Commission Agenda Report

To: Chair Pierson and Members of the Planning Commission

Prepared by: Richard Mollica, AICP, Senior Planner

Approved by: Joyce Parker-Bozylnski, AICP, Planning Director

Date prepared: January 23, 2014 Meeting Date: February 3, 2014

Subject: Coastal Development Permit No. 11-019, Variance No. 13-011 and Site Plan Review No. 11-008 - An application for a 5,820 square foot, two-story single-family residence with 499 square foot attached garage, driveway, retaining wall, fire-department turnaround, grading, drainage improvements, landscaping, soldier pile system and an evapotranspiration onsite wastewater treatment system, including a variance for construction on slopes in excess of 2½ to 1 and a site plan review for height in excess of 18 feet (28 feet proposed) (Continued from January 6, 2014)

Application Filing Date: May 3, 2011
Applicant: Eric Rochin
Owner: Charles Haagen, Haagen Family Trust
Location: 26714 Seagull Way, within the appealable coastal zone
APN: 4460-022-031, -033, -034, -035
Zoning: Single-family – Medium Density (SFM)

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 14-11 (Attachment 1) approving Coastal Development Permit (CDP) No. 11-019, Variance No. 13-011 and Site Plan Review (SPR) No. 12-073 for a 5,820 square foot, two-story single-family residence with 499 square foot attached garage, driveway, retaining wall, fire-department turnaround, grading, drainage improvements, landscaping, soldier pile system and an evapotranspiration onsite wastewater treatment system, including a variance for construction on slopes in excess of 2½ to 1 and a site plan review for height in excess of 18 feet (28 feet proposed).

DISCUSSION: This agenda report will provide an overview of the project, including a summary of the surrounding land use and project setting and description of the project scope of work. Next, the report summarizes staff’s analysis of the project’s consistency...
with applicable provisions of the Malibu Local Coastal Program (LCP) and the California Environmental Quality Act (CEQA). The discussion and analysis demonstrates the project is consistent with the LCP. A complete project chronology and all required findings to approve the application can be found in Planning Commission Resolution No. 14-11 (Attachment 1).

The project was originally scheduled for the August 19, 2013 Planning Commission hearing; however, the project was continued to allow the applicant additional time to coordinate with the City Public Works Department to determine how stormwater from the proposed development should be routed. Subsequently, the project was continued to September 16, 2013. In addition, on November 5, 2013, the Latigo Cove Property Owners Civic Association submitted a concern letter and a Geological Evaluation of the project site prepared by Feffer Geological Consulting, a geological firm retained by the HOA. The applicant decided to continue the project to January 6, 2014 so that the applicant’s geotechnical team could review the HOA concerns and provide a response letter. Subsequently, the applicant submitted a response letter prepared by Mountains Geology, Inc. dated November 14, 2013. The response letter was routed to the City Geologist for review and on December 5, 2013, the City Geologist determined that based on the extensive geotechnical investigations performed by Mountain Geology and Hamilton & Associates on the site and the City’s geotechnical review of the project, the City Geologist is comfortable with the responses by Mountain Geology Inc. to the concerns raised in Feffer’s report. The HOA’s concerns and staff’s responses are discussed fully in the Correspondence section of this report.

**Project Overview**

The proposed project consists of a two-story single-family residence with attached garage, grading, drainage improvements, hardscape and landscaping at a vacant parcel. The subject property is constrained by a landslide and steep slopes. The project includes the construction of two soldier pile wall foundation system as recommended by the project geotechnical consultant to stabilize the project site to meet the required slope stability factor of safety pursuant to Local Coastal Program (LCP), Local Implementation Plan (LIP) Chapter 10. In addition, the City Environmental Health Administrator approved the installation of an AOWTS that includes an evapotranspiration system to minimize moisture from permeating into the ground at the project site.

**Surrounding Land Uses and Project Setting**

The subject property is an irregularly shaped parcel separated from Pacific Coast Highway (PCH) by Seagull Way. Access is provided through Seagull Way, a private street via PCH. An active subsurface dewatering system is located along the north side of Seagull Way maintained by Latigo Shores Homeowners’ Association. A portion of the subject property is underlain by recently active and prehistoric landslides. The southern portion of the parcel is characterized by steep slopes and is considered a “Restricted
Use Area" pursuant to a Geotechnical Engineering Investigation Report prepared by Coastline Geotechnical Consultants Inc. on November 30, 2010. A considerable amount of artificial fill in association with the construction of Seagull Way underlies the northern portion of the subject property (up to 30 feet).

Surrounding land uses consist of one and two-story single-family residences on Latigo Shore Drive in the SF-M zoning district. A 4.3 acre parcel consisting of multi-family townhouses and condominium units is located approximately 300 feet to the east of the project site. PCH is directly north of the project site. The subject property lies within the Appealable Jurisdiction as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map. The project area is not designated ESHA as shown on the LCP ESHA Overlay Map. According to City Trails Master Plan Map and LCP Park Lands Map, no trails are located within the project vicinity. An aerial photograph of the project site is included as Attachment 2.

Site data is summarized in Table 1.

<table>
<thead>
<tr>
<th>Property Data</th>
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<tbody>
<tr>
<td>Lot Depth</td>
<td>208 feet</td>
</tr>
<tr>
<td>Lot Width</td>
<td>263 feet</td>
</tr>
<tr>
<td>Gross Lot Area</td>
<td>67,152 square feet (1.54 acres)</td>
</tr>
<tr>
<td>Easement Area</td>
<td>9,500 square feet</td>
</tr>
<tr>
<td>1 to 1 Slope Area</td>
<td>586 square feet</td>
</tr>
<tr>
<td>Net Lot Area*</td>
<td>57,066 square feet (1.31 acres)</td>
</tr>
</tbody>
</table>

* Excludes slopes greater than 1:1 (LIP §3.6(F)(4)) and access easements for purposes of calculating yards (LIP Chapter 2)

**Project Description**

The project consists of:

- 5,820 square foot single-family residence (4,017 first story, 1,803 second story)
- 499 square foot attached garage;
- Associated decks and walkways;
- Soldier pile foundation system;
- Driveway;
- Retaining wall;
- Fire-Department turnaround;
- Drainage improvements;
- Landscaping;
- Grading;
- Decomposed granite driveway and fire department turnaround; and
- Evapotranspiration AOWTS
The project also includes the following discretionary requests:

VAR No. 13-011 for the construction on slopes in excess of 2½ to 1 to allow for construction on slopes steeper than 2½ to 1.

SPR No. 11-008 for construction in excess of 18 feet in height to a maximum of 28 feet in height for a pitched roof.

The proposed project has a total development square footage (TDSF) of 6,319 square feet and is broken down as follows:

- Single-family residence: 5,820 square feet
- Attached garage: 499 square feet
- 6,319 square feet

The project plans are included as Attachment 3.

**LCP Analysis**

The Malibu LCP consists of a Land Use Plan (LUP) and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere. This project has been reviewed and approved for LCP conformance review by the Planning Department, as well as the City Biologist, City Geologist, City Environmental Health Administrator, City Public Works Department and Los Angeles County Fire Department (LACFD). Departmental review sheets are included as Attachment 4.

There are 14 sections within the LIP that potentially require conformance review and specific findings to be made, depending on the nature and location of the proposed project. Of these 14, five sections are for conformance review only and require no findings. These sections include Zoning, Grading, Archaeological / Cultural Resources, Water Quality and Onsite Wastewater Treatment Systems, and are discussed under the LIP Conformance section.

The remaining nine sections that potentially require specific findings to be made are found in the following LIP chapters: 1) Coastal Development Permit Findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; and 9) Land Division. Of these nine, only General Coastal Development Permit findings, including Site Plan Review findings, apply to the project. Consistency review with these sections is discussed later in the LIP Findings section.
Based on the proposed project site and scope of work described above, ESHA, Native Tree Protection, Scenic, Visual and Hillside Resource Protection, Transfer of Development Credits, Shoreline and Bluff Development, Public Access and Land Division Findings are not applicable or required for the project.

Complete discussion of all LCP findings can be found in Planning Commission Resolution No. 14-11 (Attachment 1).

LIP Conformance

Zoning (LIP Chapter 3)

As shown in Table 3, the proposed project complies with LIP Section 3.6 concerning residential non-beachfront development standards.

<table>
<thead>
<tr>
<th>Development Requirement</th>
<th>Allowed</th>
<th>Proposed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>41.6 feet</td>
<td>42.5 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>31.2 feet</td>
<td>131.4 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (minimum)</td>
<td>26.3 feet</td>
<td>50 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Side Yard (cumulative)</td>
<td>39.45 feet</td>
<td>63 feet</td>
<td>Complies</td>
</tr>
<tr>
<td>Pool</td>
<td>5 feet</td>
<td>5 feet</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>HEIGHT</strong></td>
<td>18 feet</td>
<td>28 feet pitched roof</td>
<td>SPR</td>
</tr>
<tr>
<td><strong>TWO-THIRDS CALCULATION1</strong></td>
<td>4,017 x .6666 = 2,678 square feet</td>
<td>2,606 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>TDSF</strong></td>
<td>7,708 square feet</td>
<td>6,319 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>PARKING</strong></td>
<td>2 enclosed</td>
<td>2 enclosed</td>
<td>Complies</td>
</tr>
<tr>
<td></td>
<td>2 unenclosed</td>
<td>2 unenclosed</td>
<td></td>
</tr>
<tr>
<td><strong>NON-EXEMPT GRADING</strong></td>
<td>1,000 cubic yards</td>
<td>15 cubic yards</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>IMPERMEABLE COVERAGE</strong></td>
<td>17,119.8 square feet</td>
<td>6,696 square feet</td>
<td>Complies</td>
</tr>
<tr>
<td><strong>CONSTRUCTION ON SLOPES</strong></td>
<td>3 to 1</td>
<td>Steeper than 2½ to 1</td>
<td>VAR</td>
</tr>
<tr>
<td><strong>FENCES / WALLS</strong></td>
<td></td>
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</tbody>
</table>

1 Two-thirds calculation is calculated by taking the square footage of the area over 18 feet (1,803 sq.ft. second floor + 304 sq.ft. vaulted ceiling area + 499 sq. ft. garage) and dividing it by the square footage of the area under 18 feet (4,017 sq.ft. first floor) = .65 percent which is less than .666 or 2/3rds.
As shown in Table 3, the project conforms to residential standards in LIP Section 3.6 with the inclusion of a VAR and SPR. All new development meets the required yard setbacks. The area above 18 feet, including vaulted ceiling areas, is less than two-thirds of the area below 18 feet. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

Grading (LIP Chapter 8)

The project includes 15 cubic yards of non-exempt grading. The majority of the artificial fill located on the project site will be excavated to accommodate the first story of the residence. The project proposes 740 cubic yards of earth material is proposed to be exported offsite. The proposed project is in conformance with the grading requirements set forth under LIP Section 8.3, which limits non-exempt grading to 1,000 cubic yard per residential property.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. Joseph Simon prepared a Phase 1 Archaeological Study in June 2012. The study found no archaeological resources within the property area; therefore, no further studies are required at this time.
Nonetheless, conditions of approval have been included in Planning Commission Resolution No. 14-11 pertaining to the protection of cultural resources. Should any potentially important cultural resources be found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information.

**Water Quality (LIP Chapter 17)**

The City Public Works Department has reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval require that prior to grading permit issuance, final grading and drainage plans incorporating construction-phase erosion control and storm water pollution prevention, as well as post-construction storm water management must be approved by the City Public Works Department.

**Onsite Wastewater Treatment Systems (LIP Chapter 18)**

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements. The project includes an AOWTS which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 1,500 gallon tank with ultraviolet disinfection and an evapotranspiration system that utilize three different zones of drip dispersal fields.

An operation and maintenance contract and recorded covenant covering such must be in compliance with City of Malibu Environmental Health requirements. Conditions of approval have been included in Planning Commission Resolution No. 14-11 which require continued operation, maintenance and monitoring of onsite facilities.

**LIP Findings**

The following LIP sections apply to the project. For the reasons discussed below, the project is consistent with these provisions. All the required findings can be made and are fully enumerated in Planning Commission Resolution No. 14-11 (Attachment 1).

**Coastal Development Permit Findings (LIP Chapter 13)**

The project has been reviewed for conformance with the LCP by the Planning Department, the City Biologist, City Geologist, City Environmental Health and the City Public Works Department. Based on submitted reports and plans, visual analysis and site investigation, and as discussed throughout this report, the project, as conditioned,
complies with the provisions of the LCP applicable to non-beachfront residential development in the SFM zone. All of the required findings can be made and are fully enumerated in the attached Planning Commission Resolution No. 14-11.

**Variance Findings (LIP Section 13.26)**

The applicant is requesting a variance from LIP Section 3.6(J) which requires construction to be located on slopes less than 2½ to 1. The project site is constrained by geotechnical issues, a “Restricted Use Area” and steep slopes. A flat pad is located north of the proposed single-family residence; however, the flat pad is the only area that can accommodate an evapotranspiration AOWTS required for construction on the subject property. An evapotranspiration AOWTS is required for the subject property because it is a drip dispersal system that minimizes the amount of moisture from permeating into the ground at the project site. In addition, the proposed project includes construction on manufactured slopes created by artificial fill resulting from construction of Seagull Way. Currently, the Malibu LCP does not differentiate between natural and manufactured slopes; therefore, the proposed project includes a variance for construction on slopes in excess of 2½ to 1. Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. All of the required findings can be made and are fully enumerated in the attached Planning Commission Resolution No. 14-11.

**Site Plan Review Findings (LIP Section 13.27.5(A))**

LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review for construction in excess of the City's base 18 feet in height up to 28 feet for a pitched roof. Two additional findings are required pursuant to M.M.C. Section 17.62.050. The proposed residence is 28 feet as measured from the finished grade. Artificial fill will be removed from the project site to accommodate the construction of the single-family residence. Existing single-family homes are located at a lower elevation and the project will not obstruct visually impressive scenes of the adjacent neighbors’ primary views. In addition, the project site is at a lower elevation than PCH, therefore, the project will not result in scenic visual impacts. All of the required findings can be made and are fully enumerated in the attached Planning Commission Resolution No. 14-11.

**Hazards Findings (LIP Chapter 9)**

The project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7). According to the Seismic Hazards Map of the Malibu Beach Quadrangle, the site is located within an area subject to earthquake induced landslides. Slopes were analyzed by the geotechnical consultant, Coastline Geotechnical Consultant, Inc. for stability on the basis of cross-sections in the November 20, 2010 report. In order to meet the minimum factor
of safety, the project geotechnical consultant recommended a solider pile system to stabilize the building pad and designate an area south of the building pad as “Restricted Use Area.” A quantitative determination of the seismically-induced landsliding potential within the project area shall be performed as recommended by the project geotechnical engineer. The required findings are fully enumerated in the attached Planning Commission Resolution No. 14-11.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposal as described above. The Planning Department has found this project listed among the classes of projects determined to have less than significant adverse effect on the environment and therefore, exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines 15303 – New Construction. The Planning Department further determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: Staff sent out a courtesy notice on June 2, 2011 to property owners and occupants within 500 feet of the project site. When the story poles were installed, two neighbors across the street on the landward side of PCH contacted staff regarding view obstruction concerns. On August 8, 2013, staff conducted a site visit to the two neighbors’ residences and determined that the story poles are only visible from a second story element in their homes. Pursuant to M.M.C. Section 17.40.040(A)(17), a primary view must be taken from the ground floor unless the primary living area is not located on the ground floor; in both instances, their primary living area (living room, dining room, kitchen, etc.) were located on the ground floor. Staff explained to both neighbors’ why views from their second story could not be protected pursuant to the code during the site visit and provided them a copy of the code section. A third neighbor residing in a multiple-family complex located to the east submitted written correspondence regarding potential view obstruction based on a radius map; however, later retracted the opposition of the project due to view obstruction after seeing the story poles in person (Attachment 9).

Planning staff, the City Geologist and City Environmental Health Administrator met with several property owners and members of the Latigo Cove Property Owners Civic Association to review project plans and to discuss geological, septic and surface water disposal pertaining to the project. In July 2013, the HOA President was provided a copy of all geotechnical reports on file at the City at that time.

On November 5, 2013, the Association submitted a letter and a Geological Evaluation of the project site prepared by Feffer Geological Consulting, included as Attachment 6. Subsequently, the applicant submitted a Response Letter prepared by Mountain Geology, Inc. dated November 14, 2013 addressing the HOA’s concerns included as Attachment 7. The City Geologist has reviewed the HOA’s letter, the Feffer Geological Consulting Report and the Mountain Geology, Inc. Report. Based on the extensive
geotechnical investigations performed by Mountain Geology, Inc. and Hamilton & Associates on the project site and the City’s geotechnical review of the project, the City Geologist agrees with the responses by Mountain Geology, Inc. to the concerns raised in Feffer’s report and has conditionally approved the proposed project.

The HOA’s concerns, and MGI’s response are provided as follows:

1. The HOA believes no more water should go into the ground because a delicate balance has been achieved between the ground water removed by wells and the activity of the slide.

Installation and planting of vegetation which requires permanent irrigation is not part of the proposed project and Planning Resolution No. 14-11 includes a project specific condition of approval to that effect. Only temporary irrigation of drought-tolerant vegetation, using above-ground dripper lines, will be initially utilized until the vegetation is established. In addition, the proposed OWTS proposes a peak dosing rate of 0.093 to 0.117 gallons per day/square feet. MGI anticipates that the vast majority of effluent will evaporate and/or will be absorbed by the overlying vegetation for the majority of the year with little to no effluent moving downward through the subsurface. In summary, MGI exerts that future effluents released from the proposed evapotranspiration dosing fields are not anticipated to migrate toward or be transmitted into the unstable slope areas (i.e. the mapped landslide) located downslope of the project area and the proposed soldier-pile stabilization system.

2. There are no public drains on Latigo Shore Drive or Latigo Shore Place that can be simply used by the applicant. The street and all property are privately owned and the HOA is hopeful that the applicant not intending to simply discharge the groundwater onto a private road.

The City Public Works Department reviewed and conditionally approved civil plans for the project on July 12, 2012 which includes a new detention system and dispersal structure located downslope of the proposed single-family residence within the subject property boundaries. However, in October 2013, the applicant submitted revised plans showing the detention system in the same location but instead of a dispersal structure within the property boundaries, the detention system is proposed to be connected to an underground storm drain on Latigo Shore Place. On October 1, 2013, the City Public Works Department approved the revised site plan, adding a condition stating:

"Prior to issuance of any permits, the applicant shall submit a hydrology and hydraulic report for review to the Public Works Department. The hydrology and hydraulic report shall analyze the existing storm drainage system on Latigo Shore Place to demonstrate that the existing storm drain system is sufficient to convey the additional storm water flows from the proposed development. If the existing storm drainage system on Latigo Shore Place is insufficient, the
applicant shall install additional storm drain lines on Latigo Shore Place to adequately discharge the storm water flow from the proposed development to an existing outlet structure.”

The City Public Works Assistant Director/City Engineer opined that the best option for all parties is to have the storm water collected in a storm drain and discharged to the ocean. This will reduce the amount of storm water discharging from the property to the private road. This is the best option but will require the neighbors to agree on this. At the time of publication, the applicant has not submitted sufficient evidence to show that he has legal rights to connect to the existing storm drains or install new underground storm drain facilities on Latigo Shore Place, therefore, the applicant has decided to revert back to the previous plan and is proposing a dispersal structure within the subject property boundaries. As discussed previously, this iteration of the drainage plan was conditionally approved by the City Public Works Department on July 12, 2013. In addition, on December 12, 2013, the City Assistant Public Works Director / City Engineer provided the following statement via email to the Planning Department:

“The project has a storm water detention system that will be designed to meet our MC and LCP. The detention system will be designed to mitigate any additional storm water flows generated from this project to the downstream properties. In essence, they will be required to show that the storm flows after development will match before the development. It appears the property currently drains naturally to the private street. So long as the development does not add to the amount of storm water runoff, they can continue this.”

3. In May 2006, Mountain Geology Inc. advised a potential buyer that “...the subject property is located in a ‘geo-sensitive’ environment with clear evidence of past instability. Simply, it is currently our professional opinion that landslide debris underlies the subject property and the surrounding area. The report goes on to say that “...it may be economically challenging or even impossible to construct structures on the site in a manner which satisfies the 1.5 Slope Factor of Safety.”

In their November 14, 2013 Report, MGI explains that based on limited tasks performed as part of an initial study of the engineering geological study of the subject property in 2006, MGI concluded that the subject property is located within a “geo-sensitive” environment with clear evidence of past instability. MGI also concluded that the residential development may be economically challenging or even impossible. These same professional geological findings and opinions were conveyed to the current owner of the property; however, the current property owner opted to devote a considerable amount of time and expense to further study the subject property in order to conclusively determine if the project site could be safely developed. The current property owner has also accepted the economic ramifications of the provided design recommendations.
Based on the extensive amount of subsequent subsurface exploration, testing, analysis, and designed by the project consultants, it was ultimately demonstrated that the residential development of the subject property was feasible from an engineering geologic and geotechnical engineering standpoint provided that the recommendations of the Project Engineering Geologist, Project Geotechnical Engineer, and Project Environmental Health Specialist/Engineer are properly incorporated into the plans and implemented during construction and that the subject property and proposed structures are properly maintained.

4. The HOA requests the applicant to follow recommendations provided by the HOA’s Geologist. According to the November 4, 2013 Feffer report, the recommendations include:

- Installing a minimum of two inclinometers below the subject site in order to monitor ground movement below the new home before, during, and after development. The report suggested a minimum of three months of readings be taken prior to the development of the subject site in order to establish baseline readings and then monthly during installations of the pile foundations.
- Installing dewatering wells below the subject home in the “restricted use area” in an attempt to remove water that infiltrate into the ground surface from the new septic system and irrigation so that the affect on the landslide can be mitigated.
- Require an alternative foundation system for the septic system, such as piles similar to the proposed foundation for the new single-family residence, or complete removal and recompacktion of fill material to code-requirements.
- Require the City of Malibu to review the May 2, 2006 Mountain Geology, Inc. letter and suggest Mountain Geology, Inc. explain how they previously concluded that the subject property was unbuildable and why that differs from their current findings. Also, Mountain Geology, Inc. previously stated that a future seepage pit would have to be located a minimum of 150 feet from the existing wells on the north side of Gulls Way; therefore Mountain Geology, Inc. should explain the intention of that statement and if the proposed project is consistent with that recommendation.

MGI believes the installation of slope inclinometers and dewatering wells would serve no useful purpose and the City Geologist has reviewed the justifications provided in MGI’s November 14, 2013 report and agrees with MGI. The area located immediately downslope of the project site is underlain by historically-active and prehistoric landslide masses. Reactivation and/or additional movement of the mapped landslide masses before, during, or after the residential development of the subject property could happen due to factors not related the proposed site. In addition, the proposed residential development of the subject property will not impede the ability of the existing HOA dewatering wells to perform. In addition, the proposed project will have no adverse affect on groundwater conditions underlying the subject property or adjacent area,
therefore, the installation of dewatering wells within the site in order to restore a perceived groundwater balance status-quo is not necessary.

The proposed residence and associated soldier pile system will be founded into underlying bedrock with friction piles tied together with grade beams. Concrete slabs are not permitted over the proposed OWTS dosing field, therefore, any future settlement of the fill material underlying the proposed OWTS dosing fields will have no adverse affect on the proposed structure or the adjacent area.

5. The HOA is concerned that the project only proposes to stabilize the proposed single-family residence and not the rest of the property on which the slide occurs.

The City Geologist has confirmed that similar to all other projects, the proposed project is required to demonstrate that the proposed project will be free from geological hazards such as landslides, slippage, settlement and the proposed project will not have an adverse effect upon the stability of the site or adjacent properties provided. The applicant is not required to provide code-conforming slope stability below the project site.

6. The HOA would like to know what guarantees they have from the City and the applicant that if the calculations are incorrect and the slide starts to move again.

Based on geotechnical reports on file at the City, the proposed project has demonstrate that the proposed project will be free from geological hazards such as landslides, slippage, settlement and the proposed project will not have an adverse effect upon the stability of the site or adjacent properties.

7. The HOA would like to know what assurances they have that nothing will be built on the Restricted Use Area.

As proposed and conditioned, the project does not include any development, with the exception of drainage facilities in the Restricted Use Area. The permit may be subject to revocation if a condition of approval is violated.

8. The HOA is concerned that assumptions were made in estimating groundwater levels should the existing dewatering wells fail, without first obtaining information on the output of dewatering wells from the HOA.

Based on the findings of MGI's engineering geologic study of the site, MGI exerts that dewatering wells would serve no useful long-term purpose and would be an unnecessary expense to the developer. The rationale for this opinion is that the proposed project will not impede the ability of the existing HOA dewatering wells to perform; in addition, it has been demonstrated that the proposed project will have no adverse affect on the groundwater conditions underlying the subject property or adjacent area. The City
Geologist has reviewed the justifications provided in MGI's November 14, 2013 report and agrees with MGI.

9. The HOA is concerned that a portion of the house and the septic system appears to be built on fill based on a diagram cross section in Mountain Geology, Inc. report.

The project proposes approximately 745 cubic yards of understructure grading for the siting of the proposed single-family residence and basement. In addition, the proposed residence and associated solider pile system will be founded into bedrock with friction piles tied together with grade beams. The concrete slabs on grade are not permitted over the proposed OWTS dosing fields; therefore, any future settlement of the fill materials underlying the proposed OWTS dosing fields will have no adverse affect on the proposed structures or adjacent areas.

10. The HOA questions "why all of the variances on a project like this are being granted, especially in a situation where so many other people could be affected."

The project only includes one variance. The variance is for construction on slopes. The project site is constrained by geotechnical issues, a "Restricted Use Area" and steep slopes. A flat pad is located north of the proposed single-family residence; however, the flat pad is the only area that can accommodate an evapotranspiration AOWTS required for construction on the subject property; therefore, the proposed residence is proposed on slopes in excess of 2½ to 1.

As discussed previously, based on the extensive geotechnical investigations performed by Mountain Geology, Inc. and Hamilton & Associates on the project site and the City's geotechnical review of the project, the City Geologist agrees with the responses by Mountain Geology, Inc. to the concerns raised in Feffer's report and has conditionally approved the project. The City Geologist will be present at the hearing to answer any geotechnical questions.

PUBLIC NOTICE: Staff published a Public Hearing Notice in a newspaper of general circulation within the City of Malibu on October 24, 2013 and mailed the notice to all property owners and occupants within a 500 foot radius of the subject property (Attachment 9).

SUMMARY: The required findings can be made that the project complies with the LCP. Further, the Planning Department’s findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 14-11. The project has been reviewed and conditionally approved for conformance with the LCP and M.M.C. by staff and appropriate City and County agencies.
ATTACHMENTS:

1. Planning Commission Resolution No. 14-11
2. Aerial Photograph
3. Project Plans
4. Department Review Sheets
5. Story Poles Photographs
7. Mountain Geology, Inc. Response to HOA Concerns
8. Correspondence
9. Public Hearing Notice / Mailer
CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 14-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU APPROVING COASTAL DEVELOPMENT PERMIT NO. 11-019, VARIANCE NO. 13-011 AND SITE PLAN REVIEW NO. 11-008 FOR A 5,820 SQUARE FOOT, TWO-STORY SINGLE-FAMILY RESIDENCE WITH 499 SQUARE FOOT ATTACHED GARAGE, DRIVEWAY, RETAINING WALL, FIRE-DEPARTMENT TURNAROUND, GRADING, DRAINAGE IMPROVEMENTS, LANDSCAPING, SOLIDER PILE SYSTEM AND AN EVAPOTRANSPIRATION ONSITE WASTEWATER TREATMENT SYSTEM, INCLUDING A VARIANCE FOR CONSTRUCTION ON SLOPES IN EXCESS OF 2½ TO 1 AND A SITE PLAN REVIEW FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT, LOCATED AT 26714 SEAGULL WAY IN THE SINGLE-FAMILY — MEDIUM DENSITY ZONING DESIGNATION (HAAGEN FAMILY TRUST)

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

Section 1. Recitals.

A. On May 3, 2011, the applicant, Eric Rochen submitted Coastal Development Permit (CDP) No. 11-019, Variance (VAR) No. 13-011 and Site Plan Review (SPR) No. 11-008 on behalf of property owner, Haagen Family Trust to the City for review. The application was routed to appropriate City and County agencies for Local Coastal Program (LCP) conformance review.

B. On June 2, 2011, a Courtesy Notice was mailed to all property owners and occupants within a 500 foot radius of the subject property.

C. On June 24, 2013, a Notice of Coastal Development Permit Application was posted at the site.

D. On June 18, 2013, a site visit to the subject property was conducted to inspect the existing site conditions and to photograph story poles and evaluate potential public and private scenic and visual impacts.

E. On July 15, 2013, the subject application was deemed complete.

F. On July 25, 2013, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

G. On August 19, 2013, the project was continued to September 16, 2013 regular Planning Commission meeting.

H. On September 16, 2013, the project was continued to a date uncertain.
I. On October 24, 2013, a Notice of Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500 foot radius of the subject property.

J. On November 18, 2013, the project was continued to the January 6, 2014 regular Planning Commission meeting.

K. On January 6, 2014, the Planning Commission continued this item to the regularly scheduled meeting of February 3, 2014.

L. On February 3, 2014, the Planning Commission held a duly noticed public hearing on the subject applications, reviewed and considered the staff report, reviewed and considered written reports, public testimony and other information in the record.

Section 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposal as described above. The Planning Commission has also found that the proposed project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment, and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared and issued pursuant to CEQA Guidelines Section 15303 – New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines, Section 15300.2).

Section 3. Coastal Development Permit Approval and Findings.

Based on substantial evidence contained within the record and pursuant to Sections 13.7(B) and 13.9 of the LCP Local Implementation Plan (LIP), the Planning Commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 11-019, VAR No. 13-011 and SPR No. 11-008 for a 5,820 square foot, two-story single-family residence with 499 square foot attached garage, driveway, retaining wall, fire-department turnaround, grading, drainage improvements, landscaping, soldier pile system and an evapotranspiration onsite wastewater treatment system, including a variance for construction on slopes in excess of 2½ to 1 and a site plan review for height in excess of 18 feet.

The proposed project has been reviewed by the City Biologist, City Geologist, City Environmental Health Administrator, City Public Works Department, and the Los Angeles County Fire Department (LACFD). The project is consistent with the LCP’s zoning, grading and onsite wastewater treatment requirements. The project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies. The required findings are made herein.
A. General Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all CDPs.

Finding A1. That the project as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified City of Malibu Local Coastal Program.

The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Environmental Health Administrator, City Geologist, City Public Works Department, City Biologist, and the LACFD. The proposed project, as conditioned, conforms to the LCP in that it meets all residential development standards.

Finding A2. The project is located between the first public road and the sea. The project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The project is located between the first public road and the sea but will not impact public access or recreation because the project site is located inland and not along the shoreline. The project will not result in significant impacts on public access or recreation. The project conforms to the public access and recreation policies of the Coastal Act of 1976.

Finding A3. The project is the least environmentally damaging alternative.

Pursuant to the California Environmentally Quality Act (CEQA), this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment and is categorically exempt from CEQA. The proposed project would not result in significant adverse effects on the environment, within the meaning of CEQA, and there are no feasible alternatives that would further reduce any impacts on the environment. The proposed project allows for a 5,820 square foot, two-story single-family residence with 499 square foot attached garage, driveway, retaining wall, fire-department turnaround, grading, drainage improvements, landscaping, soldier pile system and an OWTS, all of which are permitted uses within the rural residential zoning classification of the subject property. The project will not result in potentially significant impacts on the physical environment.

Three alternatives were considered to determine which was the least environmentally damaging.

No Project – The no project alternative would avoid any change to the project site, and hence, any change to visual resources. The project site is zoned SF-M which allows for single-family residential development. The no project alternative would not accomplish any of the project objectives; and therefore, is not viable.

Alternative Location – An alternative location could be proposed; however, an alternative location may site the proposed residence in the “Restricted Use Area” or site a larger portion of the residence on steep slopes. Due to the topography and geotechnical constraints of the lot, it is not anticipated that an alternative location would offer significant environmental advantages.
Proposed Project – The subject property is underlain by recently active and prehistoric landslides. The southern portion of the parcel is characterized by steep slopes and is considered a “Restricted Use Area.” Due to the geological constraints on the property, an evapotranspiration OWTS is proposed to minimize the amount of moisture permeating into the ground. Additionally, the proposed project would improve site stability by including a solder pile foundation system.

The selected location has been reviewed and conditionally approved by the City Environmental Health Administrator, City Biologist, City Geologist, City Public Works Department and the LACFD, and meets the City’s residential development policies. Therefore, the project, as proposed, is the least damaging alternative.

Finding A4. If the project is located in or adjacent to an environmentally sensitive habitat area pursuant to Chapter 4 of the Malibu LIP (ESHA Overlay), that the project conforms with the recommendations of the Environmental Review Board, or if it does not conform with the recommendations, findings explaining why it is not feasible to take the recommended action.

Pursuant to the LCP ESHA Overlay Map, the project site is not ESHA or located within an ESHA buffer. Pursuant to LIP Section 4.4.4(E), “new structures within existing, developed neighborhoods where the new structures will be located over 200 feet from an ESHA, as shown on the ESHA overlay map” shall not be subject to the provisions of LIP Section 4.4.2 with regard to the supplemental application requirement of a detailed biological study of the site, and shall not be subject to review by the Environmental Review Board (ERB).

B. Variance for Construction on Slopes in Excess of 2½ to 1 (LIP Section 13.26)

The applicant is requesting a variance from LIP Section 13.27.1(A)(4) which requires construction to be located on slopes less than 2½ to 1. The proposed project includes construction on manufactured slopes created by artificial fill resulting from the construction of Seagull Way. Currently, the Malibu LCP does not differentiate between natural and manufactured slopes; therefore, the proposed project includes a variance for construction on slopes in excess of 2½ to 1. Pursuant to LIP Section 13.26.5, the Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes ten findings of fact. Based on the evidence in the record, the findings in support of VAR No. 11-014 are made as follows.

Finding B1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

The project site is constrained by geotechnical issues, a “Restricted Use Area” and steep slopes. A flat pad is located north of the proposed single-family residence; however, the flat pad is the only area that can accommodate an evapo-transpiration AOWTS required for construction on the subject property. An evapo-transpiration AOWTS is required for the subject property because it is a drip dispersal system that minimizes the amount of moisture from permeating into the ground at the project site. In addition, the proposed project includes construction on manufactured slopes created by artificial fill resulting from construction of Seagull Way. Due to these special circumstances, the project necessitates construction of the single-family residence on slopes steeper than 2½ to 1. Due
to the topography and the slope instability of the remaining area on the project site, strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under the same zoning designation.

Finding B2. The granting of such variance will not be detrimental to the public interest, safety, health or welfare, and will not be detrimental or injurious to the property or improvements in the same vicinity and zone(s) in which the property is located.

The project will meet all applicable building and engineering safety codes and will not be detrimental to the public's interest, safety, health or welfare. The proposed residence and all development will be located out of the "Restricted Use Area" as recommended by the project geotechnical engineer. The proposed project also includes a soldier pile system to stabilize the project site. The project will not be detrimental to other properties or improvements in the same vicinity and zone.

The proposed project has been reviewed and approved by the City Biologist, City Environmental Health Administrator, City Geologist, City Public Works Department, and the LACFD. The project, as proposed or conditioned, was found to be consistent with applicable City goals and policies.

Finding B3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

As discussed in Finding B1, granting the variance will not constitute a special privilege to the applicant or property owner because there are special circumstances on the project site that strict application of the zoning ordinance would deprive the property to be developed similarly to other properties within the vicinity and under the same zoning designation.

Finding B4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

Granting the variance is not contrary to or in conflict with the general purposes or intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As discussed in Finding B1, granting the requested variance will allow a portion of the proposed residence to be within the footprint of the previous residence.

Finding B5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in Section 4.7 of the Malibu LIP.

The proposed variance does not propose the reduction of ESHA protection standards. Therefore, this finding is not applicable.

Finding B6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by Chapter 2 of the Malibu LIP.

The proposed variance is not associated with stringline standards. Therefore, this finding is not applicable.
Finding B7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The requested variance is for relief from a specific development standard and does not authorize a use or activity not otherwise permitted in the SF-M zoning district. The requested variance is for construction on slopes in excess of 2½ to 1 in order to accommodate a new single-family residence on the project site.

Finding B8. The subject site is physically suitable for the proposed variance.

Granting the variance will allow construction of a new single-family residence in an area that will be geologically re-enforced by a soldier pile system and out of the “Restricted Use Area” as recommended by the project geotechnical engineer. Additionally, the project will be required to satisfy all Building and Safety standards in the Building Plan Check process. The subject site is physically suitable for the proposed variance.

Finding B9. The variance complies with all requirements of state and local law.

The proposed project will comply with all applicable requirements of State and local law and is conditioned to comply with any relevant approvals, permits and licenses from the City of Malibu and the LACFD.

Finding B10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

The proposed project does not include any reduction or elimination of public parking for access to the beach, public trails or parklands.

C. Site Plan Review for Structure Height in Excess of 18 feet (LIP Section 13.27.5)

LIP Section 13.27.5(A) requires that the City make four findings in the consideration and approval of a site plan review for construction in excess of the City’s base 18 feet in height up to 28 feet for a pitched roof. Two additional findings are required pursuant to M.M.C. Section 17.62.050. The proposed residence is 28 feet as measured from the finished grade. Based on the evidence contained within the record, the required findings for SPR No. 10-041 are made as follows.

Finding C1. The project is consistent with policies and provisions of the Malibu LCP.

The project has been reviewed for compliance with all relevant policies and provisions of the LCP. Based on site visits, inspections, and review of the visual analysis, it has been determined that the project is consistent with all LCP policies and provisions.

Finding C2. The project does not adversely affect neighborhood character.

Story poles were placed on the subject property to demonstrate the project’s potential for aesthetic
changes to the site relative to neighboring properties. On June 18, 2013, a site visit was conducted to inspect the story poles after installation. As demonstrated by the story poles, the project’s height and mass are similar to existing single-family residences within the same neighborhood. The project, as proposed and conditioned, does not adversely affect neighborhood character.

Finding C3. The project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

PCH, a designated Scenic Highway in the Malibu LUP, is located directly north of the subject property at a higher elevation. A berm shields the majority of the project from view from PCH; however, the story poles are fleetingly visible from a small break in the berm. In addition, the project site is at a lower elevation than PCH. Therefore, the project provides maximum feasible protection to significant public views.

Finding C4. The proposed project complies with all applicable requirements of state and local law.

The proposed project has received LCP conformance review by Planning Department, the City Biologist, City Environmental Health Administrator, City Geologist, the City Public Works Department and the LACFD. Prior to issuance of building permits, the project must have final approval by the City Environmental Sustainability Department. The proposed project complies with all applicable requirements of state and local law.

Finding C5. The project is consistent with the City’s general plan and local coastal program.

Parcels in the immediate vicinity are also zoned for residential use. The project is consistent with the rural residential designation for the site as noted in the General Plan and LCP and immediate vicinity.

Finding C6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The proposed residence has a pitched roof with a maximum roof height of 28 feet. Single-family residences located within the neighboring properties are located to the east, west, and south of the project site and have views oriented toward the Pacific Ocean. When the story poles were installed in June 2013, two neighbors across the street on the landward side of PCH contacted staff regarding view obstruction concerns. On August 8, 2013, staff conducted a site visit to the two neighbors’ residences and determined that the story poles are only visible from a second story element in their homes. Pursuant to M.M.C. Section 17.40.040(A)(17), a primary view must be taken from the ground floor unless the primary living area is not located on the ground floor; in both instances, their primary living area (living room, dining room, kitchen, etc) were located on the ground floor. Staff explained to both neighbors’ why views from their second story could not be protected pursuant to the code during the site visit and provided them a copy of the code section. A third neighbor residing in a multiple-family complex located to the east submitted written correspondence regarding potential view obstruction based on a radius map; however, later retracted the opposition of the project due to view obstruction after seeing the story poles in person. Based on evaluation and site inspections, the story poles do not appear to result in obstruction of visually impressive scenes of the Pacific Ocean,
off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in M.M.C. Section 17.40.040(A)(17).

D. Environmentally Sensitive Habitat Area (LIP Chapter 4)

According to the LCP ESHA Overlay Map, the subject site does not contain ESHA. Pursuant to LIP Section 4.4.4(E), “new structures within existing, developed neighborhoods where the new structures will be located over 200 feet from an ESHA, as shown on the ESHA overlay map” shall not be subject to the provisions of LIP Section 4.4.2 with regard to the supplemental application requirement of a detailed biological study of the site, and shall not be subject to review by the Environmental Review Board (ERB). The findings in LIP Chapter 4 are not applicable.

E. Native Tree Protection (LIP Chapter 5)

No native trees are proposed to be removed as part of the project scope of work; therefore, the findings in LIP Chapter 5 are not applicable.

F. Scenic, Visual and Hillside Resource Protection (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, or provide views to or is visible from any scenic area, scenic road or public viewing area. A berm shields the majority of the project from view from PCH; however, the story poles are fleetingly visible from a small break in the berm. In addition, the project site is at a lower elevation than PCH. Therefore, the findings in LIP Chapter 6 are not applicable.

G. Transfer of Development Credits (LIP Chapter 7)

Pursuant to LIP Section 7.2 the regulations requiring a transfer of development credit apply to any action to authorize a CDP for a land division or multi-family development. This CDP does not involve a land division or construction of multi-family development. Therefore, LIP Chapter 7 does not apply.

H. Hazards (LIP Chapter 9)

Pursuant to LIP Section 9.3, written findings of fact, analysis and conclusions addressing geologic, flood and fire hazards, structural integrity or other potential hazard must be included in support of all approvals, denials or conditional approvals of development located on a site or in an area where it is determined that the proposed project causes the potential to create adverse impacts upon site stability or structural integrity. The project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7).

In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and / or geotechnical engineer's recommendations and governing agency's building codes are followed. The required findings provided by LIP Section 9.3 are made as follows.
Finding HI. The project, as proposed will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.

The applicant submitted an Engineering Geologic Study prepared by Mountain Geology, Inc. dated October 22, 2010 and four addendum reports and a Geotechnical Engineering Report prepared by Coastline Geotechnical Consultants, Inc. dated November 30, 2010 and two addendum reports. These reports are on file at City Hall. In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues.

Based on review of the above referenced reports, City GIS and associated information, it has been determined that:

1. The property is located within an earthquake-induced landslide zone;
2. The project site is not located within an earthquake fault zone;
3. The property is not located within the liquefaction zone;
4. Due to the elevation and distance from the coastline, the project site is at minimal risk of being impacted by tsunamis;
5. The development site is not located in a Federal Emergency Management Agency (FEMA) identified flood hazard area; and
6. The project site is located within an extreme fire hazard area.

The City Geologist, City Public Works Department, and LACFD have reviewed the project and found that there were no substantial risks to life and property related to any of the above hazards provided that their recommendations and those contained in the associated geotechnical reports are incorporated into the project design.

Landslide Hazard

According to the Seismic Hazards Map of the Malibu Beach Quadrangle, the site is located within an area subject to earthquake induced landslides. Slopes were analyzed by the geotechnical consultant, Coastline Geotechnical Consultant, Inc. for stability on the basis of cross-sections in the November 20, 2010 report. In order to meet the minimum factor of safety, the project geotechnical consultant recommended a soldier pile system to stabilize the building pad and designate an area south of the building pad as “Restricted Use Area”. A quantitative determination of the seismically-induced landsliding potential within the project area shall be performed as recommended by the project geotechnical engineer. Said results shall be provided to the City Geologist for review in the building plan check process. The project will incorporate all recommendations contained in the above cited geotechnical reports and all foundation plans will be reviewed by the geotechnical consultant prior to permit issuance. The proposed soldier pile system serves to isolate and protect the proposed residence and OWTS from any future movement of the mapped landslides. With the inclusion of the soldier pile system, the proposed project meets the minimum 1.5 factor of safety requirement.
Fire Hazard

The entire city limits of Malibu are located within the fire hazard zone. The City is served by the LACFD, as well as the California Department of Forestry, if needed. In the event of major fires, the County has mutual aid agreements with cities and counties throughout the state so that additional personnel and firefighting equipment can augment the LACFD. As such, the proposed project as conditioned will not be subject to nor increase the instability of the site or structural integrity involving wild fire hazards. The condition of approval included in Planning Commission Resolution No. 11-91 requires that the property owner indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from development on a beach and wildfire exists as an inherent risk to life and property. In addition, the LACFD has determined that the project is required to have 1,000 gallons per minute at 20 pounds per square inch for a two-hour duration fire flow rate. The applicant/property owner is required to provide fire flow information to the LACFD during Building Plan Check to satisfy LACFD requirements.

The project will incorporate all recommendations contained in the above cited geotechnical reports and conditions required by the City Geologist, City Public Works Department and the LACFD. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards. Final plans will be reviewed and approved by the City Geologist prior to the issuance of a building permit.

Finding H2. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood or fire hazards due to required project modifications, landscaping or other conditions.

As discussed previously in Finding H1, the proposed project, as designed, conditioned, and approved by the City Geologist, City departments and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity.

Finding H3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As discussed previously in Finding A3, the project, as proposed and conditioned, is the least environmentally damaging alternative.

Finding H4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

As discussed previously in Finding A1, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity.
Finding H5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed previously in Finding H1, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on site stability or structural integrity. Therefore, no adverse impacts are anticipated to hazards or to sensitive resource protection policies contained in the LCP.

I. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project is not located along the shoreline or on a bluff; therefore, the findings in LIP Chapter 10 are not applicable.

J. Public Access (LIP Chapter 12)

LIP Chapter 12 requires public access for lateral, bluff-top, and vertical access near the ocean, as well as trail access, and recreational access when applicable. The project is not located along the shoreline; therefore, does not have the potential to offer lateral or vertical access to the ocean. The project is not located on a bluff; therefore, blufftop access is not applicable. No trails are located within the project vicinity. The proposed project will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources; therefore, the findings in LIP Chapter 12 are not applicable.

K. Land Division (LIP Chapter 15)

This project does not involve a division of land as defined in LIP Section 15.1. Therefore, the findings in LIP Chapter 15 do not apply.

L. Onsite Wastewater Treatment System (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design and performance requirements. The project includes an AOWTS which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP. The proposed AOWTS will meet all applicable requirements and operating permits will be required. The new system will utilize a 1,500 gallon tank with ultraviolet disinfection. The system will also utilize three different zones of drip dispersal fields.

An operation and maintenance contract and recorded covenant covering such must be in compliance with City of Malibu Environmental Health requirements. Conditions of approval have been included in this resolution which requires continued operation, maintenance and monitoring of onsite facilities.
Section 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves Coastal Development Permit No. 11-019 and associated requests, subject to the following conditions.

Section 5. Conditions of Approval.

1. The property owners, and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City’s expenses incurred in its defense of any lawsuit challenging the City’s actions concerning this project.

2. Approval of this application is to allow for the project described herein. The scope of work approved includes:

   a. 5,820 square foot single-family residence (4,017 first story, 1,803 second story)
   b. 499 square foot attached garage;
   c. Associated decks and walkways;
   d. Soldier pile foundation system;
   e. Driveway;
   f. Retaining wall;
   g. Fire-Department turnaround;
   h. Drainage improvements;
   i. Landscaping;
   j. Grading;
   k. Decomposed granite driveway and fire department turnaround; and
   l. Evapo-transpiration AOWTS

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, dated October 9, 2013. In the event the project plans conflict with any condition of approval, the condition shall take precedence.

4. Pursuant to LIP Section 13.18.2, this permit and rights conferred in this approval shall not be effective until the property owner signs and returns the Acceptance of Conditions Affidavit accepting the conditions set forth herein. The applicant shall file this form with the Planning Department within 10 days of this decision and prior to issuance of any development permits.

5. The applicant shall submit three (3) complete sets of plans to the Planning Department for consistency review and approval prior to the issuance of any building or development permits.

6. This resolution, signed Affidavit and all referral sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental and
Building Safety Division for plan check, and the City of Malibu Public Works/Engineering Services Department for an encroachment permit (as applicable).

7. The coastal development permit shall be null and void if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be granted by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized prior to expiration of the three-year period and shall set forth the reasons for the request.

8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Manager upon written request of such interpretation.

9. All structures shall conform to requirements of the City of Malibu Environmental and Building Safety Division, City Geologist, City Environmental Health Administrator, City Biologist, City Coastal Engineer, City Public Works Department, Los Angeles County Water District No. 29 and the Los Angeles County Fire Department, as applicable. Notwithstanding this review, all required permits shall be secured.

10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Manager, provided such changes achieve substantially the same results and the project is still in compliance with the Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.

11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission, have been exhausted. In the event that the California Coastal Commission denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

12. Prior to final planning approval, the property owner shall provide a copy of a valid Operating Permit pursuant to Malibu Municipal Code Section 15.14.030 or an Operating Permit application fee receipt.

**Cultural Resources**

13. In the event that potentially important cultural resources are found in the course of geologic testing or during construction, work shall immediately cease until a qualified archaeologist can provide an evaluation of the nature and significance of the resources and until the Planning Director can review this information. Thereafter, the procedures contained in LIP Chapter 11 and those in M.M.C. Section 17.54.040(D)(4)(b) shall be followed.
14. If human bone is discovered during geologic testing or during construction, work shall immediately cease and the procedures described in Section 7050.5 of the California Health and Safety Code shall be followed. Section 7050.5 requires notification of the coroner. If the coroner determines that the remains are those of a Native American, the applicant shall notify the Native American Heritage Commission by phone within 24 hours. Following notification of the Native American Heritage Commission, the procedures described in Section 5097.94 and Section 5097.98 of the California Public Resources Code shall be followed.

Building Plan Check

Solid Waste

15. The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall.

Geology

16. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City Geologist shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by the City Geologist prior to the issuance of a grading permit.

17. Final plans approved by the City Geologist shall be in substantial conformance with the approved CDP relative to construction, grading, sewage disposal and drainage. Any substantial changes may require a CDP amendment or a new CDP.

Onsite Wastewater Treatment System

18. Prior to the issuance of a building permit the applicant shall demonstrate, to the satisfaction of the Building Official, compliance with the City of Malibu’s Onsite Wastewater Treatment regulations including provisions of LIP Section 18.9 related to continued operation, maintenance and monitoring of the AOWTS.

19. Prior to final Environmental Health approval, a final AOWTS plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the Malibu Plumbing Code (MPC) and the LCP, including necessary construction details, the proposed drainage plan for the developed property and the proposed landscape plan for the developed property. The AOWTS plot plan shall show essential features of the AOWTS and must fit onto an 11 inch by 17 inch sheet leaving a five inch margin clear to provide space for a City applied legend. If the scale of the plans is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18 inches by 22 inches).

20. A final design and system specifications shall be submitted as to all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed AOWTS. For all AOWTS, final design drawings and calculations must be signed by a California registered civil engineer, a registered
environmental health specialist or a professional geologist who is responsible for the design. The final AOWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer’s wet signature, professional registration number and stamp (if applicable).

21. Any above-ground equipment associated with the installation of the AOWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.

22. The final design report shall contain the following information (in addition to the items listed above).
   a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day, and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design;
   b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for "package" systems; and conceptual design for custom engineered systems;
   c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day and gallons per square foot per day. Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak AOWTS effluent flow, reported in units of gallons per day). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units and building occupancy characteristics; and
   d. All final design drawings shall be submitted with the wet signature and typed name of the AOWTS designer. If the scale of the plan is such that more space is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18 inch by 22 inch, for review by Environmental Health). Note: For AOWTS final designs, full-size plans are required for review by Building Safety and/or Planning.

23. A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive notice to any successors in interest that: 1) the private sewage disposal system serving the
development on the property does not have a 100 percent expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)), and 2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in the use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental Sustainability Department.

24. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.

25. An operations and maintenance manual specified by the AOWTS designer shall be submitted to the City Environmental Health Administrator. This shall be the same operations and maintenance manual submitted to the owner and/or operator of the proposed AOWTS following installation.

26. Prior to final Environmental Health approval, a maintenance contract executed between the owner of the subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed AOWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.

27. Prior to final Environmental Health approval, a covenant which runs with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder's Office. Said covenant shall serve as constructive, notice to any future purchaser for value that the AOWTS serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 10). Said covenant shall be provided by the City of Malibu Environmental Health Administrator and shall be submitted to the City of Malibu with proof of recordation by the Los Angeles County Recorder.

28. The City Geologist and Geotechnical Engineer's final approval shall be submitted to the City Environmental Health Administrator.

29. The City Biologist's final approval shall be submitted to the City Environmental Health Administrator. The City Biologist shall review the AOWTS design to determine any impact on Environmentally Sensitive Habitat Area if applicable.

30. In accordance with M.M.C. Chapter 15.14, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit.
31. The non-exempt grading for the project shall not exceed a total of 1,000 cubic yards, cut and fill.

32. The Total Grading Yardage Verification Certificate (dated April 9, 2013) shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitute may be accepted.

33. This project proposes grading on slopes equal to or greater than 25 percent. Grading permits shall not be issued between November 1 and March 31 each year. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1.

34. The applicant shall present evidence reflecting the right to discharge to the driveway, Latigo Shore Drive, and that the properties on Latigo Shore Drive will not be impacted by flooding caused by discharge of drainage on the driveway. A Grading and Drainage Plan containing the following information shall be approved, and submitted to the Public Works Department, prior to the issuance of grading permits for the project. Special attention shall be directed to the proposed point of discharge.
   a. The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks);
   b. The limits of land to be disturbed during project development shall be delineated and a total area shall be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading, areas disturbed for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated;
   c. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
   d. Private storm drain systems shall be shown on this plan. Systems greater than 12 inch in diameter shall also have a plan and profile for the system included with this plan.

35. A Wet Weather Erosion and Sediment Control Plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits if grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
   a. Locations where concentrated runoff will occur;
   b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
   c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
   d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.

36. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted for review and approval by the Public Works Department prior to issuance of building permits. This plan shall include:
a. Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff;
b. Designated areas for the construction portable toilets that separates them from storm water runoff and limits the potential for upset; and
c. Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.

37. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.

38. A Storm Water Management Plan (SWMP) shall be submitted for review and approval of the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations.

39. Earthmoving during the rainy season (extending from November 1 to March 31) shall be prohibited for development that includes grading on slopes greater than 4 to 1. Approved grading operations shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the Planning Director or Deputy Building Official determines that completion of grading would be more protective of resources.

40. The Deputy Building Official may approve grading during the rainy season to remediate hazardous geologic conditions that endanger public health and safety.

41. Exported soil from a site shall be taken to the Los Angeles County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with LIP Section 8.3.

42. All cut and fill slopes shall be stabilized with landscaping at the completion of final grading.

Water Quality/ Water Service

43. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve letter from Los Angeles County Waterworks District No. 29 to the Planning department indicating the ability of the property to receive adequate water service.

Construction / Framing

44. Construction hours shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. No construction activities shall be permitted on Sundays or City-designated holidays.
45. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.

46. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
   a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
   b. Grading activities shall be planned during the southern California dry season (April through October).
   c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
   d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.

47. When framing is complete, a site survey shall be prepared by a licensed civil engineer or architect that states the finished ground level elevation and the highest roof member elevation. Prior to the commencement of further construction activities, said document shall be submitted to the assigned Building Inspector and Planning department for review and sign off on framing.

Lighting

48. Exterior lighting shall be minimized, shielded, or concealed and restricted to low intensity features, so that no light source is directly visible from public view. Permitted lighting shall conform to the following standards:

   a. Lighting for walkways shall be limited to fixtures that do not exceed two feet in height and are directed downward, and limited to 850 lumens (equivalent to a 60 watt incandescent bulb);
   b. Security lighting controlled by motion detectors may be attached to the residence provided it is directed downward and is limited to 850 lumens;
   c. Driveway lighting shall be limited to the minimum lighting necessary for safe vehicular use. The lighting shall be limited to 850 lumens;
   d. Lights at entrances as required by the Building Code shall be permitted provided that such lighting does not exceed 850 lumens;
   e. Site perimeter lighting shall be prohibited; and
   f. Outdoor decorative lighting for aesthetic purposes is prohibited.
49. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness. Lighting levels on any nearby property from artificial light sources on the subject property(ies) shall not produce an illumination level greater than one foot candle.

50. Night lighting from exterior and interior sources shall be minimized. All exterior lighting shall be low intensity and shielded directed downward and inward so there is no offsite glare or lighting of natural habitat areas. High intensity lighting of the shore is prohibited.

**Biology/Landscaping**

51. Invasive plant species, as determined by the City of Malibu, are prohibited.

52. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

53. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as copper arsenate.

54. The landscape and fuel modification plan has been conditioned to protect natural resources in accordance with the Local Coastal Program. All areas shall be planted and maintained as described in the landscape and fuel modification plan. Failure to comply with the landscape conditions is a violation of the conditions of approval for this project.

55. Grading shall be scheduled only during the dry season from April 1 through October 31. If it becomes necessary to conduct earthmoving activities from November 1 through March 31, a comprehensive erosion control plan shall be submitted to the City Biologist for approval prior to the issuance of a grading permit and implemented prior to initiation of vegetation removal and/or earthmoving activities.

56. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the LACFD. Lawns are prohibited on slopes > 5%.

57. Site preparation activities (e.g. grubbing, grading, etc.) scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Should active nest be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that that nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to any vegetation removal onsite.

58. Installation and planting of vegetation which requires permanent irrigation is prohibited.
Fire Department

59. The applicant shall submit a Final Fuel Modification Plan to the LACFD for approval prior to the issuance of final building permits.

60. A hydrant is required for the proposed project. The applicant shall submit plans to the LACFD for approval of the hydrant during Building Plan Check.

Prior to Occupancy

61. Prior to issuing a Certificate of Occupancy, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.

62. Prior to Final Building inspection, the applicant shall provide the Environmental Sustainability Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the final Summary Report.

63. The applicant shall request a final planning inspection prior to final inspection by the City of Malibu Environmental and Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.

64. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Deed Restrictions

65. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff, and that the property owner assumes said risks and waives any future claims of damage or liability against the City of Malibu and agrees to indemnify the City of Malibu against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.
66. The property owner is required to execute and record a deed restriction which shall indemnify and hold harmless the City, its officers, agents, and employees against any and all claims, demands, damages, costs and expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property. The property owner shall provide a copy of the recorded document to Planning department staff prior to final planning approval.

Fixed Conditions

67. This coastal development permit shall run with the land and bind all future owners of the property.

68. Violation of any of the conditions of this approval may be cause for revocation of this permit and termination of all rights granted there under.

Section 6. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 3rd day of February 2014.

__________________________
MIKKE PIERSON, Planning Commission Chair

ATTEST:

__________________________
PATRICIA SALAZAR, Recording Secretary

LOCAL APPEAL - A decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within 10 days and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org, in person at City Hall, or by calling (310) 456-2489, ext. 245.

COASTAL COMMISSION APPEAL – An aggrieved person may appeal the Planning Commission’s decision to the Coastal Commission within 10 working days of the issuance of the City’s Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.
I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-11 was passed and adopted by the Planning Commission of the City of Malibu at the Regular meeting held on the 3rd day of February 2014, by the following vote:

AYES: 
NOES: 
ABSTAIN: 
ABSENT: 

PATRICIA SALAZAR, Recording Secretary
GEOTECHNICAL REVIEW SHEET

Project Information
Date: March 20, 2013
Site Address: 26714 Seagull Way
Lot/Tract/PM #: Planning #: CDP 11-019
Applicant/Contact: Eric Rochin, wildmandesign@gmail.com
Contact Phone #: 310-317-4858
Fax#: 310-456-5410
Project Type: New single-family residential development

Submittal Information
Consultant(s) / Report Date(s): Mountain Geology, Inc. (Holt, CEG 2282): 3-6-13, 8-28-12, 7-25-11
(revised 2-27-12), 10-22-10
Hamilton & Associates (Martin, RCE 563): 1-16-13
Coastline Geotechnical Consultants, Inc. (Martin, RGE 563): 11-12-12, 7-12-12, 11-30-10
EPD Consultants (Poffenbarger, RCE 69089): 2-28-13, 11-11-11, 1-5-11
Building Plans prepared by Wildman Design dated April 5, 2011.

Previous Reviews: 8-17-12, 5-26-12, Geotechnical Review Referral Sheet dated 5-5-11

Review Findings

Coastal Development Permit Review
☒ The project is APPROVED from a geotechnical perspective.
☐ The project is NOT APPROVED from a geotechnical perspective. The listed ‘Review Comments’ shall be addressed prior to approval.

Building Plan-Check Stage Review
☒ Awaiting Building plan check submittal. Please respond to the listed ‘Building Plan-Check Stage Review Comments’ AND review and incorporate the attached ‘Geotechnical Notes for Building Plan Check’ into the plans.
☐ APPROVED from a geotechnical perspective. Please review the attached ‘Geotechnical Notes for Building Plan Check’ and incorporate into Building Plan-Check submittals.
☐ NOT APPROVED from a geotechnical perspective. The listed ‘Building Plan-Check Stage Review Comments’ shall be addressed prior to Building Plan-Check Stage approval.

Remarks
The referenced addendum reports were reviewed by the City from a geotechnical perspective. The project includes constructing a new 5,679 square foot two-story single-family residence and attached garage and installing a new onsite wastewater treatment system (OWTS) consisting of a treatment system and a geoflow evapotranspiration absorption dispersal field for effluent (three zones totaling 5,372 square feet; average guidelines for geotechnical reports (dated February 2002) are available on the City of Malibu web site:
http://www.ci.malibu.ca.us/index.cfm?fuseaction=nav&navid=30
loading rate for Zone 1 is 0.054 GPD/SF and for Zones 2 and 3 is 0.068 GPD/SF). Grading will consist of backfilling behind retaining walls, subgrade preparation, and excavations for foundations. A soldier pile stabilization system is proposed to isolate the entire development from the Latigo Shore Landslide Complex immediately south of the development.

**Building Plan-Check Stage Review Comments:**

1. Please include recommendations regarding landscaping on the property and in the RUA as notes on the grading, OWTS, and all building plans.

2. Recommendations regarding structures in the RUA need to be included on the grading, OWTS, and building plans.

3. Please include the Project Geotechnical Consultants’ recommendations for trimming of the surficial slump depicted on Cross-Section E-E’ as notes on the grading plans. Include approximate cut yardages. Will the finished slope be over-steepened and surficially unstable?

4. Please contact the Building and Safety Department regarding establishing the RUA.

5. Include the following note on the building plans: “The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements and soldier pile stabilization for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, minimum depths into the recommended bearing material, depth below the critical plane, and a map depicting the locations of the pile.”

6. The following note must appear on the grading and foundation plans: “Tests shall be performed prior to pouring footings and slabs to evaluate the Expansion Index of the supporting soils, and foundation and slab plans should be reviewed by the Civil or Structural Engineer and revised, if necessary.”

7. Section 7.2.1 of the City’s geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. Building plans shall reflect this requirement.

8. Please depict limits and depths of over-excavation and structural fill to be placed on the grading plan, and cross sectional view of the proposed building area. Cut and fill yardages are to be indicated on the cover sheet of the plans.

9. The Project Geotechnical Consultant needs to review the building plans and provide earthquake loading recommendations for any basement walls that have differential heights in accordance with their interpretation of Section 1803.5.12 of the 2016 CBC. A letter stating the finding of the plan review shall be provided to the City of Malibu Environmental Sustainability Department prior to permit issuance.

10. In accordance with Section 7.1.2 of the City’s Geotechnical Guidelines, the structural engineer shall provide the anticipated lateral deflections of the laterally loaded piles. The calculations shall be submitted to the City for review.

11. The City’s Geotechnical Guidelines require that the Consultant provide descriptions of sample preparation and testing procedures for all laboratory tests. The Consultant still needs to provide the referenced Appendix A cover sheet that purportedly discusses preparation and testing procedures for review by the City.

12. The Project Geologist has provided cross section F-F’ that depicts the landslide-bedrock contact (elevation view) along the row of proposed stabilization piles for use in design of the pier depths. The Project Geotechnical Consultant has concurred that the cross section adequately portrays the geotechnical conditions along the cross section. The actual conditions will be provided in the as-built report as required by the guidelines.

13. Please include the following note on the plans: “An as-built report documenting the pile foundation elements/ soldier piles shall be prepared by the Project Geotechnical Consultant and submitted to City geotechnical staff for review. The report shall include the total depths of all piles, the depth into the..."
recommended bearing material, depth of groundwater, and a map depicting the location of the piles."

14. Two sets of final grading, shoring, retaining wall, soldier pile, OWTS, and residence plans (APPROVED BY BUILDING AND SAFETY) incorporating the Project Geotechnical Consultant’s recommendations and items in this review sheet must be reviewed and wet stamped and manually signed by the Project Engineering Geologist and Project Geotechnical/Civil Engineer. City geotechnical staff will review the plans for conformance with the Project Geotechnical Consultants’ recommendations and items in this review sheet over the counter at City Hall. Appointments for final review and approval of the plans may be made by calling or emailing City Geotechnical staff.

Please direct questions regarding this review sheet to City Geotechnical staff listed below.

**Engineering Geology Review by:**

Christopher Dean, C.E.G. #1751, Exp. 9-30-14  
Date 3/26/13

Engineering Geology Reviewer (310-456-2489, x306)  
Email: cdean@malibucity.org

**Geotechnical Engineering Review by:**

Kenneth Clements, G. E. # 2010, Exp. 6-30-14  
Date March 20, 2013

Geotechnical Engineering Reviewer (805-563-8909)  
Email: kcllements@fugro.com

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*This review sheet was prepared by City Geotechnical Staff contracted with Fugro as an agent of the City of Malibu.*

**FUGRO CONSULTANTS, INC.**

4820 McGrath Street, Suite 100  
Ventura, California 93003-7778  
(805) 650-7000 (Ventura office)  
(310) 456-2489, x306 (City of Malibu)
NOTES FOR BUILDING PLAN-CHECK

The following standard items should be incorporated into Building Plan-Check submittals, as appropriate:

1. One set of grading, retaining wall, soldier pile, residence, shoring, and OWTS plans, incorporating the Project Geotechnical Consultant's recommendations and items in this review sheet, must be submitted to City geotechnical staff for review. Additional review comments may be raised at that time that may require a response. Department for permit information. One set of retaining wall plans shall be submitted to the City for review by City geotechnical staff. Additional concerns may be raised at that time which may require a response by the Project Geotechnical Consultant and applicant.

2. Show the name, address, and phone number of the Geotechnical Consultant(s) on the cover sheet of the Building and Grading Plans.

3. Include the following note on the Foundation Plans: "All foundation excavations must be observed and approved by the Geotechnical Consultant prior to placement of reinforcing steel."

4. The Foundation Plans for the improvements shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Geotechnical Consultant's recommendations.

5. Show the onsite wastewater treatment system on the Site Plan.

6. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.

Grading Plans (as Applicable)

1. Grading Plans shall clearly depict the limits and depths of overexcavation, as applicable.

2. Prior to final approval of the project, an as-built compaction report prepared by the Project Geotechnical Consultant must be submitted to the City for review. The report must include the results of all density tests as well as a map depicting the limits of fill, locations of all density tests, locations and elevations of all removal bottoms, locations and elevations of all keyways and back drains, and locations and elevations of all retaining wall backdrains and outlets. Geologic conditions exposed during grading must be depicted on an as-built geologic map. This comment must be included as a note on the grading plans.

Retaining Walls (As Applicable)

1. Show retaining wall backdrain and backfill design, as recommended by the Geotechnical Consultant, on the Plans.

2. Retaining walls separate from a residence require separate permits. Contact the Building and Safety Department for permit information.

Guidelines for geotechnical reports (dated February 2002) are available on the City of Malibu web site:

http://www.ci.malibu.ca.us/index.cfm?Fuseaction=nav&navid=30

Fugro Project #: 3399.001
TO: City of Malibu City Biologist
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 11-019, SPR 11-008
JOB ADDRESS: 26714 SEAGULL WAY
APPLICANT / CONTACT: Eric Rochin
APPLICANT ADDRESS: 25205 Malibu Road
Malibu, CA 90265
APPLICANT PHONE #: (310)317-4858
APPLICANT FAX #: 
PROJECT DESCRIPTION: NSFR, NOWTS Heights over 18'

TO: Malibu Planning Division and/or Applicant
FROM: Dave Crawford, City Biologist

The project review package is INCOMPLETE and; CANNOT proceed through Final Planning Review until corrections and conditions from Biological Review are incorporated into the proposed project design (See Attached).

The project is APPROVED, consistent with City Goals & Policies associated with the protection of biological resources and CAN proceed through the Planning process.

The project may have the potential to significantly impact the following resources, either individually or cumulatively: Sensitive Species or Habitat, Watersheds, and/or Shoreline Resources and therefore Requires Review by the Environmental Review Board (ERB).

Additional requirements/conditions may be imposed upon review of plan revisions. City Biologist may be contacted Tuesday and Thursday between 8:00 am and 11:00 am, by leaving an email at dcrawford@malibucity.org or by leaving a detailed voice message at (310) 456-2489, extension 277.
City of Malibu
23815 Stuart Ranch Road, Malibu, California 90265
(310) 456-2489 Fax (310) 456-7650

BIOLOGICAL REVIEW

Site Address: 26714 Seagull Way
Applicant/Phone: Eric Rochin/310.317.4858
Project Type: NSFR, NOWTS, Heights over 18'
Project Number: CDP 11-019
Project Planner: Ha Ly

DISCUSSION:

1. The Maximum Applied Water Allowance (MAWA) for this project totals 688,432 gallons per year. The Estimated Applied Water Use (EAWU) totals 309,060 gpy, thus meeting the Landscape Water Conservation Ordinance Requirements.

RECOMMENDATIONS:

1. The project is APPROVED with the following conditions:

   A. Prior to Final Plan Check Approval, if your property is serviced by the Los Angeles County Department of Water and power, please provide landscape water use approval from that department. For approval contact:

      Kirk Allen
      Address: 23533 Civic Center Way, Malibu, CA 90265
      Email: KALLEN@DPW.LACOUNTY.GOV
      Phone: (310) 317-1388

   A. Invasive plant species, as determined by the City of Malibu, are prohibited. As such, the existing pepper fan palms and myoporum bushes shall be removed from the property.

   B. Vegetation shall be situated on the property so as not to significantly obstruct the primary view from private property at any given time (given consideration of its future growth).

   C. Native species of the Santa Monica Mountains, characteristic of the local habitat, shall be used on graded slopes or where slope plantings are required for slope stabilization, erosion control, and watershed protection. Plants should be selected to have a variety of
rooting depths. A spacing of 15 feet between large woody (≥10-foot canopy) shrubs is recommended by the Fire Department. Lawns are prohibited on slopes > 5%.

D. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.

E. Grading shall be scheduled only during the dry season from April 1-October 31st. If it becomes necessary to conduct grading activities from November 1—March 31, a comprehensive erosion control plan shall be submitted for approval prior to issuance of a grading permit and implemented prior to initiation of vegetation removal and/or grading activities.

F. Site preparation activities (e.g. grubbing, grading, etc.) scheduled between February 1 and August 30 will require nesting bird surveys by a qualified biologist prior to initiation of grading activities. Should active nests be identified, a buffer area no less than 300 feet (500 feet for raptors) shall be fenced off until it is determined by a qualified biologist that the nest is no longer active. A report discussing the results of nesting bird surveys shall be submitted to the City Biologist prior to ANY vegetation removal on site.

G. Up-lighting of landscape trees is prohibited.

2. PRIOR TO ISSUING A CERTIFICATE OF OCCUPANCY, the City Biologist shall inspect the project site and determine that all planning conditions to protect natural resources are in compliance with the approved plans.
TO: Los Angeles County Fire Department  
FROM: City of Malibu Planning Department  
DATE: 5/3/2011  
PROJECT NUMBER: CDP 11-019  
JOB ADDRESS: 26714 SEAGULL WAY  
APPLICANT / CONTACT: Eric Rochin  
APPLICANT ADDRESS: 25205 Malibu Road  
Malibu, CA 90265  
APPLICANT PHONE #: (310) 317-4858  
APPLICANT FAX #:  
PROJECT DESCRIPTION: NSFR, NOWTS Heights over 18'  

TO: Malibu Planning Department and/or Applicant  
FROM: Fire Prevention Engineering Assistant  

Compliance with the conditions checked below is required prior to Fire Department approval.  
The project DOES require Fire Department Plan Review and Developer Fee payment  
The project DOES NOT require Fire Department Plan Review  
The required fire flow for this project is 1000 gallons per minute at 20 pounds per square inch for a 2 hour duration. (Provide flow information from the water dept.)  
The project is required to have an interior automatic fire sprinkler system.  
Final Fuel Modification Plan Approval is required prior to Fire Department Approval  

Conditions below marked “not approved” shall be corrected on the site plan and resubmitted for Fire Department approval.  

Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.  
Required and/or proposed Fire Department Vehicular Turnaround  
Required 5 foot wide Fire Department Walking Access (including grade %)  
Width of proposed driveway/access roadway gates  

*County of Los Angeles Fire Department Approval Expires with City Planning permits expiration, revisions to the County of Los Angeles Fire Code or revisions to Fire Department regulations and standards.  
**Minor changes may be approved by Fire Prevention Engineering, provided such changes achieve substantially the same results and the project maintains compliance with the County of Los Angeles Fire Code valid at the time revised plans are submitted. Applicable review fees shall be required.  

Additional requirements/conditions may be imposed upon review of complete architectural plans.  
The Fire Prevention Engineering may be contacted by phone at (818) 880-0341 or at the Fire Department Counter:  
26600 Agoura Road, Suite 110, Calabasas, CA 91320; Hours: Monday – Thursday between 7:00 AM and 11:00 AM  

* HYDRANT REQUIRED FOR BUILDING PLAN APPROVAL *
ENVIRONMENTAL HEALTH REVIEW
REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator  DATE: 5/3/2011
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 11-019
JOB ADDRESS: 26714 SEAGULL WAY
APPLICANT / CONTACT: Eric Rochin
APPLICANT ADDRESS: 25205 Malibu Road
                      Malibu, CA 90265
APPLICANT PHONE #: (310)317-4858
APPLICANT FAX #: 
PROJECT DESCRIPTION: NSF, NOWTS Heights over 18'
                     ◮ New Construction ◮ Remodel ◮ Fire Damage

TO: Malibu Planning Department and/or Applicant
FROM: Andrew Sheldon, City Environmental Health Administrator

☐ An Onsite Wastewater Treatment System (OWTS) Plot Plan approval IS NOT REQUIRED for the project.
☑ An OWTS Plot Plan approval IS REQUIRED for the project. DO NOT grant your approval until an approved Plot Plan is received.

Signature: ____________________________  Date: 6/4-18-12

The applicant must submit to the City of Malibu Environmental Health Specialist to determine whether or not a Private Sewage Disposal System Plot Plan approval is required.

Andrew Sheldon, Environmental Health Administrator, may be contacted at the City Hall Annex counter Monday through Thursday from 8:00 am to 10:00 am, or by calling (310) 456-2489 x364
March 18, 2012

Eric Rochin
25205 Malibu Road
Malibu, California 90265

Subject: 26714 Seagull Way, Malibu, California 90265; Environmental Health Conformance Review for an Onsite Wastewater Treatment System Renovation (CDP 11-019)

Dear Mr. Rochin,

On April 18, 2012, a Conformance Review was completed for a new alternative onsite wastewater treatment system (AOWTS) proposed to serve the onsite wastewater treatment needs of the subject property. The proposed AOWTS meets the minimum requirements of the City of Malibu Plumbing Code, i.e. Title 28 of the Los Angeles County Code, incorporating the California Plumbing Code, 2010 Edition, and the City of Malibu Ordinance No. 354 Amendments (MPC), and the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP). The following items shall be submitted prior to final approval:

1) Final AOWTS Plot Plan: A final plot plan shall be submitted showing an AOWTS design meeting the minimum requirements of the MPC, and the LCP/LIP, including necessary construction details, the proposed drainage plan for the developed property, and the proposed landscape plan for the developed property. The OWTS Plot Plan shall show essential features of the AOWTS and must fit on an 11” x 17” sheet leaving a 5” left margin clear to provide space for a City-applied legend. If the plan scale is such that more space is needed to clearly show construction details and/or all necessary setbacks, larger sheets may also be provided (up to a maximum size of 18” x 22” for review by Environmental Health).

2) AOWTS Design Report and System Specifications: A final design report, plan drawings, and system specifications shall be submitted as to OWTS design basis and all components (i.e. alarm system, pumps, timers, flow equalization devices, backflow devices, etc.) proposed for use in the construction of the proposed alternative onsite wastewater disposal system. For all AOWTS, final design drawings and calculations must be signed by a California-registered Civil Engineer, a Registered Environmental Health Specialist, or a Professional Geologist who is responsible for the design. The design professional shall also be registered as an OWTS Designer with the City of Malibu. The final AOWTS design report and drawings shall be submitted with the designer’s wet signature, professional registration number, and stamp (if applicable).
The final AOWTS design report shall contain the following information (in addition to the items listed above).

a. Required treatment capacity for wastewater treatment and disinfection systems. The treatment capacity shall be specified in terms of flow rate, gallons per day (gpd), and shall be supported by calculations relating the treatment capacity to the number of bedroom equivalents, plumbing fixture equivalents, and/or the subsurface effluent dispersal system acceptance rate. The fixture unit count must be clearly identified in association with the design treatment capacity, even if the design is based on the number of bedrooms. Average and peak rates of hydraulic loading to the treatment system shall be specified in the final design.

b. Description of proposed wastewater treatment and/or disinfection system equipment. State the proposed type of treatment system(s) (e.g., aerobic treatment, textile filter, ultraviolet disinfection, etc.); major components, manufacturers, and model numbers for “package” systems; and conceptual design for custom engineered systems.

c. Specifications, supporting geology information, and percolation test results for the subsurface effluent dispersal portion of the onsite wastewater disposal system. This must include the proposed type of effluent dispersal system (drainfield, trench, seepage pit, subsurface drip, etc.) as well as the system’s geometric dimensions and basic construction features. Supporting calculations shall be presented that relate the results of soils analysis or percolation/infiltration tests to the projected subsurface effluent acceptance rate, including any unit conversions or safety factors. Average and peak rates of hydraulic loading to the effluent dispersal system shall be specified in the final design. The projected subsurface effluent acceptance rate shall be reported in units of total gallons per day (gpd) and gallons per square foot per day (gpsf). Specifications for the subsurface effluent dispersal system shall be shown to accommodate the design hydraulic loading rate (i.e., average and peak OWTS effluent flow, reported in units of gpd). The subsurface effluent dispersal system design must take into account the number of bedrooms, fixture units, and building occupancy characteristics.

d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS designer. If the plan scale is such that more space than is available on the 11” x 17” plot plan is needed to clearly show construction details, larger sheets may also be provided (up to a maximum size of 18” x 22” for review by Environmental Health). [Note: For AOWTS final designs, full-size plans for are also required for review by Building & Safety and/or Planning.]
3) **Proof of Ownership:** Proof of ownership of subject property shall be submitted.

4) **Operations & Maintenance Manual:** An operations and maintenance manual specified by the AOWTS designer shall be submitted. This shall be the same operations and maintenance manual proposed for later submission to the owner and/or operator of the proposed alternative onsite wastewater disposal system.

5) **Maintenance Contract:** A maintenance contract executed between the owner of subject property and an entity qualified in the opinion of the City of Malibu to maintain the proposed alternative onsite wastewater disposal system after construction shall be submitted. *Please note only original “wet signature” documents are acceptable.*

6) **AOWTS Covenant:** A covenant running with the land shall be executed between the City of Malibu and the holder of the fee simple absolute as to subject real property and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any future purchaser for value that the onsite wastewater treatment system serving subject property is an alternative method of onsite wastewater disposal pursuant to the City of Malibu Uniform Plumbing Code, Appendix K, Section 1(i). Said covenant shall be provided by the City of Malibu Environmental Health Specialist. *Please submit a certified copy issued by the Los Angeles County Recorder.*

7) **Covenant to Forfeit 100% Expansion Effluent Disposal Area:** A covenant running with the land shall be executed by the property owner and recorded with the Los Angeles County Recorder’s Office. Said covenant shall serve as constructive notice to any successors in interest that (1) the private sewage disposal system serving the development on the property does not have a 100% expansion effluent dispersal area (i.e., replacement disposal field(s) or seepage pit(s)) and (2) if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures including, but not limited to, limitations on water use enforced through an operating permit and/or repairs, upgrades or modifications to the private sewage disposal system. The recorded covenant shall state and acknowledge that future maintenance and/or repair of the private sewage disposal system may necessitate interruption in use of the private sewage disposal system and, therefore, any building(s) served by the private sewage disposal system may become non-habitable during any required future maintenance and/or repair. Said covenant shall be in a form acceptable to the City Attorney and approved by the Environmental and Building Safety Division.

8) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu Geologist and Geotechnical Engineer final approval shall be submitted.

9) **City of Malibu Biologist Approval:** City of Malibu Biologist final approval shall be submitted. The City of Malibu Biologist shall review the AOWTS design to determine any impact on any Environmentally Sensitive Habitat Area.

10) **Coastal Development Permit:** Contact the City of Malibu Department of Environmental and Community Development, Planning Division, and obtain a Coastal Development for subject project.
11) Environmental Health Final Review Fee: A final fee of $641 shall be paid to the City of Malibu for Environmental Health review of the AOWTS design and system specifications.

12) Operating Permit Application and Fee: In accordance with Section 103.5.2.1 of the MPC, an application shall be made to the Environmental and Building Safety Division for an OWTS operating permit. An operating permit fee of $405 shall be submitted with the application.

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If you have any questions regarding the above requirements, please contact the undersigned at your earliest convenience.

Sincerely,

City of Malibu

Todd E. Curtis
Environmental Health Reviewer

cc: Environmental Health main file
Planning Division
1. This conformance review is for a new 4 bedroom single-family residence. A new alternative onsite wastewater treatment system shall be installed, as shown. The alternative onsite wastewater treatment system shown conforms to the requirements of the City of Malibu Plumbing Code (MPC) and the Local Coastal Plan (LCP).

2. This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geologies or other potential problems, which may require an alternative method of wastewater treatment.

3. This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CONFORMANCE REVIEW

APR 18 2012

SIGNATURE

CITY OF MALIBU
ENVIRONMENTAL HEALTH

CONFORMANCE REVIEW

APR 18 2012

SIGNATURE

THIS IS NOT AN APPROVAL. FINAL APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS

ONSITE WASTEWATER SYSTEM SITE PLAN

ADDRESS:
26714 SEAGULL WAY
MALIBU, CA 90265

SHEET TITLE: ONSITE WASTEWATER SYSTEM SITE PLAN

PROJECT:
ONSITE WASTEWATER SYSTEM WITH
GEOFLOW SUBSURFACE DRIP DISPERSAL

DRAWING NO.
W0.01

SHEET 1 OF 1 SHEETS
PUBLIC WORKS REVIEW
REFERRAL SHEET

TO: Public Works Department
FROM: City of Malibu Planning Department

DATE: 5/3/2011

PROJECT NUMBER: CDP 11-019, LDP 11-011, SPR 11-008, VAR 13-011

JOB ADDRESS: 26714 SEAGULL WAY

APPLICANT / CONTACT: Eric Rochin

APPLICANT ADDRESS: 25205 Malibu Road
Malibu, CA 90265

APPLICANT PHONE #: (310) 317-4858

APPLICANT FAX #: (310) 456-5410

APPLICANT EMAIL: wildmandesign@gmail.com

PROJECT DESCRIPTION: NSFR, NOWTS, height over 18'

TO: Malibu Planning Department and/or Applicant

FROM: Public Works Department

The following items described on the attached memorandum shall be addressed and resubmitted.

The project was reviewed and found to be in conformance with the City's Public Works and LCP policies and CAN proceed through the Planning process.

Signature: [Signature]

DATE: 10-1-13
To: Planning Department

From: Public Works Department
Jorge Rubalcava Assit. Civil Engineer

Date: October 1, 2013

Re: Proposed Conditions of Approval for CDP 11-019

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan (LCP) and the Malibu Municipal Code (MMC) can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

GRADING AND DRAINAGE

1. Grading permits shall not be issued between November 1 and March 31 each year LCP Section 17.3.1. Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1. A note shall be placed on the project plans that address this condition.

2. A Grading and Drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project.
   - Public Works Department General Notes
   - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
   - The limits of land to be disturbed during project development shall be delineated on the grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.

- If the property contains trees that are to be protected they shall be highlighted on the grading plan.
- If the property contains rare and endangered species as identified in the Resources study the grading plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on the grading plan if required by the City Biologist.
- Private storm drain systems shall be shown on the Grading plan. Systems greater than 12-inch diameter shall also have a plan and profile for the system included with the grading plan.
- Public storm drain modifications shown on the Grading plan shall be approved by the Public Works Department prior to the issuance of the Grading permit.

3. Prior to the issuance of any permits, the applicant shall submit a hydrology and hydraulic report for review to the Public Works Department. The hydrology and hydraulic report shall analyze the existing storm drain system on Latigo Shore Drive to demonstrate that the existing storm drain system is sufficient to convey the additional storm water flows from the proposed development. If the existing storm drain system on Latigo Shore Drive is insufficient, the applicant shall install additional storm drain lines on Latigo Shore Drive to adequately discharge the storm water flow from the proposed development to an existing outlet structure.

STORMWATER

4. A Wet Weather Erosion and Sediment control plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
   - Locations where concentrated runoff will occur.
   - Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures.
   - Location and sizing criteria for silt basins, sandbag barriers, and silt fencing.
   - Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.

5. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include, but not limited to:
   - Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff.
   - Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset.
• Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.
• Specific BMP's to prevent erosion and BMPs for Sediment control prior to discharge from the property.

6. A Storm Water Management Plan (SWMP) is required for this project. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within the City's Local Implementation Plan, Section 17.3.2.B.2. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The SWMP shall identify the Site design and Source control Best Management Practices (BMP's) that have been implemented in the design of the project (See Local Implementation Plan, Section 17, Appendix A). The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the Grading/Building permits for this project.

MISCELLANEOUS

7. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

8. WASTE MANAGEMENT FOR CONSTRUCTION SITES - The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. Since this project consists of all new construction (the applicant shall comply with the following conditions:

• The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to Public Works approval of the final plans, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan for the above project types shall be signed by the Owner or Contractor shall be submitted to the Public Works Department. The WRRP shall indicate the agreement of the applicant to divert at least 50% of all construction waste generated by the project.

• Prior to Final Building inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.
To: Public Works Department

From: Planning Division

DATE: 5/3/2011

PROJECT NUMBER: CDP 11-019, SPR 11-008

JOB ADDRESS: 26714 SEAGULL WAY

APPLICANT / CONTACT: Eric Rochin

APPLICANT ADDRESS: 25205 Malibu Road
Malibu, CA 90265

APPLICANT PHONE #: (310)317-4858

APPLICANT FAX #: 

PROJECT DESCRIPTION: NSFR, NOWTS Heights over 18'
MEMORANDUM

To: Planning Division
From: Public Works Department
Elroy Kiepke, Plan Reviewer
Date: July 12, 2011
Re: Proposed Conditions of Approval for 26714 Sea Gulls Way, CDP 11-019

The Public Works Department has reviewed the plans submitted for the above referenced project. Based on this review sufficient information has been submitted to confirm that conformance with the Malibu Local Coastal Plan and the City's Municipal Code can be attained. Prior to the issuance of building and grading permits, the applicant shall comply with the following conditions.

- This project proposes grading on slopes equal to or greater than 25%. Grading permits shall not be issued between November 1 and March 31 each year (LCP 268). Projects approved for grading permit shall not receive grading permits unless the project can be rough graded before November 1.

- Exported soil from a site shall be taken to the County Landfill or to a site with an active grading permit and the ability to accept the material in compliance with section 8.3.

- A Grading and Drainage plan shall be approved containing the following information prior to the issuance of grading permits for the project. Special attention shall be directed to the proposed point of discharge. The applicant shall present proof that he has the right to discharge to the driveway, Latigo Shore Place, and that the property on Latigo Shore Place will not be impacted by Flooding caused by the discharge of drainage to the driveway.
  - The existing and proposed square footage of impervious coverage on the property shall be shown on the grading plan (including separate areas for buildings, driveways, walkways, parking, tennis courts and pool decks).
  - The limits of land to be disturbed during project development shall be delineated on the Grading plan and a total area shall be shown on the plan. Areas disturbed by grading equipment beyond the limits of grading, Areas disturb for the installation of the septic system, and areas disturbed for the installation of the detention system shall be included within the area delineated.
  - The grading limits shall include the temporary cuts made for retaining walls, buttresses, and over excavations for fill slopes and shall be shown on the grading plan.

City of Malibu
September 7, 2009

- Private storm drain systems shall be shown on the Grading plan.

- A Wet Weather Erosion and Sediment control plan is required for this project (grading or construction activity is anticipated to occur during the rainy season). The following elements shall be included:
  - Locations where concentrated runoff will occur.
  - Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures.
  - Location and sizing criteria for sandbag barriers, and silt fencing.
  - Stabilized construction entrance and a monitoring program for the sweeping of material tracked off site.

- A Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading permits for the project. This plan shall include:
  - Designated areas for the storage of construction materials that do not disrupt drainage patterns or subject the material to erosion by site runoff.
  - Designated area for the construction portable toilets that separates them from storm water runoff and limits the potential for upset.
  - Designated areas for disposal and recycling facilities for solid waste separated from the site drainage system to prevent the discharge of runoff through the waste.

- Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within section 17.3.2.B.2.

- Geology and Geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.

WASTE MANAGEMENT FOR CONSTRUCTION SITES:

The City of Malibu is required by AB 939 to reduce the flow of wastes to the landfills of Los Angeles and Ventura Counties by 50%. The following projects shall comply with the following conditions:

1. All new construction (residential and nonresidential)
2. Demolition involving 500 square feet
3. Addition/Alteration involving 500 square feet.

- The applicant/property owner shall contract with a City approved hauler to facilitate the recycling of all recoverable/recyclable material. Recoverable material shall include but shall not be limited to: Asphalt, dirt and earthen material, lumber, concrete, glass, metals, and drywall. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement a Waste Reduction and Recycling Plan for the above project types shall be signed by the Owner or Contractor. The WRRP shall indicate the
September 1, 2009

agreement of the applicant to divert at least 50% of all construction waste generated by the project.

- Prior to Final Building inspection, the applicant shall provide the Public Works Department with a Final Waste Reduction and Recycling Summary Report (Summary Report). The Final Summary Report shall designate all material that were land filled or recycled, broken down by material types. The Public Works Department shall approve the final Summary Report.

PUBLIC WORKS DEPARTMENT GENERAL NOTES

1. All work shown on these plans shall be constructed in accordance with the current edition of the Standard Specifications for Public Works Construction (SSPWC) "Green Book."

2. Contractors shall comply with all applicable Division of Industrial Regulations (Cal-OSHA) safety standards. If requested by the Inspector, the Contractor shall provide proof of a permit from said division.

3. Contractor shall call the Public Works Inspector at (310) 456-2489, ext. 235 for Pre-Construction Meeting prior to the commencement of any construction or grading operations. Contractor shall notify the City Public Works Inspector 48 hours prior to commencing any construction and 24 hours in advance of specific inspection needs during the course of the work.

4. No improvements are proposed within the Public Right-Of-Way.

5. Storage of any construction materials, construction trailer, and/or parking and any work within the City public right of way shall require a City Encroachment Permit. Call the Public Works Inspector at (310) 456-2489, ext. 235 to apply for a permit.

6. Storage of any construction materials, construction trailer, and/or parking and any work within the Caltrans public right of way shall require a Caltrans Encroachment Permit. Submit a copy of the Caltrans Encroachment Permit to the Public Works Department.

7. All work shall be performed during City working hours and in compliance with these plans.

8. Contractor shall verify all conditions and dimensions and shall report any discrepancies to the Engineer prior to the commencement of any work.

9. Contractor shall locate, protect, and save any and all survey monuments that will be or may be damaged or destroyed by their operations. Once found, the Contractor shall then notify both the developer's supervising Civil Engineer and the Public Works Inspector. The supervising Civil Engineer shall reset all said monuments per the requirements of the Professional Land Surveyor's Act.

10. The Contractor shall be responsible for protecting all public and private property insofar as it may be affected by these operations.

11. Existing traffic signs are not to be removed without prior notification and approval of
September 1, 2009

the City Engineer. As a minimum, construction work zone traffic signs and striping shall be furnished, installed, and maintained in accordance with the "Work Area Traffic Control Handbook" (the "WATCH Manual"), published by BNI Building News, Inc. A Traffic Control Plan, prepared by the developer, may be required by the City.

12. Dust control shall be maintained at all times.

13. Erosion Control Plans shall be provided for all projects. Grading and clearing is prohibited from November 1 to March 31 for all developments within or adjacent to ESHA and/or including grading on slopes greater than 4:1.

14. All underground utilities and service laterals shall be installed prior to construction of curbs, gutters, sidewalks, and paving unless otherwise permitted by the City Engineer.

15. The Developer shall comply with NPDES requirements. The Storm Water Pollution Prevention Plan (SWPPP) shall be available at the construction site at all times and shall be kept updated.

16. All recommendations made by the Geotechnical/Soils Engineer (and Engineering Geologist, where employed), and contained in the reports referenced hereon, as approved or conditioned by the City, shall be considered a part of the Grading Plan.

17. All storm drain pipe within the public right-of-way and easements shall be reinforced concrete pipe (RCP).

18. Terrace drains, interceptor drains, and down drains shall be constructed of 3" P.C.C. reinforced with 6"x6" x #10 W.W.M. and shall be either semicircular or triangular cross section. Concrete color shall be "Omaha Tan" or approved equivalent.

19. Grading Quantities:
   - Cut __________ cu.yd.
   - Fill __________ cu.yd.
   - Export __________ cu.yd.
   - Import __________ cu.yd.

20. Total Disturbed Area __________________________ acres
    (including grading, clearing, and landscaping area)
    - Total Existing Impervious Surface Area __________ sq. ft.
    - Total Proposed Impervious Surface Area __________ sq. ft.
    - Flood Zone on FIRM: _______ Base Flood Elevation: _______ ft.

21. All slopes on private property adjoining streets, drainage channels, or other public facilities shall be graded not steeper than 2:1 for cut and fill unless specifically approved by the City Engineer on recommendation of the project's geotechnical/soils consultant.

22. All catch basins and drainage inlets shall be stenciled with the City of Malibu storm drain logo.
November 4, 2013

City of Malibu
23825 Stuart Ranch Road
Malibu, California 90265-4861

Attention: Ha Ly (Associate Planner) and Planning Commission Members

Re: 26714 Seagull Way, Malibu, Ca 90265; Coastal Development Permit No: 11-019; Variance No. 13-011

Dear Ms. Ly and Planning Commission Members:

I am writing this letter on behalf of the Latigo Cove Property Owners Civic Association, Inc. a home owners association representing the approximately 30 homes along Latigo Shore Drive, a small dead end street in Malibu. Latigo Shore Drive is located between Pacific Coast Highway and the ocean. The subject project referred to above is also intended to be built between Pacific Coast Highway and the ocean, just above and behind homes which are located on an active land slide. The house itself will be partially built on that slide, above all other houses and Latigo Shore Drive.

While it is not our intention to prevent anyone building a new house, we are extremely concerned about the effect this project will have on a number of the existing homes in Latigo Cove, not to mention it's affect on our street, Latigo Shore Drive, and it's adjacent road Latigo Shore Place which are the only ingress and egress for residents and emergency vehicles on this dead end street. We urge the City of Malibu and the Planning Commission to carefully vet the serious questions we have about this project and determine whether the multiple variances requested should be granted.

So concerned are we about the project that the association engaged Feffer Geological Consulting to evaluate the project. The report of Joshua R. Feffer is being submitted along with this letter.

The Latigo Wells
As mentioned in Geologist Feffer's report, Latigo Cove has long been dealing with an active landslide. The landslide is lubricated by groundwater from the Santa Monica Mountains which percolates across PCH. As a matter of fact, there remains on the lower portion of the property a wet pond, that we understand historically used to be a cattle watering hole.

The county of Los Angeles used to try to mitigate the effects of the slide by periodically inserting pipes into the slide to release the water. They apparently did this for many years but that solution proved relatively ineffective. The movement of Latigo Shore Drive as well as several houses became so serious that in the 80's the residents banned together, hired a well-qualified geologist and at our expense installed a series of 30 wells across the back of the cove (just below PCH) to intercept the ground water and pull it out of the ground before it reached the slide plain. Several residents have also installed individual wells on their property within the slide and below the existing wells, in order to pull out water that the 30 wells do not catch. Our property owner's association takes very seriously the maintenance of the wells, having the pumps inspected, monitored and, if necessary, replaced several times during the year.

The results have been amazing. Even in dry years, the 30 wells alone extract almost 1,000,000 gallons of ground water a year according to records kept by the Well Committee for the association. This does not even count the output of the multiple wells on home owner sites below the 30 wells. After wet years the amount of ground water extracted is even higher.

What is even more important is that the movement that was experienced by houses and of Latigo Shore Drive itself has virtually subsided and 10 houses directly on the slide as well as our road have benefited enormously from these wells. As a matter of fact, Caltrans has commended us because our actions have likewise stabilized PCH above our wells, at no cost to them.

Because we have reached a delicate balance where we have controlled the slide and saved multiple houses and the road, we are extremely concerned with any project that would jeopardize our years of reaching this balance. The house is set to be constructed at the very top of the slide between our wells and the slide area. The introduction, in our opinion, of additional water into the ground, especially where the house is located on the edge of the slide plain, could upset our existing balance and have negative consequences on the land slide.

Below are some of the issues that we feel need to be addressed before any variances are given or the project is approved:

**No More Water Should Go Into the Ground**

Because of the delicate balance that has been achieved between the ground water our wells remove and the activity of the slide, our concern is that the introduction of more water into the ground by the applicant will undermine all the work we have done. We understand that realistically the so-called evapotranspiration system being proposed still must put water into the ground. While it is nice to believe that water from the new home will disperse into the atmosphere, such a system is hardly foolproof. Additionally, outside of the septic system the home will still have landscaping and associated watering.

In addition, we have learned by walking the property that the house is located in front of a group of our dewatering wells that are responsible for pulling out almost half of our yearly output of
water. So we are left with a situation where we have our wells that for years have pulled out water, but a few yards in front of those wells, we have a project that is putting water back into the ground, thus defeating what we are trying to accomplish. This presents a problem for us and our members and seems to defy logic.

**Drainage of Ground Water**

We have not been privy to the plan for disposal of road and roof run off, but one of our members, in discussions with Public Works, learned that the current plan for run off is to pipe it down the property and put it into some "drain." There are no public drains on Latigo Shore Drive or Latigo Shore Place that can be simply used by applicant. The street and all property are privately owned. We are not aware of what drain is contemplated. We are hopeful that the applicant is not intending to simply discharge the groundwater on to a private road. This needs to be clarified.

**Previous Geology Report on the Subject Property Disagrees With the Same Company's Current Findings**

One of the most significant issues we have discovered is a previous geological report on the subject property which has not been introduced into the record. The report was done by the same geologist company on the subject property in May of 2006 when the property was considered for purchase by a third party. The attached report, from the same company that is being used on this project, Mountain Geology, is dated May 2, 2006. In it, Mountain Geology advises the potential buyer that "...the subject property is located in a 'geo-sensitive' environment with clear evidence of past instability. Simply, it is currently our professional opinion that landslide debris underlies the subject property and the surrounding area." The report goes on to say that "...it may be economically challenging or even impossible to construct structures on the site in a manner which satisfies the 1.5 Slope Factor of Safety." [Emphasis added].

The 2006 Report also states in no uncertain terms: "In addition, based on our current findings, it does not appear that there is a suitable area within the site for the disposal of septic effluents from a private sewage disposal system. Simply, there does not appear to be enough area with a gradient flatter than 3(h)(v) for a "micro-dosing" or evapotranspiration dosing field which would be necessary for the release of sewage effluents given the landslide conditions of the site."

As our own Geologist points out, we need Mountain Geology to explain in writing why they have so radically changed their opinion.

**Follow Recommendation of Our Geologist:** There is a lot of supposition and estimating in the documents we have seen, not the least of which is as to the movement of the slide. We urge the Planning Commission and staff to adopt the recommendation Feller Geological Consulting and install a minimum of two inclinometers below the subject site in order to monitor ground movement, initially during three months prior to any further development and before anything is approved as well as subsequently if construction is allowed. Since it often takes, per our previous experience, 3-4 months after substantial rainfall for the effects to be felt on our side of PCH, it might be prudent to leave the inclinometers in for a longer time. Then we will all have a much more accurate picture of what we are dealing with. It seems that the appellant has waited this long and the stakes are important enough that this minimum requirement should be required.
Applicant is Only Stabilizing Applicant’s House: It appears from the report that this project is only stabilizing the house and garage of applicant, not the rest of the property on which the slide occurs. We seriously question what effect this will have if the slide moves around the house.

What Guarantees do we have from the City and the Applicant: If the applicant’s calculations are incorrect and the slide starts to move again who will be responsible? Is the city or the owner willing to put up a bond or other guarantee to protect the surrounding homeowners and users of Latigo Shore Drive and Latigo Shore Place? We have a situation at the end of Latigo Shore Drive where numerous experts opined about the ground stability of building a house on the beach. Nevertheless, the neighboring house has started to fall into the excavation. Forgive us if we are overly cautious.

Restricted Area: What assurances do we have that nothing will be built on the Restricted Area? Already, it appears that a portion of the septic system is being built on the slide (restricted area) and we do not know what else, if anything will be built on the area and what kind of restrictions will be placed on such building. For example it is not impossible that the applicant may wish to put a road connecting the subject property down the mountain to Latigo Shore Place. Can they do it?

Groundwater Level: The applicant's experts indicate that they have no information on the output of our dewatering wells. Yet both the applicant and the expeditor could have easily requested information from our association and know many of its members. Given this lack of information they have nevertheless estimated groundwater levels should our dewatering wells fail—a very significant calculation. On what did they base their assumptions? Such a calculation, it would seem to us, should be as accurate as possible given the consequences of guessing wrongly. And we will supply information to the applicant as to our well output over several years to aid in that calculation.

Effect of Artificial Fill: The diagram cross section A of Mountain Geology seems to indicate that a portion of the house and the septic system will be built on fill. It is unclear what effect that will have in this area. We also have evidence, based on eye witness accounts, that in November of 2006, a great deal of fill was placed on the property. That action is not listed in the reports we have seen. Has that been taken into account and is that information relevant?

Why Are So Many Variances Being Granted? We question why all of the variances on a project like this are being granted, especially in a situation where so many other people could be affected. It would seem everyone should be particularly careful because miscalculation and incorrect estimates could be quite devastating. The rules have been established for good reason and should be varied only when a gross injustice would be done, and even then only when safety is assured and the purpose of the rules is still protected. We question whether that is the case here.

Summary: Building on this steep and geologically complex hillside perched above our homes and road is cause for prudence. It seems the mandated requirements in this situation should be enforced, not varied.
Please understand our intentions. Faced with a conflicting geological report from the same geologist for the subject property, as well as the issues raised above, once we see the staff report we would like to thoroughly discuss with the city and the applicant our concerns (and to hire appropriate experts to help if necessary) about the onsite wastewater treatment/evaportranspiration systems, the plans for drainage, soil and stability and measurements of same, geotechnical hazard mitigation, slope gradient building variances, Restricted Use Area delineation, definition and utilization, the apparent change of position by the geologist, grading and finally the scenic and visual protection of our neighborhood.

We ask that the issuance of variances be postponed until the potential movement of the slide can be measured by the suggested inclinometers and we have a chance to understand the effect this project will have on our homes by discussions with the city and the applicant.

Thank you for your consideration.

Sincerely,

[Signature]

E. Barry Haldeman
President, Latigo Cove Property Owners Civic Association, Inc
November 4, 2013

Latigo Cove Property Owners Civic Association, Inc.
c/o Barry Haldeman
26674 Seagull Way
Malibu, CA 90265

Subject: GEOTECHNICAL EVALUATION OF NEW CONSTRUCTION
26714 Seagull Way Malibu, CA 90265

Dear Mr. Haldeman:

Pursuant to your request, Feffer Geological Consulting performed a site visit and a review of geotechnical reports that have been prepared for the development of a single family home at 26714 Seagull Way in the Latigo Cove Association.

The reports include geological reports done by Mountain Geology Inc. We have also reviewed a report dated May 2, 2006, by Mountain Geology, Inc. done for a previous potential buyer of the site that is not part of the current record that came to a different conclusion than the reports currently on file; namely that the site could not be developed for various reasons.

Background Information

The property at 26714 Seagull Way (called the subject site in this letter) and the surrounding area are located within and adjacent to active and pre-historic landslides and have been affected by landslide movement. Mountain Geology and Hamilton and Associates, Inc. have prepared reports that outline the underlying geology and provide recommendations for development of the subject site. Reportedly, the new home will be founded on a pile-grade beam foundation system that intends to stabilize the property below the home while the landslide located to the south of the home will not be stabilized but will be a "restricted use area". Therefore development of the subject site will not stabilize the property but only the portion of the property where the home will be developed.

The septic system will consist of a micro-dosing design. Supposedly, very little of the approximately 350-600 gallons per day (up to 220,000 gallons per year) will actually infiltrate into the ground and the landslide downslope of the subject site.

The Latigo Cove Association has long been affected by landslide movement. The subject property and proposed home are located on an active slide that has long plagued Latigo Cove. A significant contributor to the landslide movement is subsurface groundwater. In order to control the slide movement, the Latigo Cove Property Owners Civic Association, starting sometime in the 1980's installed 30 wells. The wells were placed between the applicant's property and PCH which is north of and outside of the active slide. The intention of the placement was to intercept groundwater and remove it before it impacted the slide. Subsequently, they installed a series of wells within the slide as well to
November 4, 2013 File No. 1317-37
Page 2 Latigo Cove

capture additional water not removed by the first line of 30 wells. Those wells, according to records kept by the residents who monitor them, consistently pull out over 1,000,000 gallons of water a year, even in dry years, and those wells have reportedly substantially controlled the slide and stabilized the houses and road which are on the slide.

Discussion

Based on our review of the site conditions and our understanding of the new development it appears that Mountain Geology and Hamilton and Associates have evaluated the landslide at the subject site and have designed a pile-grade beam foundation system that will stabilize the subject home but not the entire property; the remainder of the site will be left as a “restricted use area”.

The Association has expressed concerns regarding the project's affect on the surrounding properties, not to mention on Latigo Shore Drive, the dead end street which along the southern portion of the slide and is the only ingress and egress for emergency vehicles and residents of the approximately 30 homes along Latigo Shore Drive.

While the actual construction of the subject home (installation of pile foundation) may not affect the stability of the surrounding landslide, the introduction of water into the ground from the site septic system and landscaping will increase the amount of water introduced into this sensitive and active landslide.

Therefore we offer the following suggestions regarding placement of monitoring equipment and dewatering systems to mitigate some of the possible detrimental effects on the surrounding properties.

1) We recommend that a minimum of two inclinometers be installed below the subject site in order to monitor ground movement below the new home before, during, and after development. An inclinometer consists of a pipe that is placed within a drilled borehole that is measured with a sensitive instrument (inclinometer) consisting of servo-accelerometers. The depth and rate of landslide movement can be measured with the inclinometer. We suggest a minimum of 3 months of readings be taken prior to the development of the subject site in order to establish baseline readings and then monthly during installation of the pile foundations. Following installation of the foundation system we recommend that the inclinometer be monitored on a quarterly (every 3 month) basis for at least a year’s duration. The inclinometer can establish rate and depth of movement both before and during development to determine if any ground movement occurs during construction.

2) Groundwater is the ultimate trigger for movement of the landslide. It has been reported that the micro-dosing system allows the infiltration of only a small amount of collected water into the subsurface. However, a significant amount of water will be used by the new home and a portion of it will infiltrate into the ground surface and into the landslide that is not being stabilized to the south of the subject home. The line of 30 wells, intended to remove groundwater before it enters the slide is located upslope of the septic system and therefore will not remove the water introduced into the slide. Infiltration of additional water into the subsurface may cause additional movement of the landslide. Therefore we recommend that dewatering wells be installed below the subject home in the “restricted use area” in an attempt to remove water that
infiltrates into the ground surface from the new septic system and irrigation so that the affect on the landslide can be mitigated.

3) The septic system will be installed in an area that reportedly is underlain by uncertified fill. Settlement of the uncertified fill will likely occur from introduction of water into it. Uncertified fill is not allowed by most municipalities for support of structures that are sensitive to settlement. We recommend that an alternative foundation system be required (piles similar to the home foundation) or a complete removal and recompaction of the fill to code-requirements.

4) Lastly, we ask that the City review the previous May 2, 2006 report of Mountain Geology (see HOA letter). We would also suggest that Mountain Geology discuss how they previously concluded that the subject site was unbuildable and why that differs from their current findings. Mountain Geology previously stated in 2006 that a future seepage pit would have to be located a minimum of 150 feet from the existing wells on the north side of Gulls Way; what was the intention of that statement and is that recommendation consistent with the existing design?

We hope this report provides useful information. If you have any questions, please contact the undersigned.

Respectfully submitted,

Joshua R. Feffer
Principal
C.E.G. 2138
DATE: May 2, 2006

SENT TO: Jon and Traci Hopp
26701 Latigo Shores Drive
Malibu, CA 90265

FROM: Jake Holt, Mountain Geology, Inc.

SUBJECT: Preliminary Findings of Limited Engineering Geologic Study, Parcels A, B, C, and D, Gulls Way area, City of Malibu, California

Dear Mr. and Mrs. Hopp,

Pursuant to our contract with you, dated April 19th, 2006, MGI has performed the research, exploration, and in-office analysis phases of our limited engineering geologic study of the subject property. Specific tasks performed to date by MGI include the logging of 3 deep borings which were provided by you, geologic field mapping of the site and surrounding area, analysis of aerial photographs, and research of available geologic publications and geologic/geotechnical reports concerning the subject property and surrounding area. Concurrent with the aforementioned tasks performed by MGI, geotechnical field work and materials sampling has also been performed by the Project Geotechnical Engineer, Coastline Geotechnical Consultants, Inc. For reference, MGI has attached a copy of the site location maps, regional geologic maps, the geologic logs of the boring excavations, Preliminary Geologic Map (Plate 1), and Geologic Sections A-A' and B-B' (Plate 1) which have been prepared by MGI.

Based on the findings to date of our engineering geologic study, the subject property is located in a "geo-sensitive" environment with clear evidence of past instability. Simply, it is currently our professional opinion that landslide debris underlies the subject property and the surrounding area. It follows that based on the findings to date, it is currently our professional opinion that the site and adjacent descending slopes most likely do not have the required "1.5 Slope Factor of Safety." As verbally discussed with you, the local government reviewing agency requires that any proposed construction project have a 1.5 Slope Factor of Safety, or mitigation or construction measures must be implemented as part of the proposed project which provides a 1.5 Slope Factor of Safety. As also discussed with you, it may be economically challenging or even impossible to construct structures on the site in a manner which satisfies the 1.5 Slope Factor of Safety.

In addition, based on our current findings, it does not appear that there is a suitable area within the site for the disposal of septic effluents from a private sewage disposal system. Simply, there does not appear to be enough area with a gradient flatter than 3(h):1(v) for a "micro-dosing" or evapotranspiration dosing field which would be necessary for the release of sewage effluents given the landslide conditions of the site. Also, it does not appear appropriate or feasible for the use of a conventional "seepage pit-type" private sewage disposal system given the landslide conditions of the site and due to the fact that any seepage pit would most likely need to be located a minimum of 150 feet away from the dewatering wells located on the north side of Gulls Way.
At this time, MGI has put our limited engineering geologic study of your site on hold. You will be invoiced for our engineering geologic services performed to date.

Give me a call if you have any questions and/or comments.

Jake W. Holt
PG 7694, CEG 2282, CHG 816 exp. 11-30-06
Senior Project Engineering Geologist

Distribution: (4) Addressee
(1) Coastline Geotechnical Consultants, Inc.
(1) Eric Rochin

ATTACHMENTS

Figures:

- Figure 1 — Site Location Map
- Figure 2 — Site Location Map
- Figure 3 — Regional Geologic Map
- Figure 4 — Regional Geologic Map
- Figure 5 — Earthquake Fault Zones Map
- Figure 6 — Seismic Hazard Zones Map

Geologic Logs:

- Geologic Logs of Borings # 1-3

Plates:

- Plate 1 — Preliminary Geologic Map and Geologic Sections A-A', B-B' (scale: 1" equals 40')

JOB NUMBER: JH 6840
JOB NAME: HOPP
FIGURE 4
Liquefaction: Areas where occurrence of liquefaction, or local geological, geotechnical and groundwater conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake-Induced Landslides: Areas where previous occurrence of landslide movement, or local topographic, geological and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

FIGURE 6
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<th>Depth in Feet</th>
<th>surf. Elevation</th>
<th>USGS</th>
<th>Graphic</th>
<th>Sample Depth</th>
<th>Sampler Type</th>
<th>Blow Count</th>
<th>Density (grit)</th>
<th>Moisture Content (%)</th>
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**DESCRIPTION**

- **0'-2' FILL (ft)**
  - SANDY CLAY with GRAVEL; modified reddish brown and grayish brown, moist, firm, gravel component consists of angular, pebble-size clasts of sandstone and efflorescence

- **2'-16' BEDROCK (Trancas Formation - Tt)**
  - SANDSTONE with occasional SILTSTONE interbeds; sandstone is yellowish gray with iron-oxide staining, medium bedded to thickly bedded, medium-to coarse-grained, somewhat friable, moderately hard, moderately fractured, moderately weathered; siltstone is grayish brown, thinly laminated to thinly bedded, somewhat friable, moderately hard, moderately weathered
  - *Discontinuous SILTSTONE bed at 6 feet, bed is broken and sheared*
  - *Increased percentage of SILTSTONE below depth of 6.5 feet, bedrock is moderately light*
  - *Zone of deformed bedrock and shearing from 7.5 to 11 feet; tight S-loads and planar structure, gypsum mineralization within efflorescence*
  - *Moderately SILTSTONE below depth of 10 feet*
  - *Bedding truncated by steep micro-shears and fractures at 13 feet, gypsum mineralization*
  - *Bedding uniform at 15 feet*
  - *SILTSTONE becomes dark gray and dark bluish gray below 17 feet*

- **16'-21.5' BEDROCK (Trancas Formation - Tt)**
  - SANDSTONE; yellowish gray, massive, medium-to very coarse-grained, somewhat friable, moderately hard, moderately fractured, moderately weathered

- **21.5'-25' BEDROCK (Trancas Formation - Tt)**
  - SILTSTONE; dark bluish gray, thinly laminated to thinly bedded, non-friable, moderately hard to hard, slightly fractured, slightly weathered
  - *Thin to medium bedded SANDSTONE interbeds below 23 feet; tight bluish gray, fine-to medium-grained, non-friable, hard, slightly fractured, slightly weathered*

- **25'-35' BEDROCK (Trancas Formation - Tt)**
  - SANDSTONE; light bluish gray, massive, medium-to very coarse-grained, moderately strong, hard, slightly fractured, slightly weathered
  - *Slight water seep at 31 feet, northwest wall of boring*
  - *Shear at 35 feet: CLAY, dark gray, 1/16-inch thick, dry, stiff*

- **35'-39' BEDROCK (Trancas Formation - Tt)**
  - SILTSTONE; dark gray, thinly bedded, strong, very hard, very light, slightly weathered, coring required

**NOTES:**
- Surface Conditions: Moderately level area adjacent to Gull Way
- Groundwater at 38 feet
- 2 feet of fill
- Boring to be backfilled by client
### LOG OF BORING # 2 (B-2)

**Jon and Traci Hopp**  
**Guilis Way**  
**City of Malibu, CA**  
**Engineering Geologic Study**

**Date Started:** 4-21-2006  
**Date Completed:** 4-24-2006  
**Weather Conditions:** Sunny, warm

**Logged by:** Jake Holt

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<th>Sampler Type</th>
<th>Sample Type</th>
<th>Description</th>
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| 0 - 122   | Remolded         | SS Split Spoon | GWC | 0'-8' FILL (df)  
|           |                   | GT Shelby Tube |     | CLAYEY SAND with GRAVEL (landslide graben fill); mottled grayish brown and moderate brown, dry to slightly moist, medium dense, gravel component consists of angular, pebble- to cobble-size clasts of sandstone, abundant roofing to 3 feet, halite roofing below  
|           |                   | PS Plate Sampler |     | *Asphalt and concrete clasts at 4.5 feet  
|           |                   | DC Diamond Core Bar |     | *Studs fragments at 8.5 feet  
|           |                   |               |     | *Fill is dense from 7 to 8 feet  
| 8'-14.5'  | Lost             |               |     | LANSIDE DEBRIS (Ols)  
|           |                   |               |     | CLAYEY SAND with GRAVEL (relief terrace deposits); moderate reddish brown to dark reddish brown, dry to slightly moist, massive, dense, gravel component consists of pebble-size clasts of sandstone and siltstone  
|           |                   |               |     | *SAND from 9 to 11.5 feet, dark reddish brown, slightly moist, still trace pebble-size clasts of sandstone and siltstone, contact with underlying SILTY SAND is inclined to the southeast  
|           |                   |               |     | *SAND with GRAVEL below 11.5 feet, reddish brown, slightly moist, medium dense  
|           |                   |               |     | *SAND with GRAVEL below 13.5 feet, course-grained, gravel component consists of well-rounded, pebble- to cobble-size clasts of quartzite and cemented sandstone  
|           |                   |               |     | *LANSIDE PLANE at 14.5 feet; abrupt and planar clay shears, 1/4 inch thick  
| 14.5'-18' |                  |               |     | BEDROCK (Tenessea Formation - Tr)  
|           |                   |               |     | SILTSTONE with occasional SANDSTONE interbeds; siltstone is moderate yellowish brown with iron-oxide staining, thinly laminated to thinly bedded, friable, moderately hard, moderately fractured, moderately weathered; sandstone is mottled very pale orange and grayish orange, thin to medium bedded, fine- to medium-grained, friable, moderately hard, moderately fractured, moderately weathered  
|           |                   |               |     | *Increasing percentage of SANDSTONE below 18 feet  
| 18'-26'   |                  |               |     | BEDROCK (Tenessea Formation - Tr)  
|           |                   |               |     | SANDSTONE with very occasional SILTSTONE interbeds; sandstone is yellowish gray with iron-oxide staining, medium bedded to thickly bedded, medium- to very coarse-grained, somewhat friable, moderately hard, moderately fractured, moderately weathered; sandstone is yellowish brown, thinly laminated to thinly bedded, somewhat friable, moderately hard, moderately weathered, moderately weathered  
|           |                   |               |     | *Bedrock is well bedded and tight below 18 feet

**Total Depth:** 60 feet  
**Water source:** 34 feet  
**No casing:** 8 feet of fill

**Notes:** Boring to be backfilled by client

---

**Sample Description:**  
**CLAY from 9 to 11.5 feet, dark reddish brown, slightly moist, still trace pebble-size clasts of sandstone and siltstone, contact with underlying SILTY SAND is inclined to the southeast.
## LOG OF BORING #2 (B-2)

**Jon and Tracy Hopp**

**Gulls Way**

**City of Malibu, CA**

**Engineer Geologic Study**

**JH6840**

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<td></td>
</tr>
</tbody>
</table>

**Sample Condition**

- Mixed
- Rock Core
- Undisturbed
- Lost
- Remolded

**Sample Type**

- SS Split Spoon
- ST Shelby Tube
- PS Piston Sampler
- DC Diamond Core Bar

**Description**

- *SILTSTONE interbed at 21 feet, 1 inch thick, broken by steeply-dipping micro-sheets, 1/2 to 3/4 inches of bed separation*
- *SILTSTONE interbed at 24 feet, 4 inches thick*
- *Silt at 34 feet, CLAY, dark gray, 1/2 inch thick, moderate water seepage, soft*
- *Zone of light folding at 36 feet*
- *Mostly SANDSTONE below depth of 39 feet*

**Attitudes**

- Bedding @42 (N 49 W, 39 N)
- Bedding @42 (N 70 W, 21 N)
- Bedding @45 (N 31 W, 37 N)
- Bedding @49 (N 45 W, 34 N)
- Bedding @54 (N 39 E, 39 E)
- Bedding @54 (N 39 E, 39 E)

**Surface Conditions**

- South-facing slope adjacent to Gulls Way
- Water seep at 34 feet
- No caving
- 8 feet of fill

**Notes:** Boring to be backfilled by client
**LOG OF BORING # 3 (B-3)**

<table>
<thead>
<tr>
<th>Depth in Feet</th>
<th>Sample Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3' SOIL</td>
<td>Remoulded</td>
<td><strong>Silty Sand</strong>; grayish brown to moderate brown with depth, dry to slightly moist, rooting in upper 1 foot.</td>
</tr>
<tr>
<td>3-8' SOIL</td>
<td>Undisturbed</td>
<td><strong>Sandstone with occasional Silty Stone interbeds</strong>; sandstone is yellowish grey with iron-oxide staining, medium bedded to thinly bedded, medium- to very coarse-grained, friable to somewhat friable, moderately hard, moderately lustrated, moderately weathered; silts are grayish brown, thinly laminated to thinly bedded, somewhat friable, moderately hard, moderately sheared, moderately weathered.</td>
</tr>
<tr>
<td>8-10' SOIL</td>
<td>Lost</td>
<td>Irregular Silty Stone interbed at 6 feet, non-continuous around boring.</td>
</tr>
<tr>
<td>10-15' SOIL</td>
<td>SS Split Spoon</td>
<td>Non-continuous Silty Stone interbed at 6 feet.</td>
</tr>
<tr>
<td>15-20' SOIL</td>
<td>ST Shelby Tube</td>
<td>Mostly Sandstone from 6 to 38 feet; very coarse-grained to conglomeratic, massive, somewhat friable, moderately hard, moderately fractured, slightly weathered.</td>
</tr>
<tr>
<td>20-25' SOIL</td>
<td>PS Platon Sampler</td>
<td>Silty Stone interbeded at 13 feet, moderate brown, 12 inches thick.</td>
</tr>
<tr>
<td>25-30' SOIL</td>
<td>DC Diamond Core Bar.</td>
<td>Irregular shaped Silty Stone interbeded at 16 feet, 2 to 4 inches thick.</td>
</tr>
<tr>
<td>30-35' SOIL</td>
<td>PS Platon Sampler</td>
<td>Silty Stone interbeded at 16 feet, moderate brown and dark gray, 2.5 feet thick, sparse gypsum mineralization.</td>
</tr>
<tr>
<td>35-40' SOIL</td>
<td>PS Platon Sampler</td>
<td>Silty Stone interbeded from 24 to 26 feet, dark gray, gypsum mineralization.</td>
</tr>
<tr>
<td>40-45' SOIL</td>
<td>PS Platon Sampler</td>
<td>Sandstone is dark gray.</td>
</tr>
<tr>
<td>45-50' SOIL</td>
<td>PS Platon Sampler</td>
<td>Chert &amp; Gneiss at 52 feet, massive.</td>
</tr>
<tr>
<td>50-55' SOIL</td>
<td>PS Platon Sampler</td>
<td>Sheared contact with underlying Silty Stone at 33 feet, (ancient fault zone?), planer and thin zone of clay with slickensides, plastic, truncates bedding in underlying Silty Stone, slight water seepage.</td>
</tr>
<tr>
<td>55-60' SOIL</td>
<td>PS Platon Sampler</td>
<td>Silty Stone and sandstone beds below 35 feet, isolated pockets of water seepage.</td>
</tr>
<tr>
<td>60-65' SOIL</td>
<td>PS Platon Sampler</td>
<td>Chaotic structure and discontinuous beds below 35 feet, isolated pockets of water seepage.</td>
</tr>
<tr>
<td>65-70' SOIL</td>
<td>PS Platon Sampler</td>
<td>Decreasing strength and hardness with depth.</td>
</tr>
<tr>
<td>70-75' SOIL</td>
<td>PS Platon Sampler</td>
<td>Shear at 49 feet; Clay, dark gray, 6 inches thick, wet, soft, water seepage.</td>
</tr>
<tr>
<td>75-80' SOIL</td>
<td>PS Platon Sampler</td>
<td>Heavy water seepage at 50 feet, caving, probable landslide plane, unable to closely observe and measure landslide plane due to heavy water seepage and caving.</td>
</tr>
<tr>
<td>80-90' SOIL</td>
<td>PS Platon Sampler</td>
<td>Unable to downhill log below 50 feet due to very dangerous conditions.</td>
</tr>
</tbody>
</table>

**TOTAL DEPTH:** 90 feet

**Surface Conditions:** Ridge area

**Notes:** Boring to be backfilled by client.

---

For more detailed information, see the full log in the image provided.
PARCEL A (FEE)
PARCEL B (FEE)
PARCEL C (FEE)
PARCEL D (FEE)
PARCEL E (ESMT)
PARCEL F (ESMT)

ESMT FOR PUBLIC UTILITIES & INCIDENTAL PURPOSES
REC. IN BK 23498-229 O.R.

ESMT FOR PUBLIC UTILITIES & INCIDENTAL PURPOSES
REC. 2-16-49 AS INS. No. 1875 IN BK 29389-307 O.R.

ESMT FOR PARKING & INCIDENTAL PURPOSES REC. 10-17-78
AS INS. No. 1147935

ESMT FOR INGRESS, EGRESS & INCIDENTAL PURPOSES REC. 10-17-78
AS INS. No. 1147020

This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss by reason of the reliance thereon.
1992

DEED REC IN BK 23498-2290.C.
ESMT RESERVED IN DEED 23498-2290.C.

CODE 10564 10571

LAND OF MATTHEW KELLER
IN THE RANCHO TOPANGA MALIBU SEQUIT
P.F. 534
ENGINEERING GEOLOGIC MEMORANDUM

ENGINEERING GEOLOGIC RESPONSE TO
FEFFER GEOLOGICAL CONSULTING LETTER DATED NOVEMBER 4, 2013

RE: PROPOSED CUSTOM SINGLE-FAMILY RESIDENTIAL DEVELOPMENT

26714 SEAGULL WAY
CITY OF MALIBU, CALIFORNIA

PREPARED FOR MR. CHARALS HAAGEN

NOVEMBER 14, 2013

MGI Project No.: JH7363
CONSULTING ENGINEERING GEOLOGISTS

November 14, 2013

Mr. Charals Haagen
P.O. Box 2107
Malibu, CA 90265

SUBJECT: ENGINEERING GEOLOGIC MEMORANDUM, ENGINEERING GEOLOGIC RESPONSE TO FEFFER GEOLOGICAL CONSULTING LETTER DATED NOVEMBER 4, 2013, RE: PROPOSED CUSTOM SINGLE-FAMILY RESIDENTIAL DEVELOPMENT, 26714 SEAGULL WAY, CITY OF MALIBU, CALIFORNIA

REFERENCES: GEOTECHNICAL EVALUATION OF NEW CONSTRUCTION, 26714 SEAGULL WAY, MALIBU, CALIFORNIA, 90265, PREPARED BY FEFFER GEOLOGICAL CONSULTING, FILE NO.: 1317-37, NOVEMBER 4, 2013


ADDITIONAL REFERENCES ARE LISTED AT THE END OF THIS MEMORANDUM

INTRODUCTION

Dear Mr. Haagan,

As requested, Mountain Geology, Inc. (MGI) has prepared this Engineering Geologic Memorandum with respect to the proposed custom single-family residential development at 26714 Seagull Way which is located in the City of Malibu, California. Specifically, this memorandum provides MGI’s engineering geologic response to the referenced Geotechnical Evaluation of New Construction letter, dated November 4, 2013, which was prepared by Feffer Geologic Consulting. Based on our review of the referenced letter by Feffer, Feffer presents various concerns and requests on behalf of the Latigo Cove Property Owners Civic Association, Inc. (the "HOA") with respect to the currently proposed residential development of the subject
property. A more lengthy and non-technical discussion of these concerns is presented in the referenced letter prepared by the HOA. To briefly summarize, the Feffer letter and the associated letter by the HOA state or imply that the currently proposed custom single-family residential development of the subject property may have an adverse affect on groundwater levels and the stability of the local area.

GEOLOGIC/GEOTECHNICAL STUDIES

To clarify, MGI (2006-2013), Coastline Geotechnical Consultants, Inc. (CGC, 2009-2010), and Hamilton and Associates, Inc. (HAA, 2012-2013) have performed an extensive engineering geologic and geotechnical engineering study of the subject property in regards to the proposed construction of a custom single-family residence and associated on-site wastewater treatment and disposal system (OWTS) at the subject property. The associated engineering study for the proposed OWTS was performed by EPD Consultants, Inc. (EPD, 2011). These studies included, in part, the excavation, logging, and sampling of 15 deep borings within the subject property. In addition, a total of 15 shallow test pits were excavated and tested within the site by EPD. Based on the findings of these extensive studies, the project consultants concluded that the site was suitable for the currently proposed residential development project and it was clearly demonstrated that the proposed project will be free from geologic hazards such as landslides, slippage, settlement and the proposed project will not have an adverse effect upon the stability of the site or adjacent properties provided: 1.) The recommendations of the Project Engineering Geologist, Project Geotechnical Engineer, and Project Environmental Health Specialist/Engineer are properly incorporated into the plans and implemented during construction; and 2.) The subject property and proposed structures are properly maintained. The detailed findings, conclusions, and recommendations of these studies are presented in the referenced reports which are on file at the City of Malibu Department of Building and Safety. It should be noted that the referenced reports were thoroughly reviewed and were ultimately approved by the City of Malibu's geologic/geotechnical reviewing staff.

GROUNDWATER and STABILITY CONCERNS

The referenced reports by Feffer and the HOA present concerns that the residential development of the site may be detrimental the groundwater conditions underlying the subject property and surrounding area. They indicate that water introduced at the subject property site via irrigation and from the proposed OWTS may cause a groundwater rise in the area followed by possible instability within the remainder of the landslide located downslope of the subject property. To clarify, based on consultation with the applicant, it is our understanding that the installation/planting of vegetation which requires permanent irrigation will not be a part of the proposed project. To clarify, it is our understanding that a permanent irrigation system will not be installed and utilized within the site. Only temporary irrigation of drought-tolerant vegetation (using above-ground dripper lines) will be initially performed until the vegetation is sufficiently established.
In regards to the proposed OWTS, it has been thoroughly demonstrated in the referenced reports that the installation and use of the currently proposed OWTS will have no adverse affect on the stability of the subject property or the adjacent properties. To clarify, based on our consultation with the Project Engineer (EPD Consultants, Inc.) and our review of the referenced infiltration/design reports by the Project Engineer, it is proposed to “micro-dose” effluent into the shallow subsurface in the area located adjacent and north of the proposed residence as a means to dispose of treated effluent. Specifically, it is reported by EPD that the infiltration testing and laboratory analysis of surficial sediments underlying the proposed dosing field (i.e. the sandy loam) yielded an absorption rate which ranged from 1.0 gpd/ft² (for Zone 1) to 1.5 gpd/ft² (for Zones 2 and 3). It is also our understanding that the aforementioned absorption rate was obtained after pre-saturating the tested soils. Furthermore, a "safety factor" of 10 has been incorporated into the preliminary design of the system which results in an allowable dosing rate of 0.1 gpd/ft² (for Zone 1) to 0.15 gpd/ft² (for Zones 2 and 3). However, for conservative engineering design and construction practice, the Project Engineer has opted to utilize a lower "peak" dosing rate of 0.093 gpd/ft² (for Zone 1) to 0.117 gpd/ft² (for Zones 2 and 3). Based on the calculated amount of peak daily discharge (600 gpd), the installation of a 5,372 sq. ft. dosing field (3 zones) is proposed. To clarify, based on aforementioned consultation with Project Engineer, and our review of the referenced infiltration/design reports, the effects of evapotranspiration were not relied upon in the design of the OWTS. However, at the proposed peak dosing rate (i.e. 0.093 to 0.117 gpd/ft²), MGI does anticipate that the vast majority of effluent will evaporate and/or will be absorbed by the overlying vegetation for the majority of the year with little to no effluent moving downward through the subsurface. However, it is acknowledged that effluent may move vertically downward into the subsurface during various periods of limited sunlight, cold temperatures, during periods of precipitation, or if you simply assume that no evapotranspiration will take place. The effluent which does not evaporate, or is not absorbed by the overlying vegetation, is anticipated to move vertically downward through the subsurface, through the underlying fill materials, through the fill-bedrock contact, and through the internal porosity of the underlying sedimentary bedrock to the groundwater interface. Based upon the findings of our engineering geologic study of the subject property, and the proposed dosing rates previously discussed in this report, significant mounding or lateral movement on a confining bed or boundary (including the underlying fill-bedrock contact), or daylighting of sewage effluent is not anticipated to occur. Furthermore, future effluents released from the proposed evapotranspiration dosing field are not anticipated to migrate towards or be transmitted into the unstable slope areas (i.e. the mapped landslide) located downslope of the project area and the proposed soldier-pile stabilization system.

Feffer also opines that the release of treated water from the dosing fields of the proposed OWTS may cause excessive settlement of the uncertified will which underlies portions of the proposed dosing fields. To clarify, the proposed residence and associated soldier pile system will be founded into the underlying bedrock with friction piles tied together with grade beams. In addition, concrete slabs on grade are not permitted over the proposed OWTS dosing fields. Thus, any future settlement of the fill materials underlying the proposed OWTS dosing fields will have no adverse affect on the proposed structures of subject property or the adjacent area.
Firstly, the subject property will be provided with a storm-water drainage control system which will collect storm-water runoff from the developed area of the site and transfer the collected runoff offsite to the south via a sealed piping system. This alone will result in a drainage condition which is significantly more favorable that what currently exists at the vacant site and will serve to promote stability of the local area. To clarify, the proposed drainage control system of the subject property will prevent a significant amount of water from infiltrating into the subsurface of the site thus preventing the collected water from infiltrating or percolating into or towards the mapped landslide mass during periods of precipitation.

**REQUESTED SLOPE INCLINOMETERS**

Feffer and the HOA have requested that a minimum of 2 slope inclinometers be installed below the project area of the subject property in order to monitor ground movement before, during, and after construction of the proposed residence. Based on the findings of our engineering geologic study of the site, it is our professional opinion that this action would serve no useful purpose other than potentially assigning erroneous blame for landslide movement based on construction activities performed within the subject property. To clarify, the area located immediately downslope of the project area is underlain by historically-active and prehistoric landslide masses. Very minor subsurface movement (i.e. creep) of these landslides, which would be detectable in a slope inclinometer, may be occurring at this very instant. Furthermore, reactivation and/or additional movement of the mapped landslide masses before, during, or after the residential development of the subject property could happen due to factors not related to the proposed site development. To clarify, the proposed residential development of the subject property is not required to (and will not) provide code-conforming slope stability below the project area of the site. What is required (and has been demonstrated through sufficient study and analysis) is that the proposed single-family residence and associated OWTS will be code-conforming and free from geologic hazards such as landslides, slippage, settlement and the proposed project will not have an adverse effect upon the stability of the site or adjacent properties provided: 1) The recommendations of the Project Engineering Geologist, Project Geotechnical Engineer, and Project Environmental Health Specialist/Engineer are properly incorporated into the plans and implemented during construction; and 2) The subject property and proposed structures are properly maintained.

**REQUESTED DEWATERING WELLS**

Feffer and the HOA have requested that an unspecified amount of dewatering wells be installed within the southern portion of the subject property, below the project area of the site. Based on the findings of our engineering geologic study of the site, it is our professional opinion that this action would serve no useful long-term purpose and would be an unnecessary expense to the developer. The rational for this opinion is that the proposed residential development of the subject property will not impede the ability of the existing HOA dewatering wells to perform. In addition, as previously discussed in the "Groundwater and Stability Concerns" of this memorandum, it has been demonstrated that the proposed residential development of the subject
property will have no adverse affect on the groundwater conditions underlying the subject property or adjacent area. Thus, the installation of dewatering wells within the site in order to restore a perceived groundwater balance status-quo, is not necessary. Furthermore, as previously discussed in this report, the area located immediately downslope of the project area is underlain by historically-active and prehistoric landslide masses. Reactivation and even a very minor amount of landslide movement would quickly destroy the requested dewatering wells.

**PRELIMINARY FINDINGS LETTER BY MGI, DATED MAY 2, 2006**

As discussed in the referenced preliminary findings letter by MGI, dated May 2, 2006, MGI performed a limited engineering geologic study of the subject property in April of 2006. Based on the findings of the limited tasks performed as part of this initial study of the site, MGI did conclude (and rightfully so) that the subject property is located within a "geo-sensitive" environment with clear evidence of past instability. MGI also concluded (and rightfully so) that the residential development of the site may be economically challenging or even impossible. MGI also correctly identified the potential future challenges in regards to the design and installation of a private sewage disposal system within the site. MGI's professional geologic findings and opinions concerning the identified site conditions and the anticipated challenges associated with the residential development of the subject property were clearly conveyed to the previously interested party in the aforementioned letter.

It should be noted that these same professional geologic findings and opinions concerning the identified site conditions and the anticipated development challenges were also clearly conveyed to the current owner of the property. However, despite the inherent uncertainty and financial risk associated with performing additional studies within the site, the current property owner opted to devote a considerable amount of time and expense to further studying the subject property in order to conclusively determine if the site could be safely developed. And, based on an extensive amount of subsequent subsurface exploration, testing, analysis, and design by the project consultants, it was ultimately demonstrated that the residential development of the subject property was feasible from an engineering geologic and geotechnical engineering standpoint provided: 1.) The recommendations of the Project Engineering Geologist, Project Geotechnical Engineer, and Project Environmental Health Specialist/Engineer are properly incorporated into the plans and implemented during construction; and 2.) The subject property and proposed structures are properly maintained. It is also our understanding that the current owner has accepted the economic ramifications of the provided design recommendations.
CLOSE

Please avoid misunderstandings or misinterpretation of this engineering geologic memorandum by calling MGI with any questions you may have.

Respectfully Submitted,
MOUNTAIN GEOLOGY, INC.

Jeffrey W. Holt
PG 3814, CEG 1200 exp. 5-31-15
Principal Engineering Geologist

Distribution: (1) Addressee
(4) Wildman Design (plus 1 pdf copy on CD for City submittal)
(1) Hamilton and Associates, Inc.
(1) EPD Consultants, Inc.
REFERENCES

_site-Specific References (Subject Property, 26714 Seagull Way):

CalWest Geotechnical (2009), Laboratory Testing Services and Soil Classification, APN's 4460-022-031, -033, -034, and -035, Seagull Way, City of Malibu, California, Project No.: 5175, November 23, 2009.


City of Malibu Department of Environmental Health (2011), Notice of Required Corrections, Environmental Health Planning Stage (Conformance Review), 26714 Seagull Way, City of Malibu, California, August 1, 2011.

City of Malibu Department of Environmental Health (2012), Notice of Required Corrections, Environmental Health Planning Stage (Conformance Review), 26714 Seagull Way, City of Malibu, California, March 21, 2012.


**Site-Specific References (26770 Latigo Shore Drive):**

City of Malibu Department of Building and Safety (2004), Geology and Geotechnical Engineering Review Sheet, 26770 Latigo Shore Drive, Malibu, California, City Log # 2400, May 26, 2004.

City of Malibu Department of Building and Safety (2006), Geotechnical Review Sheet, 26770 Latigo Shore Drive, Malibu, California, City Review Log # 2678, June 12, 2006.
City of Malibu Department of Building and Safety (2006a), Geotechnical Review Sheet, 26770 Latigo Shore Drive, Malibu, California, City Review Log # 2678, September 5, 2006.

City of Malibu Department of Building and Safety (2006b), Geotechnical Review Sheet, 26770 Latigo Shore Drive, Malibu, California, City Review Log # 2678, September 28, 2006.

City of Malibu Department of Building and Safety (2006c), Geotechnical Review (Coastal Development Review Approval) Sheet, 26770 Latigo Shore Drive, Malibu, California, City Review Log # 2678, October 31, 2006.

City of Malibu Environmental Health Department (2008), Notice of Required Corrections, 26770 Latigo Shore Drive, Malibu, California, Planning Case No. CDP 05-149, August 15, 2008.


Coastline Geotechnical Consultants, Inc. (2006a), Response to Geotechnical Engineering Review Sheet from the City of Malibu, Proposed Residential Development, APN 4460-021-014, 26770 Latigo Shore Drive, City of Malibu, California, Project No.: 2086C-076, July 13, 2006.

Coastline Geotechnical Consultants, Inc. (2006b), Response to Geotechnical Engineering Review Sheet from the City of Malibu, Proposed Residential Development, APN 4460-021-014, 26770 Latigo Shore Drive, City of Malibu, California, Project No.: 2086C-096, September 14, 2006.


Mountain Geology, Inc. (2009), Engineering Geologic Memorandum, Recommended Location of Proposed Leach Field, 26770 Latigo Shore Drive, City of Malibu, California, MGI Project No.: JH6671, July 7, 2009.

Site-Specific References (26701 Latigo Shore Drive):

County of Los Angeles (1963), Geologic Review Sheet (Approval Pending Slide Waiver), Proposed Residence Repair, 26701 Latigo Shore Drive, Malibu, Los Angeles County, California, November 7, 1963.

County of Los Angeles (1965), Geologic Review Sheet, 26701 Latigo Shore Drive, Malibu, Los Angeles County, California, March 12, 1965.

Mountain Geology, Inc. (2004), Preliminary Engineering Geologic Report, Proposed Residential Remodeling and Remedial Site Stabilization, APN 4460-022-007, 26701 Latigo Shore Drive, City of Malibu, California, MGI Project No.: JH5984, August 6, 2004 (revised).


Site-Specific References (South Annex Stabilization Area):


Mountain Geology, Inc. (2009c), Geologic Memorandum, Subject: Annual Monitoring, South Annex Landslide Stabilization, Latigo Shores Drive, City of Malibu, California, MGI Project No.: JH5988, October 12, 2009.


Site-Specific References (26800 Pacific Coast Highway):

City of Malibu Department of Building and Safety (2003), Geology and Geotechnical Engineering Review Sheet, 26800 Pacific Coast Highway, City of Malibu, California, City Log # 2286, July 3, 2003.

City of Malibu Department of Building and Safety (2003a), Geology and Geotechnical Engineering Review Sheet, 26800 Pacific Coast Highway, City of Malibu, California, City Log # 2286, October 30, 2003.

City of Malibu Department of Building and Safety (2004), Geology and Geotechnical Engineering Review Sheet, 26800 Pacific Coast Highway, City of Malibu, California, City Log # 2286, March 22, 2004.


Site-Specific References (6320 Via Cataldo):


Regional Geologic References:


California Department of Conservation (1983), Landslides of the Central and Western Santa Monica Mountains, Los Angeles and Ventura Counties, California, DMG Open File Report 83-16, Division of Mines and Geology, Scale 1:48,000.


California Department of Conservation (1997), Guidelines for Evaluating and Mitigating Seismic Hazards in California, Special Publication 117, Division of Mines and Geology.

California Department of Conservation (2002), Seismic Hazard Zone Report For the Point Dume 7.5-Minute Quadrangle, Los Angeles and Ventura Counties, California, Seismic Hazard Zone Report 056, Division of Mines and Geology.


Dibblee, T. W. and Ehrenspeck, H. E. (1993), Geologic Map of the Point Dume Quadrangle, Ventura and Los Angeles Counties, California, Dibblee Foundation Map DF-48, Scale 1:24,000.


Yerkes, R. F., Campbell, R. H., and others (1970), Preliminary Geologic Map of the Point Dume Quadrangle, Los Angeles County, California, United Stated Geological Survey Open File Map, Scale: 1:12,000.

Yerkes, R. F., Campbell, R. H., and others (1996), Geologic Map of the Point Dume Quadrangle, Los Angeles County, California, United Stated Geological Survey Geologic Quadrangle Map, GQ1747, Scale: 1:24,000.


General Geologic/Geotechnical References:


Robertson, P. K. (1990), Soil Classification Using the Cone Penetration Test, Canadian Geotechnical Journal, Vol. 27, pp. 151-158.


Aerial Photographs Reviewed:


United States Department of Agriculture (1952), AXJ-1K-75 and -76, Approximate Scale: 1" equals 1,800', November 3, 1952.

****
Dear Ms. Ly:

I am the owner of property at 26664 Seagull Way, and have received your notice of public hearing on Monday, August 19th, regarding the property referenced above. This is Coastal Development Permit No. 11-019, Variance No. 13-011 and Site Plan Review No. 11-008. I am writing in my individual capacity, and not on behalf of my law firm.

We will be overseas on August 19th and unable to attend the hearing. Therefore, I am writing to you in order to provide public comment.

The property owner should be required to build within the height and other limits that apply, and no variance should be granted. The property owner should not have purchased the property unless he was willing to abide by these limits. It would be unfair to nearby property owners, and would adversely affect our property values and enjoyment of our property, if the requested variance were to be granted.

Please communicate these views on my behalf at the public hearing.

I would appreciate it if you would confirm receipt of this email. If you wish to reach me, please email back, or call me at the number below.

Thank you.

Lisa Greer Quateman

Lisa Greer Quateman
Managing Partner,
Los Angeles
lquateman@polsinelli.com
310.556.1801
2049 Century Park East, Suite 2300
Los Angeles, CA 90067
polsinelli.com

POLSINELLI
Polsinelli PC, Polsinelli LLP in California

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Ha, Ly

To: Lisa Greer Quateman  
Subject: RE: 26714 Seagull Way - WITHDRAWAL OF OBJECTION TO EXPANSION OF HEIGHT LIMIT

From: Lisa Greer Quateman  [mailto:LQuateman@Polsinelli.com]  
Sent: Wednesday, September 11, 2013 12:24 PM  
To: Ha Ly  
Cc: Neil Quateman (nquateman@beyondmanagement.com)  
Subject: RE: 26714 Seagull Way - WITHDRAWAL OF OBJECTION TO EXPANSION OF HEIGHT LIMIT

Ha,

I'm back from my trip. I am now able to confirm that the proposed project does not block our primary view. It's big though! Thank you for your courtesy and please let me know if you need any additional information.

Lisa Greer Quateman  
Managing Partner,  
Los Angeles  
lquateman@polsinelli.com  
310.556.1801  
2049 Century Park East, Suite 2300  
Los Angeles, CA 90067  
polsinelli.com  

POLSINELLI  
Polsinelli PC, Polsinelli LLP in California
Dear Ha Ly,

I am the resident and owner of 26742 Via Linda Street, Malibu CA 90265. My parcel is numbered as number 6 on the parcel map on the notice of public hearing.

I would like to formally object to the current proposal. The current proposed single family home as outlined by story polls obstructs the white water-view of Latigo Point from my home. The white water view to me is just as important as the ocean view because I am a surfer and I check the waves breaking at Latigo Point everyday from my home. If the proposed home is built, it will significantly obstruct my view and not allow me to see the waves at Latigo Point.

I believe this can simply be remedied if the roof line is lowered or the proposed house is repositioned lower down the slope.

Pls accept my objection to the current application. And let me know by confirming.

All the best,

Darren Ting
26742 Via Linda Street
Malibu CA 90265
310.589.0924
Hello Richard,

I will forward you a copy of the email I sent to Ha Ly as well, but here is an updated list of concerns regarding the proposal set for hearing on the 6th of January.

Firstly, the Latigo HOA was informed by the City that this hearing would be pushed to late in January. It was a shock and eroded good will as we were to understand that the developer wanted to address our concerns and take the time needed to do so. It bolsters our opinion that this proposal is being shoved through the system without appropriate observance to the requirements of the City Planning Department and many questions remain unanswered going into the hearing.

I am not writing this on behalf of the Latigo HOA, but am on the board of directors and aware of some areas of concern.

1) Are the required documents all filed and on record at this point?
   a) **There should be an accurate site map:** The one currently on record is missing some relevant detail. There is a small pond of standing water and an operational de-watering well unaccounted for as well as some older growth trees. The pond used to be a popular drinking hole for cattle and horses back in the day when there were cattle and horses loafing about. It never dries out and is always producing some level of standing water on the property. These should be noted and are helpful in creating the hydrology picture. Also shallow test pits dug by Geo Plan data and the locations of these pits should be included and multiple fissures and gopher riddles areas should also be made not of as they affect hydrology.

   b) **Do we not need to have a record of the RUA easement filed and on record?** RUA-In order to avoid having to mitigate geological hazards outside of the building footprint, MGL proposed and defined a Restricted Use Area. I see notes from your

CC: Planning Commission, PD, Recording
Secretary, Reference Binder, File
geotechnical staff in reference to the RUA, but am unable to find the easement as recorded by Malibu or the city of Los Angeles.
Also, there exist conflicting statements in the report regarding the RUA. It states nothing will be built on the RUA..., but later insets that a water detention shack and drainage will be built on it.
What is fact here?
Also it fails to inform us that 16% of the OSWTS and 60% of the building footprint are also over the RUA (according to the Geologic Site Map).
We feel this needs to be addressed more clearly!

c) In reporting previously known grading or studies, MGI consulting overlooked some recent grading. No record was made of grading done on the subject site on November 28th, 29th 2005. Randy’s Grading under the supervision of Alan Armstrong brought in about 8 large truckloads of fill. We have further documentation if need be. In review of the Municipal codes we learned of the November-March grading ban. It lead us to believe that this work was unpermitted in conjunction MGI’s failure to integrate the shallow test pit data from the previously studied Geo Plan reports, we came to question the integrity of the percolation tests. MGI should be required to show these two separate studies are similar if not identical.

d) It is noted that the site property has an evapotranspiration system. 16% of it, as depicted is built over top of the RUA (active slide). How is this feasible? Sustainability in an active landslide also becomes a serious issue as does daylighting due to the golfer and fissure riddled hillside, neither of which are depicted or referred to on the site map. I would think that MGI would need to address these issues somehow.

This is just the tip of the iceberg and we feel this proposal needs some more scrutiny in regard to the above noted issues and others as well. I recommend that this proposal not be jammed to the end of an already hefty agenda on the 6th and will likely call the developer to request this consideration as well.

Regards
Jon Hopp
310 666 2207
jonehopp@me.com
Subject: FW: 26714 Seagull Way- HOA Concerns

From: Jon Hopp [mailto:jonehopp@me.com]
Sent: Thursday, January 02, 2014 4:42 PM
To: Richard Mollica
Cc: Ha Ly
Subject: Fwd: 26714 Seagull Way- HOA Concerns

---

Stay Well,
Jon Hopp
310 666 2207
jonehopp@me.com

Begin forwarded message:

From: Henno Hopp <jonehopp@me.com>
Date: December 25, 2013 6:39:40 AM
To: Ha Ly <HLy@malibucity.org>
Subject: Fwd: 26714 Seagull Way- HOA Concerns

Hello Hy,
Merry Christmas!
I am a resident below the building site noted above.
My concern which I would like addressed relates to variances.
It seems that the OSWT system and its positioning on the lot has caused a number of other
variances to be required.
It is my understanding reading the
Malibu LIP and LUP, that variances are granted based on non conformity.
This one variance has caused the need for 4 new ones. Effectively pushing the building into an
RUA, onto a steeper grade than allowed, without proper set backs and has increased considerably
the negative impact visually to the neighborhood below and coastal viewing.
It is written in the LIP and LUP that under these circumstances the scale and scope of a project
be adjusted in consideration of other negative impacts caused by the variance.
Is there evidence that the city has requested the builder modify both scale and design in granting
approval thus far?

I would think this to be a primary issue from a visual and protocol standpoint.

What are the variances requested that require a public hearing?
Is that the purpose of the Jan 6th meeting.
Has the RUA been recorded

sincerely,
Jon Hopp
Hi Barry,

The document you are looking for was included as Attachment 7 to the staff report, it starts on Page 95.

Yes, you can meet with Public Works; however, you have the contact the Public Works Department to do so. Please contact Rob Duboux at rduboux@malibucity.org or 310-456-2489 ext. 339, he will be able to tell you when he’s available.

-Ha

Ha Ly | AICP | Associate Planner | City of Malibu
32825 Stuart Ranch Road, Malibu CA, 90265
(310) 456- 2489 ext. 250

Connect with the City of Malibu

From: Haldeman, E. Barry [mailto:EBH@jmbr.com]
Sent: Tuesday, December 24, 2013 8:54 AM
To: Ha Ly; E. Barry Haldeman
Cc: jonehopp@me.com
Subject: RE: 26714 Seagull Way- HOA Concerns
Ha, thank you and Happy Holidays. How can I get a copy of the November 14 letter from Mountain Geology to our Geologists report? The first I knew of the letter was reading the staff report this morning. Could I pick it up today or Tuesday or could you send it to me electronically?

Also, is it possible to meet with public works about the drainage. The Home Owners on Latigo Place are most upset about the drainage on their private road. We do not believe this is legal and in addition during rainstorms the back of their property is inundated with water; this will exacerbate the situation on a year round basis.

Thank you for your help.

E. Barry Haldeman of Counsel to
JMBM | Jeffers, Mangels, Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067

(310) 201-3569 Direct
(310) 712-8573 Fax
BHaldeman@JMBM.com
JMBM.com

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From: Ha Ly [mailto:HLy@malibucity.org]
Sent: Tuesday, December 24, 2013 8:23 AM
To: E. Barry Haldeman
Cc: Haldeman, E. Barry; jonahopp@me.com
Subject: RE: 26714 Seagull Way- HOA Concerns
Hello Barry,

The most recent sets of plans are attached to the end of this staff report, found here:

http://www.malibucity.org/AgendaCenter/ViewFile/Agenda/01062014348?html=true

Regards,

Ha

Ha Ly | AICP | Associate Planner | City of Malibu
☎ 23825 Stuart Ranch Road, Malibu CA, 90265
📞 (310) 456-2489 ext. 250

Connect with the City of Malibu:

From: E. Barry Haldeman [mailto:ebhmalibu@aol.com]
Sent: Monday, December 23, 2013 7:26 PM
To: Ha Ly
Cc: EBH@jmbm.com; jonehopp@me.com
Subject: Re: 26714 Seagull Way- HOA Concerns

Can you tell me if the submissions from the Applicant changed from the ones you copied for me? If so, could you make me a new copy of the new submissions and I could Pick up tomorrow or Thursday morning?

Thank you.

E. Barry Haldeman
ebhmalibu@aol.com
It was continued to January 6, 2014.

---Original Message---
From: Ha Ly <HLy@malibucity.org>
To: E. Barry Haldeman <ebhmalibu@aol.com>
Cc: EBH <EBH@Jmbm.com>; jonehop <jonehop@me.com>
Sent: Mon, Dec 9, 2013 8:06 am
Subject: RE: 26714 Seagull Way- HOA Concerns

Thank you. Does the project have a date to appear before the Planning Commission yet?

E. Barry Haldeman
ebhmalibu@aol.com

---Original Message---
From: Ha Ly <HLy@malibucity.org>
To: Ebhmalibu <Ebhmalibu@aol.com>
Cc: EBH <EBH@Jmbm.com>; jonehop <jonehop@me.com>
Sent: Fri, Dec 6, 2013 8:56 am
Subject: RE: FW: 26714 Seagull Way- HOA Concerns

I've forwarded your below email to Rob Duboux in Public Works.
Thank you. Keep in mind that Latigo Shore Drive is a private street and any drains to the ocean would have to cross private property, so permissions would have to be obtained from multiple property owners. I don’t know if Public Works knows that.
Please include as correspondence to Item 5C.

Dear Joyce:

Attached please find a letter that has been prepared by RJR. This was just brought to me last week. Typically I do not get involved with reviews of proposed developments. In this particular instance, we do have serious concerns about the policy and precedence potentially being set here. While we agree with the approach, reviews and approval of the design and City review, this Project presents a unique situation.

The Latigo Shore HOA is voluntarily pumping groundwater to stabilize the active landslide. The Seagull project is assuming a groundwater level that is based on that pumping. As discussed herein, there are several unintended consequences and implications that the City should consider.

With this said, RJR is NOT against the development, and is happy to meet with the City or any parties to arrive at a solution. We have provided some recommended mitigation measures in terms of water balance and analysis.

Feel free to call me at any time.

Rob

Robert W. Anderson, RCE, NSPE, Juris Doctorate, CPSWQ, CMS4S & Instructor, CPESC, CPSWPPP/CCIS, QSP/QSD & ToR, CESSWI, CSMP, CISEC, CPSWM, CSM  email: randerson@riren.com
Principal Civil Engineer | Owner
California PE 58383 | Washington PE 47559 | Colorado PE 44734 | Hawaii PE 14230 | Arizona PE 51923 | Oregon PE 84690 | North Dakota PE 8252 | South Dakota PE 11546 | New York PE 92272

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File
Certified Professional in Erosion and Sediment Control (CPESC) #6840 | Certified CPSWPPP/CCIS #3367 | Certified Qualified SWPPP Practitioner & Developer (QSP/QSD) # 21902 & Trainer of Record (ToR - CASQA) | Certified Inspector of Sediment and Erosion Control (CISEC) #1137 | Certified Stormwater Professional (CSMP) #02.3908 | Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) #3270 | Certified Professional Stormwater Quality (CPSWQ) #0920 | Certified Municipal Separate Storm Sewer System Specialist (CMS4S) #0223 | Certified Stormwater Manager (CSM - APWA)

Commercial/Instrument Pilot: Airmens Cert.: 3233983.

APWA CSM Executive Council | EnviroCert CMS4S Region 9 Regional Representative | EnviroCert CPESC Region 8 Area Representative | EnviroCert CPSWQ Region 8 Area Representative | ACEC Ventura/SB Chapter Vice-President | Truckee Airport ACAT Board Member

RJR ENGINEERING GROUP

Civil & Geotechnical Engineering | Stormwater Quality and Management | Bioengineering | Hydrology & Flood Control | Municipal & Public Agency Consulting

Main Office: 3500 Camino Avenue, Suite 200, Oxnard, California 93030 T/ (805) 485-3935 or (310) 456-9085 | F/ (805) 485.6496
San Luis Obispo Office: 1530 Monterey St. # D San Luis Obispo, California 93401 T/ (805) 596.0256 | F/ (805) 650.5123
Sacramento: 8880 Cal Center Drive, Suite 400, Sacramento, California 95826 T/ (916) 438-6960 | F/ (916) 438-6961
Lake Tahoe Area Office: 774 Mays Boulevard, #10-369, Incline Village, Nevada 89451 T/ (775) 996-0219

URL: www.rireng.com

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CITY OF MALIBU
23825 Stuart Ranch Road
Malibu, California 90265-1950

Attention: Ms. Joyce Parker-Bozylnski, Planning Director
            Hal, Associate Planner

Subject: DUE DILIGENCE ENGINEERING REVIEW
            PROPOSED SINGLE FAMILY RE-DEVELOPMENT

Location: 26714 SEAGULL WAY (APN 4460-022-031, -033, -034, 035)
            CITY OF MALIBU, CALIFORNIA

Dear Ms. Parker-Bozylnski:

RJR Engineering Group (RJR) is pleased to present this review of the engineering and hydrology
for the proposed development located at 26714 Seagull Way in Malibu, California ("Project") as
requested by the Latigo Cove Property Owners Civic Association, Inc. ("HOA").

In general, we understand for the most part concur with the City findings for the building site,
in their opinion, the site is feasible for development and the project plans and reports may
meet the minimum standard of care in the industry. Given the complexity of the site and the
history, however, this latter raises issues that require additional consideration in regards to
water balance and policy issues for the stability of the site, given the unique set of
circumstances associated with the area.

The stability of the project assumes that pumping will continue and groundwater levels will not
rise to pre-pumping heights with no independent control. This sets a precedent for public
policy and has far-reaching ramifications for future problems, that from the record reviewed to
date, has not been thoroughly considered by the Project or the City.
Therefore, the City approval of the Project, as currently designed, places an unintended consequence and burden on the voluntary HOA to ensure that groundwater levels remain at or below design levels because the project depends on their private, volunteer dewatering project. This letter makes a couple recommendations, which includes:

1) The proposed Project should be designed as a standalone project, to derive suitable factors of safety based on historic high groundwater levels, estimated at 10 feet below existing ground level as observed during the 1980’s when the last significant movement occurred.

2) Ensure that the water balance from the site, including all runoff, sewage disposal, and landscaping does not exceed undeveloped conditions.

1.0. INTRODUCTION

RJR Engineering Group (RJR) has worked in the City of Malibu and Malibu area for the past 20 years, which includes more than several hundred projects in the region. These projects have included the civil engineering, hydrology, stormwater management, and geology/geotechnical design and construction for residential developments.

RJR has been requested to review the status of the geotechnical and civil engineering aspects of the adjacent project on behalf of HOA.

In general, the project civil engineering plans and geotechnical reports have been reviewed and approved by the City and appear to be in general conformance with the custom and standards for the region. The City staff and professionals have performed their typical diligent review. However, this site is atypical and has a complicated history. It is NOT the intent of RJR to stop or impede development. Rather, we are merely addressing some unique technical issues that in our professional opinion should be addressed.

The Latigo Shore area is a complex geologic and geotechnical area that has had a history of active landslide movement. In the 1980’s, movement occurred and property was damaged. As part of a voluntary neighborhood, project voluntary dewatering measures to lower groundwater levels to achieve stability were implemented. It is the valid concern of the HOA that the proposed development, as currently proposed does not adequately address potential impacts to the region.

The current geotechnical consultants utilized groundwater at 38 feet based on observations of groundwater in 2006 as presented on a table on Page 21, of the MGI, 2010 report:
The underlying potentiometric surface was encountered by MGI during our engineering geologic study. Specifically, the date, time, depth, and corresponding elevation of our potentiometric surface observations from a particular excavation is presented in the following table.

<table>
<thead>
<tr>
<th>Elevation No.</th>
<th>Date of Reading</th>
<th>Surface Elevation (ft)</th>
<th>Total Depth of Excavation (ft)</th>
<th>Depth to Static Groundwater (ft)</th>
<th>Groundwater Elevation (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>4/24/06</td>
<td>109</td>
<td>89</td>
<td>38</td>
<td>71</td>
</tr>
<tr>
<td>B-3</td>
<td>4/24/06</td>
<td>93</td>
<td>80</td>
<td>57</td>
<td>36</td>
</tr>
<tr>
<td>B+14</td>
<td>5/20/06</td>
<td>89</td>
<td>80</td>
<td>40</td>
<td>49</td>
</tr>
</tbody>
</table>

The Consultants analysis continues on Page 22 (2010) as follows:

**Historic Site Groundwater Conditions**

Evidence of a historically higher potentiometric surface (i.e. at an elevation higher than what was observed and previously discussed) was not observed by MGI during our engineering geologic study. In addition, the referenced Seismic Hazard Evaluation Report for the Point Dume Quadrangle does not indicate the presence of a historically high groundwater level within the subsurface of the subject property (DOC DMG: now referred to as the California Geological Survey - CGS, 2002).

**Highest Anticipated Site Groundwater Conditions**

As previously stated, the underlying potentiometric surface was encountered during our engineering geologic study and is illustrated, where appropriate, on the attached geologic sections. However, as also stated in this report, evidence of a historically higher potentiometric surface (i.e. at an elevation higher than what was observed and previously discussed) was not observed by MGI during our engineering geologic study. In addition, the referenced Seismic Hazard Evaluation Report does not indicate the presence of a historically high groundwater level within the subsurface of the subject property. While it is known that the presence, elevation, and movement of groundwater can vary significantly over short distances and can also fluctuate; based upon the location, elevation, topographic and geologic conditions of the subject property, and the active dewatering currently taking place along the northern margin of Seagull Way, the underlying potentiometric surface is not currently anticipated to rise to an elevation significantly higher than what was observed on the site and described herein.
The City in their review of August 17, 2012 does raise the issue of pumping by the HOA and requests clarification and justification for an Elevation of 30 feet (sic). The Consultant, in response (August 28, 2012) provides the following explanation.

**MGI's Response to Item # 7:**

To clarify, MGI's engineering geologic opinions regarding the observed groundwater conditions, historic groundwater conditions, and highest anticipated groundwater conditions of the subject property are presented in the HYDROGEOLOGY section of the referenced Report of Engineering Geologic Study by MGI (2010). However, it is acknowledged that there is always a risk that the HOA de-watering wells in the area could fail or their use could be abandoned in the future. Due to the limited amount of de-watering well data reported by the HOA, MGI's ability to make a quantitative prediction as to the groundwater response in the event the existing de-watering program ceased is very limited. However, for conservative design and construction practice, it appears prudent that the Project Geotechnical Engineer “assume” a higher groundwater level beneath the project area for purposes of the design of the proposed foundation/pile system. Based on our review of the hydrogeologic conditions discussed in the referenced Report of Engineering Geologic Study by MGI (2010), an “Engineering Highest Anticipated Groundwater Level” of 30 feet below the project area of the subject property appears to be appropriate from an engineering geologic standpoint.

The groundwater levels provided in the 2006 study were as a result of groundwater pumping, on the order of a 1,000,000 to 2,000,000 gallons per year between the years of 2008 to 2012 as illustrated on the attached table (Appendix A).

The HOA privately maintains the pumping operations for the area by utilizing 30 pumps. As a result, groundwater levels during periods of prolonged rainfall will now be lower, as observed in the 2006 and subsequent studies. However, these groundwater levels may or may not be indicative of levels that would be encountered after 50 to 100 year storm events (2005 was the equivalent of roughly a 30 year event in this area), which has not occurred during the life of the pumping.
Drill logs by the project geotechnical consultants and prior investigators found gypsum crystals, mottling, and other indicators of high groundwater (less than 20 feet below existing groundwater). Note the description in the Mountain Geology Log (e.g. B1 @ 7.5 – 13 feet, 17 feet; B2 @ 14.5', etc.) which note mottling and gypsum infill, which are clear indicators of groundwater.

No detailed assessment was performed by the Environmental or Geologic consultant. The Project Consultants did not contact the HOA for the pumping records or historic groundwater levels, and seeps were not considered in the stability analysis. Rather, an assumed elevation has been utilized for the design and stability of the project. These assumptions may be in error, and should be verified and revised, as necessary. Since this is an important issue, and the basis for the Project design, it is our opinion that consideration should be given as to policy and whether the Project should be designed on a stand-alone basis, as discussed below.

2.0. **RECOMMENDED DESIGN CONCEPTS**

The geologic, hydrogeologic, and hydrologic regime of the Latigo Shore area is complicated. The fact that landslide movement has decreased or ceased does not negate the need for an elevated review standard that would be on the order of other larger landslide complexes (e.g. Big Rock, Malibu Road, Rambla Pacifica, etc.) especially since the impact of the project affects 10 homes and Latigo Shore Drive.

Based on this underlying tenement, RGR has the following concerns and issues:

**Condition 1: Groundwater Pumping – Geotechnical Stability**

The existing dewatering system is privately maintained. Numerous historical examples can be demonstrated that events can occur that could negate this occurrence. Therefore, if the pumping became inoperative, it is not clear who and how it would be re-established, and the time frame for such events. The Project should not be designed based on assumptions and assertions that are reliant on downslope properties and would result in a site stability that is less than the City standards.

For instance, if the pumping halted or were in affective due to inundation, e.g. If an abnormal rainfall event occurs that results in groundwater levels rise, and/or an earthquake event occurred that mobilized the slide and sheared the wells, pumping operations would be terminated for an undetermined amount of time. As a result, the Project factors of safety (FoS) for stability would drop below 1.5 for static conditions and 1.1 for pseudo-static conditions.

The Proposed project relies on the integrity and long-term maintenance of the de-watering. It is RGR's express recommendation that the project be designed to with one of the two options:
1) The Project should provide dewatering wells that ensure redundancy to provide groundwater levels at the levels (or adjust accordingly) assumed at the elevations assumed in the analysis; or,

2) Design the project based on historic groundwater levels prior to the lowering of groundwater levels by the HOA pumping.

Therefore, it is RJR's professional opinion that relying on operations that are not controlled by the Project is an unacceptable public policy. The main concern here is the fact that the current design of this Project is dependent upon the continued funding and maintenance of 30 wells operated by a voluntary HOA, which wells extract 1,000,000 to 2,000,000 gallons of water annually between 2008 to 2012.

The unintended consequence of that is that the city, by approving this project as is, is attempting to indirectly create some obligation on the third party HOA to continue operating the wells even though those third parties have absolutely nothing to do with the project or the groundwater that causes the problem. We would submit that may be poor public policy and is not fair to the other homeowners/HOA. The better public policy would be to design a project that is totally self-sufficient, which would stand-alone even if the wells failed or if there are one or more heavy rain years or if some other natural disaster occurs.

There is no third party obligation now to protect the subject project and the City should not attempt to create one. The failure to require a new development to establish a design that provides a sustainable stable site is a grave error, and in my professional opinion and violates the basic tenements of public health and safety.

Condition 2: Groundwater Pumping—On-Site Sewage Disposal System

The proposed system is certainly considered to be a sound approach for the proposed Project. However, the designs underlying assumption is the depth to groundwater, as discussed in Condition 1. The system should be designed based on same options outlined above. As well, as discussed in Condition 3, a water balance analysis should be considered.

Further, it should be noted that while we concur with the proposed system, the ET system is situated directly adjacent to the two (2) largest de-watering wells (#25 and #28).

Condition 3: Surface Drainage and Irrigation Water Balance

The project has performed the standard drainage study based on the County of Los Angeles Hydrology Manual in accordance with the City of Malibu standards. This standard included ensuring that no net increase in flowrate runoff occurs.
However, there is a failure by the Project to recognize a critical flaw in this specific condition given the complex geologic and hydrologic conditions. It should be recognized that irrigation for large developments could result in a runoff/infiltration condition that can simulate abnormally high rainfall years. For most sites, this may not be a critical design element, however for the Latigo Shore region, this could be a critical tipping point. It should be recognized that it is commonplace and understandable for extensive landscaping to be established. However, this element should be considered in the overall water balance for the site, which is not expressly an element of the City of Malibu’s requirements; but should be considered herein. The reason is that any one element addressed in the City code may not be significant, but the sum of the total can and will result in an increase in the volume of water.

As such, the following elements for the site water balance that considers the following:

A. Infiltration Volumes
- Total volume irrigation infiltration;
- Total volume from the advanced treatment system;
- Total volume infiltrated from UID and stormwater measures;

B. Runoff Volumes
- Total volume irrigation runoff;
- Total volume of stormwater filtration runoff;
- Total volume of surface runoff

The Project should insure that final development does not result in a net increase in the water balance volumes from that of an undeveloped condition or less to verify and confirm thresholds do not increase groundwater levels from those assumed in the design especially considering the complicated nature, expense, and critical requirements that the HOA undergoes with the well operation and pumping.

SUMMARY AND CONCLUSION

Latigo Shore is an active landslide complex that was last subject to movement in the 1980s prior to the de-watering operations. Due to the pumping of groundwater to lower groundwater levels subsequently, movement has ceased. While the site has not been subject to rainfall events greater than a 25 to 30 year events since the 1980’s, the pumping has been successful to date.

The HOA recognizes that the Project is entitled to be developed and it is not the HOA’s intent to exercise any form of express or veiled NIMBY practices. Rather, the HOA based on the studies and expertise of numerous professionals over the past 25 years has obtained the knowledge and understanding that the “typical” City requirements may not be applicable for the site, given
Its geologic and geographic location. The result can and will be an unacceptable impact to the
local groundwater levels, the potential to de-stabilize the site, possible land movement, and
threats to human life and property. The resulting lawsuits and hazards can be avoided with the
appropriate studies and measures.

We request the City have the Project address the additional studies and mitigation measures
proposed herein. RJR and the HOA are willing to work with the City and the Project consultants
to resolve these issues.

If you have any questions, or if we can be of further assistance on this or other projects, please
do not hesitate to give us a call at (805) 485-3935

RJR ENGINEERING GROUP

Robert W. Anderson, N.S.P.E., R.C.E., G.C., Juris Doctorate
Principal Civil Engineer - RCE 58383 (CA)

Arizona: RCE 51929
Washington PE 47559
South Dakota PE 11546
Colorado PE 44734

Certified PESC #6840
California Certified OSP/QSD #21902 & Trainer
of Record (ToR)
Certified CIEEC #1137
Certified CESSWI #3270
Certified CPSWO #0828
Certified CMS4S #0223 & Trainer of Record

Distribution:

City of Malibu, Mr. Chris Dean (via email)

Mountain Geology, Mr. Jake Holt (via email)

LATIGO COVE PROPERTY OWNERS CIVIC ASSOCIATION, INC. (via email)
c/o E. Barry Haldeman of Counsel to
26674 Latigo Shore Drive
Malibu, California 90265
Appendix A

Lutge Shore Well Data
<table>
<thead>
<tr>
<th>Well #</th>
<th>Operational</th>
<th>2006</th>
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<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
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<tr>
<td></td>
<td></td>
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<td>Gallons</td>
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<tr>
<td>1</td>
<td>no pump</td>
<td>685,670</td>
<td>586,750</td>
<td>366,970</td>
<td>707,270</td>
<td>788,160</td>
<td>768,160</td>
</tr>
<tr>
<td>2</td>
<td>no pump</td>
<td>420,320</td>
<td>561,900</td>
<td>271,230</td>
<td>292,940</td>
<td>323,130</td>
<td>305,060</td>
</tr>
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Note: Purchased two new pumps for spares; removed pump #15 (dry) in Nov 2011 to replace #28 pump.
All wells inspected by Raro's Pump and Dewatering in March 2012.
All pumps are working or dry as of May 22, 2012.
Need to replace drain pipe near #8 approx 300 feet.
Hello Richard,

I will forward you a copy of the email I sent to Ha Ly as well, but here is an updated list of concerns regarding the proposal set for hearing on the 6th of January.

Firstly, the Latigo HOA was informed by the City that this hearing would be pushed to late in January. It was a shock and eroded goodwill as we were to understand that the developer wanted to address our concerns and take the time needed to do so. It bolsters our opinion that this proposal is being shoved through the system without appropriate observance to the requirements of the City Planning Department and many questions remain unanswered going into the hearing.

I am not writing this on behalf of the Latigo HOA, but am on the board of directors and aware of some areas of concern.

1) Are the required documents all filed and on record at this point?
   a) There should be an accurate site map: The one currently on record is missing some relevant detail. There is a small pond of standing water and an operational de-watering well unaccounted for as well as some older growth trees. The pond used to be popular drinking hole for cattle and horses back in the day when there were cattle and horses loafing about. It never dries out and is always producing some level of standing water on the property. These should be noted and are helpful in creating the hydrology picture. Also shallow test pits dug by Geo Plan data and the locations of these pits should be included and multiple fissures and gopher ridges areas should also be made not of as they affect hydrology.

   b) Do we not need to have a record of the RUA easement filed and on record? RUA-In order to avoid having to mitigate geological hazards outside of the building footprint, MGI proposed and defined a Restricted Use Area. I see notes from your geotechnical staff in reference to the RUA, but am unable to find the easement as recorded by Malibu or the city of Los Angeles. Also, there exist conflicting statements in the report regarding the RUA. It states nothing will be built on the RUA... but later inset that a water detention shack and drainage will be built on it.
   What is fact here?

   Also it fails to inform us that 16% of the OSWTS and 60% of the building footprint are also over the RUA( according to the Geologic Site Map).
   We feel this needs to be addressed more clearly!

   c) In reporting previously known grading or studies, MGI consulting overlooked some recent grading. No record was made of grading done on the subject site on November 28th, 29th 2005. Randy's Grading under the supervision of Alan Armstrong brought in about 8 large truckloads of fill. We have further documentation if need be. In review of the Municipal codes we learned of the November-March grading ban. It lead us to believe that this work was un permitted in conjunction MGI's failure to integrate the shallow test pit data from the previously studied Geo Plan reports, we came to question the integrity of the percolation tests. MGI should be required to show these two separate studies are similar if not identical.

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File
d) It is noted that the site property has an evapotranspiration system. 16% of it, as depicted is built over top of the RUA (active slide). How is this feasible? Sustainability in an active landslide also becomes a serious issue as does daylighting due to the golfer and fissure riddled hillside, neither which are depicted or referred to on the site map. I would think that MGI would need to address these issues somehow.

This is just the tip of the iceberg and we feel this proposal needs some more scrutiny in regard to the above noted issues and others as well. I recommend that this proposal not be jammed to the end of an already hefty agenda on the 6th and will likely call the developer to request this consideration as well.

Regards
Jon Hopp
310 666 2207
jonehopp@me.com
Begin forwarded message:

From: Henno Hopp <jonehopp@me.com>
Date: December 25, 2013 6:39:40 AM
To: Hy Ly <HLy@malibucity.org>
Subject: Fwd: 26714 Seagull Way- HOA Concerns

Hello Hy,
Merry Christmas!
I am a resident below the building site noted above.
My concern which I would like addressed relates to variances.
It seems that the OSWT system and it's positioning on the lot has caused a number of other variances to be required.
It is my understanding reading the Malibu LIP and LUP, that variances are granted based on non conformity.
This one variance has caused the need for 4 new ones. Effectively pushing the building into an RUA, onto a steeper grade than allowed, without proper set backs and has increased considerably the negative impact visually to the neighborhood below and costal viewing.
It is written in the LIP and LUP that under these circumstances the scale and scope of a project be adjusted in consideration of other negative impacts caused by the variance.
Is there evidence that the city has requested the builder modify both scale and design in granting approval thus far?

I would think this to be a primary issue from a visual and protocol standpoint.

What are the variances requested that require a public hearing?
Is that the purpose of the Jan 6th meeting.
Has the RUA been recorded

sincerely,
Jon Hopp

Sent from my iPhone

Begin forwarded message:
From: Ha Ly  
Sent: Monday, January 06, 2014 2:43 PM  
To: Patricia Salazar  
Subject: FW: To Planning Commission Moving Tonight's Agend Item re 26714 Seagull Way (Apn 4460-022-031, 033,034,035) to earlier on agenda

Please include as correspondence to Item 5.C.

---

RECEIVED  
JAN 06 2014  
PLANNING DEPT.

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From: E. Barry Haldeman [mailto:ebhmalibu@aol.com]  
Sent: Monday, January 06, 2014 2:39 PM  
To: Ha Ly  
Subject: To Planning Commission Moving Tonight's Agend Item re 26714 Seagull Way (Apn 4460-022-031, 033,034,035) to earlier on agenda

Members of the Planning Commission:

We are speaking tonight on an agenda item regarding 26714 Seagull Way (Apn 4460-022-031, 033,034,035) and we are right behind the massive Drummer/Bluffs Park agenda item.

We have one and possibly two experts who will be coming (and charging us by the hour) plus some residents.

We would appreciate it very much if you would consider exercising your discretion and moving us to be before the Drummer/Bluffs Park item so that we can make our case and not have our residents and experts wait until, what could be well after 10 pm.

Thank you for your consideration.

E. Barry Haldeman President Latigo Cove Property Owners Civic Association Inc.  
ebhmalibu@aol.com

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Date Received 1-6-14 Time 2:45 pm  
Planning Commission meeting of 1-6-14  
Agenda Item No. 5.C  
Total No. of Pages 1.

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File
NOTICE OF PUBLIC HEARING  
CITY OF MALIBU  
PLANNING COMMISSION

The Malibu Planning Commission will hold a public hearing on Monday, November 18, 2013, at 6:30 p.m. in the Council Chambers, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

**COASTAL DEVELOPMENT PERMIT NO. 11-019, VARIANCE NO. 13-011 AND SITE PLAN REVIEW NO. 11-008** - An application for a 5,821 square foot, two-story, single-family residence, with a 499 square foot attached garage, driveway, retaining wall, fire-department turnaround, grading, drainage improvements, landscaping, soldier pile system and an evapotranspiration onsite wastewater treatment system, including a variance for construction on slopes in excess of 2½ to 1 and a site plan review for height in excess of 18 feet (28 feet proposed).

<table>
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<th>APPLICATION FILING DATE:</th>
<th>May 3, 2011</th>
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<tr>
<td>PROPERTY OWNER:</td>
<td>Charles Haagen, Haagen Family Trust</td>
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<tr>
<td>APPLICANT:</td>
<td>Eric Rochin</td>
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<td>ADDRESS:</td>
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<td>APN:</td>
<td>4460-022-033</td>
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<td>ZONING:</td>
<td>Single-Family Medium (SFM)</td>
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<tr>
<td>CITY PLANNER:</td>
<td>Ha Ly, Associate Planner</td>
</tr>
<tr>
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<td>(310) 456-2489, extension 250</td>
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Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Department has analyzed the proposed project and found that it is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment, and therefore, is exempt from the provisions of CEQA. Accordingly, a CATEGORICAL EXEMPTION will be prepared pursuant to CEQA Guidelines Section 15303 – New Construction. It has further been determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the Planning Commission at any time prior to the close of the public hearing.

**LOCAL APPEAL** - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org.
or in person at City Hall, or by calling (310) 456-2489, extension 245.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's decision to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast Area District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Ha Ly, Associate Planner, at (310) 456-2489, extension 250.

[Signature]

JOYCE PARKER-BOZYLINSKI, AICP
Planning Director

Publish Date: October 24, 2013
A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, the applicant may be given up to 15 minutes to make a presentation. Any amount of that time may be saved for rebuttal. All other persons wishing to address the Commission will be provided up to three minutes to address the Commission. These time limits may be changed at the discretion of the Commission. At the conclusion of the testimony, the Commission will deliberate and its decision will be memorialized in a written resolution.

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LOCAL APPEAL - A decision of the Planning Commission may be appealed to the City Council by an aggrieved person by written statement setting forth the grounds for appeal. An appeal shall be filed with the City Clerk within ten days following the date of action for which the appeal is made and shall be accompanied by an appeal form and filing fee, as specified by the City Council. Appeal forms may be found online at www.malibucity.org or in person at City Hall, or by calling (310) 456-2489, extension 245.

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IF YOU CHALLENGE THE CITY’S ACTION IN COURT, YOU MAY BE LIMITED TO RISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Ha Ly, Associate Planner, at (310) 456-2489, extension 250, or at hly@malibucity.org.

Date: October 24, 2013

By: Joyce Parker-Bozylinski, AICP, Planning Director