



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2461

RECEIVED
JUL 23 2010

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

April 6, 2010

Deanna Christensen, Coastal Program Analyst
89 South California St., Suite 200
Ventura, CA 93001

Re: Proposed Water Line Extension (CDP Application 4-09-057)

Dear Ms. Christensen:

It has come to my attention that the proposed water line extension associated with the above referenced application may be recommended for denial by the California Coastal Commission Staff. Below is the Los Angeles County Fire Department's position as it pertains to the proposed water line extension from Costa Del Sol to the subject property located north of Sweetwater Mesa Road.

As you are aware, the Santa Monica Mountains are subject to wildland fires and are classified as the Very High Fire Hazard Severity Zone. Pursuant to Section 508.1 of the 2008 Los Angeles County Fire Code the applicant must provide "an approved water supply capable of supplying the required fire flow for fire protection..." Section 508.3 further explains that "fire flow requirements for buildings or portions of buildings and facilities shall be determined by the fire code official." Regulation #8 of the Los Angeles County Fire Department establishes the required fire flow for development projects. In accordance with Regulation #8, the proposed development requires a minimum of 2,000 gallons per minute of water flow for the duration of two hours. Due to the required fire flow, the proposed extension of the municipal water line is required to meet these standards.

Private water tanks and sprinklers have previously been approved by our department in instances where a municipal water supply was unavailable or infeasible to extend to a subject property. However, this proposed development is located within a reasonable distance to the existing water main located in Costa Del Sol and our department will require the proposed water main extension in association with the proposed development. The alternate of using a water tank and sprinklers will not be accepted due to the size of the proposed residences, their location and the fact that a finding of practical difficulty or unreasonable hardship is unfounded.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- | | | | | | | | |
|--------------|-----------|------------------|----------------------|-----------|---------------------|-------------|-------------|
| AGOURA HILLS | BRADBURY | CUDAHY | HAWTHORNE | LA HABRA | LYNWOOD | PICO RIVERA | SIGNAL HILL |
| ARTESIA | CALABASAS | DIAMOND BAR | HIDDEN HILLS | LA MIRADA | MALIBU | | |
| AZUSA | CARSON | DUARTE | HUNTINGTON PARK | LA PUENTE | MAYWOOD | | |
| BALDWIN PARK | CERRITOS | EL MONTE | INDUSTRY | LAKEWOOD | NORWALK | | |
| BELL | CLAREMONT | GARDENA | INGLEWOOD | LANCASTER | PALMDALE | | |
| BELL GARDENS | COMMERCE | GLENDDORA | IRWINDALE | LAWDALE | PALOS VERDES ESTATE | | |
| BELLFLOWER | COVINA | HAWAIIAN GARDENS | LA CANADA FLINTRIDGE | LOMITA | PARAMOUNT | | |

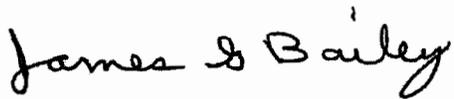
Exhibit 21
CDP 4-10-040 through 4-10-045
L.A. County Fire Dept Correspondence

Ms. Christensen
April 6, 2010
Page 2

The proposed water line extension will provide a reliable water source which in turn will help reduce and minimize risks to life and property due to fire hazard and would maximize water supply to an area that needs it. Pursuant to my review of the proposed water line extension, I appreciate the opportunity to clarify that the position of the Los Angeles County Fire Department is that the water main and fire hydrant locations, approved by this department on December 7, 2009, is a prerequisite for the construction of the homes on the subject parcels.

If you have any further questions regarding this matter, please contact me at (323) 890-4132.

Sincerely,



JAMES G. BAILEY, HEAD FIRE PREVENTION ENGINEER
FIRE PREVENTION ENGINEERING
FIRE PREVENTION DIVISION

Cc: Schmitz & Associates, Inc.
Stefanie Edmondson, Principal Planner City of Malibu

File

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JAN 30 2008

COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-2461

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

(213) 890-4125

December 26, 2007

Deanna Christensen, Coastal Program Analyst
89 South California St., Suite 200
Ventura, CA 93001

Dear Ms. Christensen:

PROPOSED WATER LINE EXTENSION (CDP APPLICATION 4-07-068)

On August 29, 2007, I met with Don Schmitz who represents the applicant for the above-referenced Coastal Development Permit application. I reviewed the plans for the proposed water line extension, which proposes to extend water service from Costa Del Sol to the subject property located north of Sweetwater Mesa Road in the unincorporated Santa Monica mountains.

As you may be aware, the Santa Monica Mountains are classified as the Very High Fire Hazard Severity Zone. In these types of locations, 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.

The proposed water line extension would certainly help to reduce and minimize risks to life and property due to fire hazard and would maximize water supply to an area that needs it. Pursuant to my review of the proposed water line extension, I would like to express my strong support for the water line extension and respectfully request Staff to recommend approval of the application.

If you have any further questions regarding this matter, please contact me at (323) 890-4132.

Sincerely,

JAMES G. BAILEY, HEAD FIRE PREVENTION ENGINEER
FIRE PREVENTION ENGINEERING
FIRE PREVENTION DIVISION

JGB:ij

Cc: Don Schmitz

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

- | | | | | | | | |
|--------------|-----------|------------------|----------------------|-----------|----------------------|-----------------------|------------------|
| AGOURA HILLS | BRADBURY | CUDAHY | HAWTHORNE | LA HABRA | LYNWOOD | PICO RIVERA | SIGNAL HILL |
| ARTESIA | CALABASAS | DIAMOND BAR | HIDDEN HILLS | LA MIRADA | MALIBU | POMONA | SOUTH EL MONTE |
| AZUSA | CARSON | DUARTE | HUNTINGTON PARK | LA PUENTE | MAYWOOD | RANCHO PALOS VERDES | SOUTH GATE |
| BALDWIN PARK | CERRITOS | EL MONTE | INDUSTRY | LAKEWOOD | NORWALK | ROLLING HILLS | TEMPLE CITY |
| BELL | CLAREMONT | GARDENA | INGLEWOOD | LANCASTER | PALMDALE | ROLLING HILLS ESTATES | WALNUT |
| BELL GARDENS | COMMERCE | GLENDORA | IRVINDALE | LAWNDALE | PALOS VERDES ESTATES | ROSEMEAD | WEST HOLLYWOOD |
| BELLFLOWER | COVINA | HAWAIIAN GARDENS | LA CANADA FLINTRIDGE | LOMITA | PARAMOUNT | SAN DIMAS | WESTLAKE VILLAGE |
| | | | | | | SANTA CLARITA | WHITTIER |

exhibit 21

Ex Parte Disclosure

Name of project: Application 4-10-040 (Applicant: Lunch Properties, LLLP)
Application 4-10-041 (Applicant: Vera Properties, LLLP)
Application 4-10-042 (Applicant: Mulryan Properties, LLLP)
Application 4-10-043 (Applicant: Morleigh Properties, LLLP)
Application 4-10-044 (Applicant: Ronan Properties, LLLP)
Application 4-10-045 (Applicants: Mulryan/Morleigh Properties, LLLP)

Date and time of receipt of communication: Oct 8th 2010 4pm
Location/Type of communication: K&S Ranch, Pescadero
Persons in attendance: Don Schmitz, Schmitz & Associates
Person receiving communication: Steve Blank

Detailed description of the communication:

Mr. Schmitz started briefing me about 5 separate projects in the Santa Monica mountains. I realized that these were the properties that I previously had taken exparte on as the "Edge" project.

Mr. Schmitz said that the Coastal Commission Staff was claiming that these 5 parcels were owned by a single "unity of interest." He said that the applicant had voluminous documentation demonstrating that there is no unity of interest. Further, that the properties are and have always been under separate legal ownership, and any communications to the contrary were in error.

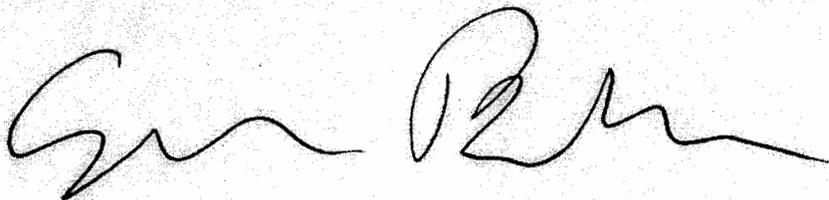
I explained to Mr. Schmitz that I had been briefed in May 2009 by the applicant Dave Evans and his agent Jared Ficker and they had explicitly described these homes as a single development with 5 houses on them. And at that briefing Mr. Evans and his agent Jared Ficker shared his vision of why he and his wife bought the property and their vision of why they wanted to develop all five houses as an integrated development.

I told him that once I was aware that the application was coming in front of the commission, I had filed an exparte in March 2010 summarizing that conversation.

Mr. Schmitz was unaware of the exparte. Subsequent to this meeting I sent him a copy.

Date: October 14th , 2010

Signature of Commissioner:



RECEIVED
OCT 25 2010

Exhibit 22
CDP 4-10-040 through 4-10-045
Commissioner Ex Parte Communications

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: Proposed Project at Sweetwater
Mesa (Malibu, Los Angeles County)

Date and time of receipt of communication: 6/21/10, 4:45 pm

Location of communication: Board of Supervisor's Offices, Santa
Cruz, California

Type of communication: In person meeting

Person(s) initiating communication: The Edge
Ted Harris
Winston Hickox

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

They gave some history of the project and some of the motivations like being the most sustainable, environmentally friendly project possible. They want this to touch the land as lightly as possible. They extolled the virtues of Wallace Cunningham as an architect and his organic designs which will blend with the land and use the topography. They said that they had briefed John Laird who, after learning that there are five legal lots, showed some excitement for the project. They also said that Mark Massara is supportive and suggested that they avoid the clearing zone by planting native vegetation in zones a and b that is not flammable. They said that if this project is not built, the land will be sold and someone will build something that is not as responsible to the environment, especially the ESHA and the viewsheds. They showed the plans and how the proposed houses would blend into the hillsides. They plan to use locally harvested aggregates on the property to avoid trucking in material and to ensure that the color palate of the road and buildings match the local materials. They explained that 40,000 cubic yards of earth will be moved, for a total of 70,000 cubic yards of grading. They said that the remaining issues are: 1. The Santa Monica Mountains Conservancy is opposed, 2. The visual impacts of the road, and 3. there are some who feel that the installation of the required water line from the north would be growth inducing. Edge said that he hopes to have a fair hearing at the Commission. They expect that the Commission will bear this item in August or October.

Date: 6/21/10

Signature of Commissioner: Mark W. Stone

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

RECEIVED

JUN 3 2010

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name or description of project, LCP, etc.:

Sweet Water Mesa

Date and time of receipt of communication:

5/10/10 4 PM

Location of communication:

Type of communication (letter, facsimile, etc.):

phone call

Person(s) initiating communication:

Penny Alia

Person(s) receiving communication:

Mary Stallenburger

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Penny said that there has been some confusion about the Sierra Club's position regarding "the Edge" project and ~~the~~ the Sierra Club wants to be very clear that they are opposed to the project.

Date 5/17/10

Mary Stallenburger
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:

March 27, 2009 - Noon

(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication:

Bonnie's office, Eureka, CA

(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication:

Don Schmidt of Schmitz & Associates, Inc.

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

June Agenda Item: Sweetwater Mesa Project, (Malibu) for Hearing on June 10th or 11th, 2009 - Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension.

Detailed substantive description of content of communication:

During my meeting with Don Schmidt on the above referenced project we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval in Concept for each of the residences and access driveway.
3. The originally proposed designs for the residences and reductions to the plans. We also spoke about how reductions in the proposed plans reduce potential impacts to native habitat.
4. Reductions in project grading and the concept of reducing the amount of truck trips of export generated by the grading by utilizing contour grading, and habitat restoration on-site in areas that have been historically disturbed on the properties. We discussed the use of onsite aggregate to blend with the surrounding environment to minimize visual impacts, and to reduce the use of imported concrete.

Date: March 28, 2009


Signature of Commissioner

Coastal Commission Fax: 415 904-5400

California Coastal Commission
Sweetwater Mesa Hearing on September 9 or 10, 2009

RECEIVED
JUL 23 2009

Subject: CDPs 4-07-147

Applicant: Morleigh Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APN: 4453-005-091

Project Description: Single-Family Residence, Legal Parcel, Access Driveway and Waterline Extension

Applications/Approvals:

1. Commissioner Bonnie Neely, had ex parte communication with Don Schmitz, agent for the above-referenced project. During our July 9, 2009 meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.

2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval in Concept for each of the residences and access driveway.

3. The originally proposed designs for the residences and reductions to the plans. We also spoke about how reductions in the proposed plans reduce potential impacts to native habitat.

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Commissioner

Date: July 13, 2009

California Coastal Commission
Sweetwater Mesa Hearing on September 9 or 10, 2009

RECEIVED
JUL 23 2009

Subject: CDP 4-07-068

Applicant: Vera Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APN: 4453-005-018

Project Description: Single-Family Residence on Legal Parcel, Access Driveway and Waterline Extension

Applications/Approvals:

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

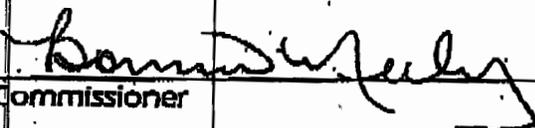
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2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval In Concept for each of the residences and access driveway.

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Commissioner

Date July 13, 2009

California Coastal Commission
Sweetwater Mesa Hearing on September 9 or 10, 2009

RECEIVED
JUL 23 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Subject: CDP 4-07-067

Applicant: Lunch Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APN: 4453-005-037

Project Description: Single-Family Residence, Legal Parcel, Access Driveway and Waterline Extension

Applications/Approvals:

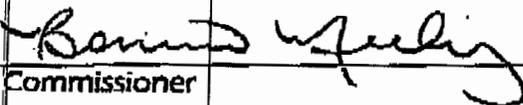
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Commissioner

Date July 13, 2009

California Coastal Commission
Sweetwater Mesa Hearing on September 9 or 10, 2009

RECEIVED
JUL 23 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Subject: CDPs 4-07-146

Applicant: Mulryan Properties LLLP

Agent: Schmitz & Associates, Inc.

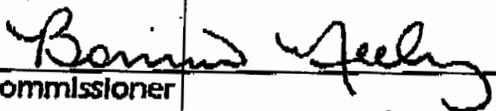
Project Site/Property Address: APN: 4453-005-092

Project Description: Single-Family Residence, Legal Parcels, Access Driveway and Waterline Extension

Applications/Approvals:

Commissioner Bonnie Neely, had ex parte communication with Don Schmitz, agent for the above-referenced project. During our July 9, 2009 meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
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Commissioner

Date July 13, 2009

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JUL 23 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

RECEIVED
JUL 21 2009
CALIFORNIA
COASTAL COMMISSION

Date and time of communication: JULY 7 7PM

Location of communication: EMBASSY SUITS
(If communication was sent by mail or
facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: DON SCHMITZ

Identity of person(s) receiving communication: K. ACHADJIAN

Name or description of projects: SWEET WATER MESA / VERA PROPERTIES / LUNCH PROP.
MORRIS PROP. / MULLRYAN PROP. / RONAN PROP.

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

DISCUSS PROJECT SCOPE / LOCATION / SITE PLAN. ALL FIVE PARCELS RECEIVING
WATER-LINE EXTENSION FROM LOS ANGELES COUNTY MUNICIPAL WATER
DISTRICT. LETTER FROM THE COUNTY OF L.A. FIRE DEPT. SUPPORTING THE
WATER LINE EXTENSION, Geology of the site being completed and
approval in concept by L.A. Geo. Div. Division.
reduction to the plans from its original design. reduction in project grading.
habitat restoration on-site / ^{EFFORTS TO} MINIMIZE VISUAL IMPACTS.

July 20-09
Date

[Signature]
Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

RECEIVED
MAY 6 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date and time of communication: March 27, 2009 - Noon
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: Bonnie's office, Eureka, CA
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Don Schmidt of Schmitz & Associates, Inc.

Person(s) receiving communication: Commissioner Bonnie Neely

Name or description of project: June Agenda Item: Sweetwater Mesa Project, (Malibu) for Hearing on June 10th or 11th, 2009 - Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension

Detailed substantive description of content of communication:

During my meeting with Don Schmidt on the above referenced project we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
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Date: March 28, 2009


Signature of Commissioner

Coastal Commission Fax: 415 904-5400

California Coastal Commission
Sweetwater Mesa Hearing on June 10 or 11, 2009

Subject: CDPs 4-07-068, 4-07-067, 4-07-147, 4-07-146, 4-08-043, 4-07-148

Applicant: Vera Properties LLLP, Lunch Properties LLLP, Morleigh Properties LLLP, Mulryan Properties LLLP, Ronan Properties LLLP

Agent: Schmitz & Associates, Inc.

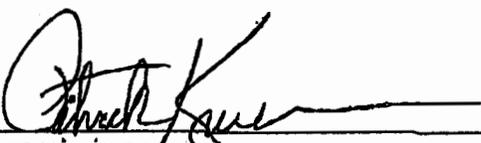
Project Site/Property Address: APNs: 4453-005-018, 4453-005-037, 4453-005-038, 4453-005-091, 4453-005-092

Project Description: Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension

Applications/Approvals:

I, Commissioner Patrick Kruer, had ex parte communication with Don Schmitz, agent for the above-referenced project on April 21, 2009. During our meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
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 Commissioner

4.28.09

Date

RECEIVED

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

MAY 13 2009

CALIFORNIA COASTAL COMMISSION

Name or description of project, LPC, etc.: Sweetwater Mesa LA County

Date and time of receipt of communication: May 4, 2009

Location of communication: Carlsbad, Calif.

Type of communication (letter, facsimile, etc.): meeting

Person(s) initiating communication: Jared Ficker, DAVE EVANS, Ted Harris
receiving " PAT Krueer, Ben Hueso, Rick Goster

Detailed substantive description of content of communication:
 (Attach a copy of the complete text of any written material received.)

The applicant and agents discussed five proposed homes than MR. EVANS and his partners want to build. Most of the time the discussion was on the architecture elements proposed by the architect Wallace Cunningham MR EVANS explained his design approach to the property. He emphasized the environmental sensitive elements of the project and reviewed the visual simulations for the proposed houses. We discussed the driveway & road access. Also, they emphasis on working with staff to try to resolve their issues and concerns.

Date 5/10/09 Signature of Commissioner *Patricia Krueer*

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

FW: Meeting request

RECEIVED Page 1 of 2
MAR 3 2009

Hampton, Nancy

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

From: Neely, Bonnie
Sent: Thursday, February 19, 2009 9:04 PM
To: Hampton, Nancy
Subject: FW: Meeting request
Importance: High

Could you do an exparte on this for me. Thanks.

—Original Message—

From: Don Schmitz [mailto:DonS@schmitzandassociates.net]
Sent: Thursday, February 19, 2009 5:23 PM
To: Neely, Bonnie
Cc: Don Schmitz
Subject: FW: Meeting request
Importance: High

Good afternoon Bonnie;

As you may be aware, CDP #'s 4-07-067, 4-07-088, 4-07-146, 4-07-147, 4-07-148, and 4-08-043, are currently scheduled to be considered at the Coastal Commission's June hearing. The applications consist of a total of five single-family residences with an access road and a lot line adjustment proposed for properties located in unincorporated Los Angeles County.

During the course of the Coastal Staff's review of the applications, we have provided Staff with the numerous technical reports and exhibits in support of the applications, and the requisite Approvals in Concept from Los Angeles County. Staff is now happy with the submittal packets and have deemed them complete.

In light of the lengthy history of these properties and the proposed projects, I would appreciate the opportunity to meet with you to provide you with an overview of the same, and to answer any questions you might have. I will be contacting you shortly to arrange a meeting at your convenience.

Thank you for your time and attention to this matter.

Sincerely,

Donald W. Schmitz II, AICP
President
Schmitz & Associates, Inc.

Headquarters Office
29350 Pacific Coast Hwy, Suite 12
Malibu, CA 90265
310-589-0773
310-589-0353 fax

Concjo Office
5234 Chesebro Road, Suite 200
Agoura Hills, CA 91301
818-338-3636
818-338-3423 fax

RECEIVED

FEB 24 2009

CALIFORNIA
COASTAL COMMISSION

2/20/2009

ex. 22

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

RECEIVED
MAR 3 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date and time of communication:

February 19, 2009 – 5:23 p.m.

(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication:

via e-mail

(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication:

Don Schmitz, Schmitz and Associates

Person(s) receiving communication:

Bonnie Neely

Name or description of project:

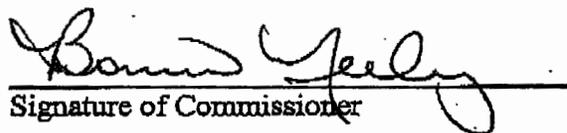
CDP#s 4-07-067, 4-07-068, and 4-07-147, 4-07-148, and 4-08-043, L.A. County, scheduled for June 2009 Agenda.

Detailed substantive description of content of communication:

(If communication included written material, attach a copy of the complete text of the written material.)

See attached e-mail.

Date: February 20th, 2009


Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

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If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

March 25, 2009

RECEIVED
APR 1 2009

Mr. Khatchik Achadjian
45 Fremont Street, Ste 2000
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Achadjian,

Pursuant to our meeting on March 12, 2009, please see enclosed.

Best Regards,
Schmitz & Associates, Inc.

Donald Schmitz II, AICP
President



PROVIDERS OF LAND USE PLANNING

HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265
TEL: 310.589.0773 FAX: 310.589.0353

SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200
AGOURA HILLS, CA 91301 *04.22*
TEL: 818.338.3636 FAX: 818.338.3423

California Coastal Commission
Sweetwater Mesa Hearing on June 10 or 11, 2009

RECEIVED
APR 1 2009

Subject: CDPs 4-07-068, 4-07-067, 4-07-147, 4-07-146, 4-08-043, 4-07-148

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Applicant: Vera Properties LLLP, Lunch Properties LLLP, Morleigh Properties LLLP, Mulryan Properties LLLP, Ronan Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APNs: 4453-005-018, 4453-005-037, 4453-005-038, 4453-005-091, 4453-005-092

Project Description: Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension

Applications/Approvals:

I, Commissioner Khatchik Achadjian, had ex parte communication with Don Schmitz, agent for the above-referenced project. During our meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval in Concept for each of the residences and access driveway.
3. The originally proposed designs for the residences and reductions to the plans. We also spoke about how reductions in the proposed plans reduce potential impacts to native habitat.
4. Reductions in project grading and the concept of reducing the amount of truck trips of export generated by the grading by utilizing contour grading, and habitat restoration on-site in areas that have been historically disturbed on the properties. We discussed the use of onsite aggregate to blend with the surrounding environment to minimize visual impacts, and to reduce the use of imported concrete.

Commissioner

Date

ex. 22

March 25, 2009

RECEIVED
APR 1 2009

Mr. Dave Potter
45 Fremont Street, Ste 2000
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Potter,

Pursuant to our meeting on March 12, 2009, please see enclosed.

Best Regards,
Schmitz & Associates, Inc.

Donald Schmitz II, AICP
President



HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265
TEL: 310.589.0773 FAX: 310.589.0353

SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200
AGOURA HILLS, CA 91301
TEL: 818.338.3636 FAX: 818.338.3423

ex. 22

California Coastal Commission
Sweetwater Mesa Hearing on June 10 or 11, 2009

RECEIVED
APR 1 2009

Subject: CDPs 4-07-068, 4-07-067, 4-07-147, 4-07-146, 4-08-043, 4-07-148 CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Applicant: Vera Properties LLLP, Lunch Properties LLLP, Morleigh Properties LLLP, Muiryan
Properties LLLP, Ronan Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APNs: 4453-005-018, 4453-005-037, 4453-005-038, 4453-005-091, 4453-005-092

Project Description: Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension

Applications/Approvals:

I, Commissioner Dave Potter, had ex parte communication with Don Schmitz, agent for the above-referenced project. During our meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval in Concept for each of the residences and access driveway.
3. The originally proposed designs for the residences and reductions to the plans. We also spoke about how reductions in the proposed plans reduce potential impacts to native habitat.
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Commissioner

Date

ex. 22

March 25, 2009

Mr. Steve Blank
45 Fremont Street, Ste 2000
San Francisco, CA 94105

RECEIVED
APR 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Blank,

Pursuant to our meeting on March 13, 2009, please see enclosed.

Best Regards,
Schmitz & Associates, Inc.



Donald Schmitz II, AICP
President



HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265
TEL: 310.589.0773 FAX: 310.589.0353

SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200
AGCURA HILLS, CA 91301 *ex. 22*
TEL: 818.338.3636 FAX: 818.338.3423

California Coastal Commission
Sweetwater Mesa Hearing on June 10 or 11, 2009

Subject: CDPs 4-07-068, 4-07-067, 4-07-147, 4-07-146, 4-08-043, 4-07-148

Applicant: Vera Properties LLLP, Lunch Properties LLLP, Morleigh Properties LLLP, Mulryan Properties LLLP, Ronan Properties LLLP

Agent: Schmitz & Associates, Inc.

Project Site/Property Address: APNs: 4453-005-018, 4453-005-037, 4453-005-038, 4453-005-091, 4453-005-092

Project Description: Five, Single-Family Residences on Five, Individually-Owned Legal Parcels, Access Driveway and Waterline Extension

Applications/Approvals:

I, Commissioner Steve Blank, had ex parte communication with Don Schmitz, agent for the above-referenced project. During our meeting, we discussed the project scope, location and site plan, specifically:

1. The proposed water line extension Approval in Concept from Las Virgenes Municipal Water District for all five parcels, letters from the County of Los Angeles Dept. of Regional Planning confirming that the waterline is exempt from local review and letters from the County of Los Angeles Fire Dept. expressing support for the water line extension.
2. The geology of the site and the testing completed. Additionally, we discussed the County of Los Angeles' Geotechnical and Materials Engineering Divisions review, and Approval in Concept for each of the residences and access driveway.
3. The originally proposed designs for the residences and reductions to the plans. We also spoke about how reductions in the proposed plans reduce potential impacts to native habitat.
4. Reductions in project grading and the concept of reducing the amount of truck trips of export generated by the grading by utilizing contour grading, and habitat restoration on-site in areas that have been historically disturbed on the properties. We discussed the use of onsite aggregate to blend with the surrounding environment to minimize visual impacts, and to reduce the use of imported concrete.

RECEIVED
APR 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Commissioner

Date

ex. 22

05/18/2009 08:50 FAX 310 208 7426

CONTENT PARTNERS LLC

002

RECEIVED
MAY 19 2009

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name or description of project, LCP, etc.: ^{GDP #} 4-07-067, 4-07-068, 4-07-146, 4-07-147, 4-07-148, 4-08-043

Date and time of receipt of communication: 5/5/09 10AM

Location of communication: 10877 Wilshire Blvd

Type of communication (letter, facsimile, etc.): Discussion

Person(s) initiating communication: David Field

Person(s) receiving communication: Steven Kram

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

We discussed the five homes being proposed by Dave Evans and his ~~partner~~ partners. Evans explained his design approach to the property. We emphasized the environmental and sensitive elements of the project and reviewed the visual simulations for the proposed houses. We outlined our emphasis on working with C.C.C. staff to try to resolve issues peacefully, and we were hopeful this item would be on June agenda.

5/11/09
Date

[Signature]
Signature of Commissioner

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11/09/2009

11:33

S. C. CO. BOARD OF SUPERVISORS → 914153573839

NO. 313 0002

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

RECEIVED
NOV 12 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name or description of project, LCP, etc.: Sweetwater Mesa (Malibu)

Date and time of receipt of communication: 11/9/09, 11:00 am

Location of communication: Board of Supervisor's Office, Santa Cruz, California

Type of communication: Telephone meeting

Person(s) initiating communication: Rusty Arias
Ted Harris

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I received a briefing on the Sweetwater Mesa project. I was told that The Edge, his wife and partners have six CDPs pending for legally entitled lots on the edge of Malibu. This will probably come to the Commission in January. They said that the homes will be built it is just a question of when. They have hired an architect to make sure that the homes will all be similar and subordinate to the land. They know that it is a sensitive site and are trying to minimize impacts. They said that Mark Massara is supportive and they have briefed Peter Douglas.

Date: 11/9/09 Signature of Commissioner: *Mark Stone*

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Ex Parte Communication

Date: October 26, 2009

Commissioner: Mr. Steven Kram *IN PERSON*

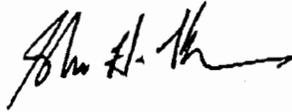
Representative: Jared Ficker, California Strategies
Ted Harris, California Strategies

Project: Sweetwater Mesa, Malibu, CA

CDP#: 4-07-148

Discussion:

Jared Ficker and Ted Harris of California Strategies briefed Commissioner Kram on the modifications to the proposed homes in the Sweetwater Mesa project for improved visuals. They also discussed their current work with the Santa Monica Mountains Conservancy and provided an update on the scheduling of the project.



RECEIVED
NOV 12 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

12/16/2009

14:37

S. C. CO. BOARD OF SUPERVISORS → 914153573839

RECEIVED
7:00
BR

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: Sweetwater Mesa (Malibu)

Date and time of receipt of communication: 12/16/09, 11:00 am

Location of communication: Board of Supervisor's Office, Santa Cruz, California

Type of communication: In-person meeting

Person(s) initiating communication: Rusty Areias
Ted Harris

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I received a brief history of the project by the two representatives of the applicant. I was told that there are certificates of compliance on these five parcels so the question is not whether something will be built, but rather what is built. They feel that these projects are the best possible thing that would ever be proposed on these sites. Wallace Cunningham is the architect. There are multiple owners, one being The Edge. They are proposing minimal grading and designs that will blend in. The houses will be 7,000 to 8,000 square feet each, plus basements. They showed me some materials from their website.

Date: 12/14/09 Signature of Commissioner: *Mark Stone*

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If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: SWEETWATER MESA
 Date and time of receipt of communication: 4/12/10
 Location of communication: PHONE CALL
 Type of communication (letter, facsimile, etc.): " "
 Person(s) initiating communication: DAVID EVANS
 Person(s) receiving communication: STEVEN KRAM

Detailed substantive description of content of communication:
 (Attach a copy of the complete text of any written material received.)

General discussion on Project. Believed geology is fine
(probably over engineered) and trying to answer
everyone's questions on everything. Common ownership
ISSUE IS A NON ISSUE - completely OK. W/ Salinas
everyone to see his design and see how great it is.

Date 4/13/10 Signature of Commissioner [Signature]

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If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Edge project, Malibu
Time/Date of communication: 1pm, Feb. 26th. 2010
Location of communication: site of development
Person(s) initiating communication: Jefferson Wagner, Richard Bloom, Jared Ficker
Person(s) receiving communication: Sara Wan
Type of communication: meeting

Jefferson drove us to the site. We looked at the plans and the locations of the homes, the road and discussed the location of the water line.

Major points covered:

Water line: Jared stated that it was more expensive to put in the water line than to put in wells and would cause less damage to ESHA but they preferred to put in the line. Richard asked if the two properties between the current end of the water line had the right to hook up to the line and was told they did. This led to a short discussion about cumulative impacts and whether the water line would facilitate the development of those properties.

Jared contended that since the properties are in separate ownership they cannot be required to be clustered because they could come in one by one and that the owners did not want to do so. I said that regardless of how they came to us, they would be required to minimize their impacts on ESHA and therefore needed to be located near the road and clustered to minimize brush clearing. That we do that to all development as it comes in.

Jared stated that these homes were going to use native plantings and be painted a neutral color and that was an advantage. I indicated that now-a-days we require that of all development in this area

Jefferson discussed the geology of the site and showed us some graphics that showed areas of known slides and areas requiring excavation and re-compaction.

We discussed the steepness of the road and that there was an on-going third party geology review.

Date: 3/1/2010



Commissioner's Signature

RECEIVED
MAR 11 2010

ALBUQUERQUE
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS
Addendum**

Name or description of the project::	Edge project, Malibu
Time/Date of communication:	1pm, Feb. 26th. 2010
Location of communication:	site of development
Person(s) initiating communication:	Jefferson Wagner, Richard Bloom, Jared Ficker
Person(s) receiving communication:	Sara Wan
Type of communication:	meeting

Additional issues discussed

Jefferson handed out a paper that says

Three sites can be clustered away from ridge lines - Mulryan has excellent geology for building site on South east corner- Vera is over a prominent ridge- could be moved off ridge to north west where bedrock is only down one foot and the Lunch location could stay where proposed

Claim that 1.15 acres will be used for development is incorrect- each site requires 4.5 acres cleared for fire and including road total of 30.5 acres will be cleared

Lot line adjustment is not needed for Mulryan

Jefferson also pointed out that at the CCC hearing for the road to do the geology the applicant's agent, Schmitz, stated he had approval for the road from the City but that was not correct. He did not have permission. I stated I seemed to remember that he did make that claim and had we known that wasn't true the decision to approve the road might have been different.

Date: 3/1/2010



Commissioner's Signature

**FORM FOR DISCLOSURE OF
EX PARTE COMMUNICATIONS**

RECEIVED
MAY 11 2010

CALIFORNIA
COAST COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name or description of project, LPC, etc.: Sweetwater Mesa Projects
Date and time of receipt of communication: 4/13/10 5PM
Location of communication: Hampton Inn Channel Island, Oxnard
Type of communication (letter, facsimile, etc.): Meeting
Person(s) initiating communication: Ted Harris, Calif. Strategies and David Evans project proponent

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

David Evans gave some background on how he came to the decision to buy this land and build houses on it. He and his wife found this property, fell in love with it, but it was too expensive so they got some friends to go in with them on the project, which includes 5 houses for the 5 families. He described his search for the right architect and landscape architect. He showed me several architectural designs of the houses and emphasized that the landscaping would be all native. He explained that there are 6 parcels on the property (156 acres) but that only 5 are buildable. It will require a lot line adjustment to avoid building on an old landslide area. He said they plan to restore ESHA where it is currently badly degraded and will restore the current jeep trails on the property. He said the total grading would be about 40,000 cubic yards and that each driveway is about 30ft, totaling about 1 mile of road that would need to be constructed. He explained that they had just had a 3rd party geologist review and that the results were that the road would not have to be so highly engineered as previously thought. He also showed computer simulations which showed very little visual impact of the houses from the coast.

4/19/10
Date

Mary Shallenbeger
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

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Ex Parte Disclosure

Name of project: The Edge
Date and time of receipt of communication: May 4th 2009 3pm
Location/Type of communication: Café Borrone Menlo Park,
Persons in attendance: Jared Ficker- California Strategies,
Dave 'The Edge' Evans
Person receiving communication: Steve Blank

Detailed description of the communication:

I received a briefing on the 5-house development that the Applicant is proposing to build in the Santa Monica mountains.

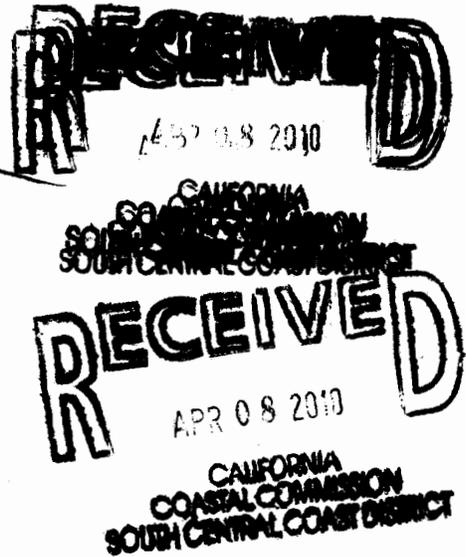
Mr. Evans shared his vision of why he and his wife bought the property and their vision of why they wanted to develop all five houses as an integrated development.

Mr. Evans presented their plan view of each of the five homes in the development. He pointed out that by controlling the architecture and design of all five houses he was able to make each of the five houses unobtrusive and designed to blend into the hillside. He said they hoped to get LEED Gold status for the 5-homes.

The applicants agent then detailed the ongoing dispute with a neighbor who has opposed the project. The agent and Mr. Evans discussed his opposition to there project and access road.

Date: Wednesday, March 10, 2010

Signature of Commissioner:



FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

RECEIVED
APR 21 REC'D

Name or description of the project: Edge, Malibu
Time/Date of communication: April 16, 2010
Location of communication: 22350 Carbon Mesa Rd.
Person(s) initiating communication: Edge, Jared Ficker
Person(s) receiving communication: Sara Wan
Type of communication: meeting

CALIFORNIA
COASTAL COMMISSION

Jared wanted me to meet Edge. I said I really didn't want to talk about the project until I had read the staff report. He discussed the history of the project. He and his wife bought a home in Las Coast area while they looked for a place to buy. Couldn't find a place so they looked for some land. Just loved the location it was so pristine- previous owner Sweeney had wanted to build 5 homes but he preferred to build homes that were environmentally friendly- organic- I commented that environmentally friendly really meant not the style of the home but the way the land was treated.

Discussed some of the issues that needed to be dealt with and I reminded him that the Coastal Act was the standard and he needed to make the project consistent with the act views- ridgeline issues- need to down from the top- he said that 2 of them have been redesigned I said needed to deal with all 5

ESHA- need to minimize impact on ESHA- if have 5 separate homes need to cluster to have overlapping fire clearance- they said they will restore 2 acres so that there will be a net increase in ESHA

landform alteration- need to minimize this

said that it looks like this will be on in July or August

discussed the geology issue- said there had been a third party review

I said one of the principle problems was the road, amount of grading and steepness

They asked for my suggestions and I said that they needed to make changes so they could come in with a position of support for the staff recommendation.

Date: 4/10/2010



Commissioner's Signature

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project:: Feb agenda item Th 8a-f, Sweetwater Mesa
Partners

Time/Date of communication: 9 am, 1/29/11

Location of communication: car phone

Person(s) initiating communication: Fran Gibson

Person(s) receiving communication: Sara Wan

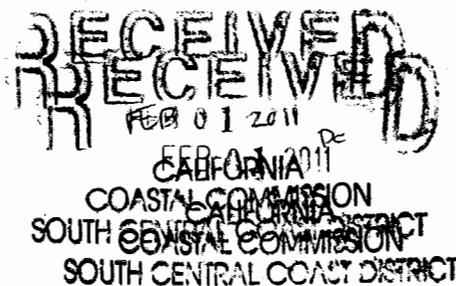
Type of communication: phone call

Fran stated that the staff had done an excellent job and she is in agreement with them. The project violates numerous provisions on the Coastal Act- 30240, 30250, 50251, etc. It is not the least damaging alternative- could reduce the number of homes, limit the impacts to ESHA, move the homes off the ridges to avoid visual impacts, eliminate the water line, etc. As for the takings issue, does not believe that these properties have actually been sold to 5 separate individuals who own them outright.

Date: 2/01/2011



Commissioner's Signature



**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda items Th8a-f: Sweetwater Mesa Landowners- Edge-
(Malibu)

Time/Date of communication: 10:30am, 2/1/2011

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Donna Andrews

Person(s) receiving communication: Sara Wan

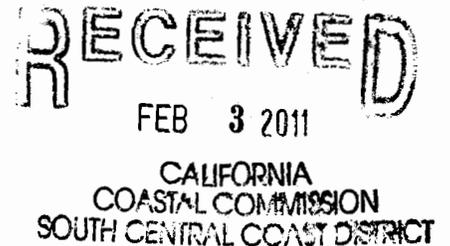
Type of communication: meeting

We discussed the proposed resolution being presented to the Santa Monica Mountains Conservancy. I said there were lots of problems with the current language. To begin with, as it was written, there was only a promise to obtain the easements, no language assuring that they were going to be in hand and in escrow prior to the CCC hearing. This means that the agreement only guarantees the payment of 750K to the Conservancy for dropping their objection to the project. I also said that in addition, there is language that states that the deed restricted area does not go up to the limit of the 10,000 sq ft development area but allows a 100 foot area beyond that so that the area of development is effectively increased by another 10,000 sq ft. per home (Agreement Sweetwater Mesa Landowners Obligations- part III- B). They are allowed to essentially put in anything they want, including structures into the non-deed restricted area, which includes the additional 100'. While the language presumably states they cannot increase the area of fire clearance, it actually allows them to do so by "replacing native vegetation" (ESHA) (agreement Part III C (2), C(3)). This not only allows for anything in that extra 100ft but violates the Bolsa Chica decision that does not allow for the replacement of ESHA which is what the "native vegetation" is

Date: 2/2/2011



Sara Wan



FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

RECEIVED
FEB 7, 2011 BR

Name or description of the project:
Landowners

Feb meeting: Th 8a-f, Sweetwater Mesa

Time/Date of communication:

10am, 2/2/11

Location of communication:

phone

Person(s) initiating communication:

Donna Andrews

Person(s) receiving communication:

Sara Wan

Type of communication:

phone call

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Spoke with Donna about an additional concern I had with the Santa Monica Mountains Conservancy package. I was concerned that the agreement would be null and void if the Coastal commission made any changes to the project. She said that was not the intent. That the Commission could still impose conditions on the project. I said that was not how the language read and if that were the case there needed to be changes to it.

Date: 2/06/2011



Commissioner's Signature

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda items Th8a-f: Sweetwater Mesa Landowners- Edge-
(Malibu)

Time/Date of communication: 10:30am, 2/1/2011

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Donna Andrews

Person(s) receiving communication: Sara Wan

Type of communication: meeting

We discussed the proposed resolution being presented to the Santa Monica Mountains Conservancy. I said there were lots of problems with the current language. To begin with, as it was written, there was only a promise to obtain the easements, no language assuring that they were going to be in hand and in escrow prior to the CCC hearing. This means that the agreement only guarantees the payment of 750K to the Conservancy for dropping their objection to the project. I also said that in addition, there is language that states that the deed restricted area does not go up to the limit of the 10,000 sq ft development area but allows a 100 foot area beyond that so that the area of development is effectively increased by another 10,000 sq ft. per home (Agreement Sweetwater Mesa Landowners Obligations- part III- B). They are allowed to essentially put in anything they want, including structures into the non-deed restricted area, which includes the additional 100'. While the language presumably states they cannot increase the area of fire clearance, it actually allows them to do so by "replacing native vegetation" (ESHA) (agreement Part III C (2), C(3)). This not only allows for anything in that extra 100ft but violates the Bolsa Chica decision that does not allow for the replacement of ESHA which is what the "native vegetation" is

Date: 2/2/2011



Sara Wan

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project:: Sweetwater Mesa Applications (Edge)
Time/Date of communication: 3/3/2011
Location of communication: 22350 Carbon mesa Rd
Person(s) initiating communication: Donna Andrews
Person(s) receiving communication: Sara Wan
Type of communication: phone call/ email

Met with Donna on the agreement with the Santa Monica Mountains Conservancy agreement. She said they had concerns about two issues. One was the limitations on development in the 100 foot area beyond the 10,000 sq ft development pad. They did not want to be limited relative to patios, gardens and walls. I explained the impacts and said that a small patio was one thing but "patios" and "gardens" were too un-sepcific and could turn into an additional 10,000 sq ft of development. She also brought up the issue of how much development could take place on the parcels off Carbon Mesa. I explained that was Edmiston's issue and she needed to discuss it with him

Date: 3/7/2011



Commissioner's Signature

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: Th.8a-f Sweetwater Mesa

Date and time of receipt of communication: 2/3/11

Location of communication: Office of the Board of Supervisors,
Santa Cruz, CA

Type of communication: In-person Meeting

Person(s) initiating communication: Sarah Damron
Margie Kay

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

I met with Sarah Damron and Margie Kay on 2/3/11 at 1:00 pm at my offices. They were speaking for Speaking for Sierra Club Angeles Chapter supporting staff recommendation to deny all 6 CDPs.

Statewide precedent: This project will create individual and cumulative adverse impacts on coastal resources and feasible alternatives exist for project redesign. First development in 2800 acre block (half of which is public park lands) of pristine unfragmented wildland terrain in Santa Monica Mountains.

- Project site of five contiguous parcels on prominent ridge line in Santa Monica Mountains (SMM) is protected by Malibu-SMM LUP as "significant ridge line", part of 2800 acre undeveloped steep rugged terrain containing rare and valuable Mediterranean Ecosystem (mixed chaparral, coastal sage and oak woodland habitat) in the SMM providing crucial riparian links between two watersheds, species habitats, wildlife corridors, erosion prevention and water quality values.
- 153 acres of the 156 acre subject site are deemed ESHA by staff (excludes about 3 acres: mesa atop two parcels, 10' wide jeep trail up to mesa and water line in existing dirt roadway). Residences are not ESHA resource-dependent uses. Will cause major degrading of habitat values by removing ESHA. Applicant(s) claim no ESHA whatsoever on subject site! Site is within undisturbed 2800 acre block of area wilderness.
- Private access road (6010') rises to ridge line, 20' wide, bisects two landslide areas, impervious surface causes drainage, run-off and erosion issues. Quarter of all project cut material from road alone, 3 sections (2903') are at 17.25% grade or above (almost half), 960' of retaining walls to support road, 2 sections require heavy caissons. 7600' access

road total including portion in City's jurisdiction (portion awaits CCC action before final City Council hearing) [§30253].

- Total project grading: 95,050 cy. Residences: 28,050 cy. Road: 43,050 cy (6.75 acres disturbed). Net excess total: 13,950 cy to be placed up to 5' deep on ancient 1.88 acre ridge top mesa on Mulryan parcel.
- 6800' long water main line, final 1800' across rugged wild mountain terrain. Requires 990' maintenance road west of ridge line 10' wide, ends short requiring retaining wall. Growth-enhancing for future development.
- Does not protect public views and will degrade visual resources [§30251].
- Does not minimize geologic and safety hazards [§30253].
- Does not minimize landform alteration [§30253].
- Does not ensure compatibility with character of area [§30251].
- Is not clustered, near existing development or any public services [§30250, §30254].
- Approval will prejudice ability of local government to prepare LCP conforming to Coastal Act [§30604].
- Denial is not a "takings" as feasible alternatives exist: reduce number, story and size of residences, limit accessory structures, cluster (reducing ESHA and fuel mod impacts), site in disturbed habitat areas closer to existing

Date: 2/22/11 Signature of Commissioner: M. W. Ste

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Applications relating to 5 residences proposed for Sweetwater Mesa, Malibu.

Date and time of receipt of communication:

February 5, 2011

Location of communication:

Santa Barbara, CA

Type of communication:

In person

Person(s) in attendance at time of communication:

Jared Ficker

Person(s) receiving communication:

Richard Bloom

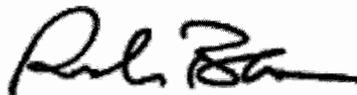
Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received an update regarding the status of the project generally and some of the issues relating to the project. Most of the time was spent discussing the issue of "unity of interest" raised by Commission staff.

Date: March 1, 2011

Signature of Commissioner:



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3/2/11 BR
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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

Applications relating to 5 residences proposed for Sweetwater Mesa, Malibu.

Date and time of receipt of communication:

February 26, 2010

Location of communication:

Project site, Malibu, CA

Type of communication:

In person

Person(s) in attendance at time of communication:

Jared Ficker, Sara Wan, Jefferson Wagner

Person(s) receiving communication:

Richard Bloom

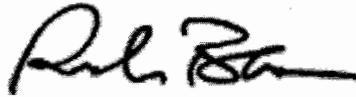
Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

I received a site visit from the project representative in which he described the project and pointed out various features, including the location and geology of road, utility access, some of the homes, areas of ESHA and general geology..

Date: March 1, 2011

Signature of Commissioner:



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3/2/11 BR
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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project:: Th 8a-f (feb meeting) Sweetwater Mesa
Landowners

Time/Date of communication: 10am, 2/7/11

Location of communication: 22350 Carbon mesa Rd, Malibu

Person(s) initiating communication: Jim Smith

Person(s) receiving communication: Sara Wan

Type of communication: meeting

Questioned the contention that the only areas the homes could be built on were the locations the applicant wanted. On Mulryan- the lot line adjustment is not needed. There is a building site not on the ridgeline where the geology is okay. The reason for the lot line adjustment is to transfer site of home to the ridgeline.

States that they could wind up with cut slope greater than stated- cut slope on Mulryan is in slope wash- county codes prohibit grading on unstable slopes which these are- showed me a map of the location of major landslides. This will necessitate going to a 2:1 cut and an increase in teh grading amount and area of impact beyond what is now stated.

On the unity of ownership- said that when first purchased the property and for 2 years, there was one check written to the Sierra Homeowners Association. (He mentioned the name of the person who wrote the check but I didn't write it down. Said it was given to Ozzie Silna). Discontinued paying the dues for all 5 lots after the homeowners filled the appeal.

Date: 2/13/2011



Commissioner's Signature

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

1 of 2
RECEIVED
Feb 8 2011 BR
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date and time of communication: February 07, 2011 via First Class Mail

Location of communication: Received at my Fortuna City Hall Mail Box

(If communication was sent by mail or
facsimile, indicated the means of transmission.)

Identity of person(s) initiating communication: Jim Smith

Identity of person(s) receiving communication: Kenneth E. Zunzi

Name or description of project: Mulryan Properties, LLLP

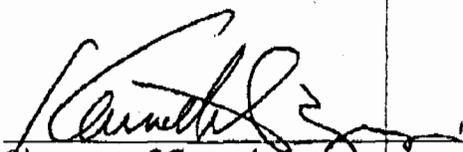
Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Briefing materials per attached letter.

February 07, 2011

Date


Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2

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

Feb. 1 , 2011

Dear Commissioner ,

Malibu has ridge line ordinances drafted by this Commission in 2002 . Los Angeles County adopted ridge line protection in 2005 . Coastal has always had visual impact guidelines . All of this was in place when Mr. Evans purchased his land . At the first stroke of his pen on design these guidelines were ignored . Further disregard of guidelines is demonstrated by the lot line adjustment being requested . This request seeks to relocate the building site on Mulryan so it too will be on a prominent ridge line completing the placement of all 5 homes on ridge lines . What is before you is an attempt to obtain approvals that would clearly be denied to others . Unlimited money has been spent on design and lobbying in that effort .

The building sites for Vera and Mulryan both have off ridge line locations with bedrock nearly at the surface . This is shown on the enclosed sheet with blue for Vera and pink for Mulryan .

The water line construction will require a path for a tractor 10' wide plus the 4' deep trench . In addition the dirt has to be piled beyond the trench . This will create a path nearly 20' wide that will remain as a scar after the pipe is covered .

Respectfully ,

Jim Smith

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ex. 22

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

RECEIVED *1/13*
FEB 8 2011
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date and time of communication: February 07, 2011 via Express Mail, USPS

Location of communication: Received at my Fortuna City Hall Mail Box
(If communication was sent by mail or
facsimile, indicated the means of transmission.)

Identity of person(s) initiating communication: Adam Keats

Identity of person(s) receiving communication: Kenneth E. Zanzi

Name or description of project: Sweetwater Mesa Developments

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written
material.)

Briefing materials per attached letter.

February 07, 2011

Date


Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2



CENTER for BIOLOGICAL DIVERSITY

February 4, 2011

To: Chair Sara Wan
Vice Chair Esther Sanchez
Commissioner Steve Blank
Commissioner William A. Burke
Commissioner Wendy Mitchell
Commissioner Mary K. Shallenberger
Commissioner David Allgood
Commissioner Kenneth Zanzi,
Commissioner Ross Mirkarimi
Commissioner Mark W. Stone
Commissioner Mary Ann Reiss
Commissioner Richard Bloom

Cc: John Ainsworth, Deputy Director
Steve Hudson, District Manager

Re: Sweetwater Mesa Development—CDP Application Nos.: 4-09-056: Lunch Properties, LLLP; 4-09-057: Vera Properties LLLP; 4-09-058: Mulryan Properties LLLP; 4-09-059: Morleigh Properties LLLP; 4-09-060: Ronan Properties LLLP; 4-09-061: Mulryan Properties LLLP and Morleigh Properties LLLP

Dear Chair Wan, Vice-Chair Sanchez, and Commissioners:

The Center for Biological Diversity previously commented on the Sweetwater Mesa project, expressing our serious concerns with the long-term environmental impacts of the development in our detailed comment letter dated August 17, 2010. While those comments were made on behalf of our entire membership, many of our online activists wished to express their concerns personally and to urge the Commission to follow the recommendation of your staff to reject the proposed project. Each of these letters (4172 in total) is contained on the attached cd-rom. Although not all of the letters are the same (many of our activists have commented in their own words), attached for your convenience is a paper copy that is representative of most.

Thank you very much for your attention and consideration of these comments. If you have any questions about the attached letters or the Center's concerns about this project, please do not hesitate to contact me.

Sincerely,


Adam Keats

California Coastal Commission

Dear Commission Members,

I concur with Commission's staff that The Edge's five luxury house developments on Sweetwater Ridge near Malibu will cause significant and unavoidable adverse impacts and for that reason they should be denied. As one of the few remnants of natural California coastal landscapes left, this area should remain undeveloped so that the Ecologically Significant Habitat Area, covered by coastal scrub, chaparral and oak woodland, can continue to provide wildlife habitat onsite and wildlife movement corridors to the directly adjacent conservation investments of California State Parks and the Mountains and Recreation Conservation Authority. Sweetwater Ridge also needs to be preserved for its iconic viewshed values as one of the last unspoiled prominent ridges in the area.

Please support the staff recommendation and deny The Edge's development on Sweetwater Ridge. Thank you.

Mrs. Elda Unger
PO Box 6128
Malibu, CA 90264

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FEB 8 2011 BR
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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ex. 22

RECEIVED

FEB 8 2011

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: February 07, 2011 via Express Mail USPS

Location of communication: Received at my Fortuna City Hall Mail Box

(If communication was sent by mail or
facsimile, indicated the means of transmission.)

Identity of person(s) initiating communication: Donald W. Schmitz, II, AICP

Identity of person(s) receiving communication: Kenneth E. Zanzi

Name or description of project: Lunch Properties, LLLP, CDP 4-10-040

Description of content of communication:

(If communication included written material, attach a copy of the complete text of the written
material.)

Briefing materials per attached letter.

February 07, 2011

Date


Signature of Commissioner

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) seven days of the hearing, complete this form, provide
ng and provide the Executive Director with a copy
ication.

Post-it® Fax Note	7671	Date	<u>02/07/2011</u>	# of pages	<u>3</u>
To	<u>Peter Douglas</u>	From	<u>K.E. ZANZI</u>		
Cu/Dept.	<u>CCC</u>	Co.			
Phone #		Phone #			

APPENDIX 2

RECEIVED
FEB 8 2011
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

February 4, 2011
(Via UPS)

Mr. Kenneth Zanzi,
City of Fortuna
P. O. Box 545
Fortuna, CA 95540

Re: February 2011 Coastal Commission Hearing – Item Th8a (CDP 4-10-040)
Applicant: Lunch Properties, LLLP
Issue: Geology

A copy of the enclosed has been forwarded to Coastal Commission Staff and all Commissioners as per Public Resources Code sections 30319-30324

Dear Mr. Zanzi,

The above-referenced CDP application is scheduled to go before the Commission on February 10, 2011. The enclosed information provides some additional background and context to the extensive geotechnical review and analysis that has been conducted for the proposed development.

1. Prior to submittal of the CDP application, the applicant's geotechnical consultants conducted extremely thorough geologic testing, modeling, and analysis. Project consultants confirmed proposed development to be feasible.
 - a. 37 Borings, 16 Test Pits, 3 Seismic Trenches, 25 Cross Sections
(Attachment 1)
2. In addition to thorough geotechnical reports, Commission Staff requested County Geology review/approval in concept (AIC). The applicant had to work with the County to create an AIC process, as they did not have a system in place. Following the County's nearly 6-month review process, the County issued a Geology AIC. (Attachment 2)
3. Commission Geo/Engineering Staff requested structural engineering plans and an outside consultant to review highly detailed structural plans (including details regarding subsurface mitigation utilizing concrete and steel) which is far in excess of the conceptual plans that the Commission typically requires. (Attachment 3a, 3b, and 3c)
 - a. Commission Geo/Engineering Staff and outside consultants requested extensive amounts of additional information and reviewed Geo/Engineering for nearly a year. (Attachment 4)



HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU CA 90265
TEL: 310 500 0773 FAX: 310 500 0769

SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONTO VALLEY OFFICE
5734 CHIFFORD ROAD, SUITE 200
AGOURA HILLS, CA 91301
TEL: 918 338 3616 FAX: 918 338 3423

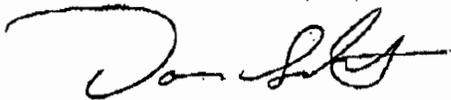
4. Staff Report confirms that the proposed development has been designed to be stable, safe, and suitable consistent with Section 30253 of the Coastal Act, (Attachment 5a, Attachment 5b, Attachment 6, Attachment 7)

As evidenced by the foregoing and attached, the applicant has undergone an excruciatingly thorough geotechnical review process over the course of over three and a half years. The applicant has spent hundreds of thousands of dollars in testing, preparation of reports and plans, and additional review fees over this lengthy time period.

The proposed development has been reviewed and approved by the project geotechnical consultants, Los Angeles County Geotechnical and Materials Engineering Division, the Coastal Commission Geologist and Engineer, and the Coastal Commission's outside consultants. In light of the overwhelming amount of geology review that has been done and the conclusions reached by all parties, it is abundantly clear that the proposed development fully minimizes potential geologic hazards and is clearly consistent with Section 30253 of the Coastal Act.

If you have any questions or comments, please do not hesitate to contact me at (818) 338-3636.

Sincerely,
Schmitz & Associates, Inc.



Donald W. Schmitz, II, AICP
President

Cc: Lunch Properties, LLLP

February 2, 2011
(Via UPS)

RECEIVED
FEB 8 2011
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Kenneth Zanzi,
City of Fortuna
P. O. Box 545
Fortuna, CA 95540

Re: February 2011 Coastal Commission Hearing - Item Th8a (CDP 4-10-040)
Applicant: Lunch Properties, LLLP
Issue: Precedent

A copy of the enclosed has been forwarded to Coastal Commission Staff and other Commissioners as per Public Resources Code sections 30319-30324

Dear Mr. Zanzi,

We are in receipt of the Staff Report for the above-referenced CDP application, which is scheduled to go before the Commission on February 10, 2011. We would like to provide the enclosed information to address Staff's assertion that the proposed driveway associated with this application is unprecedented.

The applicant purchased the subject 20-acre parcel that is zoned to allow for residential development with the intent to build a home on the property. The applicant is proposing one single-family residence with an access driveway that is the minimum required by the Los Angeles County Fire Department. Coastal Commission Staff has independently verified that the subject parcel was created legally in 1962, as evidenced in the Staff Report on pages 16-17.

Based upon a review of previous Coastal Commission action in approving homes of similar scope and scale, it becomes apparent that there is little that distinguishes this proposed home from many others that have been approved in the Santa Monica Mountains. Therefore, it is difficult to understand how Staff can characterize the proposed driveway as more "significant" in its potential impacts than the homes that the Commission has previously approved.



HEADQUARTERS - MALIBU OFFICE
20360 PACIFIC COAST HWY., SUITE 12

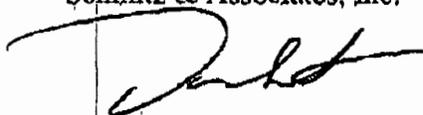
SCHMITZ & ASSOCIATES, INC.
REGIONAL - GONENO VALLEY OFFICE
5234 CHEESBROG ROAD, SUITE 200

Attachment Number	Applicant	CDP Number	Length of Access Drive	Grading	Structure
1	Worldwide Resources, et. al.	4-93-144 thru 149	13,500 ft.	59,541 cu. yds.	6 Homes
2	Creekside Ranch, LLC	4-04-077	8,850 ft.	32,795 cu. yds.	1 Home
3	Stoney Heights, LLC	4-05-153	7,180 ft.	11,640 cu. yds.	1 Home
4	Lunch Properties, L.L.P. (Subject Property)	4-10-040	4,191 ft.	16,200 cu. yds.	1 Home
5	Hoang, Bao	4-07-001	2,700 ft.	1,100 cu. yds.	1 Home
6	Malibu Ocean Ranches, LLC	4-04-099	1,352 ft.	11,540 cu. yds.	1 Home
7	Bren-Halcy, Inc.	4-02-019	1,100 ft.	16,716 cu. yds.	1 Home
8	Rein, Robert	4-05-132	1,100 ft.	4,433 cu. yds.	1 Home
9	Smith, Dennis	4-07-101	1,000 ft.	11,266 cu. yds.	1 Home

The Coastal Commission has approved numerous single-family residences with access driveways in excess of 1,000 linear feet and commensurate grading. The proposed access driveway is no different than many residences that have previously been approved by the Commission and built in the Santa Monica Mountains. Therefore, we do not understand the basis for Commission Staff to recommend denial of the subject application or to treat the applicant differently than it has treated other property owners, such as the ones referenced above.

Based upon the foregoing, we respectfully request that the Commission approve CDP 4-10-040. If you have any questions or comments, please do not hesitate to contact me at (818) 338-3636.

Sincerely,
Schmitz & Associates, Inc.


Donald W. Schmitz, II, AICP
President

Cc: Lunch Properties, LLLP

February 3, 2011
(Via UPS)

RECEIVED
FEB 8 2011 BK
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Kenneth Zanzi,
City of Fortuna
P. O. Box 545
Fortuna, CA 95540

Re: February 2011 Coastal Commission Hearing - Item Th8a (CDP 4-10-040)
Applicant: Lunch Properties, LLLP
Issue: Fire Safety

A copy of the enclosed has been forwarded to Coastal Commission Staff and all Commissioners as per Public Resources Code sections 30319-30324

Dear Mr. Zanzi,

As you may be aware, the above-referenced CDP application is scheduled to go before the Commission on February 10, 2011. We would like to provide the enclosed information to address potential concerns that have been expressed regarding fire safety for the proposed development.

The Santa Monica Mountains are located in a Class 4 fire zone. The applicant is acutely aware of this and has gone to great lengths to ensure maximum fire safety. Fire protection measures include:

1. Connection to Las Virgenes Municipal Water District's municipal water system
 - a. Required by the Los Angeles County Fire Department
(Attachments 1 and 2)
2. Landscape/Fuel Modification Plan approved by LA County Fire Department Forestry Division (Attachment 3)
3. Active fire suppression sprinkler system that provides 75 ft. radius of fire protection in case of wildfire. (Attachment 4a, 4b, 4c, and 4d)
4. Two Fire Department staging areas along proposed access driveway. (Attachment 5a and 5b)
5. Fire Hydrant located near main residence to provides sufficient available water supply for firefighting. (Attachment 6)
6. Utilization of fire resistant materials such as concrete, steel, and glass. (Attachment 7)



HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12

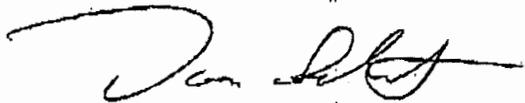
SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200

ex. 22

As evidenced by the foregoing and attached, the applicant has incorporated numerous fire protection and emergency access provisions to maximize fire safety and to minimize potential hazards associated with wildfire, consistent with Section 30253 of the Coastal Act.

If you have any questions or comments, please do not hesitate to contact me at (818) 338-3636.

Sincerely,
Schmitz & Associates, Inc.



Donald W. Schmitz, II, AICP
President

Cc: Lunch Properties, LLLP

RECEIVED
FEB 8 2011 BK
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

February 4, 2011
(Via UPS)

Mr. Kenneth Zanzi,
City of Fortuna
P. O. Box 545
Fortuna, CA 95540

Re: February 2011 Coastal Commission Hearing – Item Th8c (CDP 4-10-042)
Applicant: Mulryan Properties, LLLP
Issue: “Unity of Ownership”

A copy of the enclosed has been forwarded to Coastal Commission Staff as per Public Resources Code sections 30319-30324

Dear Mr. Zanzi,

The above-referenced CDP application is scheduled to go before the California Coastal Commission on February 10, 2011. The Staff Report recommended denial of the above-referenced application, based almost entirely upon a theory of “unity of ownership” between the owner of the subject property and neighboring property owner(s). Staff’s theory is espoused in large part by speculation pertaining to purported past social relationships, decade-old business interactions, newspaper articles, and internet postings.

Staff’s conclusions are entirely unprecedented. This is most clearly evidenced by the Commission’s deliberation leading to the approval of six Coastal Development Permits (CDPs) for six single-family residences in the Santa Monica Mountains approximately ten years ago. The parallels between the Commission’s previous approval of these permits and the circumstances surrounding the subject application are strikingly similar.

1. The previously approved residences and subject property are located in close proximity to one another and in similar proximity to the coastline. **(Attachment 1)**
2. The previously approved residences and the subject application both propose a single-family residence on a legal parcel. **(Attachment 2)**
3. The approved development included an access road that was 13,500 ft. long, which is significantly longer than the access driveway proposed by the applicant. **(Attachment 3)**
4. Site characteristics such as topography and vegetation are substantially similar between the approved development and the subject application. **(Attachment 4 and 5)**



HEADQUARTERS - MAIN OFFICE
29350 PACIFIC COAST HWY., SUITE 12

SCHMITZ & ASSOCIATES, INC.
REGIONAL - CONTRA COSTA VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200

ex. 22

During the Coastal Commission hearing for six homes, Commissioner Madeline Glickfeld asked Chief Counsel Ralph Faust whether the Commission could deny the CDPs based upon "unity of ownership" because the same family allegedly owned all of the ownership entities. The pertinent part of the exchange between Ms. Glickfeld and Mr. Faust is as follows:

Commissioner Glickfeld: Do we have the ability, under the Constitution, and under the Coastal Act, to deny the use – deny the present applications before us, on four of these lots, and approve it on two of these lots with findings what indicates that a lot line adjustment between these lots, or a reconfiguration and clustering of the lots, with would keep the – which would shorten the road, minimize the impacts of Solstice Canyon? Is that something within our legal ability?

Chief Counsel Faust: Through the Chair. Commissioner Glickfeld, I can go into – or try to – as much detail as you want, but the basic answer to your question, Ms. Patterson and I agree, is no, the Commission does not have the authority to order the reconfiguration of the lots, and –

Commissioner Glickfeld: I didn't say to order the reconfiguration off the lots –

Chief Counsel Faust: -- you don't have the –

Commissioner Glickfeld: --I asked do we have the ability to deny them –

Chief Council Faust: -- ability to order the reconfiguration. You do not have the ability to deny on that basis.

Commissioner Glickfeld: Even though they conflict with the Coastal Act, and the plan?

Chief Council Faust: There are existing legal lots there. Under the present law, as we understand it, the owners of existing legal lots have the Constitutional right to economic use of their property.

Under the Constitution, you are charged on a lot-by-lot basis with making a determination as to first whether or not what they propose is consistent with Chapter 3 of the Coastal Act. Second, if you believe that it is not consistent with Chapter 3 of the Coastal Act, then you move to a Constitutional question of what economic use of that property is permissible. (May 11, 1994 Transcript, p. 57-58) (Emphasis added)

Mr. Faust clearly stated that under the United States Constitution, the Commission is charged on a lot-by-lot basis with making a determination as to whether or not the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Following this admonishment, the Commission approved the six CDP applications.

The Commission recently reaffirmed its decision on September 8, 2010, when it extended the above-referenced CDPs with written findings confirming that there are no changed circumstances affecting the proposed project's consistency with the Coastal Act. Merely

determination. Clearly, the six homes that were previously approved were considered on a lot-by-lot basis under Constitutional law. Those same principles apply to any legal lot, including the subject property.

Therefore, Staff's recommended alternative, which is the basis for denial, is entirely flawed and unfounded. Based upon the foregoing, we respectfully request that the Commission approve the pending Coastal Development Permit.

For additional information pertaining to this issue, please refer to the October 18, 2010 letter prepared by Cox, Castle & Nicholson, which is located under Exhibit 24 of the Staff Report. If you have any questions or comments, please do not hesitate to contact me at (818) 338-3636.

Sincerely,
Schmitz & Associates, Inc.



Donald W. Schmitz, II, AICP
President

Cc: Mulryan Properties, LLLP