identified alternative to the proposed water main construction, which is the use of on-site water wells with tanks. Wells and water tanks are often used to serve single family residences in areas of the Santa Monica Mountains that are not connected or easily connectable to existing water systems. The Fire Department has found these wells with tanks to be adequate for fire safety purposes in the past. This information is necessary in order to analyze which

project alternative would serve to minimize impacts to coastal resources, consistent with Section 30240 of the Coastal Act. Staff has met the applicants' agent regarding the subject appeals and clarified why the water source alternatives analysis was requested as a filing requirement. The applicants' agent agreed to provide the analysis or acknowledgment that on-site wells were a feasible alternative. However, the applicants did not withdraw this objection from the subject appeals.

In conclusion, the Commission finds that the Water Source Alternatives Analysis is information necessary for the Commission's consideration of the subject applications and their consistency with the Chapter 3 policies of the Coastal Act. Therefore, the Commission concurs with the Executive Director's determination regarding filing.

Objection 2. County-approved Geologic Review Sheet

In each incomplete letter to the applicants regarding CDP applications 4-07-067, 4-07-068, 4-07-146, and 4-07-147, Commission staff requested a County-approved Geologic Review Sheet for all proposed development. In the subject appeals for each of the permit applications, the applicants' agent argues that further review by the County Geotechnical and Materials Engineering Division would require preparation of working drawings, costing the applicants tens of thousands of dollars, without knowing whether the project, as it is proposed, will ultimately be found consistent with the Coastal Act. The appeal letter states that: "This places an onerous and uncertain burden on the applicant that is unnecessary, unfair, and in direct conflict with the discretionary review process and good planning practices".

In an effort to address the applicants' concerns regarding the expense of preparing full working drawings for each residence to proceed with County geologic review, Commission staff has recently contacted County District Engineer, Soheila Kahlor, who indicated that the County is willing to proceed with geologic review of grading plans only (and not require full working drawings for the residences too), given the concern of the geologic and grading issues in this case. County review of the grading portion of the project would be adequate to ensure that that true impact area can be identified and so Commission staff is willing to forego County geologic review of the proposed buildings themselves. This would eliminate the applicants' concern regarding working drawings. Staff conveyed this to the applicants' agent. However, the applicants' agent still opposes this filing requirement.

Staff is requesting this information in order to ensure that all potential impacts of the proposed development can be evaluated by staff in its preparation of its recommendation and can be considered by the Commission in its action on the applications. The County Geotechnical and Materials Engineering Division reviews and analyzes geologic/soils reports associated with proposed development to verify compliance with County Building and Grading Code requirements. The Division will not recommend approval of project plans until they receive all the information needed for complete review and until project plans are in conformance with the County Building and Grading Code. In addition, the Division will not recommend approval until the

applicants apply for a County Grading or Building Permit and submit final working drawings. It is true that the geologic review process requires an applicant to provide a significant amount of information to the County regarding the geology and engineering of a proposed project. For this reason, staff only requires such review prior to filing in cases with complex geology or soils, or where there are significant geologic hazards present. This requirement is necessary in these cases both to ensure that the geologic, soils and geotechnical reports provide the necessary information, and more importantly, to ensure that the proposed project will meet the County standards regarding such issues as maximum slope angle for cut and fill slopes, remedial grading, siting of roads and pads, foundation design, etc. It has been the Commission's experience that for projects on sites with complex geologic issues, including landslides, the County geologic review process often results in significant project redesign that can greatly alter the area of the site that will be impacted, as well as the significance of impacts. Without this information, the Commission cannot ensure that it is considering the true impacts of a proposed project.

In this case, the geology of the parcels is complex. According to submitted geologic and geotechnical engineering reports, landslide debris (as deep as 60 feet in some areas) underlies the majority of parcel 4453-005-092 (CDP App. 4-07-146, Mulryan Properties), the proposed development area of parcel 4453-005-037 (CDP App. 4-07-067, Lunch Properties), as well as portions of the proposed access road to the south of those properties. The reports also note that given the geologic setting within areas of proposed development and portions of the access road alignment, calculated active loads seem excessive and possibly beyond the realm of conventional design. In addition, the applicants of CDP applications 4-07-146 and 4-07-147 are also proposing a lot line adjustment in CDP application 4-07-148 in order to site future development outside of landslide areas. Further, the proposed access road to serve all of the proposed residences traverses through the identified landslide area.

In response to staff's request for evidence of the County's approved geologic review of the projects, the applicants' agent provided copies of their Los Angeles County Department of Public Works-Geotechnical and Materials Engineering Division "Geologic and Soils Engineering Review Sheets" for each project, dated November 21, 2007 (**Exhibit 6**). The submitted review sheets for the proposed projects provide a list of remarks and items needed by the Division for further review and for a favorable recommendation. Each permit application review sheet indicates elements of the proposed project that currently do not comply with County Code requirements and specify additional analysis needed. What may come from the County's geotechnical review process is that the projects may need to be adapted or re-designed in order to meet County requirements for health and safety, especially in regards to additional grading and landslide remediation work that may be required. Therefore, prior to filing the permit applications and analyzing impacts to coastal resources, the Commission finds it necessary to know what the full extent of impacts are and whether the project, as it is currently proposed, would meet County Code requirements. Commission staff geologist, Mark Johnsson, also provides staff with assistance in analyzing projects that have significant geologic issues for consistency with Section 30253 of the Coastal Act.

Section 30253 requires that new development minimize risks to life and property in high hazard areas, as well as assure stability, structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. In order for Commission staff, including Dr. Johnsson, to carry out a review of the proposed projects for consistency with Section 30253 of the Coastal Act, the same level of geologic, soils, and engineering information required by the County would be necessary.

As mentioned above, in an effort to address the applicants' concerns regarding the expense of preparing full working drawings for each residence, Commission staff has spoken with the County District Engineer, Soheila Kahlor, specifically regarding this issue and the subject project. She indicated that the County can proceed with geologic review of grading plans only (and not require full working drawings for the residences too), given the concern of the geologic and grading issues in this case. In fact, she noted that the applicants are already in process with the County for obtaining this review. County review of the grading portion of the project would be adequate to ensure that that true impact area can be identified and so Commission staff is willing to forego County geologic review of the proposed buildings themselves. This would eliminate the applicants' concern regarding working drawings. Staff conveyed this to the applicants' agent. However, the applicants' agent still opposes this filing requirement.

In conclusion, the Commission finds that the County-approved Geologic Review Sheet is information necessary for the Commission's consideration of the subject applications and their consistency with the Chapter 3 policies of the Coastal Act. Therefore, the Commission concurs with the Executive Director's determination regarding filing.

Objection 3. City of Malibu Access Road Approval

In each incomplete letter to the applicants regarding CDP applications 4-07-067, 4-07-068, 4-07-146, and 4-07-147, Commission staff requested evidence of the City of Malibu's approval of the proposed access road segment within the City's jurisdiction. The proposed project includes a 2,450 ft. long, 20 ft. wide access road to connect Sweetwater Mesa Road north to the subject properties, involving 8,950 cu. yds. grading (5,300 cu. yds. cut; 3,650 cu. yds. fill), retaining walls, drainage improvements, and turnarounds. A significant portion of this access road, approximately 1,500 linear feet, lies within the City of Malibu's permit jurisdiction. Due to the significant geologic constraints in this area north of Sweetwater Mesa Road, staff requested evidence of the City's permit approval in order to ascertain that that portion of the road alignment would be 1) approved by the City, and 2) not change significantly in a manner that would result in a reconfiguration of the remainder of the proposed road alignment within the Commission's jurisdiction (unincorporated Los Angeles County). Without this information, it is difficult to determine the final alignment of the road and its environmental impacts.

In the subject appeals for each of the applications, the applicant's agent argues that the Commission has required such other local government or agency approvals as a

special condition of permit approval on other projects in the past, and that it would also be appropriate in this case. Upon further consideration, staff has concluded that while it would be better to know the final configuration of the road that will be approved within the City of Malibu, the Commission can require evidence of the City of Malibu's approval of the proposed road segment within the City boundaries as a special condition of approval for the subject permit applications (should the applications be approved) instead of a filing requirement. If the City does require that the road be relocated, the corresponding relocation of the portion of the road in the Commission's jurisdiction could then be required to come back before the Commission for further review. Commission staff met with the applicant's agent recently and indicated that this is no longer required for filing the applications.

Objection 4. Alternative Parcel Configuration Analysis

In each incomplete letter to the applicants regarding CDP applications 4-07-067, 4-07-068, 4-07-146, 4-07-147, and 4-07-148, Commission staff requested that, in addition to analyzing siting and design alternatives to cluster and minimize impacts to ESHA, the applicants should analyze alternative parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible, in order to minimize impacts to coastal resources, consistent with Coastal Act Sections 30240, 30231, and 30251. The applicants' agent has provided some information about siting and design alternatives and has agreed to provide additional information about alternatives that was requested by staff.

However, the applicants' agent has stated that they will not provide any analysis of alternative lot configurations. In the subject appeals for each of the above-mentioned applications, the applicants' agent argues that the subject parcels are separately owned. Information has been provided regarding the ownership and staff has confirmed that each of the subject properties is legally owned by a separate Limited Liability Limited Partnership (LLLP), each of which has a different General Partner. The applicants' agent has not provided any information regarding what, if any, relationship exists between the four LLLPs. In the appeal letter, the applicants' agent further states that lot reconfiguration to facilitate clustering is not feasible because of the separate ownership of the parcels. This statement is somewhat ironic given that one of the applications at issue is for a reconfiguration of two adjacent parcels, so at least two of the owners are already actively working together to reconfigure their parcels. Further, various other elements of the proposed projects (such as the proposed water line extension and the access road), not to mention the coordinated timing of the applications, and the fact that they all have the same agent, suggest that the separate owners have been unified and collaborative in their project planning.

Nonetheless, the applicants' agent provides several legal arguments why, in their opinion, it is beyond the Commission's legal ability to require lot reconfiguration. Based on their arguments that the Commission cannot require the land owners to reconfigure their parcels, they conclude that: "The Commission does not have the authority to require such an analysis in order to complete the applications". Staff is willing to forego

an analysis of alternative lot configurations prepared by the applicants. This issue can be further explored by staff (including the Commission's legal staff), and considered by the Commission in its review of the applications.

Objection 5. County Approval-In-Concept of Water Line Extension Development

In each incomplete letter to the applicants regarding CDP applications 4-07-067, 4-07-068, 4-07-146, and 4-07-147, Commission staff requested Los Angeles County approval-in-concept for the proposed water main line and maintenance road portion of the proposed development. County approval-in-concept is a typical CDP filing requirement to assure that the proposed project conforms to the County's land use/zoning regulations and Code requirements prior to Commission approval. This allows for a more streamlined permitting process. In this case, the applicants provided County-issued approvals-in-concept for the residential development and lot line adjustment elements of the projects, but not for the development associated with the water line extension and maintenance road (i.e. grading).

In the subject appeals for each of the applications, the applicant's agent argues that Los Angeles County review and approval is not required for the water line extension because Las Virgenes Municipal Water District (LVMWD) is the responsible local agency. The appeal asserts that Government Code Section 53091(d) and (e) exempts the construction of water district facilities for the production, generation, storage, treatment or transmission of water by a public utility from local zoning and building codes. Staff review of Section 53091 indicates that it pertains to "Local Agencies" (such as water districts) and the requirement (or lack thereof) of such agencies to obtain planning or zoning approvals from local governments for their own projects.

However, in this case, the water line extension is not a Local Agency project, although it has been approved by the Las Virgenes Municipal Water District and would be built to its standards. The applicants submitted a report entitled, "Water System Design Report for Sweetwater Mesa Properties," prepared by Boyle Engineering Corp., that was accepted by the Board of the Las Virgenes Municipal Water District on January 23, 2007. The report was prepared at the request of the applicants and investigated the feasibility of the proposed water main line extension to the subject parcels and developed criteria for the facilities required to provide adequate water service. LVMWD assumes no financial participation in the new water system facilities proposed by the applicants. The report states that Los Angeles County is the "lead agency" for the environmental review of the project under the California Environmental Quality Act (CEQA), while LVMWD is a "responsible agency" for purposes of environmental review under CEQA, suggesting that County approval is required. The report also states that the applicants are solely responsible for securing necessary project approvals from state, regional, and local agencies with jurisdiction by law without the express or implied intervention or support of LVMWD. As such, it is clear that the proposed water line extension is a private project subject to local building and zoning ordinances, not a public utility or local agency project that may be exempt from building and zoning ordinances pursuant to Government Code Section 53091(d) and (e). In addition, staff

contacted the Los Angeles County Regional Planning staff, who indicated that County review and approval was indeed required for the grading work associated with installation of the proposed water line and maintenance road development. However, the applicants' agent has indicated that County staff told him otherwise. Therefore, Commission staff has notified the applicants' agent that evidence from the County that their review and approval is not needed for construction of the proposed water line and maintenance road would be adequate to satisfy the subject filing requirement. The applicants' agent indicated that they will provide evidence that County approval is not required, but such evidence has not been provided yet, nor has this objection been withdrawn from the applicants' appeal.

In conclusion, the Commission finds that the County Approval-In-Concept of Water Line Extension Development (or evidence that it is not required) is information necessary for the Commission's consideration of the subject applications and their consistency with the Chapter 3 policies of the Coastal Act. Therefore, the Commission concurs with the Executive Director's determination regarding filing.

C. CONCLUSION

The Commission **concurs** with the Executive Director's determination that the subject coastal development permit applications are incomplete. There are five (5) information requests that the applicants object to in these appeals, two (2) of which are no longer being required, and the other three (3) of which have been analyzed in the above section. The Commission concludes that these remaining three (3) items are necessary for staff's analysis of the development proposals, and for the Commission's consideration of the CDP applications to determine whether the projects comply with all relevant policies of the Coastal Act.

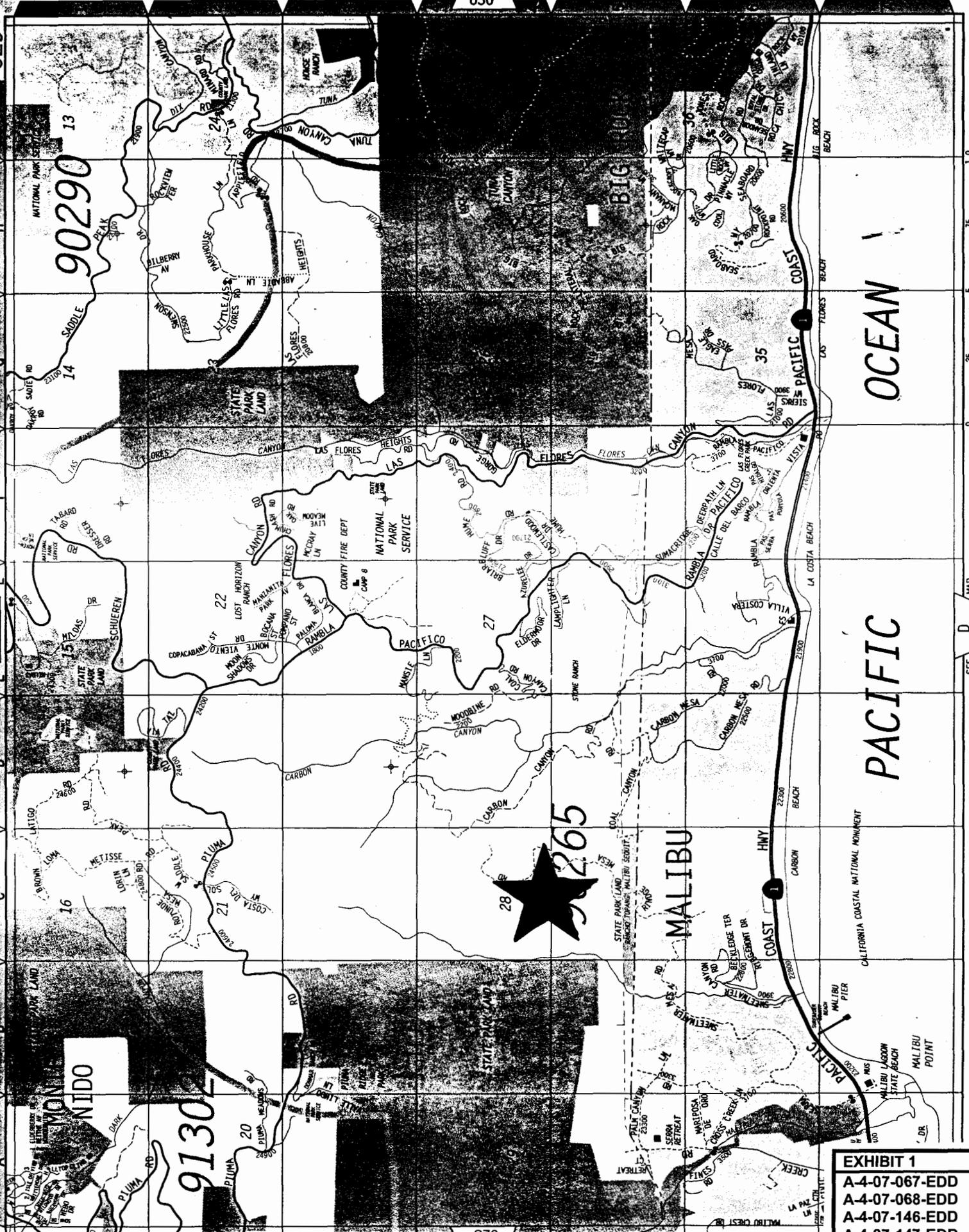


EXHIBIT 1
 A-4-07-067-EDD
 A-4-07-068-EDD
 A-4-07-146-EDD
 A-4-07-147-EDD
 A-4-07-148-EDD
Vicinity Map

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MAR 24 2008

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

March 24, 2008
(Via Hand-Delivery)

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

Attn: Jack Ainsworth, Deputy Director

**Re: CDP Application 4-07-068: (APN: 4453-005-018)
Appeal of February 29, 2008 Incomplete Application Letter
Applicant: Vera Properties, LLLP**

Dear Mr. Ainsworth,

We are in receipt of Staff's second request for additional information pertaining to CDP application 4-07-068. As you know, the subject property is located north of Sweetwater Mesa Road, in Malibu.

In this second request for information, which is dated 2/29/08, Staff is requesting some information that is irrelevant, onerous, or simply impossible to provide. The following are some examples of the untenable situation in which Staff has placed the applicant.

1. Staff is requiring the applicant to drill a test well, when no water well is proposed for the subject application. The applicant has obtained conceptual approval from Las Virgenes Municipal Water District to extend water service from a public main that would provide a more reliable and consistent source of water in a Class 4 Fire Zone. The Fire Department has written a letter of support for the proposed water line confirming its superior ability to minimize risks to life and property in areas of high fire hazard consistent with Section 30253 of the Coastal Act. The importance of adequate water supply for fire suppression purposes, in this area, was clearly demonstrated during the recent fires that occurred in Malibu. The subject properties burned in the 2007 Canyon fire and there is no question that a public water main would provide superior protection against future fire hazards. Staff's assertion that the applicant should incur the time and expense to drill a test well as an "alternative" that would place life and property in greater jeopardy is unacceptable and inconsistent with Section 30253 of the Coastal Act.



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EXHIBIT 3
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Appeal Letters

2. Staff is requiring the applicant to obtain a County "Approved" Geologic Review Sheet. The applicant submitted the requested County Geology Review Sheet in a previous submittal. The County was willing to review the proposed application, but has advised our office repeatedly that they do not issue "conceptual approvals". The County review sheet that was submitted to Staff clearly states that further review requires submittal of a Grading and/or Building Permit application. This would require the applicant to incur tens of thousands of dollars in costs to prepare working drawings, with no guarantee that the Coastal Commission will even issue conceptual approval for the residence as currently proposed. This places an onerous and uncertain burden on the applicant that is unnecessary, unfair, and in direct conflict with the discretionary review process and good planning practices. If the purpose of the CDP process is to ensure that impacts to Coastal resources are minimized through an evaluation of alternatives (discussed further below), then the applicant cannot be required to prepare final working drawings before an application is even deemed complete.
3. Staff is requiring the applicant to obtain a CDP from the City of Malibu for the portion of the proposed access road that lies within the City's jurisdiction before Staff will even deem the subject application to be complete. As Staff is aware, the CDP application at the City of Malibu is pending. The necessity of ensuring that development cannot commence within the CCC's jurisdiction in unincorporated LA County without first obtaining approval for development of the connecting access road in the City of Malibu is readily understood by the applicant. For this reason, we proposed a Special Condition of approval, which would require the applicant to obtain approval from the City of Malibu prior to issuance of Building or Grading Permits necessary to commence development. Staff did not acknowledge this proposed condition of approval in our last submittal packet, nor the fact that this is exactly how the CCC dealt with this issue for the pilot road CDP. Requiring City of Malibu CDP approval in order to deem the subject application complete creates yet another delay in the processing timeline for the discretionary review process that is patently unnecessary and unacceptable.
4. Staff makes reference to several "interrelated" applications in the area, which are currently pending. The applicant has provided the previously requested alternatives analysis. However, now Commission staff has requested that the applicant provide an analysis of alternative parcel configurations that cluster development to the maximum extent feasible. As explained further below, the Commission cannot require the applicants to reconfigure their lots. As a result, the requested alternative analysis is not potentially feasible and, therefore, the Commission cannot require the applicant to provide the analysis.

The subject parcels are all separately owned legal parcels for which the County has issued certificates of compliance. The California Supreme Court has been clear that the Subdivision Map Act prevents agencies from requiring that legal

parcels be merged as a requirement to issue a development permit. (See *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 732.) In deciding *Morehart*, the California Supreme Court held that the Subdivision Map Act supersedes local regulation of the creation and reconfiguration of lots. The Court held that absent authority in the Map Act that would allow a city or county to compel a merger, any such city or county requirement is null and void. This would even be the case if the parcels were held by the same owner, which they are not. (Gov. Code, § 66451.10 (previously-created contiguous parcels are not deemed merged by virtue of the fact they are held by the same owner).)

While *Morehart* concerned whether a county could require a merger as a condition of permit approval that was not authorized by the Map Act, the conclusion would be the same here. The Commission seeks to compel the land owners to engage in a lot line adjustment, which the Map Act does not authorize a city, county or the Commission to require. Under *Morehart*, the Commission cannot require the land owners to reconfigure their parcel as a condition of obtaining a CDP.

The California Environmental Quality Act (“CEQA”) does not provide any authority to require this alternatives analysis. Under CEQA, an alternative must be “potentially feasible” in order to be considered. (CEQA Guidelines, § 15126.6(a).) The law is clear that an alternative that is legally impossible or beyond the powers of the agency is infeasible. (See *Kenneth Mebane Ranches* (1992) 10 Cal.App.4th 276, 291-292 (extraterritorial eminent domain was infeasible because it was “impossible in law”); *Sequoyah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal.App.4th 704, 717 (reduced density alternative was infeasible because City had no legal power to reduce density of project); *Marin Mun. Water District v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1666 (reducing water delivery to air force base was infeasible because of legal commitments); CEQA Guidelines, § 15364 (factors to consider as to whether an alternative is feasible is whether it is “legal”).)

Furthermore, the Supreme Court has held that CEQA cannot be used as “a tool to expand the Commission’s authority” beyond its jurisdiction. (See *Sierra Club v. California Coastal Commission* (2005) 35 Cal.4th 839, 859.) The Coastal Commission’s ability to consider impacts under CEQA is limited to conditions it otherwise has the authority to impose under the Coastal Act. (*Id.*) CEQA does not provide any independent authority to mitigate impacts. (*Id.*, Pub. Resources Code, § 21004.) The Commission cannot use the alternatives analysis to do indirectly what it cannot do directly under the Subdivision Map Act. (*Id.* at 852.)

For these reasons, our clients are not providing the alternative lot configuration requested. The Commission does not have the authority to require such an analysis in order to complete the applications.

5. Lastly, Staff is asserting that local approval in concept is needed from the County for the proposed water line extension. Government Code section 53091(d) & (e) exempts the construction of water district facilities for the production, generation, storage, treatment or transmission of water by a public utility from local zoning and building codes. It states,

"(d) Building ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, wastewater, or electrical energy by a local agency.

"(e) *Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water*, or for the production or generation of electrical energy, facilities that are subject to Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency, if the zoning ordinances make provision for those facilities."

Los Angeles County zoning ordinances do not apply; therefore, Los Angeles County Dept. of Regional Planning review and approval is not required. The applicant has already obtained the requisite approval in concept from Las Virgenes Municipal Water District, which is the responsible local agency. Staff's efforts to require the applicant to provide "local approvals" from agencies that are not responsible for the proposed scope of development in the conceptual planning phase is, once again, an excessive measure that is time-consuming, and unnecessary.

Based upon the above-referenced disproportionate handling of the application review process, please be advised that the applicant is appealing the determination by the executive director that the subject application is incomplete pursuant to Section 13056(d) of the California Coastal Commission Administrative regulations. Section 13056(d) requires the executive director to schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) calendar days after receipt of the appeal of the filing determination. Therefore, this appeal must be brought before the Commission no later than the May 7-9 hearing in Marina del Rey.

Thank you for your time and attention to this matter. If you have any questions or comments regarding the foregoing, please feel free to contact me at (310) 589-0773.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Matt Jewett
Project Team Manager

Cc: Vera Properties LLLP
Steve Hudson, District Manager
Deanna Christensen, Coastal Program Analyst

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March 24, 2008
(Via Hand-Delivery)

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Attn: Jack Ainsworth, Deputy Director

**Re: CDP Application 4-07-146: (APN: 4453-005-092)
Appeal of February 29, 2008 Incomplete Application Letter
Applicant: Mulryan Properties, LLLP**

Dear Mr. Ainsworth,

We are in receipt of Staff's second request for additional information pertaining to CDP application 4-07-146. As you know, the subject property is located north of Sweetwater Mesa Road, in Malibu.

In this second request for information, which is dated 2/29/08, Staff is requesting some information that is irrelevant, onerous, or simply impossible to provide. The following are some examples of the untenable situation in which Staff has placed the applicant.

1. Staff is requiring the applicant to drill a test well, when no water well is proposed for the subject application. The applicant has obtained conceptual approval from Las Virgenes Municipal Water District to extend water service from a public main that would provide a more reliable and consistent source of water in a Class 4 Fire Zone. The Fire Department has written a letter of support for the proposed water line confirming its superior ability to minimize risks to life and property in areas of high fire hazard consistent with Section 30253 of the Coastal Act. The importance of adequate water supply for fire suppression purposes, in this area, was clearly demonstrated during the recent fires that occurred in Malibu. The subject properties burned in the 2007 Canyon fire and there is no question that a public water main would provide superior protection against future fire hazards. Staff's assertion that the applicant should incur the time and expense to drill a test well as an "alternative" that would place life and property in greater jeopardy is unacceptable and inconsistent with Section 30253 of the Coastal Act.



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ex 3

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4. Staff makes reference to several "interrelated" applications in the area, which are currently pending. The applicant has provided the previously requested alternatives analysis. However, now Commission staff has requested that the applicant provide an analysis of alternative parcel configurations that cluster development to the maximum extent feasible. As explained further below, the Commission cannot require the applicants to reconfigure their lots. As a result, the requested alternative analysis is not potentially feasible and, therefore, the Commission cannot require the applicant to provide the analysis.

The subject parcels are all separately owned legal parcels for which the County has issued certificates of compliance. The California Supreme Court has been clear that the Subdivision Map Act prevents agencies from requiring that legal

parcels be merged as a requirement to issue a development permit. (See *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 732.) In deciding *Morehart*, the California Supreme Court held that the Subdivision Map Act supersedes local regulation of the creation and reconfiguration of lots. The Court held that absent authority in the Map Act that would allow a city or county to compel a merger, any such city or county requirement is null and void. This would even be the case if the parcels were held by the same owner, which they are not. (Gov. Code, § 66451.10 (previously-created contiguous parcels are not deemed merged by virtue of the fact they are held by the same owner).)

While *Morehart* concerned whether a county could require a merger as a condition of permit approval that was not authorized by the Map Act, the conclusion would be the same here. The Commission seeks to compel the land owners to engage in a lot line adjustment, which the Map Act does not authorize a city, county or the Commission to require. Under *Morehart*, the Commission cannot require the land owners to reconfigure their parcel as a condition of obtaining a CDP.

The California Environmental Quality Act (“CEQA”) does not provide any authority to require this alternatives analysis. Under CEQA, an alternative must be “potentially feasible” in order to be considered. (CEQA Guidelines, § 15126.6(a).) The law is clear that an alternative that is legally impossible or beyond the powers of the agency is infeasible. (See *Kenneth Mebane Ranches* (1992) 10 Cal.App.4th 276, 291-292 (extraterritorial eminent domain was infeasible because it was “impossible in law”); *Sequoyah Hills Homeowners Ass’n v. City of Oakland* (1993) 23 Cal.App.4th 704, 717 (reduced density alternative was infeasible because City had no legal power to reduce density of project); *Marin Mun. Water District v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1666 (reducing water delivery to air force base was infeasible because of legal commitments); CEQA Guidelines, § 15364 (factors to consider as to whether an alternative is feasible is whether it is “legal”).)

Furthermore, the Supreme Court has held that CEQA cannot be used as “a tool to expand the Commission’s authority” beyond its jurisdiction. (See *Sierra Club v. California Coastal Commission* (2005) 35 Cal.4th 839, 859.) The Coastal Commission’s ability to consider impacts under CEQA is limited to conditions it otherwise has the authority to impose under the Coastal Act. (*Id.*) CEQA does not provide any independent authority to mitigate impacts. (*Id.*, Pub. Resources Code, § 21004.) The Commission cannot use the alternatives analysis to do indirectly what it cannot do directly under the Subdivision Map Act. (*Id.* at 852.)

For these reasons, our clients are not providing the alternative lot configuration requested. The Commission does not have the authority to require such an analysis in order to complete the applications.

5. Lastly, Staff is asserting that local approval in concept is needed from the County for the proposed water line extension. Government Code section 53091(d) & (e) exempts the construction of water district facilities for the production, generation, storage, treatment or transmission of water by a public utility from local zoning and building codes. It states,

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"(e) **Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water**, or for the production or generation of electrical energy, facilities that are subject to Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency, if the zoning ordinances make provision for those facilities."

Los Angeles County zoning ordinances do not apply; therefore, Los Angeles County Dept. of Regional Planning review and approval is not required. The applicant has already obtained the requisite approval in concept from Las Virgenes Municipal Water District, which is the responsible local agency. Staff's efforts to require the applicant to provide "local approvals" from agencies that are not responsible for the proposed scope of development in the conceptual planning phase is, once again, an excessive measure that is time-consuming, and unnecessary.

Based upon the above-referenced disproportionate handling of the application review process, please be advised that the applicant is appealing the determination by the executive director that the subject application is incomplete pursuant to Section 13056(d) of the California Coastal Commission Administrative regulations. Section 13056(d) requires the executive director to schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) calendar days after receipt of the appeal of the filing determination. Therefore, this appeal must be brought before the Commission no later than the May 7-9 hearing in Marina del Rey.

Thank you for your time and attention to this matter. If you have any questions or comments regarding the foregoing, please feel free to contact me at (310) 589-0773.

Sincerely,
SCHMITZ & ASSOCIATES, Inc.



Matt Jewett
Project Team Manager

Cc: Mulryan Properties, LLLP
Steve Hudson, District Manager
Deanna Christensen, Coastal Program Analyst

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March 24, 2008

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

(Via Hand-Delivery)

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

Attn: Jack Ainsworth, Deputy Director

**Re: CDP Application 4-07-148: (APN: 4453-005-091, APN 4453-005-092)
Appeal of February 29, 2008 Incomplete Application Letter
Applicants: Morleigh Properties, LLLP & Mulryan Properties, LLLP**

Dear Mr. Ainsworth,

We are in receipt of Staff's second request for additional information pertaining to CDP application 4-07-148 (Lot Line Adjustment). As you know, the subject properties are located north of Sweetwater Mesa Road, in Malibu.

In this second request for information, which is dated 2/29/08, Staff makes reference to several "interrelated" applications in the area, which are currently pending. The applicants have provided the previously requested alternatives analysis. However, now Commission staff has requested that the applicants provide an analysis of alternative parcel configurations that cluster development to the maximum extent feasible. Apart from the lot line adjustment proposed between the two above-referenced parcels, no parcel reconfiguration is proposed as part of this application. As explained further below, the Commission cannot require the applicants to reconfigure their lots. As a result, the requested alternative analysis is not potentially feasible and, therefore, the Commission cannot require the applicants to provide the analysis.

The subject parcels are all separately owned legal parcels for which the County has issued certificates of compliance. The California Supreme Court has been clear that the Subdivision Map Act prevents agencies from requiring that legal parcels be merged as a requirement to issue a development permit. (*See Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 732.) In deciding *Morehart*, the California Supreme Court held that the Subdivision Map Act supersedes local regulation of the creation and reconfiguration of lots. The Court held that absent authority in the Map Act that would allow a city or county to compel a merger, any such city or county requirement is null and void. This would even be the case if the parcels were held by the same owner, which they are not. (Gov. Code, § 66451.10 (previously-created contiguous parcels are not deemed merged by virtue of the fact they are held by the same owner).)



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While *Morehart* concerned whether a county could require a merger as a condition of permit approval that was not authorized by the Map Act, the conclusion would be the same here. The Commission seeks to compel the land owners to engage in a lot line adjustment, which the Map Act does not authorize a city, county or the Commission to require. Under *Morehart*, the Commission cannot require the land owners to reconfigure their parcel as a condition of obtaining a CDP.

The California Environmental Quality Act ("CEQA") does not provide any authority to require this alternatives analysis. Under CEQA, an alternative must be "potentially feasible" in order to be considered. (CEQA Guidelines, § 15126.6(a).) The law is clear that an alternative that is legally impossible or beyond the powers of the agency is infeasible. (See *Kenneth Mebane Ranches* (1992) 10 Cal.App.4th 276, 291-292 (extraterritorial eminent domain was infeasible because it was "impossible in law"); *Sequoyah Hills Homeowners Ass'n v. City of Oakland* (1993) 23 Cal.App.4th 704, 717 (reduced density alternative was infeasible because City had no legal power to reduce density of project); *Marin Mun. Water District v. KG Land Cal. Corp.* (1991) 235 Cal.App.3d 1652, 1666 (reducing water delivery to air force base was infeasible because of legal commitments); CEQA Guidelines, § 15364 (factors to consider as to whether an alternative is feasible is whether it is "legal".))

Furthermore, the Supreme Court has held that CEQA cannot be used as "a tool to expand the Commission's authority" beyond its jurisdiction. (See *Sierra Club v. California Coastal Commission* (2005) 35 Cal.4th 839, 859.) The Coastal Commission's ability to consider impacts under CEQA is limited to conditions it otherwise has the authority to impose under the Coastal Act. (*Id.*) CEQA does not provide any independent authority to mitigate impacts. (*Id.*, Pub. Resources Code, § 21004.) The Commission cannot use the alternatives analysis to do indirectly what it cannot do directly under the Subdivision Map Act. (*Id.* at 852.)

For these reasons, our clients are not providing the alternative lot configuration requested. The Commission does not have the authority to require such an analysis in order to complete the applications.

Based upon the foregoing, please be advised that the applicants are appealing the determination by the executive director that the subject application is incomplete pursuant to Section 13056(d) of the California Coastal Commission Administrative regulations. Section 13056(d) requires the executive director to schedule the appeal for the next commission hearing or as soon thereafter as practicable but in no event later than sixty (60) calendar days after receipt of the appeal of the filing determination. Therefore, this appeal must be brought before the Commission no later than the May 7-9 hearing in Marina del Rey.

Thank you for your time and attention to this matter. If you have any questions or comments regarding the foregoing, please feel free to contact me at (310) 589-0773.

Sincerely,
SCHMITZ & ASSOCIATES



Matt Jewett
Project Team Manager

Cc: Mulryan Properties, LLLP
Morleigh Properties, LLLP
Steve Hudson, District Manager
Deanna Christensen, Coastal Program Analyst

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641 - 0142



4-07-067

(File No.)

Lunch Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-037

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Thank you for the additional information provided for the subject permit application. However, upon review of the additional information, the file remains incomplete at this time. Before it can be accepted for filing and tentatively scheduled for a Commission meeting, the information indicated below must be submitted. Numbers correspond to original incomplete letter dated August 10, 2007.

14. Two sets of detailed, engineered final grading and drainage plans for the proposed water main line/maintenance road with representative cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). The plan provided appears to be outdated because it shows previously proposed development sites and access road configuration. In addition, please clarify why no grading is required above station 28+00 and when the existing road above that station was graded and if it is associated with a permit. Lastly, please address why the proposed maintenance road stops at station 38+00 before reaching the access road on parcel 4453-005-091. Please also show Fire Department-approved water line hydrant locations on the grading plans. While the water line was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.
16. County "Approved" Geologic Review Sheet (for all proposed development). Your letter of February 19, 2008 states that the County will not issue a geology approval-in-concept. We understand this. However, GMED can provide geologic and soil engineering review sheets that recommend approval of the grading plans. Due to the known geologic issues in this area, we need GMED to recommend approval of the grading plans. The review sheets provided merely indicate the items they need in order complete their review.
17. County "Approval-in-Concept" of the proposed water main line/maintenance road. While we understand that LVMWD must authorize this line extension, as they have conditionally, the County must also authorize the physical development associated with it, as does the CCC. Therefore, we need their approval-in-concept of the water line extension. While the water line was not made part of the proj

EXHIBIT 4
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Commission Incomplete Letters #2

description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.

26. Preliminary Fire Department approval of the access road leading up to the subject parcel. The Fire Department-approved site plan you have submitted is only for the subject parcel, not the proposed off-site access road length. In addition, the submitted Fire Department-approved site plan notes that a 32' centerline turning radius is required for the access road loop near the proposed residence. Please revise your site and grading plans to satisfy this requirement. In addition, Fire Department approval is needed for the proposed water main line hydrant locations and maintenance road.

Staff Comments

2. **Potable Water Source Alternatives Analysis.** Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address the feasibility of an on-site well to supply the proposed development with potable water.
4. **Visual Analysis.** Thank you for the visual analysis you have provided. However, it is difficult to analyze the potential visual impacts by an arrow on a photo. Due to potential visibility from public viewing areas, we will require that the mass of the structure be physically depicted by staking the site at a later date, i.e. story poles & flagging. The staking must accurately reflect the location and height of all proposed structures, including the corners, edges, and roof ridgelines with prominently visible poles and orange flagging. The staking must be coordinated with Commission staff to ensure that it is assembled when staff is available to view it. Staking the project site will not affect the filing date of this application.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the proposed access road segment within their jurisdiction. In this case, this requirement is not something we can condition.
7. **Development Area/Alternatives Analysis.** It appears from your disturbed area exhibit that the proposed development area has not been designed to minimize grading, length of driveway, fuel modification, or conform to the maximum 10,000 sq. ft. development area requirement. For proposed development on sites containing ESHA, such as the subject property, the Commission has consistently allowed a maximum development area of 10,000 sq. ft. However, siting and design alternatives must be considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible consistent with the allowance for an economically viable residential use. In the case of the proposed project, it does not appear that impacts to ESHA are minimized to the greatest extent feasible. The proposed driveway configuration and Fire Department turnaround area exceeds what may be excluded from the total development area calculation because it does not appear to be the minimum design necessary. In addition, the undisturbed atrium at the center of the proposed residence must be considered part of the development area. Only the minimum

required access drive and one hammerhead turnaround may be excluded from the development area calculation. All other areas, structures, and graded slopes must be considered part of the development area. Please provide both a siting/design alternatives analysis to minimize grading, fuel modification, development area size, and driveway length, and a revised development area calculation with exhibit that is inclusive of all areas that must be considered part of the dev. area.

Lastly, as you know we now have several interrelated permit applications for development in this area (CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-0148 (Mulryan/Morleigh LLA), 4-07-067 (Lunch), 4-07-068 (Vera), and the soon-to-be submitted Ronan property). Please provide a detailed analysis of alternative building site and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible. The analysis must include detailed topographic, geologic, grading, fuel modification, access, septic, water, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.

By: Deanna Christensen
Coastal Program Analyst

Date: February 29, 2008

ex 4

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142



4-07-068

(File No.)

Vera Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-018

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Thank you for the additional information provided for the subject permit application. However, upon review of the additional information, the file remains incomplete at this time. Before it can be accepted for filing and tentatively scheduled for a Commission meeting, the information indicated below must be submitted. Numbers correspond to original incomplete letter dated August 10, 2007.

14. Two sets of detailed, engineered final grading and drainage plans for the proposed water main line/maintenance road with representative cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). The plan provided appears to be outdated because it shows previously proposed development sites and access road configuration. In addition, please clarify why no grading is required above station 28+00 and when the existing road above that station was graded and if it is associated with a permit. Lastly, please address why the proposed maintenance road stops at station 38+00 before reaching the access road on parcel 4453-005-091. Please also show Fire Department-approved water line hydrant locations on the grading plans.
16. County "Approved" Geologic Review Sheet (for all proposed development). Your letter of February 19, 2008 states that the County will not issue a geology approval-in-concept. We understand this. However, GMED can provide geologic and soil engineering review sheets that recommend approval of the grading plans. Due to the known geologic issues in this area, we need GMED to recommend approval of the grading plans. The review sheets provided merely indicate the items they need in order complete their review.
17. County "Approval-in-Concept" of the proposed water main line/maintenance road. While we understand that LVMWD must authorize this line extension, as they have conditionally, the County must also authorize the physical development associated with it, as does the CCC. Therefore, we need their approval-in-concept of the water line extension.
26. Preliminary Fire Department Access Approval. I don't see a Fire Department-approved site plan for access in the information you have submitted. Please

provide their approved plans. In addition, Fire Department approval is needed for the proposed water main line hydrant locations and maintenance road.

Staff Comments

2. **Potable Water Source Alternatives Analysis.** Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address the feasibility of an on-site well to supply the proposed development with potable water.
4. **Visual Analysis.** Thank you for the visual analysis you have provided. However, it is difficult to analyze the potential visual impacts by an arrow on a photo. Due to potential visibility from public viewing areas, we will require that the mass of the structure be physically depicted by staking the site at a later date, i.e. story poles & flagging. The staking must accurately reflect the location and height of all proposed structures, including the corners, edges, and roof ridgelines with prominently visible poles and orange flagging. The staking must be coordinated with Commission staff to ensure that it is assembled when staff is available to view it. Staking the project site will not affect the filing date of this application.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the access road segment within their jurisdiction. While the lower portion of the access road was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.
- 7/8. **Development Area/Alternatives Analysis** It appears from your disturbed area exhibit that the proposed development area has not been designed to minimize grading, length of driveway, fuel modification, or conform to the maximum 10,000 sq. ft. development area requirement. For proposed development on sites containing ESHA, such as the subject property, the Commission has consistently allowed a maximum development area of 10,000 sq. ft. However, siting and design alternatives must be considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible consistent with the allowance for an economically viable residential use. In the case of the proposed project, it does not appear that impacts to ESHA are minimized to the greatest extent feasible. It appears the proposed development can be further clustered and configured in closer proximity to the existing access road configuration. The proposed access road/driveway configuration on the property does not appear to be the minimum design necessary and exceeds what may be excluded from the total development area calculation. Only the minimum required access drive and one hammerhead turnaround may be excluded from the development area calculation. All other areas, structures, and graded slopes must be considered part of the development area. Please provide both a siting/design alternatives analysis to minimize grading, fuel modification, development area size, and access driveway length, and a revised development area calculation with exhibit that is inclusive of all areas that must be considered part of the dev. area.

Lastly, as you know we now have several interrelated permit applications for development in this area (CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-0148 (Mulryan/Morleigh LLA), 4-07-067 (Lunch), 4-07-068 (Vera), and the soon-to-be submitted Ronan property). Please provide a detailed analysis of alternative building site and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible. The analysis must include detailed topographic, geologic, grading, fuel modification, access, septic, water, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.

12. **Oak Tree Report with survey map** for the entire water line extension length and maintenance road portion of the proposed project, prepared by a qualified arborist. Please provide an Oak Tree Report and associated survey map that identifies the dripline of existing (and any previously removed) oak trees.

By: Deanna Christensen
Coastal Program Analyst

Date: February 29, 2008

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

4-07-146

(File No.)

Mulryan Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-092North of Sweetwater Mesa Road, SMM

(Project Street and City)

Thank you for the additional information provided for the subject permit application. However, upon review of the additional information, the file remains incomplete at this time. Before it can be accepted for filing and tentatively scheduled for a Commission meeting, the information indicated below must be submitted. Numbers correspond to original incomplete letter dated December 17, 2007.

12. You have indicated that the proposed project will also be served by the water line proposed under CDP 4-07-068. Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address the feasibility of an on-site well to supply the proposed development with potable water.
14. Two sets of detailed, engineered final grading and drainage plans for the proposed water main line/maintenance road with representative cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). The plan provided appears to be outdated because it shows previously proposed development sites and access road configuration. In addition, please clarify why no grading is required above station 28+00 and when the existing road above that station was graded and if it is associated with a permit. Lastly, please address why the proposed maintenance road stops at station 38+00 before reaching the access road on parcel 4453-005-091. Please also show Fire Department-approved water line hydrant locations on the grading plans. While the water line was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.
16. County "Approved" Geologic Review Sheet (for all proposed development). Your letter of February 19, 2008 states that the County will not issue a geology approval-in-concept. We understand this. However, GMED can provide geologic and soil engineering review sheets that recommend approval of the grading plans. Due to the known geologic issues in this area, we need GMED to recommend approval of the grading plans. The review sheets provided merely indicate the items they need in order complete their review.

Staff Comments

5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the access road segment within their jurisdiction. While the lower portion of the access road was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.

8. **Development Area/Alternatives Analysis** It appears from your disturbed area exhibit that the proposed development area has not been designed to minimize grading, length of driveway, fuel modification, or conform to the maximum 10,000 sq. ft. development area requirement. For proposed development on sites containing ESHA, such as the subject property, the Commission has consistently allowed a maximum development area of 10,000 sq. ft. However, siting and design alternatives must be considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible consistent with the allowance for an economically viable residential use. In the case of the proposed project, it does not appear that impacts to ESHA are minimized to the greatest extent feasible. It appears the proposed development can be further clustered and configured in closer proximity to adjacent proposed development and the existing access road configuration. The proposed access road/driveway configuration on the property does not appear to be the minimum design necessary and exceeds what may be excluded from the total development area calculation. Only the minimum required access drive and one hammerhead turnaround may be excluded from the development area calculation. All other areas, parking areas, structures, and graded slopes must be considered part of the development area. Please provide both a siting/design alternatives analysis to minimize grading, fuel modification, development area size, and access driveway length, and a revised development area calculation with exhibit that is inclusive of all areas that must be considered part of the dev. area.

Lastly, as you know we now have several interrelated permit applications for development in this area (CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-0148 (Mulryan/Morleigh LLA), 4-07-067 (Lunch), 4-07-068 (Vera), and the soon-to-be submitted Ronan property). Please provide a detailed analysis of alternative building site and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible. The analysis must include detailed topographic, geologic, grading, fuel modification, access, septic, water, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.

Water Line. While the water line was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project. As such, we'll need County "Approval-in-Concept" of the proposed water main line/maintenance road. While we understand that LVMWD must authorize this line extension, as they have conditionally, the County must also authorize the physical development associated with it, as does the CCC. Therefore, we need their approval-in-concept of the water line extension.

Visual Analysis. Thank you for the visual analysis you have provided. However, it is difficult to analyze the potential visual impacts by an arrow on a photo. Due to potential visibility from public viewing areas, we will require that the mass of the structure be physically depicted by staking the site at a later date, i.e. story poles & flagging. The staking must accurately reflect the location and height of all proposed structures, including the corners, edges, and roof ridgelines with prominently visible poles and orange flagging. The staking must be coordinated with Commission staff to ensure that it is assembled when staff is available to view it. Staking the project site will not affect the filing date of this application.

By: Deanna Christensen
Coastal Program Analyst

Date: February 29, 2008

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

4-07-147(File No.)Morleigh Properties LLLP(Applicant)Schmitz & Associates(Agent)4453-005-091North of Sweetwater Mesa Road, SMM(Project Street and City)

Thank you for the additional information provided for the subject permit application. However, upon review of the additional information, the file remains incomplete at this time. Before it can be accepted for filing and tentatively scheduled for a Commission meeting, the information indicated below must be submitted. Numbers correspond to original incomplete letter dated December 17, 2007.

12. You have indicated that the proposed project will also be served by the water line proposed under CDP 4-07-068. Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address the feasibility of an on-site well to supply the proposed development with potable water.
14. Two sets of detailed, engineered final grading and drainage plans for the proposed water main line/maintenance road with representative cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). The plan provided appears to be outdated because it shows previously proposed development sites and access road configuration. In addition, please clarify why no grading is required above station 28+00 and when the existing road above that station was graded and if it is associated with a permit. Lastly, please address why the proposed maintenance road stops at station 38+00 before reaching the access road on parcel 4453-005-091. Please also show Fire Department-approved water line hydrant locations on the grading plans. While the water line was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.
16. County "Approved" Geologic Review Sheet (for all proposed development). Your letter of February 19, 2008 states that the County will not issue a geology approval-in-concept. We understand this. However, GMED can provide geologic and soil engineering review sheets that recommend approval of the grading plans. Due to the known geologic issues in this area, we need GMED to recommend approval of the grading plans. The review sheets provided merely indicate the items they need in order complete their review.

Staff Comments

5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the access road segment within their jurisdiction. While the lower portion of the access road was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project.

8. **Development Area/Alternatives Analysis** It appears from your disturbed area exhibit that the proposed development area has not been designed to minimize grading, length of driveway, fuel modification, or conform to the maximum 10,000 sq. ft. development area requirement. For proposed development on sites containing ESHA, such as the subject property, the Commission has consistently allowed a maximum development area of 10,000 sq. ft. However, siting and design alternatives must be considered in order to identify the alternative that can avoid and minimize impacts to ESHA to the greatest extent feasible consistent with the allowance for an economically viable residential use. In the case of the proposed project, it does not appear that impacts to ESHA are minimized to the greatest extent feasible. It appears the proposed development can be further clustered and configured in closer proximity to adjacent proposed development and the existing access road configuration. The proposed access road/driveway configuration on the property does not appear to be the minimum design necessary and exceeds what may be excluded from the total development area calculation. Only the minimum required access drive and one hammerhead turnaround may be excluded from the development area calculation. All other areas, parking areas, structures, and graded slopes must be considered part of the development area. Please provide both a siting/design alternatives analysis to minimize grading, fuel modification, development area size, and access driveway length, and a revised development area calculation with exhibit that is inclusive of all areas that must be considered part of the dev. area.

Lastly, as you know we now have several interrelated permit applications for development in this area (CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-0148 (Mulryan/Morleigh LLA), 4-07-067 (Lunch), 4-07-068 (Vera), and the soon-to-be submitted Ronan property). Please provide a detailed analysis of alternative building site and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible. The analysis must include detailed topographic, geologic, grading, fuel modification, access, septic, water, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.

Water Line. While the water line was not made part of the project description for the subject application, it is related development that will serve the proposed project and must also be analyzed in relation to the proposed project. As such, we'll need County "Approval-in-Concept" of the proposed water main line/maintenance road. While we understand that LVMWD must authorize this line extension, as they have conditionally, the County must also authorize the physical development associated with it, as does the CCC. Therefore, we need their approval-in-concept of the water line extension.

Visual Analysis. Thank you for the visual analysis you have provided. However, it is difficult to analyze the potential visual impacts by an arrow on a photo. Due to potential visibility from public viewing areas, we will require that the mass of the structure be physically depicted by staking the site at a later date, i.e. story poles & flagging. The staking must accurately reflect the location and height of all proposed structures, including the corners, edges, and roof ridgelines with prominently visible poles and orange flagging. The staking must be coordinated with Commission staff to ensure that it is assembled when staff is available to view it. Staking the project site will not affect the filing date of this application.

By: Deanna Christensen
Coastal Program Analyst

Date: February 29, 2008

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

4-07-148(File No.)Mulryan Properties LLLP
and Morleigh Properties LLLP(Applicant)Schmitz & Associates(Agent)4453-005-091 and 4453-005-092
North of Sweetwater Mesa Road, SMM

Thank you for the additional information provided for the subject permit application. However, upon review of the additional information, the file remains incomplete at this time. Before it can be accepted for filing and tentatively scheduled for a Commission meeting, the information indicated below must be submitted. Numbers correspond to original incomplete letter dated December 17, 2007.

2. **Alternatives Analysis.** The alternatives analysis provided is insufficient as it does not consider alternative building sites and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster the proposed building sites to the greatest extent feasible. It appears there are alternatives to the proposed project that would accomplish these objectives, and the feasibility of such must be analyzed. As you know we now have several inter-related permit applications for residential development in this area (CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-067 (Lunch), 4-07-068 (Vera), and the soon-to-be submitted Ronan property). Please provide a detailed analysis of alternative building site and parcel configurations that would minimize grading, fuel modification, landform alteration, and serve to cluster all development to the maximum extent feasible. The analysis must include detailed topographic, geologic, grading, fuel modification, access, septic, water, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.
- 5/6. **Other Items.** Although the proposed project of this application is only for a lot line adjustment between two adjacent parcels, we must analyze the particulars of future development on each of the LLA parcels. As you know, we have permit applications for residential development on each of the parcels. Due to the interrelatedness of the applications and complexity of issues/site constraints, the information we need to analyze the LLA is the same as that of the residential development applications. Therefore, the items we request in the incomplete letters for 4-07-146 and 4-07-147, also dated February 29, 2008, must also be provided for the subject application before accepted for filing. This will also allow for the applications to proceed to hearing concurrently.

By: Deanna Christensen, Coastal Program Analyst

Date: February 29, 2008

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641 - 0142



4-07-067

(File No.)

Lunch Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-037

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

- ___ 1. Filing fee is \$ _____. Payable by check or money order to the California Coastal Commission. Amount due \$ _____.
- ___ 2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer-to-Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
- ___ 3. Assessor's parcel number as indicated on a property tax statement. The property legal description as contained in a Grant Deed is not the assessor's parcel number. See page 2, item 1 of the application packet.
- ___ 4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.
- ___ 5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.
- ___ 6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.

EXHIBIT 5
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Commission Incomplete Letters #1

7. Cost valuation by city/county or contractor for the development.
8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.
9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- X10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer.
- X11. County or City Health Department review of septic system.
12. Where water wells are proposed, evidence of County or City review and approval.
13. set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need more set(s).
- X14. Two sets of detailed, engineered grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer. ***(for the proposed water main line/maintenance road).***
- ***In regards to the proposed access road grading plan, please provide representative cross sections through the access road (perpendicular), and retaining wall and drainage swale details. Same for water line grading plan.***
 - ***Provide evidence that the proposed plans are in compliance with Los Angeles Co. engineering standards.***
15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office.
- X16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet (for all proposed development).
- X17. "Approval-in-Concept" form completed by the planning department or other responsible department. ***(for the proposed water main line/maintenance road)***

- __18. Current zoning for project site.
- __19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal.
- __20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.
- __21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.
- __22. City or County Environmental Review Board Approval.
- __23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.
- __24. All projects in or adjacent to a Stream, Wetland , or possible Wetland - California Department of Fish and Game and U.S. Fish and Wildlife Service approvals.
- __25. Fire Department approved fuel (vegetation) modification plans.
- X26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval. In addition, Fire Department approval is needed for the proposed water main line hydrant locations and maintenance road.
- __27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.
- __28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

1. **Lot Legality.** Please provide the Certificate of Compliance for the subject parcel in addition to the chain of title with legal descriptions mapped out.
2. **Potable Water Source Alternatives Analysis.** Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address

the feasibility of an on-site well to supply the proposed development with potable water.

3. **Easement Information.** Please provide evidence of easements held by the property owner, including a map, for the portions of the proposed development (water main line, access road, driveways) that bisects other parcels.
4. **Visual Analysis.** Provide a visual analysis of the proposed development as seen from public viewing areas in the vicinity, such as public parkland, trails, and roads.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the proposed access road segment within their jurisdiction.
6. **Pilot Access Road.** It appears that the configuration of the proposed access road differs from that of the previously approved temporary pilot access road. Please address the need for reconfiguration. In addition, provide a plan for restoring the contour and vegetation of the abandoned portions of the temporary pilot access road.
7. **Development Area.** Please provide a calculation of the area (in square feet) of the proposed Development Area, including the building pad, graded slopes, structures, and parking areas. The area of the access road and turnaround should **not** be included in the development area calculation.
8. **Vegetation Removal.** Please provide a calculation of the area (in square feet) of vegetation that will be removed (or otherwise altered through thinning and/or irrigation) for the access road. In addition, provide a vegetation removal calculation for the proposed water main/maintenance road.
9. **As-built Grading and Vegetation Removal.** It appears that vegetation has been removed and a pad created on the subject parcel. Address when this development occurred and if it is associated with a permit. Please quantify the amount of as-built grading and the area of vegetation removal that has previously occurred on the subject parcel.
10. **Current Biological Assessment.** Please provide a Biological Report, that includes but is not limited to, a biological survey and map of biological resources and physical site features on the subject property, and along the proposed access road and water main line, that is prepared by a qualified biologist or resource specialist.

By: Deanna Christensen
Coastal Program Analyst

Date: August 10, 2007

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641 - 0142



4-07-068

(File No.)

Vera Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-018

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

1. Filing fee is \$ _____. Payable by check or money order to the California Coastal Commission. Amount due \$ _____.
2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer-to-Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
3. Assessor's parcel number as indicated on a property tax statement. The property legal description as contained in a Grant Deed is not the assessor's parcel number. See page 2, item 1 of the application packet.
4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.
5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.
6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.

7. Cost valuation by city/county or contractor for the development.
8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.
9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- X10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer.
- X11. County or City Health Department review of septic system.
12. Where water wells are proposed, evidence of County or City review and approval.
13. set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need more set(s).
- X14. Two sets of detailed, engineered grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer. *(for the proposed water main line/maintenance road).*
- *In regards to the proposed building site and access road grading plan, please provide representative cross sections (perpendicular), and retaining wall and drainage swale details. Same for water line grading plan.*
 - *The proposed 950' long maintenance road and retaining wall for the water line extension is not indicated on project plans. Please address.*
 - *Provide evidence that the proposed plans are in compliance with Los Angeles Co. engineering standards.*
15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office.
- X16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet (for all proposed development).

- 17. "Approval-in-Concept" form completed by the planning department or other responsible department. *(for the proposed water main line/maintenance road)*
- 18. Current zoning for project site.
- 19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal.
- 20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.
- 21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.
- 22. City or County Environmental Review Board Approval.
- 23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.
- 24. All projects in or adjacent to a Stream, Wetland, or possible Wetland - California Department of Fish and Game and U.S. Fish and Wildlife Service approvals.
- 25. Fire Department approved fuel (vegetation) modification plans.
- 26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval. In addition, Fire Department approval is needed for the proposed water main line hydrant locations and maintenance road.
- 27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.
- 28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

1. **Lot Legality.** Please provide the Certificate of Compliance for the subject parcel in addition to the chain of title with legal descriptions mapped out.

2. **Potable Water Source Alternatives Analysis.** Provide an analysis of alternatives to the proposed water main line from Costa Del Sol to serve the property. Address the feasibility of an on-site well to supply the proposed development with potable water.
3. **Easement Information.** Please provide evidence of easements held by the property owner, including a map, for the portions of the proposed development (water main line, access road, driveways) that bisects other parcels.
4. **Visual Analysis.** Provide a visual analysis of the proposed development as seen from public viewing areas in the vicinity, such as public parkland, trails, and roads.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval of the proposed access road segment within their jurisdiction.
6. **Pilot Access Road.** It appears that the configuration of the proposed access road differs from that of the previously approved temporary pilot access road. Please address the need for reconfiguration. In addition, provide a plan for restoring the contour and vegetation of the abandoned portions of the temporary pilot access road.
7. **Development Area.** Please provide a calculation of the area (in square feet) of the proposed Development Area, including the building pad, graded slopes, structures, and parking areas. The area of the access road and turnaround should **not** be included in the development area calculation.
8. **Alternatives Analysis.** Please provide an analysis of siting and design alternatives for the development to minimize grading, landform alteration, fuel modification, and impacts to native vegetation.
9. **Vegetation Removal.** Please provide a calculation of the area (in square feet) of vegetation that will be removed (or otherwise altered through thinning and/or irrigation) for the access road and entry gate. In addition, provide a vegetation removal calculation for the proposed water main/maintenance road.
10. **As-built Grading and Vegetation Removal.** It appears that vegetation has been removed on the subject parcel. Address when this development occurred and if it is associated with a permit. Please quantify the area of vegetation removal that has previously occurred on the subject parcel.
11. **Current Biological Assessment.** Please provide a Biological Report, that includes but is not limited to, a biological survey and map of biological resources and physical site features on the subject property, and along the proposed access road and water main line, that is prepared by a qualified biologist or resource specialist.
12. **Oak Tree Report with survey map, prepared by a qualified arborist.** Please provide an Oak Tree Report and associated survey map that identifies the dripline of existing (and any previously removed) oak trees.

13. **Rockfall Hazard Analysis.** The submitted geologic report indicates that a rockfall hazard analysis is needed and currently being prepared by Kane Geotech, Inc. Please provide this analysis.

By: Deanna Christensen
Coastal Program Analyst

Date: August 10, 2007

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641 - 0142



4-07-146

(File No.)

Mulryan Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-092

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

- ___1. Filing fee is \$____. Payable by check or money order to the California Coastal Commission. Amount due \$_____.
- ___2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer-to-Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
- ___3. Assessor's parcel number as indicated on a property tax statement. The property legal description as contained in a Grant Deed is not the assessor's parcel number. See page 2, item 1 of the application packet.
- ___4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.
- ___5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.
- ___6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.
- ___7. Cost valuation by city/county or contractor for the development.
- ___8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.

9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- X10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer.
11. County or City Health Department review of septic system.
- X12. Where water wells are proposed, evidence of County or City review and approval.
Please clarify source of potable water proposed to serve the development.
13. set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need more set(s).
- X14. Two sets of detailed, engineered grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer.
- ***Please provide representative cross sections through the access road and the development area (perpendicular). Please also provide retaining wall and drainage swale details. Clarify amount, type, linear feet, and height of all proposed retaining structures and privacy walls.***
 - ***Clarify extent of access road proposed under this application and provide further breakdown of proposed grading amounts, i.e. cu. yds. of cut and fill for portion of access road in LA Co., cu. yds. for portion of access road in City of Malibu, cu. yds. for proposed development area, cu. yds. for remedial grading, etc.***
15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office.
- X16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet (for all proposed development).
17. "Approval-in-Concept" form completed by the planning department or other responsible department.
18. Current zoning for project site.
19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal.

- __20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.
- __21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.
- __22. City or County Environmental Review Board Approval.
- __23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.
- __24. All projects in or adjacent to a Stream, Wetland, or possible Wetland - California Department of Fish and Game and U.S. Fish and Wildlife Service approvals.
- __25. Fire Department approved fuel (vegetation) modification plans.
- __26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval.
- __27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.
- __28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

1. **Lot Legality.** Thank you for providing us with a copy of the Certificate of Compliance for the subject parcel. However, the Certificate of Compliance is not sufficient to allow us to determine whether the subject parcel is legal pursuant to the Coastal Act. Therefore, please submit evidence of lot legality, including lot creation documents and supporting information that the subject lot was created in compliance with all applicable laws at the time of creation (i.e., when, how, and through what instrument was the lot created). In addition, please note that CDP Application No. 4-07-148 for a proposed lot line adjustment involving the subject parcel must be approved as a filing requirement for the subject permit application.
2. **Exhibit.** Provide one exhibit that shows the development proposed in CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-067 (Lunch), and 4-07-068 (Vera) in relation to each other.
3. **Access Road.** Please provide a breakdown of the total grading (cut and fill amounts) for the proposed access road along the entire length needed for CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-067 (Lunch), and 4-07-068 (Vera). Please provide a separate grading breakdown for each of the four parcels (post-LLA) and show on the

exhibit requested above which portions of the road are proposed under which application.

4. **Easement Information.** Please provide evidence of easements held by the property owner, including a map, for the portions of the proposed development that bisects other parcels.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval (CDP) of the proposed access road segment within their jurisdiction.
6. **Pilot Access Road.** It appears that the configuration of the proposed access road differs from that of the previously approved temporary pilot access road. Please address the need for reconfiguration. In addition, provide a plan for restoring the contour and vegetation of the abandoned portions of the temporary pilot access road.
7. **As-built Grading and Vegetation Removal.** It appears that vegetation has been removed and an access road created on the subject (post-LLA) parcel. Address when this development occurred and if it is associated with a permit. Please quantify the amount of as-built grading and the area of vegetation removal that has previously occurred on the subject (post-LLA) parcel.
8. **Development Area.** Please provide a calculation of the area (in square feet) of the proposed Development Area, including the building pad, graded slopes, structures, and parking areas. The area of the access road and minimum required Fire-Department turnaround should **not** be included in the development area calculation.
9. **Oak Tree Report.** Please provide an oak tree report and associated survey map, prepared by a qualified arborist, that identifies existing oak trees on the subject property.

By: Deanna Christensen
Coastal Program Analyst

Date: December 17, 2007

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 89 SOUTH CALIFORNIA ST., SUITE 200
 VENTURA, CA 93001
 (805) 641 - 0142



4-07-147

(File No.)

Morleigh Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-091

North of Sweetwater Mesa Road, SMM

(Project Street and City)

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

- ___1. Filing fee is \$____. Payable by check or money order to the California Coastal Commission. Amount due \$_____.
- ___2. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer- to- Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
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- ___4. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor). Drawings or facsimiles are not acceptable.
- ___5. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9 1/2 x 4 1/8"). Include a first class postage stamp on each one. Metered envelopes are not acceptable. Mailing list must be on the format shown on page C-1 of the application packet.
- ___6. Enclose appropriate map(s) indicating location of property in relation to the coastline. Thomas Brothers map, road map or area maps prepared by local governments may provide a suitable base map.
- ___7. Cost valuation by city/county or contractor for the development.
- ___8. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc. Include minutes of any public hearing.

9. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
10. Where septic systems are proposed, percolation test prepared by a qualified sanitarian or soils engineer.
11. County or City Health Department review of septic system.
12. Where water wells are proposed, evidence of County or City review and approval.
Please clarify source of potable water proposed to serve the development.
13. ___ set(s) of project drawings including site plans, floor plans, and all elevations. Drawing must be to scale with dimensions shown. Trees to be removed must be marked on the site plan. All oak trees and riparian vegetation (canopy), streams and drainages, wetlands, easements, and public hiking and equestrian trails (including existing offers to dedicate trails) must be identified on the site plan. Plans must be approved by the planning department and stamped "Approval-in-Concept." We need ___ more set(s).
14. Two sets of detailed, engineered grading and drainage plans with cross-sections and quantitative breakdown of grading amounts (cubic yards of cut and fill). Plans must be to scale and prepared by a registered engineer.
- ***Please provide representative cross sections through the access road and the development area (perpendicular). Please also provide retaining wall and drainage swale details. Clarify amount, type, linear feet, and height of all proposed retaining structures and privacy walls.***
 - ***Clarify extent of access road proposed under this application and provide further breakdown of proposed grading amounts, i.e. cu. yds. of cut and fill for portion of access road in LA Co., cu. yds. for portion of access road in City of Malibu, cu. yds. for proposed development area, cu. yds. for remedial grading, etc.***
15. Two copies of a comprehensive, current (not more than 1 year old), site-specific geology and soils report (including maps) prepared in accordance with the Guidelines for Engineering Geologic Reports, prepared by the State Board of Registration for Geologists & Geophysicists (11/93). Copies of the guidelines are available from the Coastal Commission District Office.
16. A current (not more than 1 year old) City or County "Approved" Geologic Review Sheet (for all proposed development).
17. "Approval-in-Concept" form completed by the planning department or other responsible department.
18. Current zoning for project site.
19. A reduced set of legible drawings to 8 1/2 x 11" in size. The reduced set shall include a site plan, grading plan, elevations and topography if required for submittal.

- ___20. For projects which include demolition, two copies of a site plan and elevations or photographs of the structure to be demolished. Demolition must be included in the "Approval-in-Concept" project description.
- ___21. Remodel projects must include percent of walls to be demolished (interior and exterior), and indicate walls to be demolished and retained on-site plans.
- ___22. City or County Environmental Review Board Approval.
- ___23. A copy of any Final Negative Declaration, Draft of Final Environmental Impact Report (FIR) or Final Environmental Impact Statement (FEES) prepared, for the project. Comments of all reviewing agencies and responses to comments must be included.
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- ___25. Fire Department approved fuel (vegetation) modification plans.
- ___26. Driveways, access roads, and turn-around areas - preliminary Fire Department Approval.
- ___27. Preliminary approval from the Regional Water Quality Control Board. Single family dwellings and additions to existing structures are excluded.
- ___28. An archaeological report developed by a qualified archaeologist regarding the presence and significance of archaeological and cultural resources.

STAFF COMMENTS

Under certain circumstances, additional material, not previously indicated, may be required before an application can be deemed complete. The following additional material is required for the completion of this application:

1. **Lot Legality.** Thank you for providing us with a copy of the Certificate of Compliance for the subject parcel. However, the Certificate of Compliance is not sufficient to allow us to determine whether the subject parcel is legal pursuant to the Coastal Act. Therefore, please submit evidence of lot legality, including lot creation documents and supporting information that the subject lot was created in compliance with all applicable laws at the time of creation (i.e., when, how, and through what instrument was the lot created). In addition, please note that CDP Application No. 4-07-148 for a proposed lot line adjustment involving the subject parcel must be approved as a filing requirement for the subject permit application.
2. **Exhibit.** Provide one exhibit that shows the development proposed in CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-067 (Lunch), and 4-07-068 (Vera) in relation to each other.
3. **Access Road.** Please provide a breakdown of the total grading (cut and fill amounts) for the proposed access road along the entire length needed for CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), 4-07-067 (Lunch), and 4-07-068 (Vera). Please provide a separate grading breakdown for each of the four parcels (post-LLA) and show on the

exhibit requested above which portions of the road are proposed under which application.

4. **Easement Information.** Please provide evidence of easements held by the property owner, including a map, for the portions of the proposed development that bisects other parcels.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval (CDP) of the proposed access road segment within their jurisdiction.
6. **Pilot Access Road.** It appears that the configuration of the proposed access road differs from that of the previously approved temporary pilot access road. Please address the need for reconfiguration. In addition, provide a plan for restoring the contour and vegetation of the abandoned portions of the temporary pilot access road.
7. **As-built Grading and Vegetation Removal.** It appears that vegetation has been removed and an access road created on the subject (post-LLA) parcel. Address when this development occurred and if it is associated with a permit. Please quantify the amount of as-built grading and the area of vegetation removal that has previously occurred on the subject (post-LLA) parcel.
8. **Development Area.** Please provide a calculation of the area (in square feet) of the proposed Development Area, including the building pad, graded slopes, structures, and parking areas. The area of the access road and minimum required Fire-Department turnaround should **not** be included in the development area calculation.
9. **Oak Tree Report.** Please provide an oak tree report and associated survey map, prepared by a qualified arborist, that identifies existing oak trees on the subject property.
10. **Biological Resource Map.** The b/w map provided in the submitted Biological Report is not legible. Please provide either a digital or hard copy of the map in color.

By: Deanna Christensen
Coastal Program Analyst

Date: December 17, 2007

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142



4-07-148

(File No.)

Mulryan Properties LLLP
and Morleigh Properties LLLP

(Applicant)

Schmitz & Associates

(Agent)

4453-005-091 and 4453-005-092
North of Sweetwater Mesa Road, SMM

Your coastal permit application has been reviewed and is incomplete. Before it can be accepted for filing, the information indicated below must be submitted.

1. **Lot Legality.** Thank you for providing us with copies of the Certificates of Compliance for the subject parcels. However, the Certificates of Compliance are not sufficient to allow us to determine whether the subject parcels are legal pursuant to the Coastal Act. Therefore, please submit evidence of lot legality, including lot creation documents and supporting information that the subject lots were created in compliance with all applicable laws at the time of creation (i.e., when, how, and through what instrument was the lot created).
2. **Alternatives Analysis.** Please provide a detailed comparative alternatives analysis of potential building sites for the pre- and post-lot line adjustment parcel configurations. The analysis must include detailed topographic, geologic, grading, vegetation removal, access, visual, and other relevant constraint information. The analysis should be in both narrative and exhibit format.
3. **As-built Grading and Vegetation Removal.** It appears that vegetation has been removed and an access road created on the subject parcels. Address when this development occurred and if it is associated with a permit. Please quantify the amount of as-built grading and the area of vegetation removal that has previously occurred on the subject parcels.
4. **Exhibit.** Provide one exhibit that shows the development and access road proposed in CDP Applications 4-07-146 (Mulryan), 4-07-147 (Morleigh), as well as 4-07-067 (Lunch), and 4-07-068 (Vera), in relation to each other.
5. **City of Malibu Approvals.** Please provide evidence of City of Malibu approval (CDP) of the proposed access road segment within their jurisdiction.
6. **County Geologic Review Approval.** A current County "Approved" Geologic Review Sheet for the development proposed on the subject parcels.
7. **Oak Tree Report.** Please provide an oak tree report and associated survey map, prepared by a qualified arborist, that identifies existing oak trees on the subject property.

By: Deanna Christensen, Coastal Program Analyst

Date: December 17, 2007

Dist. Office 8.1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

DISTRIBUTION

Sheet 1 of 1

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FEB 20 2008

900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4923

- 1 Dist. Office
- 1 Geologist
- 1 Soils Engineer
- 1 GMED File
- 1 Grading
- 1 Drainage

Tract / Parcel Map	CALIFORNIA COASTAL COMMISSION	Lot(s)	
Parent Tract	SOUTH CENTRAL COAST DISTRICT	Location	Sweetwater Mesa (Lunch)
Site Address		APN	4453-005-037
Geologist	Mountain Geology, Inc.	Developer/Owner	Lunch Properties
Soils Engineer	CalWest Geotechnical	Engineer/Arch.	

Review of:

Miscellaneous Application No. 0706150005 For: Pad for SFR and access road
 Geologic Report(s) Dated 5/11/07
 Soils Engineering Report(s) Dated 5/22/07
 Geology and Soils Engineering Report(s) Dated _____

Remarks/Conditions:

1. Per County code and policy, all building pads and access roads must be safe from landslide, settlement, or slippage. The proposed building pad and access road locations are on or adjacent to landslides. No permits for new dwellings can be approved, unless detailed corrective measures and geotechnical reports can be provided to comply with sections 110 and 111 of the Building Code. However, prior to geotechnical review for issuance of future permits, specific development plans must be submitted.

All grading in areas subject to slope instability is specifically prohibited by Chapter 33 of the Grading Code. All grading must conform to Sections 3309.5 and 3309.6 of Chapter 33. The establishment of geotechnical setback planes, which daylight onto building pads or roadways is not in conformance with the code.
2. Additional subsurface exploration should be anticipated to fully characterize the mapped landslides and design remedial measures as detailed plans are developed for the project.
3. Prior to re-submittal and review of additional reports, the corners of the lot and the proposed residence must be flagged with highly visible flagging. Additionally, provide a detailed plot plan, and location map with odometer mileage from road intersections.
4. The design of the proposed slope and residential pad do not meet the County setback standards and will require redesign.

NOTE: The feasibility of development of this parcel and the three adjacent parcels (APN 4453-005-018, 091, and 092) cannot be fully demonstrated until the extension of Sweetwater Mesa Road, located within the city limits of the City of Malibu, has been approved. As part of the submittal process, the City of Malibu approval of the extension of Sweetwater Mesa Road must be provided to the County. A limited approval by the City of Malibu has been provided that states that the extension of Sweetwater Mesa Road has Coastal Development Review approval. However, building plan check submittal has not been approved.

The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property, which are contained in this review sheet, are tentative and subject to change. Additional data may be brought to the Department's attention, which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on the Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

Prepared by Clayton R. Masters Reviewed by _____ Date 11/21/07
Clayton R. Masters

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/qmedsurvey>
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8/30/07

EXHIBIT 6
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION**

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 9.1
Job Number MMSIR
Sheet 1 of 2

Pad for Single Family Residence and Access Road

Location Sweetwater Mesa, (Lunch Properties, APN# 4453-005-037)
Developer/Owner Lunch Properties
Engineer/Architect *****
Soils Engineer CalWest Geotechnical, Inc. (4743-2-lunch)
Geologist Mountain Geology (JH8727)

DISTRIBUTION:
1 Drainage
1 Grading
1 Geo/Soils Central File
1 District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Miscellaneous Application No. 0708150005

Review of:

Geotechnical Report Dated 5/22/07
Geologic Report Dated 5/11/07

REMARKS:

1. The shear strength values (i.e. $\phi = 23$ degrees, cohesion=270 psf) utilized to represent landslide plane material in the slope stability analyses, including substantiating calculations for the proposed stabilization, appear high for "sheared clay". In addition, the back-calculation discussed on page 9 of the geotechnical report, revealed considerably lower shear strength values for the landslide plane material. Provide additional shear test results for the actual landslide plane material to further substantiate the values utilized in the slope stability analyses and stabilization calculations. The shear strength values obtained from shear testing should correlate to referenced values for similar materials found in the vicinity of the subject site. Revise slope stability analyses and stabilization calculations as necessary. Recommend mitigation if factors of safety are below County minimum standards.
2. Provide the shear strength parameters and data utilized in the anisotropic function in the slope stability analyses. Clarify where the function was utilized in the slope stability analyses. Verify and address the geologic model utilized for the anisotropic function for the represented cross section.
3. Provide the stress-strain graphs and graphs of the failure envelope for all direct shear test results. Per County policy, the stress-strain graphs and the graphs of the failure envelope must be submitted to justify all residual shear strengths to be utilized in the slope stability analyses.
4. Clearly indicate the type of shear strength parameters (i.e. residual, peak, repeated reshear, etc.) used in the slope stability analyses.
5. Additional slope stability analysis may be required when the geology of the site is conclusively determined.
6. Cross Section K-K' of the submitted report indicates that the recommended Geotechnical Foundation Setback Plane extends below the proposed graded building pad. All areas of proposed grading (not only the proposed structures) must exhibit factors of safety equal to or above County minimum standards. Verify and make revisions as necessary.
7. Specifically address the feasibility of the recommended soldier piles to mitigate the landslide debris considering the calculated lateral load conditions (up to 117 kips) and the proposed length of soldier piles (min embedded 15 feet below Geotechnical Foundation Setback Plane, approx. 80 feet). Also verify the direction of lateral load conditions considering the predicted direction of the landslide failure and the proposed access road alignment. Provide substantiating calculations (structural/civil) that consider the strength of materials for the proposed soldier piles and predicted loading conditions as necessary.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Miscellaneous Application No. 0706150005

Sheet 2 of 2

REMARKS (cont.):

- 8. Provide data on the possible adverse impact of the private sewage disposal system(s) relative to site stability and adjacent properties. Discuss the path of migration of the effluent and whether ponding or daylighting of the effluent will occur. Slope stability analyses must consider the effect of effluent discharge as necessary.
- 9 The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:

(1) SAFE ACCESS TO THE PROPOSED SITE IS REQUIRED PRIOR TO GRADING PLAN APPROVAL (2) PER THE SOILS ENGINEER, THE PROPOSED LANDSLIDE MITIGATION MEASURES WILL BE SUBJECT TO EXCESSIVE LATERAL LOADING.



Reviewed by _____

Date 11/20/07

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/customer-service-survey>.

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P (osh)S(w)atwater Mess. (Luncn. 4453.005.037) MP-NA

ex. 6

Dist. Office 9.1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4923

DISTRIBUTION

Sheet 1 of 1

1 Dist. Office
1 Geologist
1 Soils Engineer
1 GMED File
1 Grading
1 Drainage

Tract / Parcel Map _____ Lot(s) _____
Parent Tract _____ Location Sweetwater Mesa (Vera)
Site Address _____ APN 4453-005-018
Geologist Mountain Geology, Inc. Developer/Owner Vera Properties
Soils Engineer CalWest Geotechnical Engineer/Arch. _____

Review of:

Miscellaneous Application No. 0706150002 For: Pad for SFR and access road
Geologic Report(s) Dated 5/11/07
Soils Engineering Report(s) Dated 5/25/07
Geology and Soils Engineering Report(s) Dated _____

Remarks/Conditions:

- 1. Per County code and policy, all building pads and access roads must be safe from landslide, settlement, or slippage. The proposed building pad and access road locations are on or adjacent to landslides. No permits for new dwellings can be approved, unless detailed corrective measures and geotechnical reports can be provided to comply with sections 110 and 111 of the Building Code. However, prior to geotechnical review for issuance of future permits, specific development plans must be submitted.

All grading in areas subject to slope instability is specifically prohibited by Chapter 33 of the Grading Code. All grading must conform to Sections 3309.5 and 3309.6 of Chapter 33. The establishment of geotechnical setback planes, which daylight onto building pads or roadways is not in conformance with the code.

- 2. Additional subsurface exploration should be anticipated to fully characterize the mapped landslides and design remedial measures as detailed plans are developed for the project. As an example, the landslide (designated as Q1s) shown on Geologic Cross-Section H-H' and J-J' appears to have failed within an existing landslide yet the log for Boring B-14 does not show older landslide debris below the younger landslide debris. Additional borings will be necessary to prove the lack of older landslide debris beneath the younger landslide.
- 3. Prior to re-submittal and review of additional reports, the corners of the lot and the proposed residence must be flagged with highly visible flagging. Additionally, provide a detailed plot plan, and location map with odometer mileage from road intersections.

NOTE: The feasibility of development of this parcel and the three adjacent parcels (APN 4453-005-037, 091, and 092) cannot be fully demonstrated until the extension of Sweetwater Mesa Road, located within the city limits of the City of Malibu, has been approved. As part of the submittal process, the City of Malibu approval of the extension of Sweetwater Mesa Road must be provided to the County. A limited approval by the City of Malibu has been provided that states that the extension of Sweetwater Mesa Road has Coastal Development Review approval. However, building plan check submittal has not been approved.

The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property, which are contained in this review sheet, are tentative and subject to change. Additional data may be brought to the Department's attention, which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

Prepared by Clayton R. Masters Reviewed by _____ Date 11/21/07

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/qmedsurvey>
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8/30/07

ex. 6 1

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION**

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office 9.1
Job Number MMSIR
Sheet 1 of 2

Pad for Single Family Residence and Access Road

Location Sweetwater Mesa. (Vera Properties, APN# 4453-006 018)
Developer/Owner Vera Properties
Engineer/Architect -----
Soils Engineer CalWest Geotechnical, Inc. (4743-1-VERA)
Geologist Mountain Geology (JH6801)

DISTRIBUTION:

1 Drainage
1 Grading
1 Geo/Soils Central File
1 District Engineer
1 Geologist
1 Soils Engineer
1 Engineer/Architect

Miscellaneous Application No 0706150002

Review of:

Geotechnical Report Dated 5/25/07
Geologic Report Dated 5/11/07

REMARKS:

1. The shear strength values (i.e. $\phi = 23$ degrees, cohesion=270 psf) utilized to represent landslide plane material in the slope stability analyses, including substantiating calculations for the proposed stabilization, appear high for "sheared clay". In addition, the back-calculation discussed on page 12 of the geotechnical report, revealed considerably lower shear strength values for the landslide plane material. Provide additional shear test results for the actual landslide plane material to further substantiate the values utilized in the slope stability analyses and stabilization calculations. The shear strength values obtained from shear testing should correlate to referenced values for similar materials found in the vicinity of the subject site. Revise slope stability analyses and stabilization calculations as necessary. Recommend mitigation if factors of safety are below County minimum standards.
2. Provide the stress-strain graphs and graphs of the failure envelope for all direct shear tests performed. Per County policy, the stress-strain graphs and the graphs of the failure envelope must be submitted to justify all residual shear strengths used in the slope stability analyses.
3. Clearly indicate the type of shear strength parameters (i.e. residual, peak, repeated reshear, etc.) used in the slope stability analyses.
4. Additional slope stability analysis may be required when the geology of the site is conclusively determined.
5. Specifically address the feasibility of the recommended soldier piles to mitigate the landslide debris considering the calculated lateral load conditions (up to 133 kips) and the proposed length of soldier piles (approx. 60 feet). Also verify the direction of lateral load conditions considering the predicted direction of the landslide failure and the proposed access road alignment. Provide substantiating calculations (structural/civil) that consider the strength of materials for the proposed soldier piles and predicted loading conditions as necessary.
6. Specifically address and provide rockfall analyses and recommend mitigation, as necessary.
7. Verify the depth of recommended removal and recompaction of the landslide (Q1sy) located along the northern property line.
8. Provide data on the possible adverse impact of the private sewage disposal system(s) relative to site stability and adjacent properties. Discuss the path of migration of the effluent and whether ponding or daylighting of the effluent will occur. Slope stability analyses must consider the effect of effluent discharge as necessary.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Miscellaneous Application No. 0706150002

Sheet 2 of 2

REMARKS (cont.):

- 9. The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:

(1) THE ON-SITE SOILS ARE CORROSIVE TO FERROUS METALS. (2) PER THE SOILS ENGINEER, THE PROPOSED LANDSLIDE MITIGATION MEASURES WILL BE SUBJECT TO EXCESSIVE LATERAL LOADING.



Reviewed by _____

Date 11/20/07

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/customer-service-survey>.

NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P:\Yosh\Sweetwater Mesa, (4453-005-018), MP-NA

ex. 6

Dist. Office 9.1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
GEOLOGIC REVIEW SHEET
900 So. Fremont Ave., Alhambra, CA 91803
TEL. (626) 458-4925

DISTRIBUTION

- 1 Dist. Office
- 1 Geologist
- 1 Soils Engineer
- 1 GMED File
- 1 Grading
- 1 Drainage

Sheet 1 of 1

Tract / Parcel Map _____	Lot(s) _____
Parent Tract _____	Location <u>Sweetwater Mesa (Mukyan)</u>
Site Address _____	APN <u>4453-005-092</u>
Geologist <u>Mountain Geology, Inc.</u>	Developer/Owner <u>Mukyan Properties</u>
Soils Engineer <u>CalWest Geotechnical</u>	Engineer/Arch. _____

Review of:

Miscellaneous Application No. 0706150003 For: Pad for SFR and access road

Geologic Report(s) Dated 5/11/07

Soils Engineering Report(s) Dated 6/01/07

Geology and Soils Engineering Report(s) Dated _____

Remarks/Conditions:

1. No building pad is currently shown on APN 4453-005-092 and a property line adjustment with the adjacent parcel (APN 4453-005-091) is proposed that will add a building pad area to parcel 4453-005-092. The stability of this proposed pad will require additional analysis utilizing data generated from the referenced Dibblee map, which shows nearby landsliding, and/or sub-surface data generated by additional exploration.
2. Per County code and policy, all building pads and access roads must be safe from landslide, settlement, or slippage. The proposed building pad and access road locations are on or adjacent to landslides. No permits for new dwellings can be approved, unless detailed corrective measures and geotechnical reports can be provided to comply with sections 110 and 111 of the Building Code. However, prior to geotechnical review for issuance of future permits, specific development plans must be submitted.

All grading in areas subject to slope instability is specifically prohibited by Chapter 33 of the Grading Code. All grading must conform to Sections 3309.5 and 3309.6 of Chapter 33. The establishment of geotechnical setback planes, which daylight onto building pads or roadways is not in conformance with the code.
3. Additional subsurface exploration should be anticipated to fully characterize the mapped landslides and design remedial measures as detailed plans are developed for the project.
4. Prior to re-submittal and review of additional reports, the corners of the lot and proposed residence must be flagged with highly visible flagging. Additionally, provide a detailed plot plan, and location map with odometer mileage from road intersections.

NOTE: The feasibility of development of this parcel and the three adjacent parcels (APN 4453-005-016, 037, and 091) cannot be fully demonstrated until the extension of Sweetwater Mesa Road, located within the city limits of the City of Malibu, has been approved. As part of the submittal process, the City of Malibu approval of the Sweetwater Mesa Road extension, must be provided to the County. A limited approval by the City of Malibu has been provided that states that the Sweetwater Mesa Road extension project has Coastal Development Review approval. However, building plan check submittal has not been approved.

The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property, which are contained in this review sheet, are tentative and subject to change. Additional data may be brought to the Department's attention, which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

Prepared by Clayton R. Masters Reviewed by _____ Date 11/21/07

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 8/30/07

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COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION
SOILS ENGINEERING REVIEW SHEET

JAN 30 2008
D

Address: 999 S. Fremont Ave., Alhambra, CA 91803
Last Transaction: (626) 436-4925
Date: 2 Jan 01:19
Fax: (626) 458-4913
Identification: 13104727014
Duration: 1:09
District Office: 8.1
Job Number: MMSIR
Sheet: 1 of 2
Pages: 2
Result: OK

Pad for Single Family Residence and Access Road

- DISTRIBUTION:
- 1 Drainage
 - 1 Grading
 - 1 Geotechnical Central File
 - 1 District Engineer
 - 1 Geologist
 - 1 Soils Engineer
 - 1 Engineer/Architect

Location: Sweetwater Mesa (Mulryan Properties, APN# 4453-005-092)
 Developer/Owner: Mulryan Properties
 Engineer/Architect: _____
 Soils Engineer: CalWest Geotechnical, Inc. (4743-4-MULRYAN)
 Geologist: Mountain Geology (JH8808)

Miscellaneous Application No. 070615000

Review of:

Geotechnical Report Dated 5/01/07
Geologic Report Dated 5/11/07

REMARKS:

1. The shear strength values (i.e. $\phi = 23$ degrees, cohesion=270 psf) utilized to represent landslide plane material in the slope stability analyses, including substantiating calculations for the proposed stabilization, appear high for "sheared clay". In addition, the back-calculation discussed on page 11 of the geotechnical report, revealed considerably lower shear strength values for the landslide plane material. Provide additional shear test results for the actual landslide plane material to further substantiate the values utilized in the slope stability analyses and stabilization calculations. The shear strength values obtained from shear testing should correlate to referenced values for similar materials found in the vicinity of the subject site. Revise slope stability analyses and stabilization calculations as necessary. Recommend mitigation if factors of safety are below County minimum standards.
2. Provide the stress-strain graphs and graphs of the failure envelope for all direct shear tests performed. Per County policy, the stress-strain graphs and the graphs of the failure envelope must be submitted to justify all residual shear strengths used in the slope stability analyses.
3. Clearly indicate the type of shear strength parameters (i.e. residual, peak, repeated reshear, etc.) used in the slope stability analyses. Specifically address the testing method utilized to determine the "along bedding" shear strength values provided (e.g. B-10 @ 40 feet; B-11 @ 35 feet).
4. Additional slope stability analysis may be required when the geology of the site is conclusively determined.
5. Specifically address the feasibility of the recommended soldier piles to mitigate the landslide debris considering the calculated lateral load conditions (up to 194kips) and the proposed length of soldier piles (approx. 80 feet). Also verify the direction of lateral load conditions considering the predicted direction of the landslide failure and the proposed access road alignment. Provide substantiating calculations (structural/civil) that consider the strength of materials for the proposed soldier piles and predicted loading conditions as necessary.
6. Verify the depth of recommended removal and recompaction of the landslide (Q1s) located along the southern property line.
7. Provide data on the possible adverse impact of the private sewage disposal system(s) relative to site stability and adjacent properties. Discuss the path of migration of the effluent and whether ponding or daylighting of the effluent will occur. Slope stability analyses must consider the effect of effluent discharge as necessary.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Miscellaneous Application No. 0706150006

Sheet 2 of 2

REMARKS (cont.):

8. The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:

(1) THE ON SITE SOILS ARE CORROSIVE TO FERROUS METALS. (2) PER THE SOILS ENGINEER, THE PROPOSED LANDSLIDE MITIGATION MEASURES WILL BE SUBJECT TO EXCESSIVE LATERAL LOADING.



Reviewed by _____ Date 11/20/07

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/planchecksurvey>.
NOTICE: Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.
P. Yoshikawa/Steve/ Masa, (Muryan, 4453-005-002), MP-NA

ex. 6

Dist. Office 9.1

County of Los Angeles Department of Public Works
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

DISTRIBUTION

Sheet 1 of 1

900 So. Fremont Ave., Alhambra, CA 91803
TEL (626) 458-4925

- 1 Dist. Office
- 1 Geologist
- 1 Soils Engineer
- 1 GMED File
- 1 Grading
- 1 Drainage

JAN 30 2008

Tract / Parcel Map _____	Lot(s) _____
Parent Tract _____	Location <u>Sweetwater Mesa (Morleigh)</u>
Site Address _____	APN <u>4453-005-091</u>
Geologist <u>Mountain Geology, Inc.</u>	Developer/Owner <u>Morleigh Properties</u>
Soils Engineer <u>CalWest Geotechnical</u>	Engineer/Arch. _____

Review of:

Miscellaneous Application No. 070615000³ For: Pad for SFR and access road
 Geologic Report(s) Dated 5/11/07
 Soils Engineering Report(s) Dated 6/04/07
 Geology and Soils Engineering Report(s) Dated _____

Remarks/Conditions:

1. The landslide shown on the referenced Dibblee map (Figure 3) is not shown on the Geologic Map (Plate 1). Based on topographic map and aerial photograph review, the geology shown on the Dibblee map appears valid at a minimum and the landslide may actually be larger. Shears and open fractures reported in Borings B-16, B-17, B-19, B-22, and B-23 suggest possible landslide debris. If the landslide exists in this location the proposed rode and pad for this parcel may be impacted and will require further evaluation and analysis. Logs for Borings B-26, B-27, and B-28 were not provided in the referenced report but are shown on the Geologic Map. All logs must be provided for exploration points shown on the geologic map.
2. Per County code and policy, all building pads and access roads must be safe from landslide, settlement, or slippage. The proposed building pad and access road locations are on or adjacent to landslides. No permits for new dwellings can be approved, unless detailed corrective measures and geotechnical reports can be provided to comply with sections 110 and 111 of the Building Code. However, prior to geotechnical review for issuance of future permits, specific development plans must be submitted.

All grading in areas subject to slope instability is specifically prohibited by Chapter 33 of the Grading Code. All grading must conform to Sections 3309.5 and 3309.6 of Chapter 33. The establishment of geotechnical setback planes, which daylight onto building pads or roadways is not in conformance with the code.
3. Additional subsurface exploration should be anticipated to fully characterize the mapped landslides and design remedial measures as detailed plans are developed for the project.
4. Prior to re-submittal and review of additional reports, the corners of the lot and proposed residence must be flagged with highly visible flagging. Additionally, provide a detailed plot plan, and location map with odometer mileage from road intersections.

NOTE: The feasibility of development of this parcel and the three adjacent parcels (APN 4453-005-018, 037, and 091) cannot be fully demonstrated until the extension of Sweetwater Mesa Road, located within the city limits of the City of Malibu, has been approved. As part of the submittal process, the City of Malibu approval of the Sweetwater Mesa Road extension, must be provided to the County. A limited approval by the City of Malibu has been provided that states that the Sweetwater Mesa Road extension project has Coastal Development Review approval. However, building plan check submittal has not been approved.

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Prepared by Clayton R. Masters Reviewed by _____ Date 11/21/07

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JAN 30 2008

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION

SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803
Telephone: (626) 458-4925
Fax: (626) 458-4913

District Office B.1
Job Number MMSIR
Sheet 1 of 2

Pad for Single Family Residence and Access Road

- DISTRIBUTION:
- 1 Drainage
 - 1 Grading
 - 1 Geo/Soils Central File
 - 1 District Engineer
 - 1 Geologist
 - 1 Soils Engineer
 - 1 Engineer/Architect

Location Sweetwater Mesa, (Morleigh Properties, APN# 4453-005-091)
 Developer/Owner Morleigh Properties
 Engineer/Architect _____
 Soils Engineer Ca/Vest Geotechnical, Inc. (4743-3-MORLEIGH)
 Geologist Mountain Geology (JH6804)

Miscellaneous Application No. 070616000/3

Review of:
Geotechnical Report Dated 8/4/07
Geologic Report Dated 5/11/07

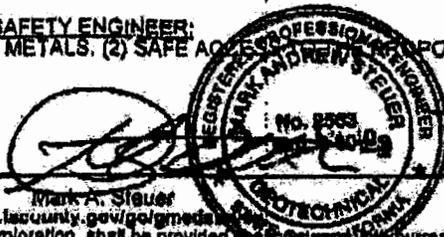
REMARKS:

1. Provide static and seismic slope stability analyses, including but not necessarily limited to Cross Sections Y-Y' and E-E', to verify the stability of the proposed access road on the existing landslide. Also, provide a geotechnical cross section, for each section analyzed, showing the critical failure plane used in the analyses. Indicate the various shear strength parameters used in the analyses, in the appropriate segments of each failure plane. Show locations of the cross sections used in slope stability analyses on the geotechnical map. Recommend mitigation if factors of safety are below County minimum standards.
2. Provide data on the possible adverse impact of the private sewage disposal system(s) relative to site stability and adjacent properties. Discuss the path of migration of the effluent and whether ponding or daylighting of the effluent will occur. Slope stability analyses must consider the effect of effluent discharge as necessary (Cross-Section I-I').
3. Provide the stress-strain graphs and graphs of the failure envelope for all direct shear test results. Per County policy, the stress-strain graphs and the graphs of the failure envelope must be submitted to justify all residual shear strengths to be utilized in the slope stability analyses.
4. Indicate the type of shear strength parameters (i.e. residual, peak, repeated rechoor, etc.) used in the slope stability analyses. Specifically address the testing method utilized to determine the "along bedding" shear strength values provided (e.g. B-10 @ 21 feet, B-23 @ 15 feet).
5. Cross Section M-M' of the submitted report indicates that the recommended Geotechnical Foundation Setback Plane extends below the proposed graded building pad. All areas of proposed grading (not only the proposed structures) must exhibit factors of safety equal to or above County minimum standards. Verify and make revisions as necessary.
6. Additional slope stability analysis may be required when the geology of the site is conclusively determined.
7. Specifically address the feasibility of the recommended soldier piles to mitigate the landslide debris considering the calculated lateral load conditions (up to 16.2kips) and the proposed length of soldier piles (45 feet). Also verify the direction of lateral load conditions considering the predicted direction of the landslide failure. Provide substantiating calculations (structural/civil) that consider the strength of materials for the proposed soldier piles and predicted loading conditions as necessary.
8. The Department of Public Works "Geologic Site Inspection" review is intended to preliminarily tell you if readily apparent conditions indicate that a geology or soils report may be required and/or to tentatively indicate possible conditions that may have to be met prior to issuance of a permit. Any comments, determinations, opinions or other statements concerning the property which are contained in this review sheet are tentative and subject to change. Additional data may be brought to the Department's attention which may materially affect and/or supersede statements made herein. Because of the very limited nature of the review conducted by the Department, any statements made in this review sheet are not binding on this Department and are not to be relied upon by anyone in deciding whether to build on or buy any property. Further review requires submittal of a permit application for Grading and/or Building.

NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:

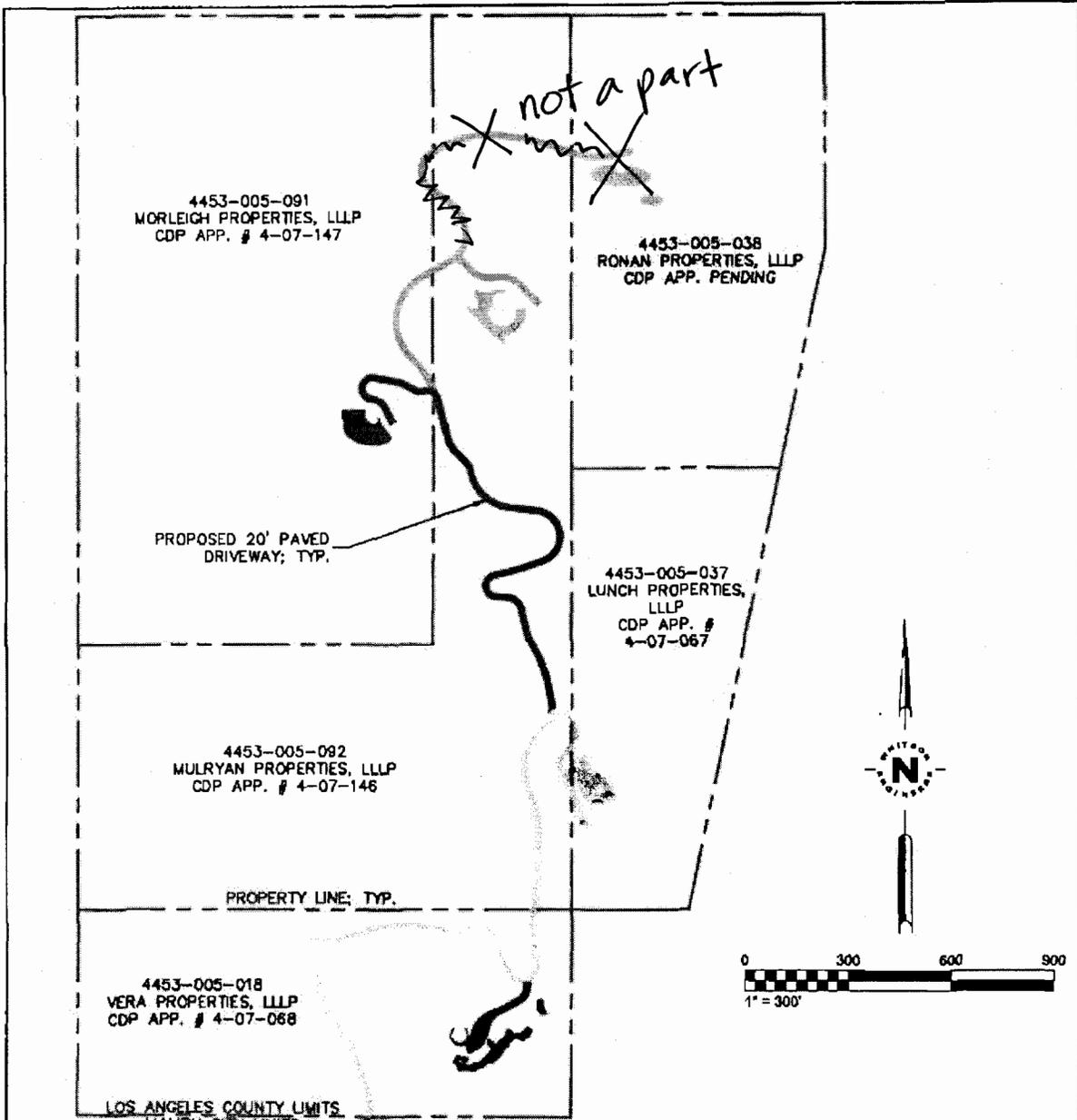
(1) ON-SITE SOILS ARE CORROSIVE TO FERROUS METALS. (2) SAFE ACCESS TO PROPOSED SITE IS REQUIRED PRIOR TO GRADING PLAN APPROVAL.

Reviewed by _____



Date 11/20/07

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/golmedia>
 NOTICE: Public safety relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 9, Construction Codes, orders.
 P:\Vest\Sweetwater Mesa, (Morleigh, 4453-005-091), MP-NA



TITLE OF PLAN SET

APN 4453-005-037

- CITY:
- COUNTY:
- DRIVEWAY:
- RESIDENCE:
- TOTAL:

ESTIMATED EARTHWORK

CUT: 2,950± CY FILL: 1,550± CY

CUT: 5,300± CY FILL: 3,650± CY
 CUT: 1,050± CY FILL: 180± CY
 TOTAL: CUT: 6,350± CY FILL: 3,830± CY

APN 4453-005-091

- DRIVEWAY:
- RESIDENCE:
- TOTAL:

CUT: 23,800± CY FILL: 3,750± CY
 CUT: 3,600± CY FILL: 0± CY
 TOTAL: CUT: 27,400± CY FILL: 3,750± CY

APN 4453-005-092

- DRIVEWAY:
- RESIDENCE:
- TOTAL:

CUT: 3,050± CY FILL: 400± CY
 CUT: 1,700± CY FILL: 100± CY
 TOTAL: CUT: 4,750± CY FILL: 500± CY

APN 4453-005-038

- DRIVEWAY:
- RESIDENCE:
- TOTAL:

CUT: 4,610± CY FILL: 5,890± CY
 CUT: 6,480± CY FILL: 230± CY
 TOTAL: CUT: 11,090± CY FILL: 6,120± CY

APN 4453-005-018

- DRIVEWAY:
- RESIDENCE:
- TOTAL:

CUT: 3,550± CY FILL: 0± CY
 CUT: 4,700± CY FILL: 140± CY
 TOTAL: CUT: 8,250± CY FILL: 140± CY

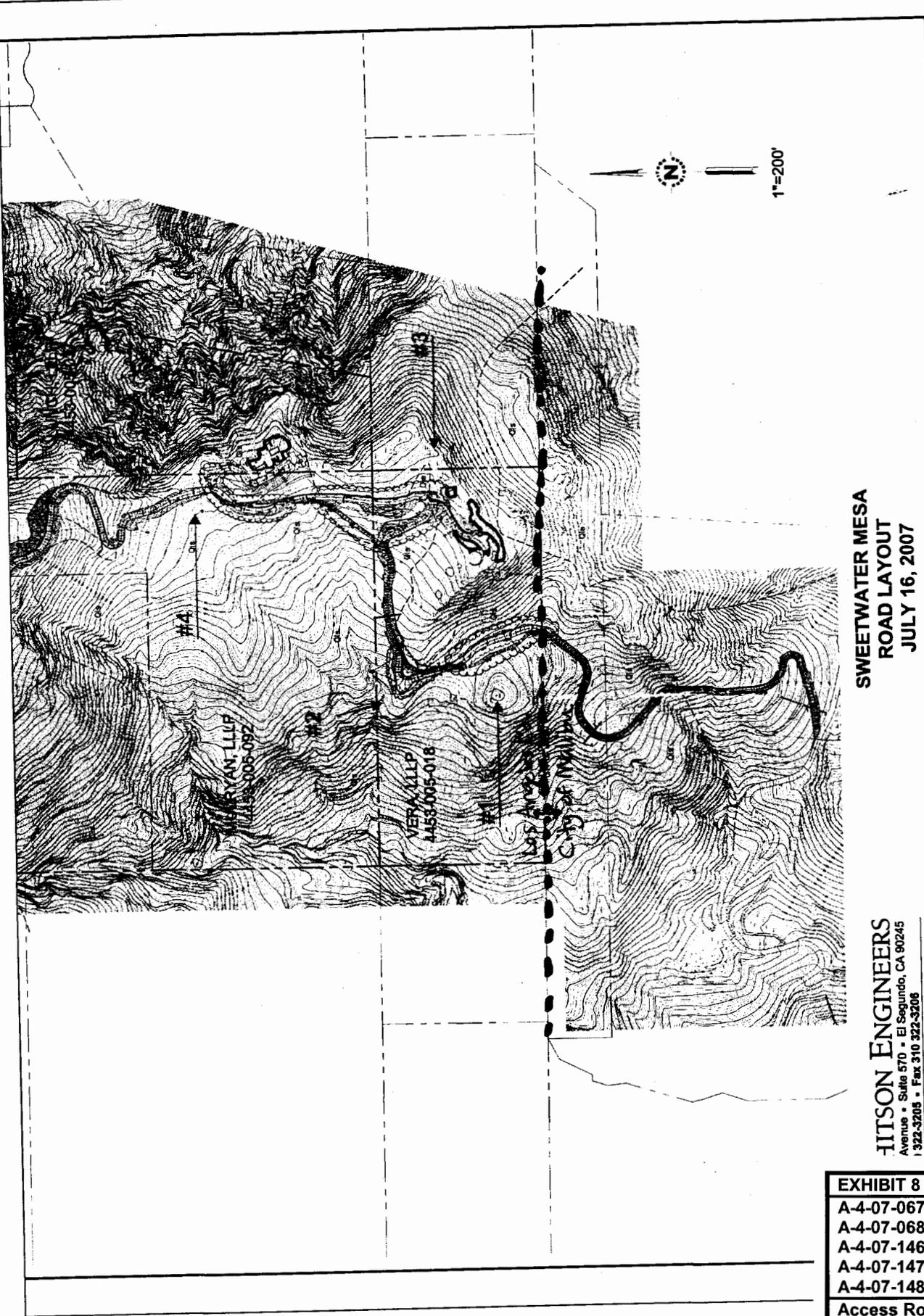
WE WHITSON ENGINEERS
 1980 East Grand Avenue • Suite 670 • El Segundo, CA 90245
 310.322.3205 • Fax 310.322.3206
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

SWEETWATER MESA
 LOS ANGELES COUNTY CAL FORNA
 OVERALL EXHIBIT
 DRAWING P&T/Overall Exhibit - 1817.dwg

DATE:	10/29/2008
SCALE:	1" = 300'
DRAWN:	SM
CHECKED:	MB
PROJECT No.:	1817.00

EXHIBIT 7
 A-4-07-067-EDD
 A-4-07-068-EDD
 A-4-07-146-EDD
 A-4-07-147-EDD
 A-4-07-148-EDD
 Combined Site Plan

Proposed deviations from existing Pilot Rd



SWEETWATER MESA
ROAD LAYOUT
JULY 16, 2007

HITSON ENGINEERS
Avenue • Suite 570 • El Segundo, CA 90245
P: 322-3209 • Fax: 310-322-3206
40 • LAND SURVEYING • PROJECT MANAGEMENT

EXHIBIT 8
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Access Road Plan from Sweetwater Mesa Road

EXHIBIT A

WHITSON ENGINEERS
 1800 East Grand Avenue • Suite 570 • El Segundo, CA 90245
 310 323-3398 • Fax 310 323-3398
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

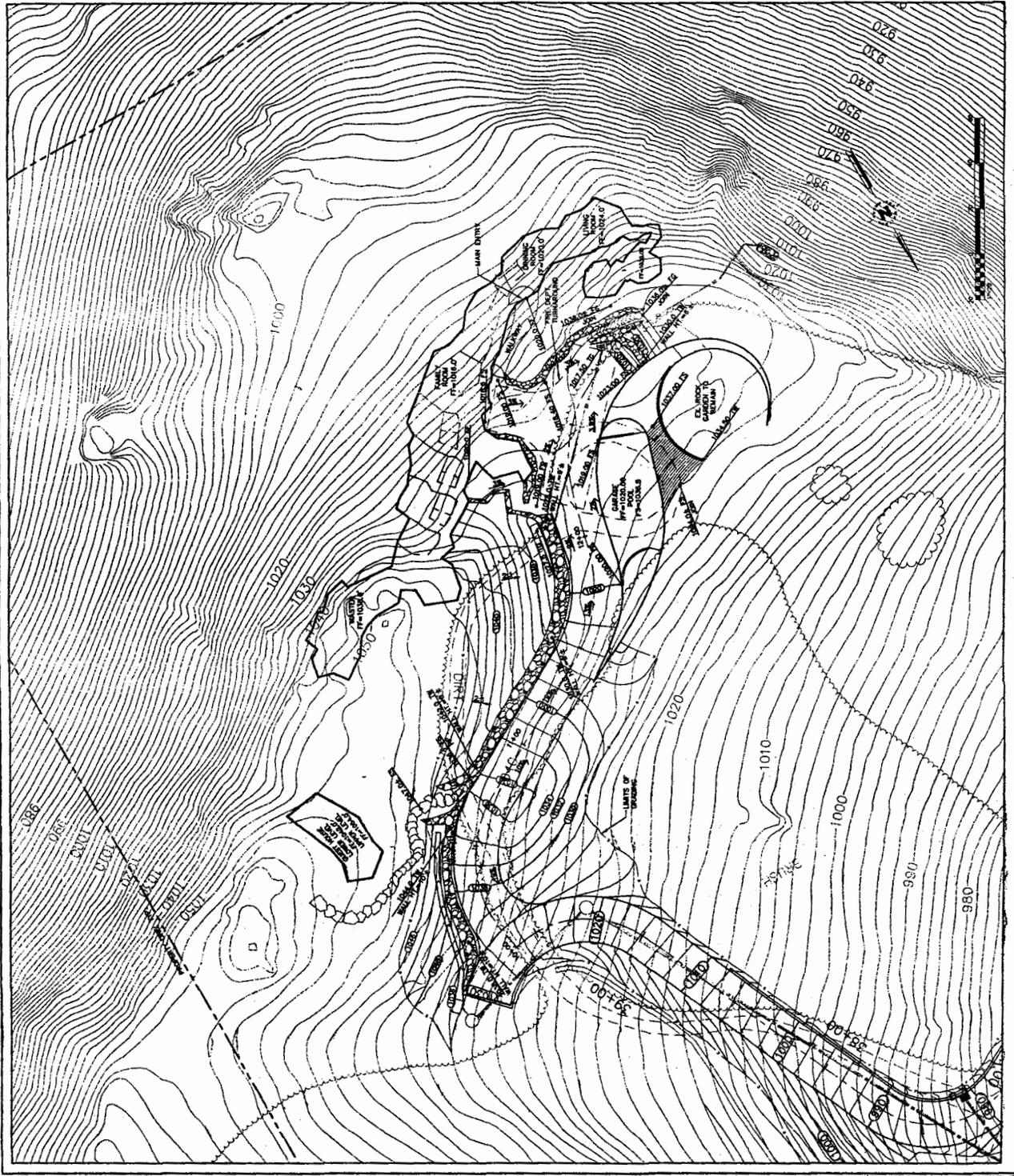
DATE: APR. 18, 2007
 SCALE: 1" = 20'
 DRAWN BY: JH
 JOB #: 181708

4453-005-018
 LOS ANGELES COUNTY, CALIFORNIA
 20' DRIVEWAY TO PROPOSED SINGLE FAMILY RESIDENCE
 GRADING AND DRAINAGE PLAN

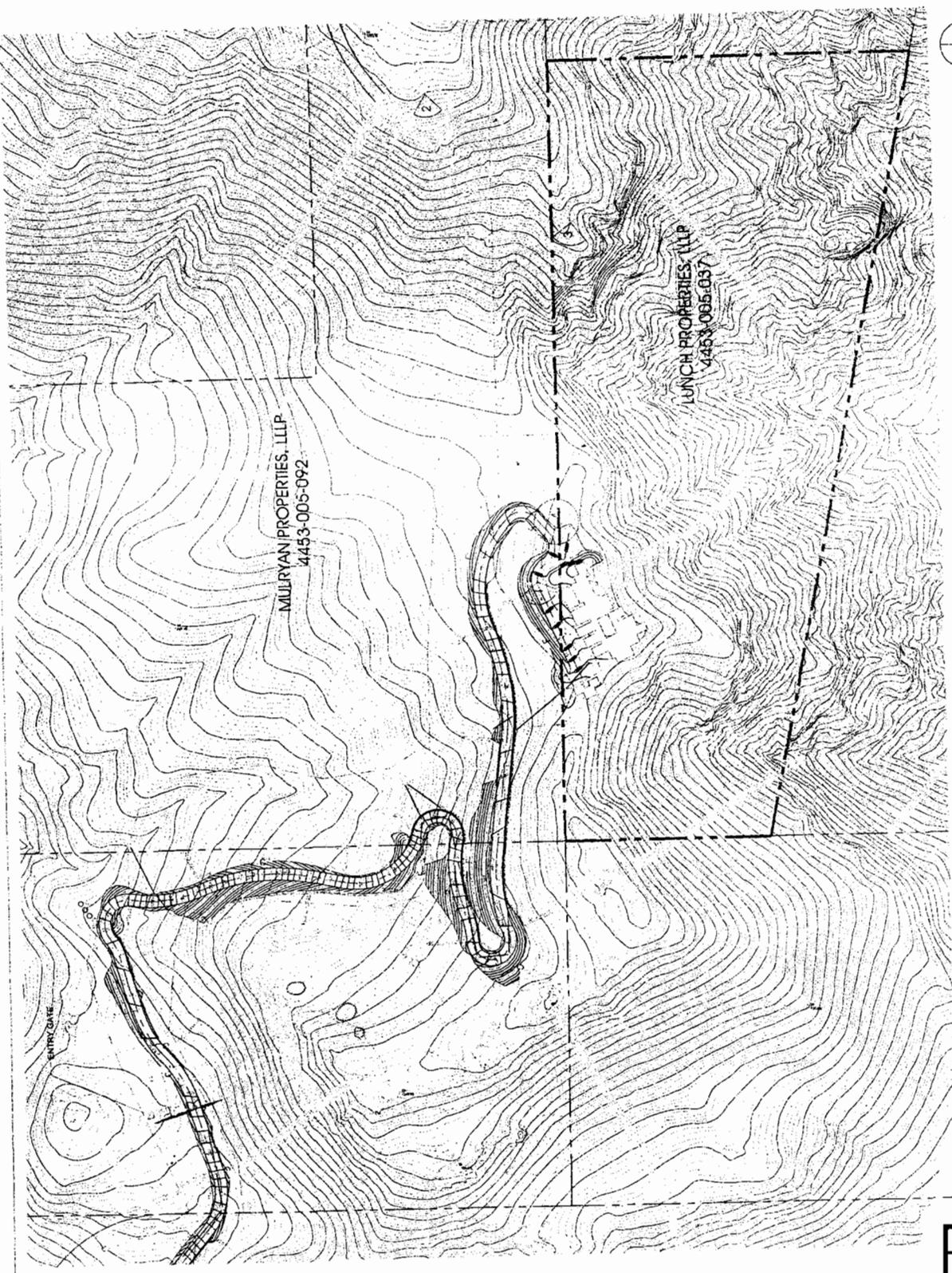
REV	DATE	DESCRIPTION
1	04/18/07	PRELIMINARY
2	04/18/07	FOR DEPT. SUBMITTAL



**FIRE DEPT. SUBMITTAL
 NOT FOR CONSTRUCTION**



ex. 9



E PLAN - OVERALL - ENTRY GATE
1" = 75.0'

EXHIBIT 10
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Lunch Site Plan (4-07-067)

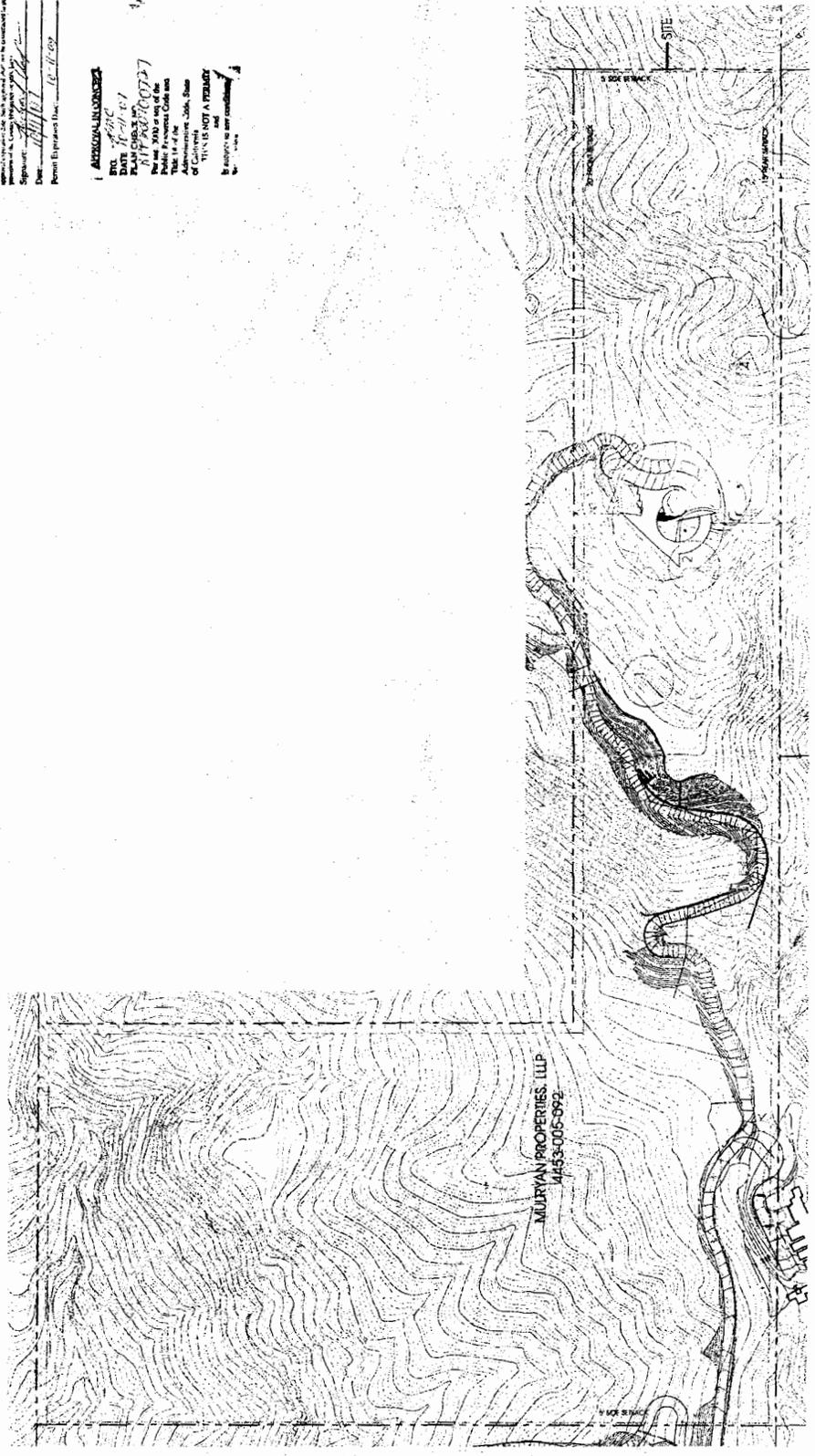
Plot No. Review

Project # 0220000727
Project # 3300000000
Location 143-068-146

The plan is prepared by the applicant and is subject to the approval of the City Engineer. The City Engineer is not responsible for the accuracy of the information furnished by the applicant. The applicant is responsible for the accuracy of the information furnished by the applicant. The City Engineer is not responsible for the accuracy of the information furnished by the applicant. The applicant is responsible for the accuracy of the information furnished by the applicant.

APPROVALS
DATE 10-11-09
PLAN CHECKED BY [Signature]
Public Review Code No. 143-068-146
Title of the [Signature]
of [Signature]
THIS IS NOT A PERMIT
It requires a separate application

Applicant's Copy



SITE PLAN - OVERALL

EXHIBIT 11
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Mulryan Site Plan
(4-07-146)

WALLACE CUNNINGHAM, INC. SHEET TITLE: SITE PLAN - OVERALL ADDRESS: SHEETWATER MEADOWS, MARLBOROUGH, MA 01925 DATE: APRIL 20, 2007 CLIENT: MULRYAN PROPERTIES, LLP SCALE: 1" = 150'

A1.0 APR. 24-03 006-092

BY DATE	DESCRIPTION

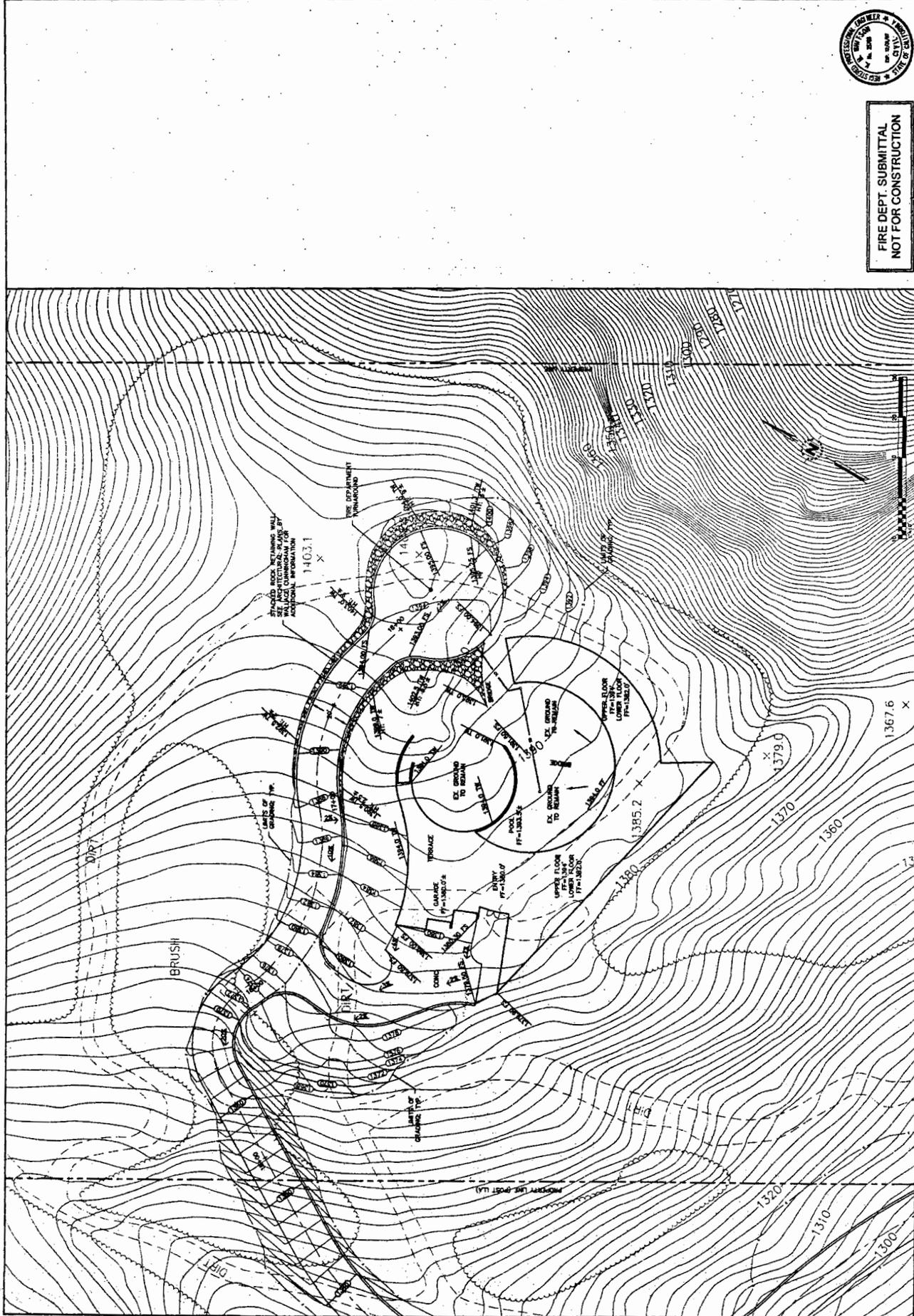
C-8



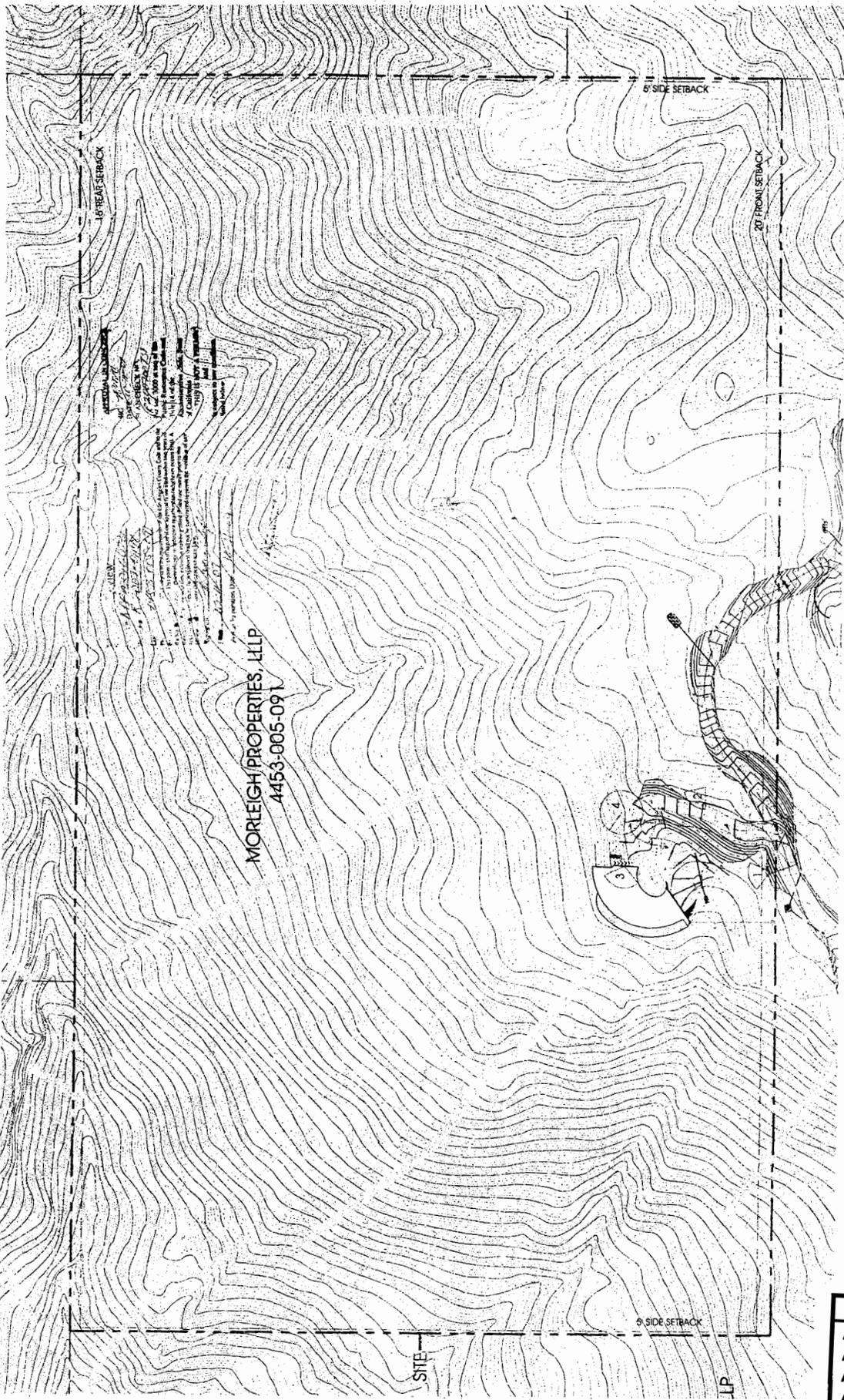
**FIRE DEPT. SUBMITTAL
NOT FOR CONSTRUCTION**

DATE: APRIL 19, 2007
 SCALE: 1" = 20'
 DRAWN BY: JH
 JOB #: 181700
W.E. WHITSON ENGINEERS
 1980 East Grand Avenue • Suite 370 • El Segundo, CA 90245
 310 322-3205 • Fax 310 322-3206
 CIVIL ENGINEERING • LAND SURVEYING • PROJECT MANAGEMENT

LOS ANGELES COUNTY, CALIFORNIA
APN 4453-005-092
**20' DRIVEWAY TO PROPOSED SINGLE FAMILY RESIDENCE
 GRADING AND DRAINAGE PLAN**



11.1



MORLEIGH PROPERTIES, LLP
 4453-005-091

OVERALL

EXHIBIT 12
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Morleigh Site Plan
(4-07-147)

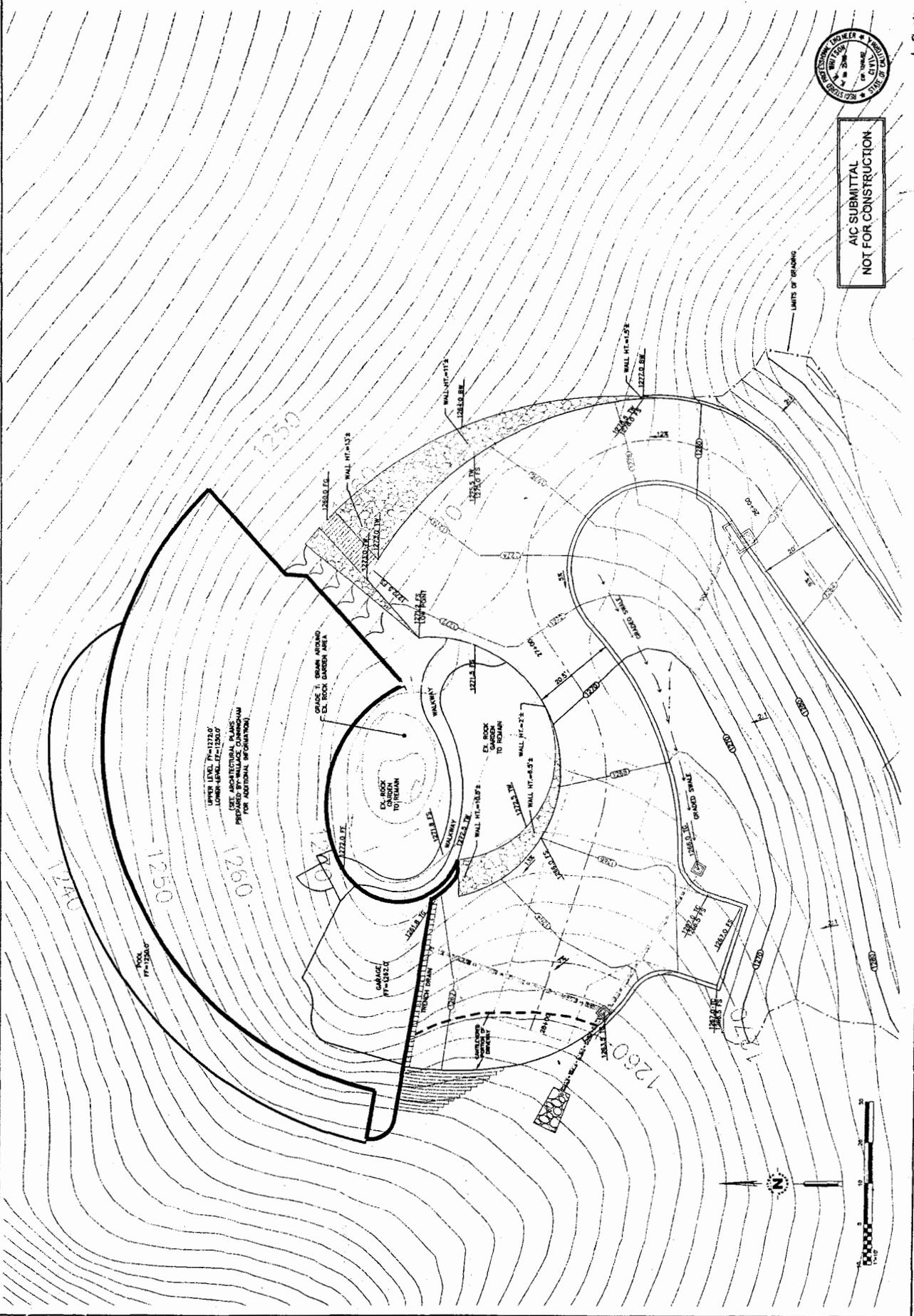
ONE ENGINEERING - LAND SURVEYING - PROJECT MANAGEMENT
 1900 East Grand Avenue • Suite 570 • El Segundo, CA 90245
 310 322-2288 • FAX 310 322-2286
WHITSON ENGINEERS

DATE: APR. 19, 2007
 SCALE: 1" = 10'
 DRAWN BY: B.M.
 JOB #: 1817200

LOS ANGELES COUNTY, CALIFORNIA
APN 4453-005-091
GRADING & DRAINAGE PLAN

REVISION	DATE	DESCRIPTION

C-4
 SHEET 1



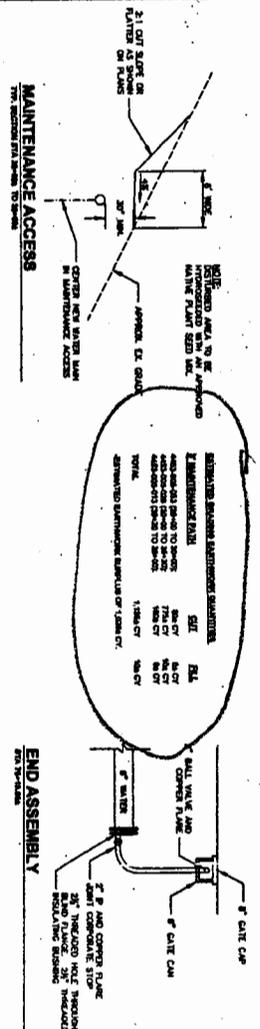
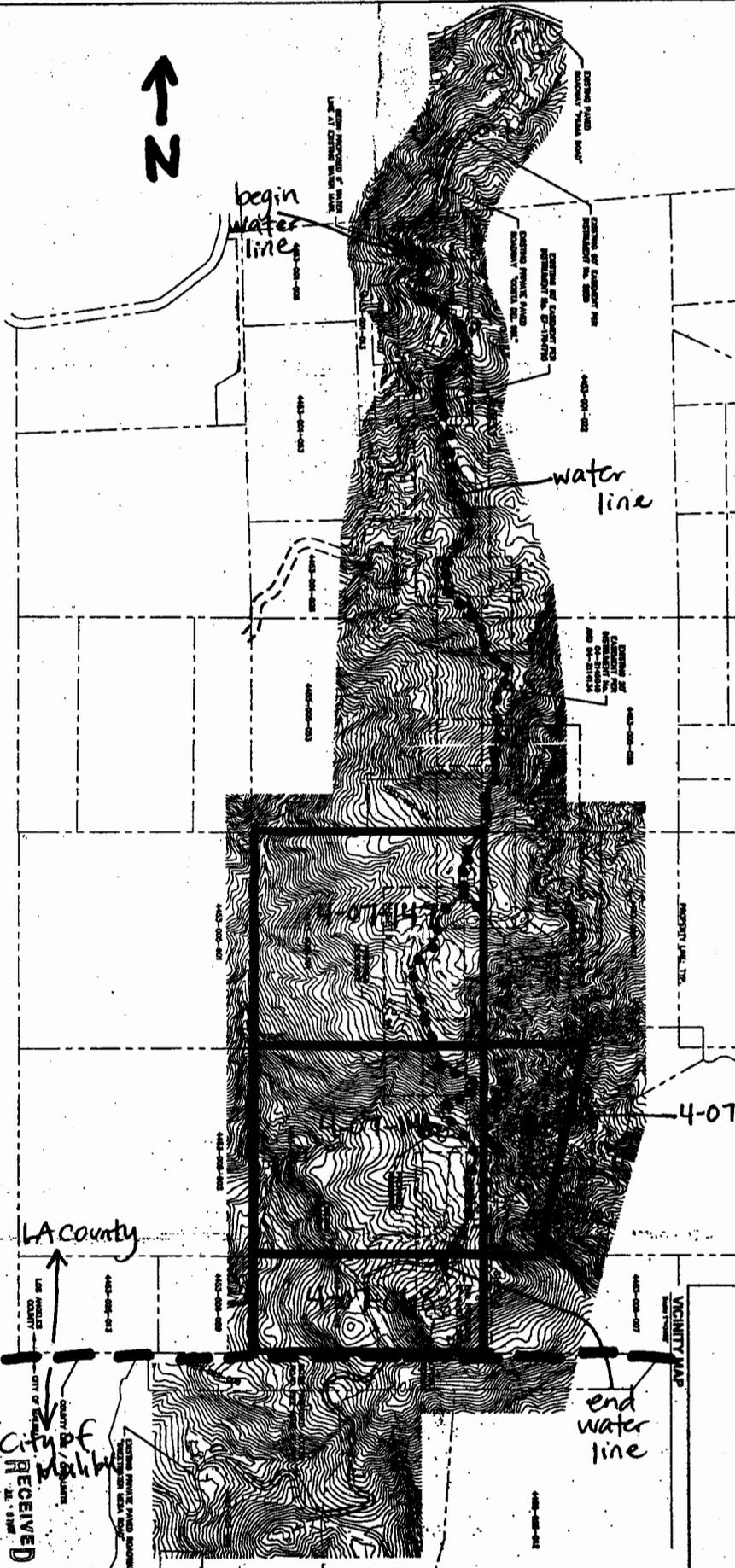
**AIC SUBMITTAL
 NOT FOR CONSTRUCTION**

21.22

OVERALL SITE MAP

CONCEPTUAL PLAN
NOT FOR CONSTRUCTION

← 2



NOTES

ALL WORK TO BE DONE WITHIN THE BOUNDARY SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FOLLOWING PARAGRAPHS.

1. MAINTENANCE ACCESS SHALL BE PROVIDED TO ALL AREAS TO BE SERVED BY THIS SYSTEM.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR WATER MAINS.

SEE PLANS ENTITLED "JEAN ROSS L.L.C. - APN 4453-005-037 WITH MOST RECENT REVISION DATE OF 8-25-04, APN 4453-005-081; SUNSET RANCHO WITH MOST RECENT REVISION DATE OF 2-7-05, AND APN 4453-005-038 WITH MOST RECENT REVISION DATE OF 4-7-05, PREPARED BY WHITSON ENGINEERS, FOR ROAD GRADING + DRAINAGE DETAILS.

LA County

RECEIVED
CITY OF LOS ANGELES
DIVISION OF PUBLIC WORKS
OCT 18 2005

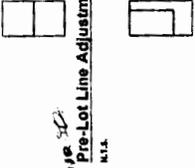
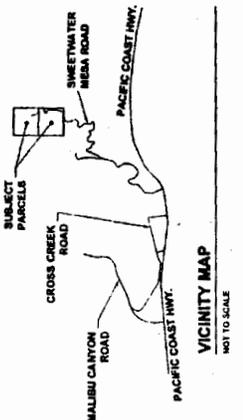
SWEETWATER MESA
LOS ANGELES COUNTY, CALIFORNIA
FIRE SAFETY SYSTEM EXHIBIT

DATE: OCT. 18, 2005
SCALE: AS SHOWN
DRAWN BY: JH
JOB #: 1038.02

WHITSON
1900 East Grand Avenue • Suite 6
310 322-3285 • Fax:
Civil Engineers + Land Surveyors

EXHIBIT 13
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Water Line Plan

NO.	REVISION	DATE	DESCRIPTION
1			



DEPT. OF REGIONAL PLANNING
 APPROVAL IN CONCEPT
 SR 100
 PLAN CHECK NO. R-14-14-107-100-100
 PER THE 2ND OF FEBRUARY 2007
 THE 2ND OF FEBRUARY 2007
 THE 14TH OF FEBRUARY 2007
 ADMINISTRATIVE BOOK STATE
 OF CALIFORNIA
 THIS IS NOT A PERMIT
 AND
 IS SUBJECT TO ANY CONDITIONS
 LISTED THEREIN.

Post-Lot Line Adjustment Configuration
 N.E.A.

NOTES:
 TOPOGRAPHY SHOWN IS FROM OTHER SOURCES AND WAS NOT PREPARED BY
 WHITSON ENGINEERS. WHILE A REVISION TO THE PLAN FOR THE APPLICATION
 MAY BE REQUIRED TO CORRECT THE ACCURACY OF THE RECORD BOUNDARY WAS
 CONDUCTED BY WHITSON ENGINEERS.

THERE ARE NO EXISTING STRUCTURES OR IMPROVEMENTS ON SUBJECT
 PROPERTIES.
 EXISTING ZONING: A-1-1
 BEARINGS SHOWN HEREON ARE BASED ON CALIFORNIA STATE PLANE
 COORDINATE SYSTEM, ZONE 7

RECORDED EASEMENTS

- ① EASEMENT FOR INGRESS, EGRESS, ROADWAY AND UTILITY PURPOSES,
 RECORDED AUGUST 18, 2006 AS INSTRUMENT NO. 06-194916
- ② 5' UTILITY EASEMENT RECORDED NOVEMBER 26, 1945
 PER BOOK 22371, PAGE 341 O.A.
- ③ 100' WIDE EASEMENT FOR INGRESS, EGRESS, PUBLIC
 UTILITY AND LANDSCAPE PURPOSES, RECORDED OCTOBER
 17, 2001 AS INSTRUMENT NO. 01-197849

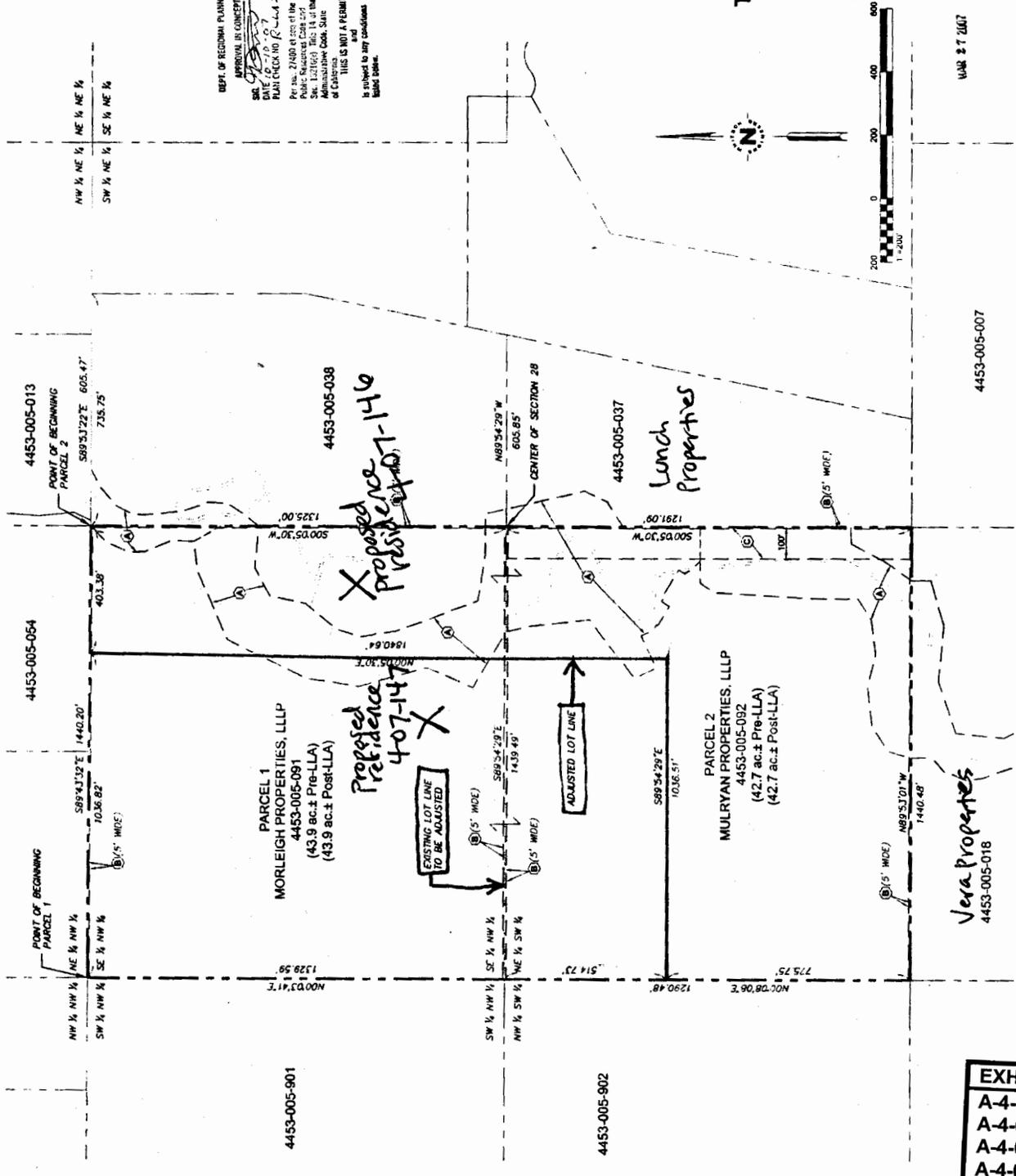
TENTATIVE LOT LINE ADJUSTMENT
MAP NO. 2007-0010
 BEING A PORTION OF THE WEST 1/2
 OF SECTION 28, T.1S., R. 17 W., S.B.M.

MALIBU, UNINCORPORATED LOS ANGELES COUNTY, CA
 PREPARED MARCH, 2007

PREPARED FOR: MORLEIGH PROPERTIES, LLLP
 AND MULRYAN PROPERTIES, LLLP

PREPARED BY:

WE WHITSON ENGINEERS
 1980 East Grand Avenue • Suite 370 • El Segundo, CA 90245
 310 322-3205 • Fax 310 322-3206
 Civil Engineering • Land Surveying • Project Management



MAP # 21 2007

4453-005-013
 4453-005-054
 4453-005-091
 4453-005-092
 4453-005-018
 4453-005-007

EXHIBIT 14
 A-4-07-067-EDD
 A-4-07-068-EDD
 A-4-07-146-EDD
 A-4-07-147-EDD
 A-4-07-148-EDD
 Lot Line Adj.
 Plan (4-07-148)

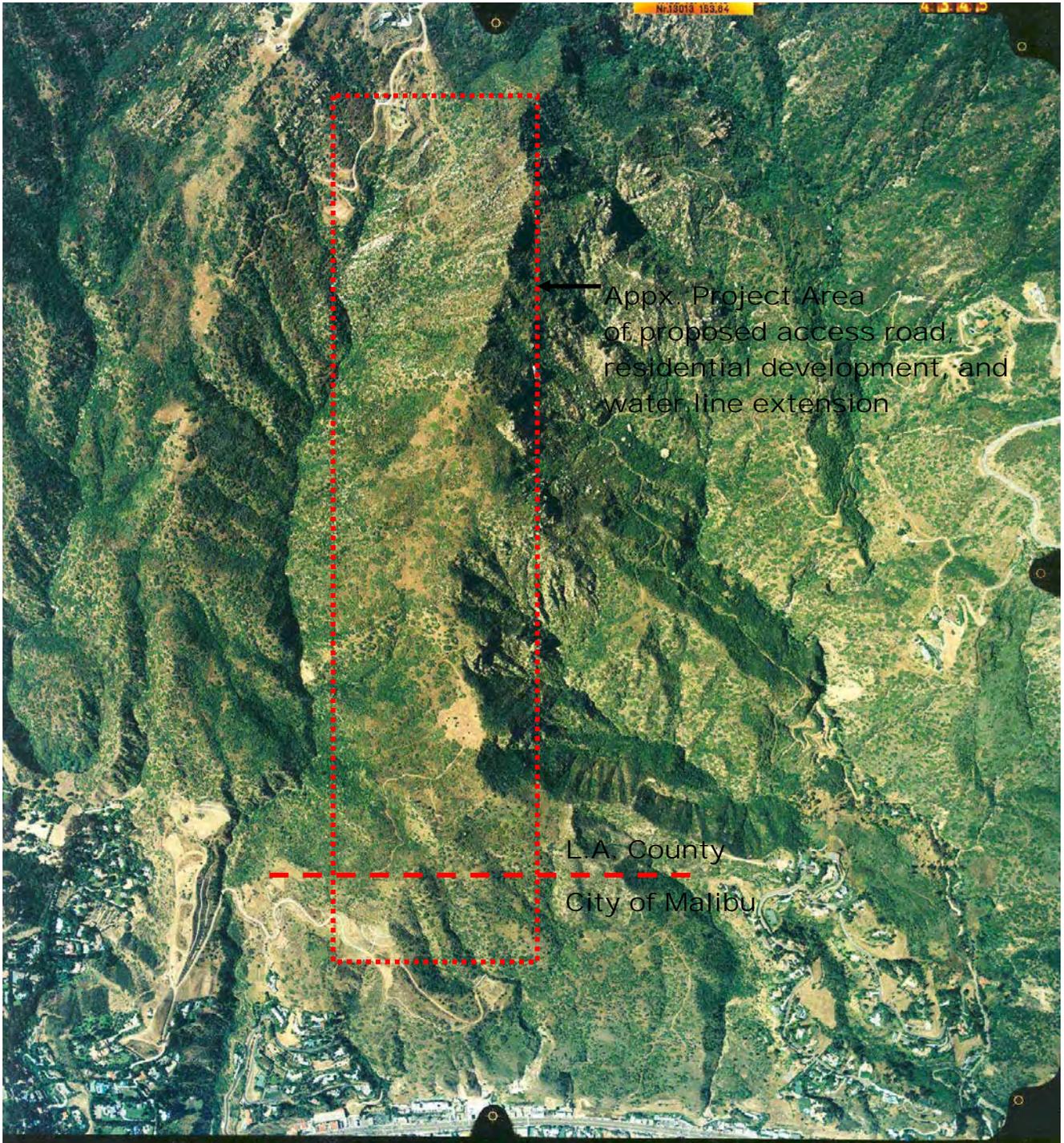


EXHIBIT 15
A-4-07-067-EDD
A-4-07-068-EDD
A-4-07-146-EDD
A-4-07-147-EDD
A-4-07-148-EDD
Project Vicinity - 2001 Aerial