



Council Agenda Report

City Council Meeting
04-26-21
**Item
4.C.**

To: Mayor Pierson and Honorable Members of the City Council

Prepared by: Jessica Thompson, Associate Planner

Reviewed by: Richard Mollica, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: April 15, 2021 Meeting Date: April 26, 2021

Subject: Appeal No. 19-010 - Appeal of Planning Commission Resolution No. 19-25 (20238 Piedra Chica Road; Appellants: Colin Drummond; Applicant: Sakahara Allen Architects; Property Owners: Reza Nebavi and Maryam Akbar)

RECOMMENDED ACTION: Adopt Resolution No. 21-22 (Attachment A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 19-010 (Attachment B) and approving Coastal Development Permit (CDP) No. 18-002 to allow for an interior and exterior remodel and 770-square foot addition to an existing 3,453-square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system (OWTS), and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item is not included in the Adopted Work Plan for Fiscal Year 2021-2022. Processing this application is part of normal staff operations.

DISCUSSION: The matter is an appeal of the Planning Commission's approval of CDP No. 18-002, an application to construct a 770-square foot addition to an existing single-family residence and other associated development (Attachment D – Project Plans).

At its December 2, 2019 meeting, the Planning Commission approved the proposed project and adopted Planning Commission Resolution No. 19-25 (Attachment E).

The appellant, Colin Drummond, filed an appeal of the Planning Commission's approval of the project on grounds that the findings or conditions are not supported by evidence, or the decision is not supported by findings, there was a lack of fair and impartial hearing, and the decision was contrary to law. Mr. Drummond owns the residence to the north of the subject property (20223 Piedra Chica Road).

Figure 1 - Aerial Photograph



Source: GovClarity, 2020

This agenda report sets forth grounds for denying the appeal and approving the project as approved by the Planning Commission.

Background

The proposed project involves the remodel and addition to an existing one-story, single-family residence and various exterior improvements. The proposed project is consistent with the Malibu Municipal Code (MMC) and Local Coastal Program (LCP) and does not include any discretionary requests. Furthermore, the Planning Commission made all of the required findings to approve the project. Staff recommends approval of the application.

The subject property is located in the Big Rock Mesa Landslide Assessment District and any additions to the existing residence are limited by Section 110.2.3.4 of the California Building Code. Section 110.2.3.4 limits additions to existing structures to not exceed 25 percent of the existing residence's square footage. The Planning Department reviewed the building permit records and confirmed the proposed addition does not exceed 25 percent of the existing structure. Additionally, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with Section 110.2.3.4 of the California Building Code, as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LCP Local Implementation Plan (LIP) Chapter 9.

The concerns over the project site's geology and the applicability of California Building Code Section 110.2.3.4 was extensively discussed over the course of three Planning Commission hearings.

On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, written reports, public testimony, and other information in the record. The Planning Commission directed staff to verify that the project was consistent with Section 110.2.3.4 of the California Building Code and to return with a resolution to approve the project on the Planning Commission's consent calendar.

On November 4, 2019, staff presented evidence demonstrating that the project was consistent with Section 110.2.3.4 of the California Building Code. At that meeting, the Planning Commission directed staff to verify the total gross floor area of the residence prior to July 6, 1968 and recheck the allowable size of the addition.

At the December 2, 2019 Commission meeting, staff clarified the total gross floor area of the residence prior to July 6, 1968. Upon confirmation of the size of the residence prior to July 6, 1968, the Planning Commission determined that the proposed addition did not exceed 25 percent and was consistent with Section 110.2.3.4 of the California Building Code. The Planning Commission approved the proposed project and adopted Planning Commission Resolution No. 19-25.

APPEAL TO THE CITY COUNCIL

The appellant contends that findings or conditions are not supported by evidence, or the decision is not supported by findings, there was a lack of fair and impartial hearing, and the decision was contrary to law. Specifically, the appellant contends that the Planning Commission failed to address the following: 1) geotechnical issues on the site and surrounding area; 2) the history of the project site being previously undeveloped; 3) the definition of gross floor area as it relates to California Building Code Section 110.2.3.4; 4) concerns regarding the proposed OWTS modifications; 5) the status of the condition of the dewatering system on Piedra Chica Road; 6) specific conditions of approval of Planning Commission Resolution No. 19-25; 7) the CEQA exemption; and 8) there was a lack of a fair and impartial hearing.

The appellant's specific arguments are summarized below in *italics* using phrases taken from the appeal. The full text of the appeal document can be found in Attachment B. Following each statement is staff's response. The Commission Agenda Reports are included as Attachments G, H, and I, and includes a complete overview of the surrounding area, project conformance with the LCP and MMC, and a discussion of all findings required to approve the application. The adopted Planning Commission Resolution No. 19-25 is included as Attachment E.

Appeal Item 1. The appeal references the project site's geology, specifically:

- a. *Geologic reports of possible slope failure were ignored by the applicant's geologist and no slope stability tests or calculations made regarding this.*

Staff Response

The appellant submitted a geotechnical report prepared by E.D. Michael dated January 8, 2019 and that reported was reviewed by City geotechnical staff, Fugro consultants, and the project's consulting geologist, Donald B. Kowalewsky of Environmental and Engineering Geology. On June 4, 2019, after careful review of the January 8, 2019 Michael report, City geotechnical staff determined that the report contained no evidence to refute the conclusions and determinations contained in the applicant's geotechnical reports.

The appellant contends that slope stability tests and calculations are required to approve the project. Donald B. Kowalewsky, the project geologist investigated the property both in 2005 and 2017 and did not find evidence that a local slope stability test was required. Furthermore, based on the review of the geotechnical and engineering reports and addenda, City geotechnical staff determined that a slope stability test was not warranted for the proposed project. The City's geotechnical staff based their approval and determination on the following reports that evaluated site-specific conditions and provided recommendations to address any pertinent issues:

- Geotechnical report prepared by Donald B. Kowalewsky dated April 10, 2017
- OWTS report prepared by EnSitu Engineering Inc. dated August 9, 2017
- OWTS report prepared by GeoConcepts, Inc. dated July 10, 2017

Additionally, as described in a memorandum dated December 23, 2020, prepared by City geotechnical staff (Attachment K), the current factor of safety of the Big Rock Mesa landslide complex has not been analyzed as it was in the 1991 Bing Yen & Associates report, however, it can be reasonably concluded, based upon the analyses presented in the 1991 Bing Yen & Associates report and the similarity in current groundwater levels compared to 1991, that the factor of safety are likely similar. The landslide encompasses 160 acres and several hundred properties and the area generally does not meet the factors of safety required by the LIP to allow for the construction of new homes without a variance. Requiring individual property owners to perform slope stability analyses of the entire BRM landslide would be extremely expensive and is unlikely to provide new information that would affect the project regarding the factor of safety of the landslide from what is known already. However, geotechnical consultants are required to review the 1991 Bing Yen & Associates report and current Assessment District monitoring and groundwater data.

- b. *Geologic reports by Lockwood and Dr. Merifield in 1973, Bing Yen & Assc. in 1995 and ED Michael most recently indicate risk to adjacent properties and all of Big Rock yet the building code stating no permit can be issued in this case are being ignored: 110.2.1 No building or grading permit shall be issued under the provisions of this section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work on or change in use of, the site for which the permit is requested. For the purpose of this section, a geotechnical hazardous condition does not include surface displacement due to earthquake faults.*

Staff Response

There is no evidence to suggest the proposed project will adversely affect neighboring properties. Donald B. Kowalewsky, the project geologist reviewed the previous 10 years of Monitoring Reports for the Big Rock Mesa Landslide Assessment District and concluded that the maximum recorded movement for the last 10 years was less than 1.5 inches at a depth of 210 feet. No visible signs of distress were visible across the property, and the project geologist concluded that the proposed project will not adversely affect offsite properties. This conclusion was reviewed by City geotechnical staff In summary, the proposed development is suitable for the intended use provided that the certified engineering geologist and/or geotechnical engineer's recommendations and City's building codes are followed.

- c. *No slope stability studies or calculations were completed in the applicant's geological reports to disprove the existing movement and direct and cumulative effect on other properties. In fact, a safety factor of 1.0 was indicated in both geologist's testimony at the Planning Commission hearing on October 16, 2019 which would normally cause denial on a project.*

Staff Response

According to the State of California Seismic Hazard Map the subject site is located within an earthquake induced landslide hazard zone. In addition, the project site lies within the Big Rock Mesa Landslide which is considered to be active; however, based on the submitted geotechnical reports no recent surficial slope failures or slumps were observed within the proposed project area on the property. Furthermore, based on the submitted geotechnical reports, the scope of the proposed work, and the characteristics of the surrounding area, slope stability tests and calculations are not applicable to the subject application. The Big Rock Mesa Landslide, on which this property is situated, has a static factor of safety below 1.5, however, additions that do not increase the gross floor area of the existing residence by more than 25% are reviewed under the provisions of Section 110.2.3.4 of the City of Malibu Building Code. This section imposes conditions of approval including submission of geotechnical engineering reports that contain findings (as required under Section 110.2.1) that "property outside the site of the proposed work will not be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work or change in use of, the site for which the permit is requested." This project was approved under Section 110.2.3.4.

Consistent with the LCP the property owner is required to record an "Assumption of Risk and Release" for geotechnical hazards. An "Assumption of Risk and Release" for geotechnical hazards will be signed by the property owner(s) and recorded at the City prior to permit issuance. This document is an acknowledgment by the property owner that the property is potentially subject to hazard from landslide, settlement or slippage, but has been determined by the project geotechnical consultant to be safe for the intended use. The document runs with the land and is therefore binding on all successors in interest of the property and will appear on any title report for a property on which it has been recorded. This requirement is applicable city-wide and is not unique to the Big Rock Mesa landslide area.

- d. *The Planning Commissioners did not adequately address or receive feedback and information on the Big Rock Mesa Landslide and site's current geology or the deteriorated dewatering equipment and mismanaged BRM landslide AD 98-1.*

Staff Response

The correspondence submitted by the appellant expresses concerns regarding the Big Rock Mesa Landslide Assessment District and infrastructure. The City Public Works Department and City geotechnical staff have reviewed the project and have determined the proposed project will have no adverse impacts on the surrounding area, based on the evidence presented. According to the project update and facility status of the Landslide Assessment District 98-1, presented by Yeh and Associates Inc., on October 6, 2020, the data shows that the water levels remain lowered, the dewatering system is functioning and maintained, and there is no consistent discernable shear movement from inclinometers, which demonstrates the conditions in the area that have resulted from the current operation of the dewatering equipment. Furthermore, management of the Big Rock Mesa Landslide Assessment District is not relevant to the decision of this application. Nevertheless, the City Planning Department, City geotechnical staff, and City Public Works Department have met with concerned neighbors to address their questions and provide information on several occasions about the Assessment District and infrastructure. The Assessment District and infrastructure are not related to any one property, but rather the neighborhood as a whole.

Appeal Item 2. *The appellant notes the history of the property previously being undeveloped with specific concerns including:*

- a. *The history of non-percolation on the lot.*

Staff Response

The appellant contends that the property has a history of non-percolation. However, according to the geology test reports prepared by Barton Slutske's dated 2006 and Geoconcepts report dated 2017, the property has demonstrated the ability to allow for percolation of wastewater. Furthermore, no evidence has been submitted to substantiate the statements made by the appellant regarding a history of non-percolation. The percolation and drainage for the property has been reviewed by City geotechnical staff, the City Environmental Health Administrator and the City Public Works Department and was found to comply with all applicable codes and standards.

- b. *This addition will be the largest addition approved in Big Rock since the landslide and the only one that would be an addition going from a lower level to an upper level on a lot that has never been built upon.*

Staff Response

Although the lot has not been developed, the City issued Administrative Coastal Development Permit (ACDP) No. 05-061 to allow for a lot merger, interior remodel, 758-square foot addition, and the installation of a new onsite wastewater treatment system (OWTS) for the subject property. The previous approval was reviewed and approved by the Planning Department, City Biologist, City Environmental Health Administrator, Los Angeles County Fire Department, City geotechnical staff and City Public Works Department.

The previous homeowner recorded the Certificate of Compliance (COC) for the lot merger and pursued building permits for the septic upgrades. However, the property owner at that time chose not to move forward with the approved addition. The choice of the homeowner not to pursue building permits for the addition cannot be equated with the lot being characterized as unbuildable. The size of the project, or going from a lower level to an upper level, do not provide grounds for denying the project. The size of the project is within the range of what is allowed under the LIP, and there is no prohibition against the design of the addition.

Appeal Item 3. *The appeal item references how the City determines gross floor area in relation to the allowable 25 percent addition per California Building Code Section 110.2.3.4 in relation to the Los Angeles County definition of gross floor area.*

In the end no one at state, county or City level could provide in writing or document why a state building ordinance would superseded/overrule both a City and County zoning definition of gross floor area, despite the ONLY definition for gross floor area anywhere in any codes being under County and City codes. The issue was whether the garage should be included and in the end the Planning Commission decided to include it.

Staff Response

The subject property is located in the Big Rock Mesa Landslide Assessment District and any additions are limited to 25 percent of the existing residence's gross floor area by Section 110.2.3.4 of the California Building Code. The definition of gross floor area thus controls the allowable size of the proposed addition. The appellant contends that the square footage of the attached garage should not be counted towards the structure size, applying the definition of gross floor area found in the Los Angeles County zoning code, which excludes the garage from the gross floor area.

Using the definition of gross floor area in the LA County zoning code as proposed by the appellant would be contrary to law. The definitions in the Los Angeles County zoning code only apply to locations in unincorporated Los Angeles County. The City has its own zoning code, and it is the definitions in the City's zoning code that are applied to the terms in the City's zoning code. However, it is the City's building code

(not the zoning code) that limits additions to 25% of the existing residence's gross floor area in this case, and thus it is the definition of gross floor area in the City's building code that applies.

The City of Malibu utilizes the LA County Building code which includes portions of the State Building Code. The Building Code is administered by the City's Environmental Sustainability Director/Building Official. Both written evidence and verbal testimony provided by the Environmental Sustainability Director/Building Official at the November 4, 2019, Planning Commission hearing confirmed that the garage is included in the calculation of gross floor area under the building code, and thus the project is compliant with California Building Code Section 110.2.3.4.

The California Building Code defines **Gross Floor Area** as follows:

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Ca. Building Code Section 2.201

Appeal Item 4. *The appeal item references various concerns regarding the proposed OWTS modifications including:*

- a. *The system has regularly failed with several eyewitness accounts by neighbors of Ely's Plumbing present regularly in the past three months as well over the last several years.*

Staff Response

No evidence has been submitted to substantiate the claim that the current OWTS has regularly failed. Consistent with the City's requirements, the property has been under an operating agreement with the City of Malibu Environmental Health Department since 2012. The existing system's operating permit was renewed on September 24, 2018 and expires August 13, 2021. Operating permits from the City require renewal for compliance every three years, and as part of that process an inspection report and fee are required. Based on the submitted inspection reports, the City Environmental Health Administrator has verified the property is currently in compliance with the active operating agreement and there is no history of failures.

The City received one complaint on May 8, 2020 stating that effluent was daylighting and that complaint was investigated by Environmental Sustainability Department

staff. Based on observations by the City inspector, it was determined that the water was runoff from landscaping on another property located along Inland Lane. The City has not received any written reports by state licensed inspectors or engineers indicating that the existing system is failing. Additionally, there have not been any Code Enforcement complaints regarding a failing septic system on the subject property. Based on the technical reports prepared for the subject application, the proposed project has been reviewed and approved by the City Environmental Health Administrator for compliance with all City Codes and Standards.

- b. *The present system can only handle the current 33 fixture count, three bedroom plus office, 3-bathroom home. The applicant's plan adds two more full bathrooms and 22 more fixtures count which would increase water importation and usage.*

Staff Response

Based on the engineering and technical design studies submitted by the applicant, the proposed renovated OWTS has been determined to be adequate to accommodate the current home as well as the proposed addition. Furthermore, the City's Environmental Health Administrator has determined that the project will not increase water importation and usage beyond what the renovated system is designed to accommodate. To avoid saturation of the soil, an evapotranspiration septic dispersal system will be utilized. This system is designed to distribute effluent over a large surface area and use evaporation rather than percolation to disperse effluent from the system. As confirmed by the Environmental Health Administrator and City geotechnical staff, evapotranspiration septic dispersal systems release wastewater at a lower rate, reducing saturation on the property.

- c. *The size of the current OWTS field would not be increased and it would be moved to a higher portion of the slope thus disturbing the area further. As stated by Ely the ENTIRE field is necessary just for the existing OWTS to work not for an increase in fixture units of 67%.*

Staff Response

The proposed dispersal field is not located on a sloped area. The proposed dispersal field is located on a flat portion of the lot, on the eastern side of the property. The previous 2012 approved OWTS includes three dispersal zones totaling 4,011-square feet. The 2018 approved revised plan lists three zones, totaling 3,775-square feet, which is a decrease in approved area. Furthermore, the size of the dispersal field is irrelevant as the proposed evapotranspiration dispersal reduces saturation in comparison to traditional seepage pits, so a smaller field is needed.

Appellant Item 5. The status of the condition of the dewatering system on Piedra Chica Road specifically including:

Two volumes of geological reports were gathered on the surrounding properties and the condition of Piedra Chica Rd dewatering system which is currently badly deteriorated as uncovered in these reports. The much needed well (W-3) at the bottom of Piedra Chica Rd pumping out high groundwater levels in the low permeated area of the lower eastern mesa has not functioned in over three months.

Staff Response

The maintenance and operation of the dewatering system is beyond the control of the property owner. The dewatering system is maintained by the City's Public Works Department and as confirmed with the City Public Works Department, the pump in W-3 was replaced in October 2019. Due to recordings showing no to low production levels from W-3, the City's Consultant performed additional evaluation of W-3 in August 2020. That work consisted of testing the pump and pump controls, video-logging the well, and installing a dedicated sounding tube to allow staff to measure the water depth in the well without needing to remove the pump. The results of that additional assessment indicate that the pump is operational; however, the water level is near or below the pump depth. It is anticipated that the pump will function to remove groundwater from the well if the groundwater were to rise above the pump depth. The Big Rock Mesa Landslide Assessment District was established in 1989 by the County of Los Angeles to provide funding to maintain and monitor facilities to reduce landslide movements. The City has administered the district since 1991. The dewatering facilities in the Assessment District continually remove groundwater from the landslide in an effort to increase the stability of the landslide, and is discussed in more detail above. Furthermore, what is at issue in this application is whether the applicant has demonstrated that the project as proposed meets the applicable development standards.

Appellant Item 6. The appellant raised issue with specific conditions of approval of Planning Commission Resolution 19-25 including:

- a. *Indemnification of the City of Malibu. There is no provision for the protection of the applicants neighbors (Condition 1).*

Staff Response

The indemnification clause as required by code is included as condition number one in Planning Commission Resolution 19-25. It states, "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." This is a standard condition of approval applied to all Coastal Development Permits and provides that if the City is sued for issuing the requested entitlements, the applicant must pay for the City's defense. As the neighboring properties are not issuing permits, indemnification would not be appropriate or effective. If the applicant or owners damage other properties through their negligence or otherwise they will be liable civilly to those other owners, as is the case with every other project in Malibu.

- b. Scope of work: 700-square foot addition of 18 feet is proposed to be built on land that has never been built upon, Lot 8, a property known to have a history of geological issues. The 18 feet height is in violation of the homes within the same CC&Rs Tract 2 maximum height allowable of 15 feet. This was put in to protect homeowner's views. New exterior stairs where our mutual CC&Rs say no upper second stories are allowed. Current fence and trees are over six feet in height and in violation of any landscape agreement. Permeable paving in an area of low permeability will only allow more water to enter the ground (Condition 2).*

Staff Response

The appellant references alleged violations of property Covenants, Conditions and Restrictions (CC&Rs) including height requirements, the placement of exterior stairs, and a landscape agreement; however, the City does not enforce CC&Rs as they are private agreements between property owners and may or may not be valid or enforceable. They also contain their own enforcement mechanisms. Approval of the proposed project, as conditioned, only demonstrates that it conforms to requirements of the LCP and MMC—other limitations on development may exist which the owner has responsibility for meeting.

The City encourages the use of permeable surfaces to minimize storm water runoff during rain events and notes that the subject property is near the allowable limit for impermeable surfaces. Pursuant to LIP Section 3.6.I(1) the property is limited to 30 percent impermeable lot coverage of the area. Based on LIP Section 3.6.I(1) the project site is allowed 6,765-square feet of impermeable coverage and 6,647-square feet of impermeable surface area is proposed. Any additional hardscape beyond the allowable amount will be required to be permeable.

- c. *Currently there are several olive trees on the lot which is an invasive plant species that needs to be removed.*

Staff Response

The LIP Prohibited Plant List specifies fruiting varieties of Olives as prohibited trees within the City of Malibu. The City Biologist confirmed that the existing olive trees on the property are fruitless, and therefore can remain. The project, including a landscape plan has been reviewed, approved and conditioned by the City Biologist.

- d. *There is no change in drainage of this lot as per CC&Rs for Tract 2, Section L, shared mutually by the opposition as per landslide assessment district drainage exists already (Condition 38).*

Staff Response

As stated above, the City does not enforce CC&Rs as they are private agreements made outside the City's authority; however, the proposed drainage plans have been reviewed and approved by the City Public Works Department for conformance with all applicable City ordinances. Additionally, standard conditions of approval have been included in the City Council Resolution for the implementation of approved storm water management plans during construction activities and for the life of the project. With the implementation of these conditions, the proposed project conforms to city codes and standards.

- e. *The area in upper lot should not be disturbed due to saturation and ground water recharge which has potential to cause landslide in the area (Condition 38 C).*

Staff Response

As previously discussed, the proposed relocation of the existing dispersal field has been reviewed and approved by both the City Environmental Health Administrator and City geotechnical staff. The appellant has not presented evidence to suggest that the relocation of the proposed dispersal field will cause any negative impacts.

- f. *The continued operation of the current OWTS has been called into question, given the saturation on Lot 8 and 10 and undiagnosed discharge of effluent on Lot 8 to Lots 2 and 10 (Condition No. 45)*

Staff Response

As discussed in appeal item number five, there has been no evidence presented that the current OWTS is not functioning. Furthermore, the appellant filed investigation requests with both the Los Angeles County Department of Public Health and the City Environmental Sustainability Department regarding alleged

sewage located at 20239 Inland Lane discharging from 20238 Piedra Chica Road. The Los Angeles County Department of Public Health conducted an inspection on April 27, 2020, and the report noted that a dye test was done at 20238 Piedra Chica and 20239 Inland Lane and, “observed no sewage discharging at the time of request.” Similarly, the City Environmental Programs Coordinator conducted a site inspection on May 5, 2020 and confirmed that the drip disposal field was dry and saw no evidence of water entering any drains in the area. It was the opinion of the City Environmental Programs Coordinator that the water observed by the appellant was irrigation water from one or more properties on Inland Lane and not associated with the subject residence. (Attachment F).

- g. Percolation tests were performed the height of the summer season, and not during rainy season, and not during rainy season when a perched condition is most likely to cause the test to fail. Percolation testing must be performed when a hazardous threat is most likely to occur (Condition 48 c).*

Staff Response

The OWTS report dated July 10, 2017, prepared by Geo Concepts Inc., states, “The groundwater was evaluated by a test pit with a total depth of six feet on June 20, 2017. No groundwater was encountered within ITP-1(the test pit) to a depth of six feet. The bottom of the proposed dispersal field is anticipated to be one foot below the ground surface. Therefore, seasonal high groundwater is estimated to be more than five feet below the proposed bottom of the dispersal field. Additionally, based on the submitted technical reports, seasonal high groundwater is not anticipated to adversely affect the proposed dispersal field.” The project has been reviewed by both the City Environmental Health Administrator and City geotechnical staff and was found to comply with applicable codes and standards.

Appellant Item 7. The appellant contends the proposed project is not compliant with the CEQA exemption and asserts the project requires an EIR stating:

- a. CEQA exemption cannot apply to this project.*

Staff Response

The appellant contends the proposed project is not exempt from CEQA. Pursuant to the authority and criteria contained in CEQA, the Planning Commission analyzed the proposed project. Based on the scope of the project and the associated technical reports, the Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) – interior and exterior alterations, 15301(e) – additions to existing structures and 15303(d) – New Construction. The Planning Commission further determined that none of the six

exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). The six exemptions include location, cumulative impact, significant effect, scenic highways, hazardous waste sites, and historical resources. The six exemptions listed above are not applicable to the proposed project.

- b. The project must be stopped at the City Council level and require an Environmental Impact Report (EIR) on the location given all the facts and data.*

Staff Response

As mentioned above, the project is categorically exempt from the provisions of CEQA and does not require an EIR. Furthermore, the appellant has not submitted evidence to suggest that the project does not comply with CEQA Sections 15301 (a) and (e) and 15303(d). The conclusory statements made by the appellant do not constitute evidence demonstrating an EIR is required or that the exemptions cited do not apply.

Appeal Item 8. The appeal references a lack of fair and impartial hearing.

Staff Response

The appeal application submitted by the appellant identified that there was a lack of a fair and impartial hearing. The appellant has not provided evidence that would show a lack of a fair or impartial hearing. The appellant does not allege the process itself was flawed or that the appellant was denied notice and the opportunity to present and be heard at the hearing. Upon review of the meeting, staff was able to confirm that the Planning Commission conducted the meeting in a manner consistent with the applicable rules of order. In addition, the meeting was properly noticed and conducted. Based on the record, staff was unable to determine that there was a lack of a fair and impartial hearing. The issue is also moot as the City Council is now reviewing the matter de novo.

ENVIRONMENTAL REVIEW: In accord with the Planning Commission's determination, the evidence in the record demonstrates this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) – interior and exterior alterations, 15301(e) – additions to existing structures and 15303(d) – New Construction. It also shows that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SUMMARY: The analysis and findings upon which the Planning Commission based its decision to approve CDP No. 18-002 are based on substantial evidence, and all the issues raised by the appellants were considered prior to the decision. The appellant has not

provided substantial evidence that the decision was an abuse of discretion, or contrary to law, or that there was a lack of a fair and impartial hearing. The evidence in the record is substantial and supports the findings and conditions for approval of CDP No. 18-002.

Based on the record as a whole, including but not limited to all written and oral testimony offered in connection with this matter, staff recommends that the City Council adopt Resolution No. 21-22, denying AP No. 19-010 and approving CDP No. 18-002.

PUBLIC CORRESPONDENCE: Correspondence received since the filing of the appeal is attached to this report as Attachment J and is listed below:

- Email dated June 24, 2020, from Colin Drummond requesting the delay of the City Council appeal hearing.
- Letter dated September 2, 2020, from Kenneth a. Ehrlich on behalf of the appellants to request a continuance of the hearing of the appeal until a date following the completion and receipt of the City-commissioned reports by Yeh and Associates, Inc. (“Y&A”) concerning the Big Rock Mesa Landslide Assessment District.
- Letter dated November 11, 2020, from Dan Allen on behalf of the homeowner to request a continuance of the hearing of the appeal to allow the Building Safety Department time to respond to the City Council’s November 9, 2020, request for staff to review the history of development and factors of safety in the Big Rock Mesa district.
- Email dated February 10, 2021, from Dan Allen on behalf of the homeowner to request a continuance of the hearing of the appeal to allow the City geotechnical staff to compile a report on Big Rock Mesa Landslide Assessment District related capital improvement options with the Big Rock.

PUBLIC NOTICE: On April 15, 2021, a Notice of City Council Public Hearing was published in a newspaper of general circulation within the City and a public notice was mailed to the owners and occupants of all properties within a radius of 500 feet of the subject property (Attachment L).

ATTACHMENTS:

- A. Resolution No. 21-22
- B. Appeal No. 19-010
- C. Applicant Letter dated February 24, 2020
- D. Project Plans
- E. Planning Commission Resolution No. 19-25
- F. City Environmental Programs Coordinator Investigation Findings and Los Angeles County Department of Public Health Investigation Report
- G. October 21, 2019 Planning Commission Agenda Report
 - 1. Planning Commission Resolution No. 19-25

2. Project Plans
 3. Department Review Sheets
 4. Table of Surrounding Properties Within 500 Feet
 5. Site Photographs
 6. Project Rendering
 7. Public Correspondence
 8. Radius Map
 9. Public Hearing Notice
 10. Geologic Aspects of Redevelopment Big Rock Mesa Landslide Area report by E.D. Michael
 11. Geotechnical Reconnaissance Report for Proposed Additions to an Existing Single Family Dwelling at 20238 Piedra Chica Road by Donald B. Kowalewsky
- H. November 4, 2019 Planning Commission Agenda Report
- I. December 2, 2019 Planning Commission Agenda Report
- J. Correspondence Received Since Appeal Filed
- K. Geology Responses to questions posed by Christopher Cunningham dated December 23, 2020
- L. Public Hearing Notice

RESOLUTION NO. 21-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, DENYING APPEAL NO. 19-010 AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 18-002 TO ALLOW FOR AN INTERIOR AND EXTERIOR REMODEL AND 770-SQUARE FOOT ADDITION TO AN EXISTING 3,453-SQUARE FOOT SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A COURTYARD, BALCONY, EXTERIOR STAIRS, GROUND-MOUNTED MECHANICAL EQUIPMENT, FENCING, PERMEABLE PAVERS, GRADING, RELOCATION OF THE DISPERSAL FIELD FOR AN EXISTING ONSITE WASTEWATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPING FOR THE SINGLE-FAMILY RESIDENCE LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20238 PIEDRA CHICA ROAD (REZA NEBAVI AND MARYAM AKBAR)

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

SECTION 1. Recitals.

- A. On September 20, 2017, an application for Coastal Development Permit (CDP) No. 18-002, submitted to the Planning Department by applicant Sakahara Allen Architects, on behalf of the owners Reza Nebavi and Maryam Akbar. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.
- B. On October 10, 2018, staff visited the site to view the story poles and the surrounding neighborhood.
- C. On March 4, 2019, the project was deemed complete.
- D. On March 13, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.
- E. On March 21, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- F. On April 1, 2019, the Planning Commission continued the item to a date uncertain to allow the City's geotechnical staff the opportunity to review the geotechnical report prepared by E.D. Michael dated January 8, 2019 which was submitted by a concerned party.
- G. On June 4, 2019, City geotechnical staff determined that the report prepared by E.D. Michael as it relates to the proposed development did not provide data to justify the report's conclusion that the proposed project should not be denied.

H. On September 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On September 10, 2019, the applicant requested the continuance of the subject item, to allow the project geotechnical engineer to be present on the date of the hearing.

J. On September 16, 2019, the Planning Commission Regular Meeting was adjourned to October 7, 2019.

K. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On October 7, 2019, the Planning Commission continued the item to the October 21, 2019 Regular Planning Commission meeting.

M. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, written reports, public testimony, and other information in the record. The Planning Commission directed staff to verify that the calculation of the allowable size of the project's addition was made correctly including the garage based on California Building Code Section 110.2.3.4 and to return with a resolution to approve the project on the consent calendar.

N. On November 4, 201, the Planning Commission directed staff to verify the total gross floor area of the residence prior to July 6, 1968 in relation to the calculation of the allowable size of the project's addition based on California Building Code Section 110.2.3.4.

O. On December 2, 2019, the Planning Commission reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Commission adopted Planning Commission Resolution No. 19-25 to approve the project, subject to conditions.

P. On December 12, 2019, Colin Drummond, the appellant, filed an appeal of the Planning Commission's action.

Q. On November 11, 2020, the applicant requested a continuance of the subject item to allow for the review of the Big Rock Mesa memorandum prepared by City geotechnical staff.

R. On December 23, 2020, the City's geotechnical staff published the Big Rock Mesa memorandum that responded to concerns raised by residents regarding geotechnical issues in the Big Rock area.

S. On February 10, 2021 the applicant requested a continuance of the subject item to allow geotechnical staff to compile a staff report on Big Rock Mesa Landslide Assessment District. .

T. On April 15, 2021, a Notice of City Council Public Hearing was published in a

newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a radius of 500 feet from the subject property and all interested parties.

U. On April 26, 2021, the City Council held a duly noticed public hearing on the subject appeal, reviewed and considered the agenda report, reviewed and considered written reports, public testimony, and other information in the record.

SECTION 2. Appeal of Action.

The appeal filed by the appellant contends that the findings or conditions are not supported by the evidence, or decision is not supported by the findings, there was a lack of a fair or impartial hearing and the decision was contrary to law. In the associated Council Agenda Report, Planning Department staff analyzed and addressed appellant's contentions.

SECTION 3. Findings for Denying the Appeal.

Based on evidence in the record and in the Council Agenda Report for the project, the City Council hereby makes the following findings of fact, denies the appeal and finds that the evidence in the record supports the required findings for approval of the project. In addition, the analysis, findings of fact, and conclusions set forth by staff in the Council Agenda Report and Planning Commission Agenda Reports, as well as the testimony and materials considered by the Planning Commission and City Council are incorporated herein as though fully set forth. The Council hereby adopts staff's analysis and conclusions from the staff reports regarding each of the asserted grounds for the appeal and approves the project.

A. The Council finds that although the project is located within the active Big Rock Mesa Landslide, the project has been properly reviewed for geotechnical hazards in compliance with the City's LIP and municipal code. There is no substantial evidence to suggest the proposed project will adversely affect neighboring properties. Furthermore, the City Planning Department, City geotechnical staff, and City Public Works Department have reviewed the project and based on their analysis and the materials submitted and evidence in the record, the evidence demonstrates the project complies with all applicable City codes and standards.

B. No substantial evidence was provided to support the claim that the property has a percolation issue. Based on the geology test reports completed by Barton Slutske's dated 2006 and Geoconcepts report dated 2017, the property has demonstrated the ability to allow for percolation of wastewater. The percolation and drainage for the property has been reviewed by City geotechnical staff, the City Environmental Health Administrator and the City Public Works Department. It has been determined that the proposed project is in compliance with all applicable codes and standards.

C. No substantial evidence was presented to support the claim that the lot is unbuildable. Contrary to this assertion, the City reviewed and approved Administrative Coastal Development Permit No. 05-061 to allow for a lot merger, interior remodel, 758-square foot addition and the installation of a new onsite wastewater treatment system (OWTS) on the subject property showing that the lot was previously found to be buildable. The previous approval was reviewed and approved by the Planning Department, City Biologist, City Environmental Health Administrator, Los Angeles County Fire Department, City geotechnical staff and City Public Works Department.

The previous homeowner recorded the Certificate of Compliance (COC) for the lot merger and pursued building permits for the septic upgrades. However, the property owner at that time chose not to move forward with the approved addition. The choice of the homeowner not to pursue building permits for the addition cannot be equated with the lot being characterized as unbuildable.

D. The Council finds that the correct definition of gross floor area has been applied in calculating the size of the addition allowed by Section 110.2.3.4 of the California Building Code. While the appellant contends the square footage of the attached garage should not be counted towards the structure size, his argument is based upon the definition of gross floor area found in the Los Angeles County zoning code, which does not apply to projects in the City and which has no application to the California Building Code. The City of Malibu utilizes the Los Angeles County Building code which includes portions of the State Building Code, and this is where the gross floor area is defined for purposes of Section 110.2.3.4 of the California Building Code. The Building Code is administered by the City's Environmental Sustainability Director/Building Official and who applied this definition and determined that the applicable codes were applied appropriately and the proposed addition lies within the limits of Section 110.2.3.4 of the California Building Code.

E. Based on the technical reports prepared for the subject application, the proposed modifications to the existing OWTS have been reviewed and approved by the City Environmental Health Administrator for compliance with all City codes and standards. There has been no substantial evidence submitted to support the claim that the current OWTS has regularly failed. Although there is a proposed increase in fixture units, the relocated dispersal area and the proposed renovated system has been documented to have the ability to accommodate the additional fixture units. The proposed project has been reviewed and conditioned by the Environmental Health Administrator and it has been found not to increase water importation and usage beyond what the renovated system is designed to accommodate. To avoid saturation of the soil, an evapotranspiration septic dispersal system will be utilized. This system is designed to distribute effluent over a large surface area and use evaporation rather than percolation to disperse effluent. The Environmental Health Administrator and City geotechnical staff have confirmed that the evapotranspiration septic dispersal systems release wastewater at a lower rate, reducing saturation on the property.

F. The Council finds that the maintenance and operation of the dewatering system on Piedra Chica Road is beyond the control of the property owner. Furthermore, the management of the Big Rock Mesa Landslide Assessment District is not relevant to the decision of this application, and in any case the evidence shows that the system has been tested and is operating properly in this location.

G. The Council finds the conditions of approval contained in Planning Commission Resolution No. 19-25 were appropriate for the approved scope of work.

H. The appellant's contentions regarding alleged violations of property Covenants, Conditions and Restrictions (CC&Rs) including height requirements, the placement of exterior and a landscape agreement do not provide a basis for denial of the application. The City does not enforce CC&Rs as they are private agreements between property owners. Additionally, based on site visits conducted by both the City of Malibu Environmental Sustainability Department and the Los Angeles County Department of Public Health, there is no evidence of undiagnosed discharge of effluent originating from the property located at 20238 Piedra Chica Road. The project has been reviewed and conditioned by the City Planning Department, City Environmental Health Administrator, City

geotechnical staff, City Public Works Department and the Los Angeles County Fire Department and is consistent with Malibu Municipal Code (MMC) and Local Coastal Program (LCP) standards.

I. The Council finds that proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 (a) – interior and exterior alterations, 15301(e) – additions to existing structures and 15303(d) – New Construction. Based on the scope of the project and the associated technical reports, the evidence shows this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. There is no further CEQA review required, and the appellant has not provided evidence which would demonstrate these CEQA exemptions would not apply.

J. The Council finds the Planning Commission conducted the meeting in a manner consistent with the applicable rules of order and provided appellant both notice and an opportunity to be heard in conformance with those standards. In fact, the appellant attended and provided evidence at multiple hearings on this project. The appellant has not presented evidence of inappropriate bias, conflict of interest or an unfair or impartial hearing. In addition, any such violation would be cured by the de novo hearing held before the City Council. In conclusion, as detailed above and in the record, the evidence supports the required findings for approval of the proposed project and that it is consistent with the MMC and LCP standards. The evidence also demonstrates a fair and impartial hearing was provided. Additional evidence in the record supports the findings required for the project, as discussed below.

SECTION 4. Environmental Review.

Pursuant to the authority and criteria contained in CEQA, the City Council analyzed the proposed project. The Council finds that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) – interior and exterior alterations, 15301(e) – additions to existing structures and 15303(d) – New Construction. The Council has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 5. Coastal Development Permit Findings.

Based on the evidence contained within the record and pursuant to LCP Local Implementation Plan (LIP) Sections 13.7(b) and 13.9, the City Council adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing OWTS, and replacement of existing landscaping; located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, 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)

1. The proposed project is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP and MMC by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project is the least environmentally damaging environmental alternative.

B. Hazards (LIP Chapter 9)

1. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's gross floor area, including the garage. City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9. An "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. 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 project will not increase the instability of the site or structural integrity from geologic, flood, fire or other hazard.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design. The project meets City requirements and standards.

3. The project, as conditioned, is the least environmentally damaging alternative, in that it maintains the existing structure and the addition complies with the requirements of both the MMC and LCP. Additionally, the associated development does not require any discretionary requests.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by City geotechnical staff, City Public Works Department, and LACFD. These specialists and agencies determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on the site.

SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby denies AP No. 19-010 and approves CDP No. 18-002 subject to the following conditions.

SECTION 7. 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. Remodel of the existing 3,453 square foot single-story single-family residence (including attached garage);
 - b. Demolition of seven percent of exterior walls (17.5 linear feet);
 - c. A 770 square foot addition up to 18 feet in height;
 - d. Total Development Square Footage (TDSF) 4,223 square feet;
 - e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
 - f. New balcony;
 - g. New exterior stairs;
 - h. New courtyard;
 - i. Front yard fence (28 linear feet not to exceed 42 inches in height solid, up to six feet in height, view permeable);
 - j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);
 - k. 918 square feet of permeable paving; and
 - l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the OWTS, it can be permitted. New turf areas are not permitted.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **September 26, 2018**. 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/or prior to issuance of any development

permits.

5. The applicant shall submit a digital set of plans to the Planning Department for consistency review and approval prior to plan check and again prior to the issuance of any building or development permits.
6. This resolution signed Acceptance of Conditions Affidavit and all Department Review Sheets 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 Sustainability Department for plan check.
7. This CDP shall expire 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 agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. 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 Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. Revised plans reflecting the minor changes and additional fees shall be required.
11. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

Cultural Resources

12. 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 MMC Section 17.54.040(D)(4)(b) shall be followed.
13. 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.

Site-Specific Conditions

14. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).

Lighting

15. Exterior lighting must comply with the Dark Sky Ordinance and 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.
16. Night lighting for sports courts or other private recreational facilities shall be prohibited.
17. 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 shall not produce an illumination level greater than one foot candle.
18. 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.
19. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
20. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
21. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Demolition/Solid Waste

22. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
23. 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.
24. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
25. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
26. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six-month period. Dust control measures must be in place if construction does not commence within 30 days.
27. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
28. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
29. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Biology/Landscaping

30. The use of pesticides, including insecticides, herbicides, rodenticides or any toxic chemical substance which has the potential to significantly degrade biological resources shall be prohibited throughout the City of Malibu. The eradication of invasive plant species or habitat restoration shall consider first the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls. Herbicides may be selected only after all other non-chemical methods have been exhausted. Herbicides shall be restricted to the least toxic product and method, and to the maximum extent feasible, shall be biodegradable, derived from natural sources, and use for a limited time.

31. Prior to final Planning inspection or other final project sign off (as applicable), the applicant shall submit to the Planning Director for review and approval a certificate of completion in accordance with MMC Chapter 17.53. The certificate shall include the property owner's signed acceptance of responsibility for maintaining the landscaping and irrigation in accordance with the approved plans and MMC Chapter 17.53.
32. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace the existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" are NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc.)
33. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
34. Invasive plant species, as determined by the City of Malibu, are prohibited.
35. 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).
36. No non-native plant species shall be approved greater than 50 feet from the residential structure.
37. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
38. Up-lighting of landscaping is prohibited.

Grading/Drainage/Hydrology (Geology/ Public Works)

39. 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:
 - a. Public Works Department general notes;
 - b. 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);
 - c. 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;
 - d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;

- e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
- f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
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.

40. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

- 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. The developer’s consulting engineer shall sign the final plans prior to the issuance of permits.
- 43. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Geology

44. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff 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 geotechnical staff prior to the issuance of a grading permit.

45. Final plans approved by the City geotechnical staff 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 (OWTS)

46. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
47. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).
48. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
49. 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 OWTS 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;

- d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
 - e. Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
50. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).
51. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing OWTS components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
52. 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 City Environmental Sustainability Department.

53. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
54. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
55. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
56. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
57. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Construction / Framing

58. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
59. 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.
60. 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 will be rinsed off prior to leaving the property.

61. 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.

Deed Restrictions

62. 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 landslide area 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 the Planning Department prior to final Planning Department approval.
63. 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.
64. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in Condition Nos. 15-21. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.

65. 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.

Fixed Conditions

66. This coastal development permit shall run with the land and bind all future owners of the property.
67. 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 8. The City Council shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 26th day of April 2021.

MIKKE PIERSON, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

JOHN COTTI, Interim City Attorney

Any action challenging the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Section 1.12.010 of the MMC and Code of Civil Procedure. Any person wishing to challenge the above action in Superior Court may be limited to raising only those issues they or someone else raised at the public hearing, or in written correspondence delivered to the City of Malibu at or prior to the public hearing.



City of Malibu

AP

19 - 010

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.malibucity.org

COASTAL DEVELOPMENT PERMIT APPEAL SUBMITTAL

Actions Subject to Local Appeal: Pursuant to Local Coastal Program (LCP) Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals), a decision or any portion of the decision of the Planning Director may be appealed to the Planning Commission by an aggrieved person, and any decision of the Planning Commission may be appealed to the City Council by an aggrieved person.

Deadline and Fees: Pursuant to LIP Section 13.20.1, an appeal shall be filed with the City Clerk within 10 days following the date of action for which the appeal is made, as indicated in the decision. If the tenth day falls on a weekend or a City-recognized holiday, the deadline shall extend to the close of business at City Hall on the first business day (whether whole or partial) following the weekend or a City-recognized holiday. Appeals shall be accompanied by the filing fee of \$500 as specified by the City Council.

To perfect an appeal, the form must be completed, together with all the necessary attachments, and must be timely received by the City Clerk either in person or by mail addressed to City of Malibu, Attn: City Clerk, 23525 Stuart Ranch Road, Malibu, CA 90265. For more information, contact Patricia Salazar, Senior Administrative Analyst, at (310) 456-2489, extension 245.

Part I. Project Information

1. What is the file number of the Coastal Development Permit you are appealing?

18-002

2. On what date was the decision made which you are appealing?

DEC 2/19

3. Who made the decision you are appealing?

Planning Director

Planning Commission

4. What is the address of the project site at issue?

20238 PIEPRA CHICA RD

Part II. Appeal Summary

1. Indicate your interest in the decision by checking the appropriate box.

I am the Applicant for the project

I am the neighbor

Other (describe) _____



2. If you are not the applicant, please indicate the applicant's name:

3. Indicate the nature of your appeal.

- a) Are you appealing the approval or the denial of the application or a condition of approval?
- b) Each approval is accompanied by a list of specific conditions. If you are appealing one or more of the conditions of approval, list the condition number and state the grounds for your appeal. (Attach extra sheets if necessary.)

4. Check the appropriate box(es) to indicate which of the following reasons forms the basis of your appeal:

- The findings or conditions are not supported by the evidence, or the decision is not supported by the findings: or
- There was a lack of fair or impartial hearing: or
- The decision was contrary to law.

You must next provide a specific statement in support of each of the bases for appeal that you have checked above. Appeals that are stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)

Each coastal development permitting decision made by the Planning Director or the Planning Commission is accompanied by written findings. The written findings set forth the basis for the decision. If you have checked the first box in this section as a ground for your appeal, you must indicate the specific finding(s) you disagree with and give specific reasons why you believe the finding(s) is/are not supported by the evidence or why the decision is not supported by the findings. Appeals stated in generalities, legal or otherwise, are not adequate. (Attach extra sheets if necessary.)



Part III. Appeal Checklist

ALL of the following must be timely filed to perfect an appeal.

1. Completed Appeal Checklist (This form with appellant's signature)
2. Appeal Fee \$500

The appeal fee must be submitted in the form of a check or money order made payable to the City of Malibu. Cash will not be accepted.

3. Certified Public Notice Property Owner and Occupant Addresses and Radius Map

Public Notice of an appeal must conform to the manner in which the original notice was given.

- The addresses of the property owners and occupants within the mailing radius shall be provided on a compact disc in a Microsoft Excel spreadsheet. The spreadsheet shall have the following column headers in row one: 1) name, 2) address, 3) city, state & zip code, and 4) parcel (for APN). The owners should be listed first followed by the occupants. The project applicant's mailing address should be added at the end of the list.
- An additional column for "arbitrary number" may be included if the supplied radius map utilizes such numbers for the purpose of correlating the addressee to their map location.
- Printouts of the excel spreadsheet and radius map, certified by the preparer as being accurate, must be provided.
- The radius map (8½" x 11") shall show a 500 foot radius* from the subject property and must show a minimum of 10 developed properties. A digital copy of the map shall be submitted on the same cd as the mailing addresses.

*Properties zoned RR-10, RR-20, or RR-40 require a 1,000-foot radius notification.

**Note that updated mailing labels may be requested by the project planner prior to deeming the application complete.



Part IV. Signature and Appellant Information

I hereby certify that the appeal submittal contains all of the above items. I understand that if any of the items are missing or otherwise deficient, the appeal is ineffective and the filing fee may be returned. IN ORDER TO PERFECT AN APPEAL, ALL APPEAL SUBMITTALS MUST BE COMPLETE BY THE DEADLINE. NO EXTENSIONS WILL BE ALLOWED FOR APPELLANTS WHO ONLY PARTIALLY COMPLY WITH THESE REQUIREMENTS AS OF THE DEADLINE. IF AN APPEAL IS NOT PERFECTED BY THE DEADLINE, THE DECISION BECOMES FINAL.

COIN DRUMMOND
PRINT APPELLANT'S NAME

COIN DRUMMOND
APPELLANT'S SIGNATURE

[REDACTED]
TELEPHONE NUMBER

Dec 8/19.
DATE

Appellant's mailing address: [REDACTED]
Appellant's email address: [REDACTED]

OFFICE USE ONLY

Action Appealed: PC's 12/2/19 Approval of CDP 18-002 Rese 19-25

Appeal Period: 12-2-19 through 12-12-19

Date Appeal Form and required documents submitted: 12-12-19 Received by: Kathleen Stecko

Appeal Completion Date: 12-12-19 by: Kathleen Stecko, Administrative Assistant
(Name, Title)



COASTAL DEVELOPMENT PERMIT APPEAL – 10-002 ON DEC 2/2019

ATTN: CITY CLERK, CITY OF MALIBU
C/O KATHLEEN STECKO
23525 STUART RANCH ROAD
MALIBU, CA 90265

To whom it may concern:

We are appealing the 3-2 decision on approval made at the Planning Commission on the build at 20238 Piedra Chica Rd.

The basis of our appeal is as follows:

The Planning Commission hearings comprised of three meetings spread over several months, each one becoming more and more focused on a square footage technicality and lost the more important focus of the unstable geology and history of non-percolation on this lot that has never been built upon. In the end no one at state, county or City level could prove in writing or document why a state building ordinance would supercede/overrule both a City and County zoning definition for gross floor area, despite the ONLY definition for gross floor area anywhere in any codes being under County and City codes. The issue was whether the garage should be included and in the end the Planning Commission decided to include it.

This addition will be the largest addition approved in Big Rock since the landslide and the only one that would be an addition going from a lower level to an upper level and onto a lot that was never built upon. A precedent like this need not be set in our landslide assessment district for the safety of our community.

A petition of 60 Big Rock residents (attached) demanding a moratorium on development was submitted to the Planning Commission and never addressed. Over 25 individual statements from different neighbors voiced their concern on this project and its cumulative effect on the groundwater and landslide in Big Rock as well as the more immediate and dangerous repercussions of a build on slopes adjacent to the lot that could cause slope failure and further shelf movement leading to new landslide. This also was not addressed.

Geological reports of possible slope failure were ignored by the applicants' geologist and no slope stability tests or calculations made regarding this. The report suggests the potential loss of life and home should the slope at Lot 2 (20239 Inland Lane) under Lot 8 fail due to saturation of Lot 8 from its seasonal perched condition and lack of drainage ability and effectiveness of the dewatering system of the area. Most of the applicants' geological data was based on a 28 year old Bing Yen report and an application from 2005 where most geological testing occurred before the installation of a trans evaporative system in 2012 that currently takes up the entire field with a leach and drip dispersal system. The system has regularly failed with several eyewitness accounts by neighbors of Ely's Pumping present regularly in the past 3 months as well as over the last several years. These systems also are known to regularly fail during heavy rainfall and are more suitable for arid climates without rainy seasons such as Big Rock. This would result in groundwater recharge and saturation that all annual Fugro reports state that:

“the groundwater level in the Big Rock Mesa landslide is the primary factor controlling the stability of the landslide mass...previous episodes of movement of the landslide have been directly related to high groundwater levels. Therefore, controlling the...peak groundwater levels in the landslide mass is the primary means being used to reduce future movements of the landslide. The primary factors influencing recharge of groundwater to the landslide area are: 1) onsite wastewater treatment system discharge, 2) rainfall, 3) irrigation, and 4) water-line and pool leakage.”

Verbal statements to Rosemarie Ihde and Jo Drummond, both of Piedra Chica Rd and neighbors of the applicant, have been received from Ely from Ely's pumping who installed the current OWTS on the property stating the present system can only handle the current 33 fixtures count 3 bedrooms plus office 3-bathroom home. The applicants' plan adds 2 more full bathrooms and 22 more fixtures count which would increase water importation and usage. Further stated in the March 2019 Fugro report, “water conservation is the most critical remaining means of controlling groundwater recharge to the Mesa.” As any geologist and Fugro have indicated in their reports there is no measurement for groundwater recharge so only a reduction in water importation and usage can preserve our delicate topography. The size of the current OWTS field would not be increased and it would be moved to a higher portion of the slope thus disturbing the area further. As stated by Ely the ENTIRE field is necessary just for the existing OWTS to work not for an increase in fixture units of 67%.

Two volumes of geological reports were gathered on the surrounding properties and the condition of Piedra Chica Rd and the dewatering system which is currently badly deteriorated as uncovered by these reports. The much needed well (W-3) at the bottom of Piedra Chica Rd pumping out high groundwater levels in the low permeated area of the lower eastern mesa has not functioned in over 3 months. The last time this happened a landslide occurred. This well is steps from the proposed build site. As per the Annual Fugro reports, pumps have also failed on Inland Lane and have had to be rehabilitated over the last 3 years. One of these pumps had to be repaired twice. As per ED Michael's report dated Oct 4, 2019 the system is working at 50% production level over the last decade. As per DA Evans report 1985 compared to Fugro reports today the imported water is over 170% what it was when the landslide occurred. The system has not had any upgrade or study since the 1998 Bing Yen report. It is certainly not enough of a system to support a 170% increase in water usage.

Fugro only reports on the maintenance of the dewatering system, not the stability of the landslide. Fugro consultant, David Thornhill, has confirmed with Jo Drummond and Rob Duboux on Dec 5, 2019 that the area of this proposed build and the pump at W-3 is located is perched which is likely why the pump W-3 is not functioning at the moment. Perched conditions cause the issues above especially in a non-permeable area of the lower eastern mesa which this lot is located on. The geologist for the build, Don Kowalewsky, never addressed the perched condition of the lot, the non-working dewatering equipment and the repercussions that can be caused from this to other lots due to these issues.

No build should occur anywhere near or on Piedra Chica Rd until a gravity drain and new dewatering system in place which is necessary to keep it stable according to both Fugro and ED Michael's two reports dated Nov 20, 2018 and Oct 4, 2019. A French drain system is something Rob Duboux of City Public Works is considering for Piedra Chica Rd at this time to help with any imminent damage. Adding 22 more fixtures at the build site will indeed cause saturation of the lot 8 in question and weaken it and the surrounding lots and cause slope failure if the build continues. Especially when the system is already failing now as was hidden by the homeowners on Oct 17 when the Planning Commissioners came to complete a site visit (See attached photos). None of this has been addressed by the City geologist also

who is aware of the deteriorated condition of the dewatering equipment and their current septic system issues and yet not valuing their importance with regards to this build.

5.3.1 ED Michael report Oct 4, 2019:

In recommending approval of CDP No. 18-002, Thompson (2019, p. 2, 2nd and 3rd para.) implies that effectively, the City geotechnical staff has found the following conclusions by Michael (*op. cit.*) et al to be environmentally insignificant (which is just not true):

- [i] observations of geologist Lockwood in 1973 indicate that a perched ground-water condition develops periodically in Lot 8 (*op. cit.*, Sec. 4.3.1);
- [ii] the effluence in the back-yard slope of Lot 2 observed by geologist Merifield in 1973 indicated a perched ground water in Lot 8 (*op. cit.*, Secs. 4.3.1; 4.3.2);
- [iii] a “wet” zone observed by geologist Kowalewsky (*op. cit.* Sec. 4.4.2.1, Fig. 4-1) indicated a perched ground-water condition in Lot 8 at that time;
- [iv] for years there has been reported effluence at the surface in Lot 10 immediately adjacent to the Lot 9 septic system;
- [v] among the “conditions” to be expected in Lot 2 as a result of the perched condition in Lot 8 would be the failure of the Lot 2 slope (*op. cit.*, Sec. 4.3.2, p. II-7, 3rd full. para.).

4.4 ED. Michael report dated Oct 4, 2019 PIEDRA CHICA AREA PERCHED GROUND WATER -

Most significant for present purposes are the remarks of Rogers and Silver (1995, Sec. 2.2.2.6, p. 7) in the AD 98-1 maintenance reports for the period of July 1994 – July 1995 issued during the Bing Yen and Associates’ tenure several years before the responsibility was transferred to Fugro Consultants Inc.:

“Piezometer PC-1 was installed in June 1995 near 20223 Piedra Chica Drive (*sic*) in response to reported high ground water levels in the area (See Figure 1 for location). Over a period of January through March 1995 residents had complained of malfunctioning seepage pits and seepage in the street (see figure 4). In addition, the pavement section was also observed to undergo partial failure in localized areas. In response, BYA and the City of Malibu were able to obtain FEMA funding to install a Multi-Stage Pneumatic Piezometer/Slope Inclinator to determine piezometric levels in the area. Preliminary readings indicate several definitive levels of perched water. Although perched levels coincident with the ground surface were not measured, this may be due to the fact that the high perched levels had dissipated by the date of the first reading.”

Therefore, since the seasonal ground-water elevations are well below the Piedra Chica area surface, there can be no reasonable doubt that even in the absence the dispersal of the existing Lot 9 AOWTS effluent in Lot 8, a perched ground-water condition develops from time to time. Partial failure on the pavement of Piedra Chica Rd. is being observed currently in the area by ED Michael as well as noted in both his reports.

Fugro records movement every year in their reports thus proving the slope stability of the area is close to 1.0. Yet the threshold for building and development under the Malibu building codes adopted is supposed to be 1.5.

Geological reports by Lockwood and Dr. Merifield in 1973, Bing Yen & Assoc in 1995 and ED Michael’s most recently indicate risk to adjacent properties and all of Big Rock yet the building code stating no permit can be issued in this case are being ignored:

110.2.1

No building or grading permit shall be issued under the provisions of this section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this section, a geotechnically hazardous condition does not include surface displacement due to earthquake faults.

Further:

110.2.3.4

When the proposed work involves an addition or additions to an existing structure but is not a change in use or occupancy and such work does not increase the gross floor area of the structure by more than 25 percent of the area of the structure as it existed on July 6, 1968, and the Building Official determines that the proposed work will not impact a historically active landslide. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or a conditional finding that the proposed work complies with the provisions of Section 110.2.1.
2. Record in the office of the Department of Registrar-Recorder the finding of such report or reports.
3. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from the issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that a hazard from landslide, settlement, or slippage no longer exists.

This Section shall not apply to structures constructed after July 6, 1968.

No slope stability studies or calculations were completed in the applicants' geological reports to disprove the existing movement and direct and cumulative effect on other properties. In fact, a safety factor of 1.0 was indicated in both geologists' testimony at the Planning Commission hearing on Oct 16, 2019 which would normally cause an outright denial of the project.

The attached letter was confirmed delivered to all of the Planning Commissioners, decision-makers on the project approval and City Council members regarding the project. It cites in detail the dangerous effect on the Big Rock community.

The Planning Commissioners did not adequately address or receive feedback and information on the Big Rock Mesa landslide and site's current geology or the deteriorated dewatering equipment and mismanaged BRM landslide AD 98-1. To their credit they were sidelined by a technicality and the City attorney did not inform them all that they would be limited to this discussion only when it was returned to the second and then third hearing. This project must be stopped at the City Council level and require an EIR on the location given all the facts and data. It would be far less expensive and risky for all to require this study for this build on a lot which was never allowed to be built upon and poses several dangerous risk factors to other properties and lots.

We will not be satisfied in this matter unless an EIR review or at the very least a study of the slopes adjacent to the property and the saturation and groundwater recharge level of the area deep and throughout the lot is determined not to be a hazard or danger to the neighbors.

SECTION 5. Conditions of Approval

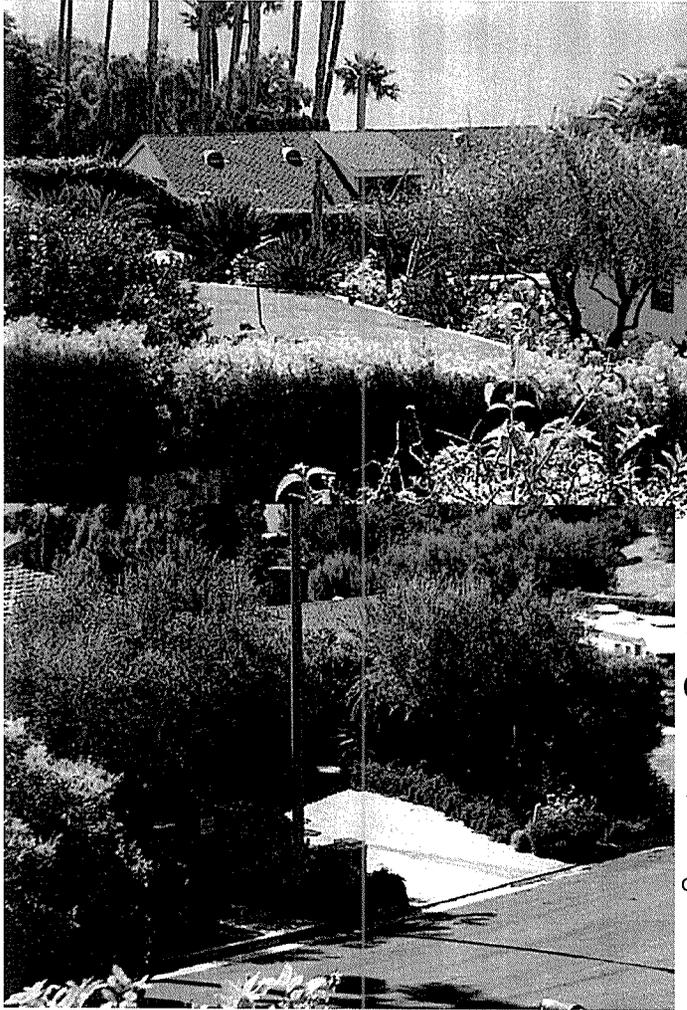
We are at issue with the following conditions of approval on the Staff Report, dated Nov 21st, 2019, Resolution No 19-25:

1. Indemnification of the City of Malibu. There is no provision for the protection of the applicants' neighbors. (Condition 1)
2. Scope of work.
 - c. 770 Square foot addition of 18 ft is proposed to be built on land that has never been built upon, Lot 8, a property know to have a history of geological issues. The 18 ft height is in violation of the homes within the same CC&Rs Tract 2 maximum height allowable of 15 ft. This was put in to protect homeowners' views. New exterior stairs where our mutual CC&Rs say no upper second stories are allowed. Current fence and trees are over 6 ft high and in violation of any landscape agreement. Permeable paving in an area of low permeability will only allow more water to enter the ground. (Condition 2)
3. Currently there are several olive trees on lot which is an invasive plant species that need to be removed. (Condition 32 & 33)
4. There is to be no change in drainage of this lot as per CC&Rs for Tract 2 section L, shared mutually by the opposition as per landslide assessment district drainage exists already (Condition 38)
5. The area in upper lot should not be disturbed due to saturation and groundwater recharge which has the potential to cause landslide in the area (Condition 38 C.)
6. The continued operation of the current OWTS has been called into question, given the saturation on Lot 8 and 10 and undiagnosed discharge of effluent on Lot 8 to Lots 2 and 10. (Condition 45)
7. Percolation tests were performed at the height of the dry summer season, and not during rainy season when a perched condition is most likely to cause the test to fail. Percolation testing must be performed when a hazardous threat is most likely to occur. (Condition 48c)

CEQA Exemption Cannot Apply To This Project

1. Cumulative impact of successive projects in the same place – over 30 projects approved in the past 5 years alone add water to the delicate ecosystem here in Big Rock
2. A significant effect on the environment due to unusual circumstances. The dewatering equipment is ineffective for Lot 8 in question.
3. A project that is not negligible or does involve expansion.
4. The city is ignoring their own PLN guidelines related to significant environmental or cumulative impacts.
5. The City is violating their own LIP Section 13.9 p 225 'The project is the least environmentally damaging alternative'. "The project will not result in potentially significant impacts on the physical environment, and as proposed is the least environmentally damaging alternative"
6. The California Supreme Court recently ruled that zoning ordinances can't exempt CEQA without full consideration.

20238 Piedra Chica Rd. septic issues past October 2019

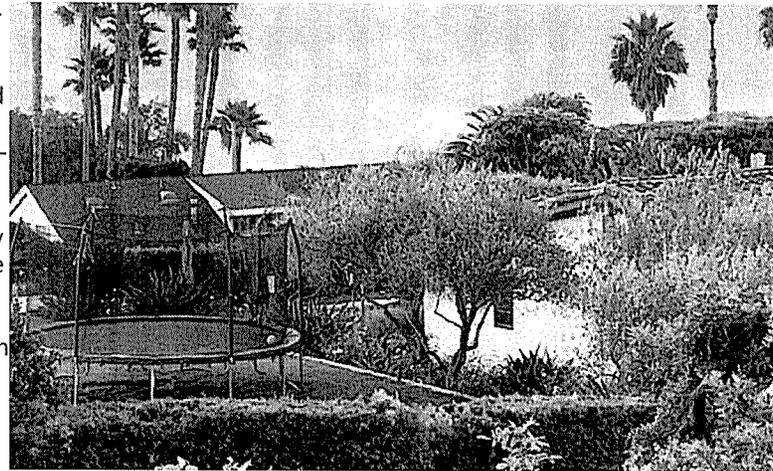


Oct. 1 –
Hole dug
by Ely's
Pumping

Oct 15-
hole left
by Ely's
Pumping

Oct 1 –
pumping
Completed

Oct 17 -
Hole
covered by
trampoline
during
planning
commission
site visit



59 Signatures **Goal: 300**

✘ Please activate your account by clicking the link you received via email. Didn't get the email? Check your Spam folder or [click here to resend.](#)

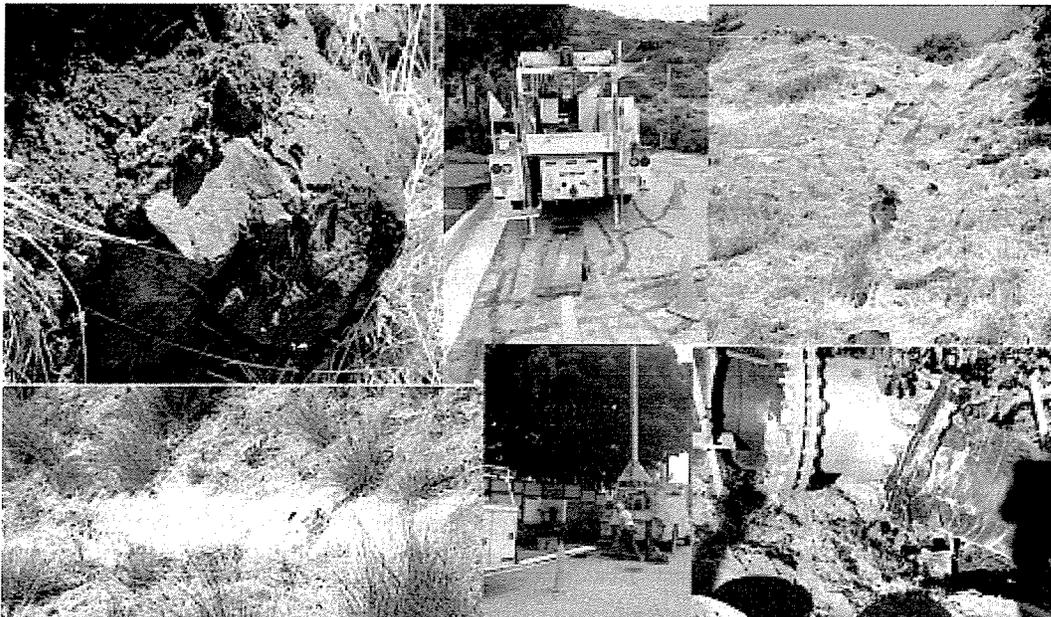
Preserve Big Rock Mesas



Friends of Big Rock Petition () (18) (Comments)

59 Signatures

Goal: 300



Rock on lower mesa hillside along Big Rock Drive crumbles where used to be solid. Emergency work at multiple areas of Big Rock dewatering wells incl. PCH starting June, 2019 after submitting Michaels' geological report. Cracks where original landslide started have recurred. Swale installed 30 years ago to run water off the hill along headscarp in complete disrepair. Duct taped reported repairs no response yet from Public Works.

SIGN PETITION

The following petition demands a moratorium on any new development over the existing footprint of a home in Big Rock Mesa's Landslide Assessment District 98-1 in its current state. We demand that our dewatering system is put on high alert and all repairs made in swift order.

Our community agrees to respect people's rights to build from the fire and deal with our own home improvements so we can feel comfortable in our home and investment here. Our concern is excessive water usage with over development in a high risk zone for both wildfire and landslide that threatens every home in Big Rock.

Only these past few years, after decades of practically no development in Big Rock, the City of Malibu Planning's basic building rules and codes are noticeably not coinciding with the Big Rock landslide Assessment District (AD 98-1). Variances of size, height, slope, landscaping and safety factors that other homes on the same street have not been granted are being approved without any independent City scientific evaluation or updates or acknowledgment of independent geological reviews.

The county installed our dewatering equipment over 30 years ago and it is in need of a major overhaul according to the geologist who supervised the installation, ED Michael. His recent geological review of the BRM Landslide was submitted to the Big Rock Property Owners Association Board in January of this year. The Board immediately submitted this plus a summary abstract of the details to the City of which you should all have read by now. It has so far resulted in emergency rehabilitation of 5 wells in Big Rock and a 6 year capital improvement plan on the equipment prepared by Fugro and City Public Works though there are still many unanswered detailed questions on how our AD 98-1 funds have been allocated all these years with NO reserve fund left. There is also much more work that needs to be completed but we have apparently run out of time. The geological report clearly states that Big Rock is in a dire situation where in order to remain safe and stable we not only need to ensure the equipment is in top production shape but need a drastic reduction in water usage and consideration for a moratorium on development and rehabs (as they use more water and septic facilities than the average home with 30-40 residents and staff per house). The City has not refuted this report scientifically or completed a comparable independent geological evaluation on our hill and every FUGRO annual report states right up front that they are not reporting on landslide, only maintenance and improvements.

Please cease all development that has been proven time and time again to hurt our hill. If we 'collapse, crack, or slide off foundations' as we did in '83 as per the LA Times, none of our homes will be worth anything. We have not had substantial and regular rain in years. **When** El Nino comes it will likely be disastrous for our community if our voices are not heard so please honor this request and stand by Malibu's Vision and Mission Statement.

Thank you, Friends of Big Rock

SIGN PETITION

59 Signatures **Goal: 300**

Share on Facebook

18 COMMENTS

Nancy Corwin
Oct 17, 2019

← Oct 17, 2019
upvote reply show

We've had mudslides several times in the past!

James Sarantinos
Oct 14, 2019

1 ← Oct 14, 2019
upvote reply show

Is common sense / rational maintenance of our dewatering infrastructure too much to ask for?

Georg Treu
Oct 14, 2019

1 ←
upvote reply show
Oct 14, 2019

fully behind this

Marilou Hamill
Sep 27, 2019

1 ← Sep 27, 2019
upvote reply show

Please let's learn from the past and be diligent to maintain and improve the stability of Big Rock.

RENATE L DOLIN
Sep 11, 2019

1 ← Sep 11, 2019
upvote reply show

It is surprising that after the class action suit in the 80th and the following remedial installations of dewatering equipment - for which an assessment district was developed - and maintenance was kept at a minimum - despite extensive payments assessed on our tax bills - there seems no consideration given by the planning commission by granting permits for variances of housing size with additional water input into the hills. Must we wait for another slide with resulting law-suits to recognize that there is an enormous problem in a geological very sensitive area, supported by geological reports going back more than 30 years.

Lyuba C Harris
Sep 08, 2019

1 ← Sep 08, 2019
upvote reply show

We need sustainable management of existing hillsides, not more development.

Rosalie Strickland

SIGN PETITION

We lived in Big Rock in '83 and the landslide was a nightmare. Homes were lost and our home and the entire Big Rock community was in danger. It is imperative that the city take the wellbeing of it's residents seriously and make sure that all is done to ensure their safety.

Rosie and Bob Strickland

Lisa A Fisher
Sep 05, 2019

1  
upvote reply show
Sep 05, 2019

Ugh. Please stop this.

Paul Boulet
Sep 05, 2019

1  Sep 05, 2019 
upvote reply show

why can't rational thinking prevail? The city is risking a mega multi million dollar lawsuit by us homeowners if they continue to allow our slide zone to degrade, and even worsened by hazardous development. Obiously I oppose any more development in Big Rock

Peter Monge
Aug 31, 2019

1  Aug 31, 2019 
upvote reply show

For 30 years now the residents in the Big Rock community have been paying a sizeable annual tax to fund a landslide abatement maintenance district and program in the Big Rock area. We need to take significant substantive steps to ensure that these funds are preserving underground water levels that prevent landslides in the Big Rock abatement district.

[See More](#)

COMMENT*

59 SIGNATURES

- 2 months ago
Nancy Corwin United States
- 2 months ago
- 2 months ago
Patricia Neuray United States
- 2 months ago



john morris United States

2 months ago
 2 months ago
 59 Signs on Social 00 United States
 2 months ago
 2 months ago
 yuji kawana United States
 2 months ago
 2 months ago
 Georg Treu United States
 2 months ago
 3 months ago
 Marilou Hamill United States
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 Juan Rivera United States
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 Linda Rivera United States
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 RENATE L DOLIN United States
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 Doug Masterson United States
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 Lyuba C Harris United States
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 ROMY BENNETT United States
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 Rosalie Strickland United States
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 Patty Phillips United States
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 Rilla Rogan United States
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 Lisa A Fisher United States
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 Christopher Cunningham United States
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 Eric Sosa United States
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 Wendy Widell Wolff United States
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 Jason fisher United States
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 Madison kelmenson United States
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 Erin Scott United States
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 Erin United States



3 months ago

- 3 months ago
- DAVID COCKRELL United States
- 59 Signatures Goal: 300
- 3 months ago
- Paul Boulet United States
- 3 months ago
- 3 months ago
- Judy Shockley United States
- 3 months ago
- 3 months ago
- Peter Monge United States
- 3 months ago
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- Alex Pitschka United States
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- Linda Ellrod United States
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- Robert Wolff United States
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- Ellen Kawana United States
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- JULY PITSCHKA United States
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- Betty Keefe United States
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- Brandon cherry United States
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- Adriana cherry United States
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- Kristine Szabo United States
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- Charlene Dankanyin United States
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- Robert Dankanyin United States
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- Georganne Bartylak United States
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- Pearl Burns United States
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- Georgia Goldfarb United States
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- Dennis leverne graves United States
- 4 months ago
- 4 months ago
- Dorinne Graves United States
- 4 months ago
- 4 months ago
- Brenda Safranko United States
- 4 months ago
- 4 months ago
- Frank Albino United States
- 4 months ago

SIGN PETITION

4 months ago

Asha and Paul Randall United States

1 months ago

59 Signatures **Goal: 300**

colin drummond United States

4 months ago

4 months ago

Al Broussard United States

4 months ago

4 months ago

Hank and Nancy Corwin United States

4 months ago

4 months ago

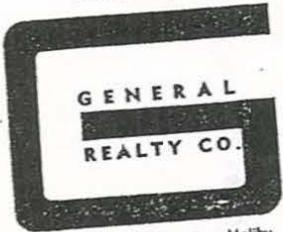
Jo Drummond United States

4 months ago

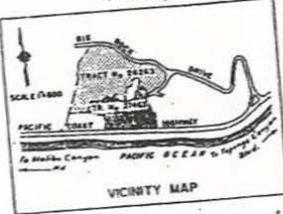
SIGN PETITION

A Henson Homes, Inc. Development

LOTS 1-58
malibu estates
Exclusive Agents

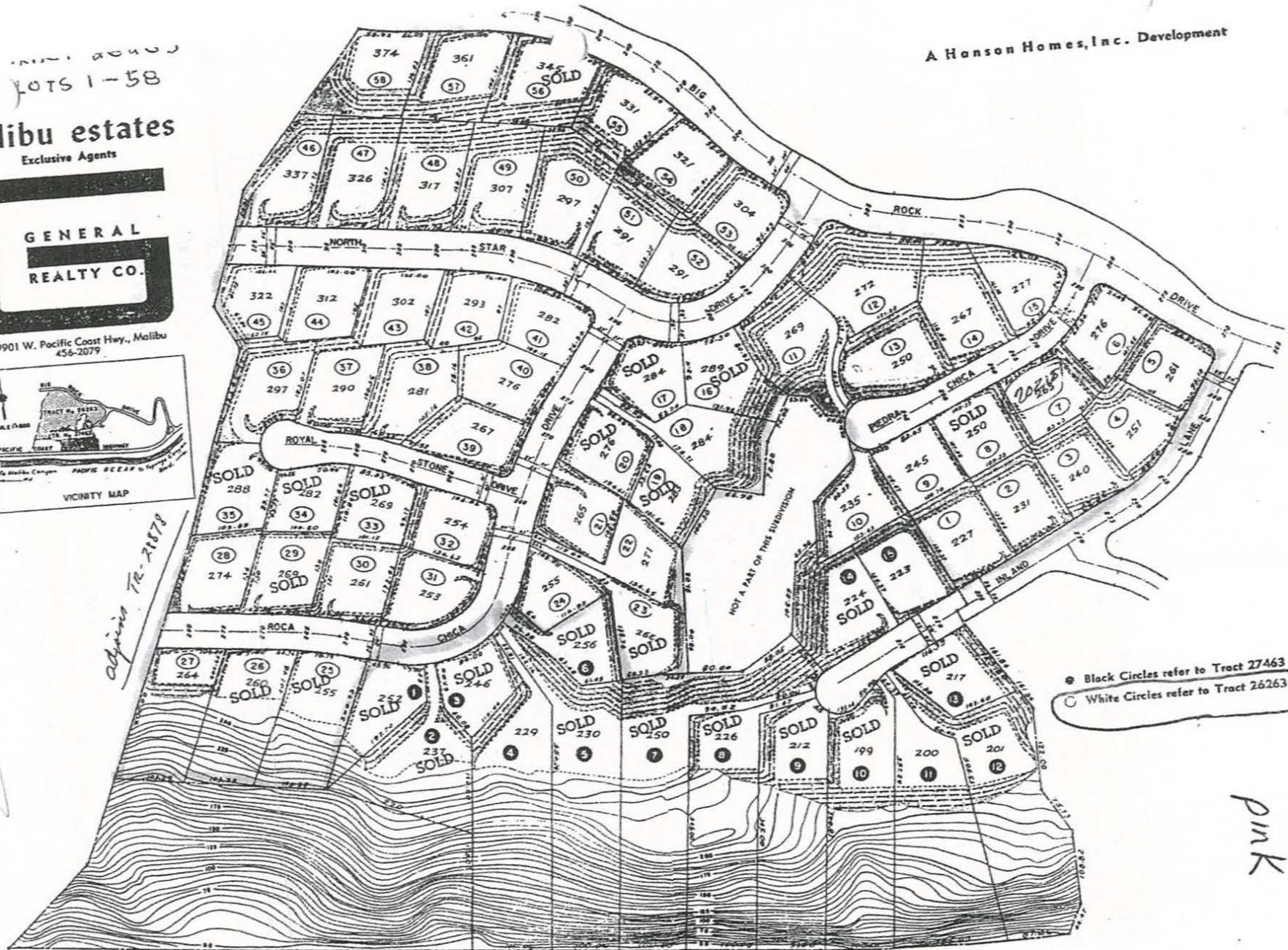


19901 W. Pacific Coast Hwy., Malibu
456-2079



metal cars

aligns TR-21878



● Black Circles refer to Tract 27463
○ White Circles refer to Tract 26263

2
pink

PACIFIC COAST HIGHWAY

Tract 2

5397
DECLARATION OF ESTABLISHMENT
OF COVENANTS, CONDITIONS AND RESTRICTIONS
Book M1247 Pg 325

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CAVE CLUB, INC. A California Corporation, is the owner of real property in the County of Los Angeles, State of California, described as lots 1 through 58 inclusive of Tract 26263 as per map recorded in Book 701 at pages 67,68,69 in the office of the County Recorder of Los Angeles County; and

WHEREAS, it is the desire and intention of CAVE CLUB INC., to sell the above described property and to impose on it mutual, beneficial restrictions under a general plan or scheme of improvement for the benefit of all the lots in said tract and the future owners of said lots:

NOW, THEREFORE, CAVE CLUB, INC., hereby certifies and declares that all of the property described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following provisions, limitations, conditions, restrictions, covenants, easements, and reservations, all of which are declared and agreed to be in furtherance of a plan for the subdivision, improvement and sale of the said lots in said tract and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the above described property and every part thereof.

All of the herein provision, limitations, restrictions, covenants, easements and reservations shall be binding on all parties and all parties claiming under them until December 31, 1983, after which time said provisions, limitations, restrictions, covenants, easements and reservations shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said provisions, limitations, restrictions, covenants, easements, and reservations in whole or in part.

(A) The ground floor area of the main structure, exclusive of one story open porches, patios and garage shall not be less than 2000 square feet for a one story dwelling nor less than 2200 square feet for a dwelling of more than one story.

(B) No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any one of lots 1 through 11 inclusive, 13,14, and 16 through 45 inclusive of the above tract other than one detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private

garage. No building shall be erected, altered, placed or permitted to remain on any one of lots 12,15 and 46 through 58 inclusive of the above tract other than one detached single family dwelling of not more than two stories in height and not exceeding 25 feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage. The restrictions of this paragraph (b) shall not apply to structures incidental to a single family dwelling such as cabanas, or dressing rooms; provided, further, that the Architectural Committee hereinafter referred to may allow exceptions to this provision.

(C) No building shall be located on any lot nearer than twenty (20) feet to the front lot line, nor nearer than ten (10) feet to any street or interior lot line, and no residential dwelling shall be located on any interior lot nearer than fifteen (15) feet to the rear lot line. For the purposes of this paragraph © , eaves, steps and open porches shall not be considered as a part of a building; provided, however, that this shall not be construed to permit any encroachment upon another lot.

The above listed requirement of twenty (20) foot setback to the front lot line shall not apply to lots 25,26, and 27 in the event the Regional Planning Commission or other governmental agencies will allow a lesser distance. In addition, the lots 25, 26 and 27 will have no construction of permanent structures within the "Geological Hazard Area" as shown on the recorded tract map of Tract No. 26263.

The access of lot 14 of the above tract shall be restricted to Big Rock Drive. The access to lot 11 of the above tract shall be restricted to North Star Drive. The access to lot 12 of the above tract shall be restricted to the North Star Drive and Big Rock Drive,

(D) No outside television or radio pole or antenna shall be constructed, erected or maintained on any building or any building site, or located in such a manner as to be visible from the outside of any such building, except by and with the prior written consent of the Architectural Committee.

(E) No fences, trees, plants, shrubs or hedges shall be erected, planted or permitted on any lot other than fences, plants, trees, shrubs or hedges not over six (6) feet high or those approved by the Architectural Committee. In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.

(F) No building, garage or fence shall be erected, placed or altered on any lot until the building plan, specifications and plot plans showing the location of such building, garage or fence have been approved in writing as to the conformity and harmony of the exterior design with the existing structures in the tract and as to location with respect to topography and finished ground elevation by an Architectural Committee composed of John H. Hadley, Ray K. Cherry and John W. Hunter, all of Los Angeles, California, or by a representative designated by a majority of said Architectural Committee. In the event of the death or resignation of any member of said committee, the remaining members shall have full authority to approve or disapprove such design and location or to designate a

representative with like authority, or to elect a successor. In the event said committee or its designated representative fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, or in the event that no legal actions have been commenced to enjoin the erection of any such building or the making of alterations prior to the completion thereof, then the plans for such building or alteration shall be deemed approved and this covenant will be deemed to have been fully complied with. Neither the members of such committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant.

The aforesaid individuals or the successor or successors of any of them, shall serve as members of said Architectural Committee until April 1, 1964, at which time the Architectural Committee shall be composed of the then members of the Board of Directors of Malibu Mutual Drainage Company, a non-profit California Corporation. In the event that any such board member thereafter ceases to be a member of the Board of Directors of said Malibu Mutual Drainage Company, he shall cease to be a member of the Architectural Committee and his successor to the position of director of said company shall become a member of said Architectural Committee, in his place and stead. In the event that the owner of any lot is dissatisfied with any decision of the Architectural Committee, said owner shall have the right to submit the matter to arbitration in accordance with the rules of the American Arbitration Association.

THE MALIBU MUTUAL DRAINAGE COMPANY WAS DISSOLVED. NO LONGER EXISTS

(G) No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(H) No trailer, basement, tent, shack, garage, barn or other out-building shall be erected or maintained in the tract for the purpose of a residence, temporarily or permanently, nor shall any structure of any temporary character be used as a residence.

(I) No oil drilling, oil development operation, oil refining, quarrying, or mining operation of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels or mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any lot.

(J) No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, canaries or parakeets may be kept as pets, provided that they are not kept, bred, or maintained for any commercial purposes.

(K) Each and every owner or owners of any lot in aforesaid tract shall consent in writing to become a member or members of Malibu Drainage Company, a non-profit California Corporation, organized for the purpose of providing for the maintenance of subsurface drainage pipes and disposal of drainage therefrom below and from the above tract. The acceptance of record ownership to any of the aforesaid lots shall be deemed an automatic election by the owner or owners thereof to become a member or members of said Malibu Drainage Company. All lots of the above tract shall be subject to assessment in the manner specified in the Articles of Incorporation and By-laws of said Malibu Mutual Drainage Company and any such assessment is hereby deemed to be a lien on the lot so assessed.

(L) That each owner of a lot in said tract shall not in any way interfere with the established drainage in or over any lot in said tract. In the event it is necessary to change the established drainage over any lot, adequate provisions for proper drainage shall be made therefor. For the purpose hereof "Established Drainage" is defined as the drainage as the same existed at the time of the overall grading of said tract, including the landscaping of each lot in said tract as completed by the undersigned.

(M) No sign of any kind shall be displayed to the public view on any lot, except one sign of not more than two (2) square feet advertising the property for sale or rent, and except signs of any size used by the declarant or its authorized agents, successors or assigns to advertise the herein described property during the construction and sales period.

CAVE CLUB, INC. does hereby certify and declare that the foregoing provisions, limitations, conditions, covenants, easements and reservations, all and singular, are for the benefit of each owner of said lots in said tract or any interest therein, and are imposed upon said tract as a servitude in favor of or binding upon each and every parcel of land therein as the dominant tenement or servient tenement as the case may be.

It is further provided, as to the owner and the owner's successors in interest of any lot or lots in said tract, the provisions, limitations, conditions, restrictions, easements and reservations, all and singular, are and shall be hereby made covenants running with the land, and breach or violation thereof or continuance of any such breach may be enjoined, abated, or damages may be recovered by appropriate proceedings by the undersigned, its successors or assigns, or by any owners of any lot in said tract, or such owner's successors in interest; provided, however, that the breach of any of said provisions, restrictions or covenants shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value as to said lots or property, or any part thereof, but such provisions, restrictions or covenants shall be binding and effective against any owner of said property whose title thereto is acquired by foreclosure, trustee's sale or otherwise.

PROVIDED, FURTHER, enforcement of the foregoing provisions, limitations, conditions, restrictions, covenants, easements and reservations may be by proceeding at law or in equity against any person or persons violating or attempting to violate the same, either to restrain violation or to recover damages.

Any invalidation of any of the provisions, limitations, conditions, restrictions, easements and reservations by judgement or court order, shall in no way affect any of the other of such terms, and they shall remain in full force and effect.

IN WITNESS WHEREOF, CAVE CLUB, INC., has hereunto subscribed its corporate name and affixed its corporate seal this 8th day of April, 1963.

CAVE CLUB, INC.

By _____
John H. Hadley, President

By _____
John W. Chesley, Ass't. Sec'y

5062
MODIFICATION OF
DECLARATION OF ESTABLISHMENT OF
COVENANTS, CONDITIONS AND RESTRICTIONS

BK M1379 Pg 5

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CAVE CLUB, INC. A California Corporation, is the owner of real property in the County of Los Angeles, State of California, described as lots 1 through 58 inclusive of Tract 26263 as per map recorded in Book 701 at pages 67,68,69 in the office of the County Recorder of Los Angeles County; and

WHEREAS, CAVE CLUB, INC. has heretofore executed and caused to be recorded a Declaration of Establishment of Covenants, Conditions and Restrictions in book M1247, page 325 in the office of the County Recorder of Los Angeles County, which Declaration imposes certain restriction on the aforementioned real property; and

WHEREAS, CAVE CLUB, INC. Desires to modify said Declaration of Establishment of Covenants, Conditions and Restrictions in certain particulars,

NOW, THEREFORE, CAVE CLUB, INC. Does hereby modify the aforesaid Declaration of Establishment of Covenants , Conditions and Restrictions by deleting therefrom Paragraph © in its entirety and substituting in the place and stead thereof the following Paragraph (c):

© No building shall be located on any lot nearer than twenty (20) feet to the front lot line, nor nearer that ten (10) feet to any street or interior lot line, and no residential dwelling shall be located on any interior lot nearer than fifteen (15) feet to the rear lot line. For the purpose of this paragraph © eaves, steps and open porches shall not be considered as a part of a building; provided, however, that this shall not be construed to permit any encroachment upon another lot. The restrictions of this paragraph may be modified or removed in whole or part as to any lot with the prior written consent of the Architectural Committee..

The above listed requirement of twenty (20) foot setback to the front lot line shall not apply to lots 25,26 and 27 in the event the Regional Planning Commission or other governmental agencies will allow a lesser distance. In addition, the lots 25, 26 and 27 will have no construction of permanent structures within the Geological Hazard Area" as shown on the recorded tract map of Tract No. 26263.

No access to lot 14 of the above tract shall be permitted from Big Rock Drive. No access to lot 11 of the above tract shall be permitted from North Star Drive. No access to lot 12 of the above tract shall be permitted from North Star Drive or Big Rock Drive,

IN WITNESS WHEREOF, CAVE CLUB, INC. Has hereunto subscribed its corporate name and affixed its corporate seal this 18 day of February, 1964.

CAVE CLUB, INC.

By _____
John H. Hadley, President

By _____
John W. Chesley, Ass't. Sec'y

3677
SECOND MODIFICATION OF
DECLARATION OF ESTABLISHMENT OF
COVENANTS, CONDITIONS AND RESTRICTIONS

Bk M1457 Pg 413

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, CAVE CLUB, INC. A California Corporation, is the owner of real property in the County of Los Angeles, State of California, described as lots 1 through 58 inclusive of Tract 26263 as per map recorded in Book 701 at pages 67,68,69 in the office of the County Recorder of Los Angeles County; and

WHEREAS, has heretofore executed and caused to be recorded a Declaration of Establishment of Covenants, Conditions and Restrictions in book M1247, page 325 in the office of the County Recorder of Los Angeles County, which Declaration imposes certain restriction on the aforementioned real property; and

WHEREAS, CAVE CLUB, INC. Has heretofore executed and caused to be recorded a Modification of Declaration of Establishment of Covenants, Conditions and Restrictions in Book M1379, page 5 of the official records of the County Recorder of Los Angeles County; and

WHEREAS, CAVE CLUB, INC. Desires to modify said Declaration as modified in certain particulars,

NOW, THEREFORE, CAVE CLUB, INC. Does hereby modify the aforesaid Declaration of Establishment of Covenants , Conditions and Restrictions by deleting therefrom Paragraph (c) in its entirety and substituting in the place and stead thereof the following Paragraph (c):

(C) No building shall be located on any lot nearer than twenty (20) feet to the front lot line, nor nearer than ten (10) feet to any street or interior lot line, and no residential dwelling shall be located on any interior lot nearer than fifteen (15) feet to the rear lot line. For the purpose of this paragraph eaves, steps and open porches shall not be considered as a part of a building; provided, however, that this shall not be construed to permit any encroachment upon another lot. The restrictions of this paragraph may be modified or removed in whole or part as to any lot with the prior written consent of the Architectural Committee..

In no event shall any residential dwelling be located nearer than seven (7) feet from the top of the slope at the rear of lot 23 and 34, nor nearer than twelve (12) feet from the top of the slope at the rear of lots 26 and 27.

The above listed requirement of twenty (20) foot setback to the front lot line shall not apply to lots 25,26 and 27 in the event the Regional Planning Commission or other governmental agencies will allow a lesser distance. In addition, the lots 25, 26 and 27 will have no construction of permanent structures within the Geological Hazard Area" as shown on the recorded tract map of Tract No. 26263.

No access to lot 14 of the above tract shall be permitted from Big Rock Drive. No access to lot 11 of the above tract shall be permitted from North Star Drive. No access to lot 12 of the above tract shall be permitted from North Star Drive or Big Rock Drive,

IN WITNESS WHEREOF, CAVE CLUB, INC. Has hereunto subscribed its corporate name and affixed its corporate seal this 18 day of February, 1964.

CAVE CLUB, INC.

By _____
John H. Hadley, President

By _____
John W. Chesley, Ass't. Sec'y

Mr. & Mrs. Colin and Jo Drummond
20223 Piedra Chica Rd
Malibu, CA 90265

November 1, 2019

To: City Department Officials, Honorable Planning Commissioners, and City Council,

Cease Approval of Coastal Permit No. 18-002 – 20238 Piedra Chica Road

At the City Planning Commission meeting on October 21, 2019 there was inaccurate and misrepresented information presented, unanswered questions posed by the Planning Commissioners, and inadequately addressed concerns with respect to the above project. Given the City's knowledge and awareness of: a) these severe concerns and significant risks including without limitation those to life and property posed by the Coastal Development Permit No. 18-002, b) the information provided by geological experts that supports these concerns and risks, and c) the City code violations associated with this project, we demand that the City cease from approving this project and require more inspection and analysis to determine the safe viability of the project.

A. Site Slope Instability Of The Project's Site Poses Extreme Risk And Violates City Ordinances And Geological Hazard Guidelines

The following evidence clearly, collectively and unequivocally, demonstrates that the Project's development site, Lot 8, poses serious risks and violates City ordinances and/or guidelines:

- 1) **Lot 8 is located in landslide hazard zone.** "The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. The project site lies within the active Big Rock Mesa Landslide which is considered to be active." Commission Agenda Report, 10/10/19 page 2 of 16
- 2) **There has been no document or testimony presented that definitively demonstrates that the slope stability factor for Lot 8 is at or above the 1.5 minimum stability factor threshold allowed according to Los Angeles and Malibu City code—see section 3 below).** In fact, all expert opinions and published reports indicate that **Lot 8 has a low safety factor below 1.5 (and statements by both geological experts, E.D. "Don" Michael and Don Kowalewsky indicate that the safety factor is close to 1.0), which certainly disqualifies the project from City approval.** Any recorded movement justifies this low safety factor and any seismic activity can compromise an already precarious situation.
 - a. "There is good evidence that the safety factor of the landslide debris mass is now close to 1.0. In fact, it's conceivable that incipient movement has already occurred. It's possible with a significant amount of seismic activity that even a catastrophic failure could occur." (E.D. Michael, Planning Commission Meeting, 10/21/19 1:17:11)
 - b. "Now logically, when a land mass moves, it has to have a safety factor of 1.0 or less... If you look at the inclinometers, it does show movement on some years...of 0.1. to 0.2. During the Northridge earthquake, it moved 0.5. However, when this first came out, I was the City Geologist at the time, I asked, how can they say it's [a safety factor of] 1.25 when you see evidence of movement? I asked the geotechnical engineer with Bing Yen Assoc, how could

this be? He said 'that's just the way it works. Beats me.'" (Don Kowalewsky, Planning Commission Meeting, 10/21/19, 1:42.55)

- c. "Any of the numerous other active and potentially active faults in southern California can result in strong ground shaking and have an adverse effect on the site." (Don Kowalewsky Geotechnical Reconnaissance Report 9/5/05 page 12)

3) The minimum allowable slope stability safety factor is 1.5.

According to City codes and guidelines (and confirmed in a meeting on October 30, 2019 with Richard Mollina, Jessica Thompson and Yolanda Bundy) the following are the latest guidelines and Los Angeles County codes adopted by the City of Malibu with respect to slope stability safety and geological hazards:

- a. "The minimum long-term **safety factor is 1.5** for all new construction of habitable structures, including single-family residences, guest houses, studios, multi-family residential projects, commercial projects, and swimming pools. Pseudostatic factors of safety should be assessed under the guidelines of Section 6.5" (Guidelines for Geotechnical Engineering Reports for the City of Malibu, Los Angeles County building code section 110.2 dated November 2013 p 29)
- b. "New development proposed on landslides, steep slopes, unstable or weak soils or any other identified geologic hazard area, shall be permitted only where a factor of **safety of 1.5** (static) and a factor of safety of 1.1 (pseudostatic) can be provided. Such analysis shall adhere to all provisions of the City of Malibu's "Guidelines for the preparation of engineering geologic and geotechnical engineering reports" (Malibu Local Implementation Plan Chapter 9 Hazards Section 9.4 DEVELOPMENT STANDARDS)

NOTE: During the City Planning Commission hearing October 21, 2019 the discussion regarding the safety factor indicated incorrectly that if the slope stability factor was 1.25 or higher then additions of up to 25% of the existing home's square footage are permitted. However, there is no City code or ordinance or exemption that specifies a 1.25 minimum safety factor. As evidenced above, the minimum safety factor is 1.5. Mr. Kowalewsky misled the Planning Commissioners with his contradictory statements from his 2017 geological report update:

- a. 1:36:12 Kowalewsky: "anything over 1.25 to 1.5 you can do additions up to 25%"
1:36:00 Mazza: "you said no additions can be added below 1.25"
Kowalewsky: "that is correct."
1:45:30 Mazza: "So your mathematics say it's over 1.25?"
Kowalewsky: "yes" (NOTE: please see the statement below in section 5 from Mr. Kowalewsky's 2017 report where he states his report was developed "without...mathematical calculations")
- b. A hazard does exist: "In spite of the creep rate movement, Bing Yen calculated the east mesa to have a safety factor of 1.2." Don Kowalewsky Update Geotechnical Reconnaissance Report 4/10/17 p 3

4) Due to Lot 8's extremely low slope stability factor, the stability risk based on current geological expert testimony and reports, and the lack of analysis and review by the City Geologist, Chris Dean, (as evidenced below) the City would be irresponsible to allow a hazard waiver or a variance in this case.

Any such hazard waiver signed solely by the homeowner would only shift responsibility of liability to the homeowner and indemnify the City and would certainly undermine the City's code designed to protect not only the homeowner but also other property owners in the area.

- a. "How low is too low on those waivers? If we came back and found out there was a factor of safety of 1.01, this thing was right on the edge of movement, will it just let them sign that waiver? At what point does that waiver process become too risky? And do we even know what the factor of safety is for this property is? I don't think we have a number for that that is at all current." (Commissioner K. Hill, 10/21/19, 54:38:00)

5) The applicant's geologist provided inconsistent, incomplete, misleading and/or inaccurate information to the City.

While the geological expert, Don Michael, who has significant and unique knowledge of Big Rock Mesa landslide district has been consistent in his strong concern and significant potential risk based on the geological hazardous conditions associated with the project (in both his reports and testimony in the 10/21/19 City Planning Commission hearing), the applicant's geologist, Don Kowalewsky, has made inaccurate and inconsistent statements in his testimony and written reports regarding the safety factor of the proposed site. Notwithstanding, Mr. Kowalewsky has presented no information or analysis that supports a site slope stability factor at or above 1.5 and his conclusions and statements all support a low slope stability factor below 1.5.

- a. As stated in section A. 2)b., Don Kowalewsky agreed the site stability was low (around 1.0) in admitting there was movement on the lot from .1 to .2 inches. Yet in his written 4/10/17 report he concluded that the safety factor was 1.2 citing the Bing Yen report "In spite of the creep rate movement, Bing Yen calculated the east mesa to have a safety factor of 1.2." Don Kowalewsky Update Geotechnical Reconnaissance Report 4/10/17 p 3. He continues to state in his 2017 report "Because the site does (does) not have a slope stability safety factor equal to or greater than 1.5, the City previously required signing and recordation of a hazard waiver and it is anticipated that a similar waiver will be required at this time."
- b. In his testimony at the 10/21/19 Commission Planning hearing, Mr. Kowalewsky stated that he relied on mathematical calculations when determining the site's slope stability factor; however, his 2017 written report specifically states that he did **not** use such mathematical calculations. Mr. Kowalewsky misrepresented the actual findings of his report in the hearing:
 - i. Kowalewsky: "I understand why Mr. Michael would say it's 1.0. and I know that the mathematics stated. So I'm going with the mathematics and not the assumption." Commissioner Mazza: "So your mathematics say it's over 1.25? Kowalewsky: "yes." (Planning Commission Meeting, 10/21/19, 1:42:55)
 - ii. "This report was prepared...without the necessity for site specific stability analyses or other mathematical calculations to demonstrate the site's stability." Don Kowalewsky Geotechnical Reconnaissance Report 9/5/05 P 16
 - iii. "This report was prepared with the understanding that the City will allow additions to existing single family residences in the Big Rock Mesa area without the necessity for site specific stability analyses or other mathematical calculations to demonstrate the site's stability." Don Kowalewsky 4/10/17 P 6
- c. In his most recent 2017 report or testimony, Kowalewsky neglects to mention the 'caving' found during site and trench testing in his 2005 report and analysis of the property.
 - i. "Exploratory trenches could not be safely entered due to caving potential of the loose bouldery soils. Caving should be anticipated in these earth materials, with some over break in trenches or borings should the alternative to penetrate these materials with deepened foundations be utilized." Kowalewsky, 9/5/05 P 16
 - ii. "Caving was observed in the test pits. Particular care should be taken when excavating and working around excavations in the event of possible caving." Kowalewsky 9/5/05 P 21

- d. Conditions certainly have changed in the area that includes Lot 8 since the 1992 Bing Yen report and the 2005 Kowalewsky report and, yet Mr. Kowalewsky relies heavily on the 28-year old Bing Yen report and his 14-year old report without any recent on-site field work or site analysis. Such reliance and lack of recent analysis is irresponsible given the known landslide movement and low slope stability he himself admits as stated above.
 - i. "no new field work was required other than recent observations of the site which indicated site conditions have not changed." (Kowalewsky, 4/10/17 P 1)
 - ii. "The geology throughout the Assessment District is not uniform and varies from one location to another. Areas of low permeability, such as in the Eastern Mesa Region, can limit the dewatering production of individual facilities." (P 15 March 2019 Fugro report)
 - iii. Low permeability in Eastern Mesa (where Lot 8 is located) cause perched conditions and in 15 years more ability for the lot to become saturated from septic recharge, leaks and groundwater levels becoming higher especially recently with current failure of well W-3 on Piedra Chica Rd. and previous leaks and failure of BYA 13 & 14 on Inland Lane in 2019 as reported by Rob Duboux in communication with BRM residents.
 - iv. "The field exploration, and laboratory testing that was previously performed is sufficient for the currently proposed project. Therefore, no new field work was required..." (Kowalewsky 04/10/17 P 1)
 - v. "This document contains conclusions and recommendations which are dominantly the same as previously presented in our reports." (Kowalewsky, 04/10/17 P 2)
- e. Conditions have worsened since the 28-year-old Bing Yen report.
 - i. "The fact that water currently imported to the BRM system is well in excess of that when the BRM landslide occurred, should be taken as a warning that slide reactivation is imminent. The force that caused the failure in 1983 may have been far more than that now sufficient to reactivate the main slide debris mass. It is to be presumed that a basal surface now exists that has significantly less shear strength than that which was overcome in 1983." (ED Michael, GEOLOGIC ASPECTS OF REDEVELOPMENT BIG ROCK MESA LANDSLIDE AREA with special reference to 20238 Piedra Chica Road 11/20/19 P III-2)
 - ii. The Big Rock Mesa dewatering system is badly deteriorating, according to Fugro and Geologist ED Michael. The March 2019 Fugro report states:
 - 1. 43 of 67 hydraugers are non-functional, at minimum 34 should be functioning but only 24 are registering active
 - 2. 12 of 16 pneumatic piezometers are non-functional
 - 3. 25 of 29 standpipe piezometers are non-functional
 - 4. Of 26 slope inclinometers only 7 had quantifiable measures
 - 5. 50% of the wells give 2% or less of total production. 7 of 24 wells have been rehabilitated in the last 5 months with the only one on Piedra Chica Rd, steps away from the proposed build, not functioning for over two months. 5 more are scheduled for repair by the end of 2020 and the rest of the 12 scheduled to be inspected not repaired in 2022. (Communications with Rob Duboux and Big Rock Dewatering Committee and Fugro 5 year plan received July 2019)
 - iii. "I agree with Don Michael. The dewatering system is deteriorating rather significantly." Don Kowalewsky, Planning Commission Hearing 10/21/19 1:36:57

6.) The City Geologist, Chris Dean, provided no report, no site-specific analysis and no specific comments to address neighbors' and Don Michael's specific and significant concerns regarding the project which is irresponsible given the potential risk involved.

Despite area property owners' and BRMPOA multiple requests for site review and significant concerns raised by geological expert Don Michael in his report provided to the City, the City Geologist, Chris Dean provided no report, no site-specific analysis and no specific comments to address Don Michael's specific concerns regarding the project. Given the potential risk involved, Chris Dean's lack of review and lack of geological analysis with respect to this project is irresponsible and underscored by his self-admitted lack of expertise (as evidenced below)

- a. "This is surprising to me. This is a big issue on a piece of property that is of concern to a lot of people but think the city would have weighed in." (Commission Chair S. Uhring, 10/21/19 52:41:30)
- b. "Most if not all of his (Chris Dean's) responses are very pro forma, sort of boilerplate and not necessarily responses to his (ED Michael's) questions." (Commissioner K. Hill, 10/21/19, 52:42:00)
- c. Commissioner Mazza: "Don Michael's report went to the City Council and they directed the city geologist to study it and come back to the council. Was that ever done?" Planner Thompson: "Not that I'm aware of." Mazza: "Do you know why?" Thompson: "I do not." (Planning Commission meeting, 10/21/19 2:04:30)
- c. Chris Dean states, "I am not an expert regarding the district. I'm not sure what I can add to the conversation." (Email correspondence with T. Davis, President, BRMPOA Mar 19, 2019). Despite this, Assistant Planner Mollica stated in the 10/21/19 City Planning Commission hearing that Chris Dean was the expert to be relied upon yet there is no formal response or analysis provided by Mr. Dean to demonstrate his in-depth review of the matter or his response to Mr. Michael's report or concerns "Chris was associated with Bing Yen in the Big Rock area. Chris is very aware of the soil types in that area. And so I don't believe it's fair to say that Chris looked at this in a vacuum. Our city geologist and his staff have experience with that area." (Planning Commission meeting, 10/21/19 2:30:30)
- d. "Fugro is the City's geotechnical consultant that monitors the dewatering and inclinometer facilities in the Assessment District and provides yearly reports to public works regarding the assessment district. My primary role at the City is as a geotechnical peer reviewer for new development projects and for the fire rebuild projects. Fugro is most familiar with the state of the Mesa regarding groundwater levels, movement of the landslide, and maintenance of the facilities. Thus, I focused my response as it pertains to the development project on Piedra Chica. Chris (Email correspondence with T. Davis, President, BRMPOA 6/18/19)
- e. Fugro itself, the company on which the City relies for geologic review and evaluation does not make claims about slope stability and in fact makes the following disclaimers:
 - i. "The services that are provided on an annual basis for the Assessment District do not include geologic or engineering evaluations of the stability of the landslide." (March 2019 Fugro Report P 1)
 - ii. "Annual reports of the excellent Fugro Consultants, Inc. work in observing and reporting conditions expressly note that such data are not to be understood as indicating the stability of the slide debris mass." (E.D. Michael, Section 2.3, 10/4/19)

7) The slope stability of Lot 8 is further at risk due to its perched condition and its location in the eastern mesa region of low permeability. Any further development and seismic activity on the lot can risk neighboring lots (particularly Lot 2) due to slope failure—a fact that supports the City’s denial of the project’s building permit subject to the City building code section 110.2.

- a. Lot 2 can be subject to slope failure due to a hazardous condition activated or accelerated by Lot 8. “Among the conditions to be expected in Lot 2 as a result of the perched condition in Lot 8 would be the failure of the Lot 2 slope.” (ED Michael, Sec. 4.3.2, p. II-7, 3rd full. para.).
- b. “Some modification of the site in question...could affect the stability of local slopes or the debris mass as a unit.” (Section 2.0 ED Michael 10/4/19)
- c. During a meeting post site visit on 10/16/19 with Chair Uhring, Kraig Hill, Rosemarie & Gerhard Ihde, Colin & Jo Drummond, ED Michael reiterated his concerns with slope failure from Lot 8 to Lot 2 when presented with seismic activity, saturated and perched conditions from septic and irrigation groundwater recharge on Lot 8, or leaks or heavy rains on Lot 8.
- d. In response to Commissioner Chris Marx, ED Michael states, “If the groundwater level mounded in Lot 8 (from recharge of new septic)...you could get a deep-seated slope failure of the 15 ft high slope adjacent to Lot 2...an acceleration of materials would go right through the house (on Lot 2).”
 - i. Geotechnical hazards of the 2017 County of Los Angeles Building code and 2016 California Build Code states that “No building or grading permit shall be issued under the provisions of this section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnical hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested.” Subsection 110.2.1 under section 110.2
- e. “Yes there’s going to be an increase in the total water going into the ground (on Lot 8 from the project)” Don Kowalewsky, Planning Commission Hearing 10/21/19 1:38:30
- f. “Introducing water to any solid makes movement more possible...So you’ll have a larger mass with lower friction below that residence (Lot 2) with a larger evap system?” Chris Marx Planning Commission Hearing 10/21/19 1:51:38 “Yes” Don Kowalewsky 1:51:56
- g. “The evidence of perched ground water in Lot 8 based on effluence observed in Lot 2 by engineering geologist Dr. Paul Merifield is extensively discussed in Michael (*op. cit.*, Sec. 4.3, *et seq.*, pp. II-4 – II-8; Sec. 7.3, pp. III-14 – III-15; Sec. 9.2, p. IV-7). The reason that Merifield (*op. cit.*, Sec. 4.3.1, p. II-6) regarded the effluence he observed in Lot 2 to be perched was simply because its elevation was well above the saturated zone known even at that early time from the levels in nearby water wells... effluence, reported by Merifield (1972; 1973 a,b)...did occur and its source could only have been the neighboring upslope area in Lot 8.” (E.D. Michael 11/20/18)
- h. “The geology throughout the Assessment District is not uniform and varies from one location to another. Areas of low permeability, such as in the Eastern Mesa Region, can limit the dewatering production of individual facilities.” (P 15 of 18 March 2019 Fugro report)
- i. “The section in Lot 8 is best regarded lithologically as 3.5 feet of compacted “moderately dense” blanket fill, placed over poorly compacted fill that includes “... loose boulders and cobbles in a clayey sand matrix ...” that was “... found to be wet ...below 7 feet.” (Kowalewsky, 9/5/05 P 5)
- j. “However, as indicated by comparing Photos 4-1 and 4-2, the overlying 9-foot section in Lot 8 has certainly been placed as fill however inappropriate its texture according to modern grading code standards. Referring again to Kowalewsky and Tsao (*ibid.*) the section in Lot 8 is

best regarded lithologically as 3.5 feet of compacted “moderately dense” blanket fill⁴, placed over poorly com-pacted fill that includes “... loose boulders and cobbles in a clayey sand matrix ...” that was “... found to be wet ...below 7 feet.” From this, it is clear that this boulder material is reworked slide debris and the wet section was due to semi-perched ground water over a section of slide debris of locally relatively low permeability.” (ED Michael 11/20/18 Section 4.4.2.1 Geotechnical Investigation)

- k. On October 16, 2019, Commissioner Kraig Hill visited Inland Lane and observed what must be effluent at Lot 2.
 - i. “I noticed that the moisture coming out of the drainpipe is above the level of the pond in the gutter that has algae above it. I went and talked to the neighbor and confirmed the lawn hadn’t been watered. So it confirms the water must have been coming from somewhere else [Lot 8].” (Commissioner Hill, Planning Commission Meeting, 10/21/19, 1:46:00)

B. CEQA Exemption Cannot Apply To This Project

As evidenced below and from the aforementioned statements by geological experts, there are “unusual circumstances” that apply to this case and also “cumulative effects” must be considered when evaluating this project that when taken together exclude this project from categorical exemption from CEQA.

- 1) CEQA does allow for exceptions as it relates to existing structures (Class 1, Section E, Adopted August 17, 2000). And that the City of Malibu has adopted that exception. -(PLN - Residential Development –Environmental Review, section B). But the City also states, “It is important to note that CEQA provides exceptions to these exemptions if the project has the potential to create **significant environmental or cumulative impacts.**” (PLN - Residential Development – Environmental Review, section B)
- 2) “An agency’s authority even to consider a coastal development permit is questionable unless it determines that the project is categorically exempt under CEQA, and exceptions under §15300.2 do not apply. **Again, seemingly routinely, CDP applications for small projects are considered by Planning to be categorially exempt from CEQA. However, with regard to both CDP 50-161 and 18-002, it seems clear that categorical exemption does not apply to projects: “...when the cumulative impact of successive projects of the same type in the same place, over time is significant’ (§15300.2b).**” E.D. Michael, Section 5.4.2, 10/4/19
- 3) “The CEQA categorical exemption apparently has been applied in an arbitrary and routine manner without considering the cumulative effect of increasing such projects on recharge to the saturated zone” ED Michael 10/4/19 5.4.2
- 4) “**I believe Don Michael’s correct on CEQA.** We approve houses in Big Rock, we have since I’ve been here. And I’ve never heard, gee, you can’t build a house under 1.25. We always give them a variance. It’s above 1. Well, the cumulative effect of that is significant. 35 years ago, they lost \$97 million dollars. The public did, the county, Caltrans. So what is that now? \$500 million? A billion? So we have to look at why this is exempt from CEQA. **Because we have a credible report that the City Council read and asked the City staff to comment on. And they didn’t.**” (Commissioner Mazza, Planning Commission Meeting, 10/21/19, 2:18:50)
- 5) “Any increased use of water must have a **cumulative effect** of increasing the groundwater level in the Big Rock mesa landslide debris mass and therefore increasing the risk of destabilizing it. **The City’s practice of routinely rejecting a CEQA for EIR for additions ...is not just highly inappropriate**

for the Big Rock mesa area but in fact demonstrably dangerous.” Michael, Planning Commission Meeting, 1:16:59)

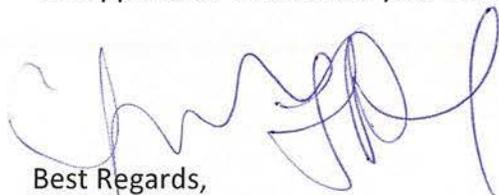
- 6) “the relevance of AD 98-1 condition with respect...to the effect of CDP 05-161 and, as proposed, that of CDP 18-002 - like all others similarly approved to date - should be clear. **All involve the likelihood of increased and uncontrolled water usage that can only add to an adverse cumulative environmental impact and consequent potential for renewed landslide movement.** (ED Michael, 10/04/19 Section 5.1)
- 7) A categorical CEQA exemption cannot be considered for this project because it will have a significant effect on the environment due to the unusual circumstances resulting from the City’s mismanagement of AD 98-1’s dewatering system.
 - a. “... A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances’ (§15300.2c).” (E.D. Michael, Section 5.4.2, 10/4/19)
 - b. “That the questionable management of AD 98-1 constitutes such an “unusual circumstance” seems readily defensible.” (E.D. Michael, Section 5.4.2, 10/4/19)
 - c. “I agree with Don Michael. The dewatering system, that is deteriorating rather significantly.” Kowalewsky Planning Commission Hearing 11/21/19 1:35:35
- 8) A categorical exemption cannot be considered for this project because it does involve expansion. The “existing facilities” exemption must consider whether the project involves negligible or no expansion.
 - a. “Under §15301 introduces the list of existing facilities that are categorically exempt. There it is said: ‘... The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use...’ E.D. Michael, Section 5.4.2, 10/4/19
 - b. “Which is another way of saying that a project that is not negligible or does involve expansion of an existing use is not categorically exempt. Consistent therewith, the question to be considered is whether there are exceptions the categorical exemptions the Planning Commission has asserted for the CDP No.118-002 project, namely those cited in §15300.2.” E.D. Michael, Section 5.4.2, 10/4/19
- 9) The California Supreme Court recently ruled that zoning ordinances cannot exempt CEQA without full consideration and the City has not given this case full consideration.
 - a. “ The Court in so doing emphasized that agencies must fully consider the potential effects of an activity in the *first* tier of CEQA’s three-tiered decision tree and, ‘[i]f the proposed activity is the sort that is capable of causing direct or reasonably foreseeable indirect effects on the environment,’ an agency may not move forward without further CEQA analysis.” California Supreme Court Clarifies CEQA’s Applicability to Zoning Ordinances, 8/27/19, *Union of Medical Marijuana Patients, Inc. v. City of San Diego*, 08/19/19

In summary, given the aforementioned evidence and facts of this case, the project cannot and must not be approved:

1. This project poses significant risk due to the lot’s low slope stability (below the City’s minimum allowable safety factor of 1.5) and as the City is also aware, this factor is likely closer to 1.0 based on experts’ statements above. Even written expert reports show the safety factor at 1.2. Any safety factor below 1.5 violates all City, County and State building codes, and given the lot’s extremely low stability and the risks involved, it would be irresponsible for the City to allow a hazard waiver in this case. Any approval of this project requires a current complete site-stability analysis and a seismic-induced stability analysis.

2. This project is not exempt from CEQA because the City must fully consider the “cumulative” environmental effects with respect to this project and the “unusual circumstances” of a deteriorated dewatering system and increased groundwater recharge on Lot 8 with long-term saturation from new septic and irrigation causing potential failure in slope to Lot 2. This project requires a current Environmental Impact Report (EIR).
3. Properties outside the site of the proposed work could be damaged by activation or acceleration of a geotechnical hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested as per 2017 Los Angeles County code 110.2.1

We appreciate and ask for your immediate attention and response to this matter.

A handwritten signature in blue ink, appearing to be 'Colin & Jo Drummond', written in a cursive style.

Best Regards,
Colin & Jo Drummond

*A R C H I T E C T S
1010 Nordica Drive
Los Angeles CA 90065
323.739.6570 p*

24 February 2020

Attention: City of Malibu City Council

Subject: Coastal Development Permit Application No. 18-002 – 20238 Piedra Chica Road,
Response to CDP Approval Appeal 19-010

Dear City Council Members,

Thank you for your time and consideration in reviewing the appeal of the approved addition at 20238 Piedra Chica Road. I am the architect and applicant representing the owners, Maryam Akbar and Reza Nabavi and their two children. I respectfully request that you reject the appeal on the basis that this project and all objections have been thoroughly reviewed and there are no substantiated concerns or grounds for rejecting the project. On the following pages we will summarize the project and then review and rebut the appellant's claims.

Project Summary

The proposed project is a one-story addition of 770 square feet to an existing house of 3,453 square feet, and **no exceptions, variances, or special considerations have been requested**. Illustrations of the project are shown on page 23. Such an addition would normally be reviewed under an Administrative Plan Review (APR) and not be subject to a public hearing. However, as it was necessary to relocate a portion of the existing septic dispersal field to make room for the addition, the project was reviewed under the Coastal Development Permit (CDP) and public hearing process.

When Maryam and Reza purchased their home in 2015, a significant factor in their decision to purchase was the double-sized lot and the 2005 City approved CDP and building permit for a similarly sized addition. For economic reasons, the seller chose not to proceed and instead remodeled the interior of the house, upgraded the septic system, and merged two lots. The current proposed addition is similar in size and scale to the proposed 2005 addition. Drawings from this previous project are provided for reference on page 28.

The primary objection to this project is that the site is located within the recently active Big Rock Mesa landslide area. There are several ramifications of the landslide: a City dewatering system is in place to reduce ground water levels in order to increase the mesa stability; no new houses may be built; additions are limited to 25% of the area of homes that existed in 1968; and the capacity of existing septic systems may not be increased. These building restrictions are outlined in the Los Angeles County Building Code, adopted by the City of Malibu, and recognize that in areas with increased geotechnical hazards, such as Big Rock Mesa, it is reasonable to allow existing homes to have limited sized additions. Homeowners need to sign an "Assumption of Risk and Release" that indemnifies the City, recognizing that there will always be the risk of an earthquake causing the Mesa to move in a landslide. This risk is the same as anyone purchasing a home in Big Rock Mesa would need to accept.

The reason for prohibiting enlargement of existing septic systems is similar to the limitation of building additions to 25% of the existing square footage. While septic systems may not be enlarged, they may be improved or replaced, and their existing capacity may be fully utilized. Additionally, any proposed changes to the septic system are required to be engineered and tested to meet current building codes. To meet these requirements, the owners hired Ensitu Engineering to design the relocation of the septic dispersal field and provide calculations confirming the existing system supports the added plumbing fixtures. GeoConcepts was hired to test the soil to measure water absorption capacity, also known as percolation testing. Testing confirmed the soil could absorb 2.5 gallons of water per day per square foot. This compares to the septic system design of dispersing 0.16 gallons per day per square foot. (This is roughly the same as a bottle of drinking water poured on one square foot once per day.)

When the previous owner upgraded the septic system in 2008, the original septic seepage pits were replaced with a new, alternative surface evapotranspiration dispersal field located on the upper lot. Evapotranspiration systems significantly reduce groundwater infiltration and filter the effluent to allow its use for landscape irrigation, further reducing water usage and potential groundwater infiltration. The currently proposed change to the septic system is the relocation of 1/3 of the dispersal field to make room for the addition. The final field size is 5% smaller, and the tank treatment capacity is not being increased.

Due to the appellant's opposition to this project, the CDP approval process has been extensive, taking an additional 18 months, three Planning Commission hearings, and this appeal hearing. During this time no design changes have been suggested or required by City Staff, as the original design, engineering, and reports met the City requirements. The appellant has raised numerous claims of code violations and risk without substantial evidence. While the claims and evidence were discussed at length in the Planning Commission hearings, the questions that led to additional hearings were raised by the Planning Commissioners. After those questions were answered by City Staff, the project was approved.

Rebuttal to the Appeal

In this introductory response to the appeal, I will summarize our response to the primary claims against the project. In the following pages, I will respond to all the appellant's claims in detail.

Claim: Geological reports of potential slope failure

The appellant provided two geology reports by E.D. Michael with a summary conclusion that "slide reactivation is imminent". If such a dramatic statement was in fact justified by the evidence, it would be cause for much more alarm than an appeal to a small home addition. However the alarm is not justified. Mr. Michael's report was reviewed by both City Consulting Geologist Chris Dean and the City's Geotechnical Consultant Fugro, whose findings were presented at a public hearing by Public Works Director Rob DuBoux, who summarized by saying "consistent dewatering output of the wells and lack of significant ground movement confirmed the Big Rock Mesa residents were safe." (*Per Malibu Public Works Commission Regular Meeting Minutes of May 22, 2019 page #5 – provided for reference in this response, see PWC #1 on page 45.*)

Claim: The Big Rock Mesa's dewatering system is in disrepair or insufficient for the addition

The same geology reports by E.D. Michael make the claim that the Big Rock Mesa dewatering system is extensively deteriorated and the levels of imported water are in excess, implying an increased risk of landslide. Despite 129 pages of exhaustive commentary, the reports provide no evidence to support these conclusions. Yet such statements instigated the City to initiate a 41 page summary by Fugro which directly contradicts E.D. Michael's conclusions: "*There are twenty-four*

active wells (Mr. Michael states there are four) which are pumping water out of the hillside” and “Measured use of imported water for the 2017-2018 monitoring year (156,200 gallons per day) was approximately 33 percent above the average usage in 1984 (117,400 gallons per day).” Mr. Michael states a 170% increase. As noted by Chris Dean in an 6/4/19 email “the standpipe closest to the site, PC-1, has had consistent groundwater elevations measured in the well between 132’ and 145’ from 1998 to 2018”, and our project geologist Don Kowalewsky, “It should be noted that one reason why the current dewatering rate may be significantly below the 2006 level is that the mean water table has dropped 13 feet which means that less water is available for withdrawal.” More information is provided in the detailed response following.

During the Planning Commission hearings, significant questions regarding the Big Rock Mesa Landslide Maintenance District and dewatering system were raised: concerns of equipment failure and maintenance, allocations of funds towards maintenance vs monitoring, adequacy of funding now and in the future, and general accountability and understanding of performance and safety. These questions are worth pursuing but they are not appropriate to deny a homeowner their property rights when the proposed project meets all the established requirements.

In closing I thank the City Council members in advance for your time and attention to this appeal. We respectfully request that you separate any potential concerns about the Big Rock Mesa maintenance district from the evaluation of this small addition and reject the appeal, allowing Maryam & Reza to proceed with building their addition.



Daniel Allen
Sakahara-Allen Architects

Opposition Appeal letter

COASTAL DEVELOPMENT PERMIT APPEAL – 10-002 ON DEC 2/2019

ATTN: CITY CLERK, CITY OF MALIBU
C/O KATHLEEN STECKO
23525 STUART RANCH ROAD
MALIBU, CA 90265

Opposition claims are underlined and numbered. Responses to the claims begin on page 9. If this document is viewed electronically, click the number to hyperlink jump to the response.

To whom it may concern:

We are appealing the 3-2 decision on approval made at the Planning Commission on the build at 20238 Piedra Chica Rd.

The basis of our appeal is as follows:

1 The Planning Commission hearings comprised of three meetings spread over several months, each one becoming more and more focused on a square footage technicality and lost the more important focus of the unstable geology and history of non-percolation on this lot that has never been built upon. In the end no one at state, county or City level could prove in writing or document why a state building ordinance would supercede/overrule both a City and County zoning definition for gross floor area, despite the ONLY definition for gross floor area anywhere in any codes being under County and City codes. The issue was whether the garage should be included and in the end the Planning Commission decided to include it. 2 3 4

This addition will be the largest addition approved in Big Rock since the landslide and the only one that would be an addition going from a lower level to an upper level and onto a lot that was never built upon. A precedent like this need not be set in our landslide assessment district for the safety of our community.

5 A petition of 60 Big Rock residents (attached) demanding a moratorium on development was submitted to the Planning Commission and never addressed. Over 25 individual statements from different neighbors voiced their concern on this project and its cumulative effect on the groundwater and landslide in Big Rock as well as the more immediate and dangerous repercussions of a build on slopes adjacent to the lot that could cause slope failure and further shelf movement leading to new landslide. This also was not addressed. 6 7

8 Geological reports of possible slope failure were ignored by the applicants' geologist and no slope stability tests or calculations made regarding this. The report suggests the potential loss of life and home should the slope at Lot 2 (20239 Inland Lane) under Lot 8 fail due to saturation of Lot 8 from its seasonal perched condition and lack of drainage ability and effectiveness of the dewatering system of the area. 9 10

11 Most of the applicants' geological data was based on a 28 year old Bing Yen report and an application from 2005 where most geological testing occurred before the installation of a trans evaporative system in 2012 that currently takes up the entire field with a leach and drip dispersal system. The system has regularly failed with several eyewitness accounts by neighbors of Ely's Pumping present regularly in the past 3 months as well as over the last several years. These systems also are known to regularly fail during heavy rainfall and are more suitable for arid climates without rainy seasons such as Big Rock. This would result in groundwater recharge and saturation that all annual Fugro reports state that: 12 13

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“the groundwater level in the Big Rock Mesa landslide is the primary factor controlling the stability of the landslide mass...previous episodes of movement of the landslide have been directly related to high groundwater levels. Therefore, controlling the...peak groundwater levels in the landslide mass is the primary means being used to reduce future movements of the landslide. The primary factors influencing recharge of groundwater to the landslide area are: 1) onsite wastewater treatment system discharge, 2) rainfall, 3) irrigation, and 4) water-line and pool leakage.”

Verbal statements to Rosemarie Ihde and Jo Drummond, both of Piedra Chica Rd and neighbors of the applicant, have been received from Ely from Ely's pumping who installed the current OWTS on the property stating the present system can only handle the current 33 fixtures count 3 bedrooms plus office 3-bathroom home. The applicants' plan adds 2 more full bathrooms and 22 more fixtures count which would increase water importation and usage. Further stated in the March 2019 Fugro report, “water conservation is the most critical remaining means of controlling groundwater recharge to the Mesa.” As any geologist and Fugro have indicated in their reports there is no measurement for groundwater recharge so only a reduction in water importation and usage can preserve our delicate topography. The size of the current OWTS field would not be increased and it would be moved to a higher portion of the slope thus disturbing the area further. As stated by Ely the ENTIRE field is necessary just for the existing OWTS to work not for an increase in fixture units of 67%.

Two volumes of geological reports were gathered on the surrounding properties and the condition of Piedra Chica Rd and the dewatering system which is currently badly deteriorated as uncovered by these reports. The much needed well (W-3) at the bottom of Piedra Chica Rd pumping out high groundwater levels in the low permeated area of the lower eastern mesa has not functioned in over 3 months. The last time this happened a landslide occurred. This well is steps from the proposed build site. As per the Annual Fugro reports, pumps have also failed on Inland Lane and have had to be rehabilitated over the last 3 years. One of these pumps had to be repaired twice. As per ED Michael's report dated Oct 4, 2019 the system is working at 50% production level over the last decade. As per DA Evans report 1985 compared to Fugro reports today the imported water is over 170% what it was when the landslide occurred. The system has not had any upgrade or study since the 1998 Bing Yen report. It is certainly not enough of a system to support a 170% increase in water usage.

Fugro only reports on the maintenance of the dewatering system, not the stability of the landslide. Fugro consultant, David Thornhill, has confirmed with Jo Drummond and Rob Duboux on Dec 5, 2019 that the area of this proposed build and the pump at W-3 is located is perched which is likely why the pump W-3 is not functioning at the moment. Perched conditions cause the issues above especially in a non-permeable area of the lower eastern mesa which this lot is located on. The geologist for the build, Don Kowalewsky, never addressed the perched condition of the lot, the non-working dewatering equipment and the repercussions that can be caused from this to other lots due to these issues.

No build should occur anywhere near or on Piedra Chica Rd until a gravity drain and new dewatering system in place which is necessary to keep it stable according to both Fugro and ED Michael's two reports dated Nov 20, 2018 and Oct 4, 2019. A French drain system is something Rob Duboux of City Public Works is considering for Piedra Chica Rd at this time to help with any imminent damage. Adding 22 more fixtures at the build site will indeed cause saturation of the lot 8 in question and weaken it and the surrounding lots and cause slope failure if the build continues. Especially when the system is already failing now as was hidden by the homeowners on Oct 17 when the Planning Commissioners came to complete a site visit (See attached photos). None of this has been addressed by the City geologist also

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who is aware of the deteriorated condition of the dewatering equipment and their current septic system issues and yet not valuing their importance with regards to this build.

5.3.1 ED Michael report Oct 4, 2019:

In recommending approval of CDP No. 18-002, Thompson (2019, p. 2, 2nd and 3rd para.) implies that effectively, the City geotechnical staff has found the following conclusions by Michael (*op. cit.*) et al to be environmentally insignificant (which is just not true):

[i] observations of geologist Lockwood in 1973 indicate that a perched ground-water condition develops periodically in Lot 8 (*op. cit.*, Sec. 4.3.1);

[ii] the effluence in the back-yard slope of Lot 2 observed by geologist Merifield in 1973 indicated a perched ground water in Lot 8 (*op. cit.*, Secs. 4.3.1; 4.3.2);

[iii] a "wet" zone observed by geologist Kowalewsky (*op. cit.* Sec. 4.4.2.1, Fig. 4-1) indicated a perched ground-water condition in Lot 8 at that time;

[iv] for years there has been reported effluence at the surface in Lot 10 immediately adjacent to the Lot 9 septic system;

[v] among the "conditions" to be expected in Lot 2 as a result of the perched condition in Lot 8 would be the failure of the Lot 2 slope (*op. cit.*, Sec. 4.3.2, p. II-7, 3rd full. para.).

4.4 ED. Michael report dated Oct 4, 2019 PIEDRA CHICA AREA PERCHED GROUND WATER -

Most significant for present purposes are the remarks of Rogers and Silver (1995, Sec. 2.2.2.6, p. 7) in the AD 98-1 maintenance reports for the period of July 1994 – July 1995 issued during the Bing Yen and Associates' tenure several years before the responsibility was transferred to Fugro Consultants Inc.:

"Piezometer PC-1 was installed in June 1995 near 20223 Piedra Chica Drive (*sic*) in response to reported high ground water levels in the area (See Figure 1 for location). Over a period of January through March 1995 residents had complained of malfunctioning seepage pits and seepage in the street (see figure 4). In addition, the pavement section was also observed to undergo partial failure in localized areas. In response, BYA and the City of Malibu were able to obtain FEMA funding to install a Multi-Stage Pneumatic Piezometer/Slope Inclinator to determine piezometric levels in the area. Preliminary readings indicate several definitive levels of perched water. Although perched levels coincident with the ground surface were not measured, this may be due to the fact that the high perched levels had dissipated by the date of the first reading."

Therefore, since the seasonal ground-water elevations are well below the Piedra Chica area surface, there can be no reasonable doubt that even in the absence the dispersal of the existing Lot 9 AOWTS effluent in Lot 8, a perched ground-water condition develops from time to time. Partial failure on the pavement of Piedra Chica Rd. is being observed currently in the area by ED Michael as well as noted in both his reports.

Fugro records movement every year in their reports thus proving the slope stability of the area is close to 1.0. Yet the threshold for building and development under the Malibu building codes adopted is supposed to be 1.5.

Geological reports by Lockwood and Dr. Merifield in 1973, Bing Yen & Assoc in 1995 and ED Michael's most recently indicate risk to adjacent properties and all of Big Rock yet the building code stating no permit can be issued in this case are being ignored:

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110.2.1

No building or grading permit shall be issued under the provisions of this section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this section, a geotechnically hazardous condition does not include surface displacement due to earthquake faults.

Further:

110.2.3.4

When the proposed work involves an addition or additions to an existing structure but is not a change in use or occupancy and such work does not increase the gross floor area of the structure by more than 25 percent of the area of the structure as it existed on July 6, 1968, and the Building Official determines that the proposed work will not impact a historically active landslide. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or a conditional finding that the proposed work complies with the provisions of Section 110.2.1.
2. Record in the office of the Department of Registrar-Recorder the finding of such report or reports.
3. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from the issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that a hazard from landslide, settlement, or slippage no longer exists.

This Section shall not apply to structures constructed after July 6, 1968.

- 33 → No slope stability studies or calculations were completed in the applicants' geological reports to disprove the existing movement and direct and cumulative effect on other properties. In fact, a safety factor of 1.0 was indicated in both geologists' testimony at the Planning Commission hearing on Oct 16, 2019 which would normally cause an outright denial of the project.
- 34 →

The attached letter was confirmed delivered to all of the Planning Commissioners, decision-makers on the project approval and City Council members regarding the project. It cites in detail the dangerous effect on the Big Rock community.

- 35 → The Planning Commissioners did not adequately address or receive feedback and information on the Big Rock Mesa landslide and site's current geology or the deteriorated dewatering equipment and mismanaged BRM landslide AD 98-1. To their credit they were sidelined by a technicality and the City attorney did not inform them all that they would be limited to this discussion only when it was returned to the second and then third hearing. This project must be stopped at the City Council level and require an EIR on the location given all the facts and data. It would be far less expensive and risky for all to require this study for this build on a lot which was never allowed to be built upon and poses several dangerous risk factors to other properties and lots.

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36 → We will not be satisfied in this matter unless an EIR review or at the very least a study of the slopes adjacent to the property and the saturation and groundwater recharge level of the area deep and throughout the lot is determined not to be a hazard or danger to the neighbors.

SECTION 5. Conditions of Approval

We are at issue with the following conditions of approval on the Staff Report, dated Nov 21st, 2019, Resolution No 19-25:

1. Indemnification of the City of Malibu. There is no provision for the protection of the applicants' neighbors. (Condition 1)
2. Scope of work.

c. 770 Square foot addition of 18 ft is proposed to be built on land that has never been built upon, Lot 8, a property know to have a history of geological issues. The 18 ft height is in violation of the homes within the same CC&Rs Tract 2 maximum height allowable of 15 ft. This was put in to protect homeowners' views. New exterior stairs where our mutual CC&Rs say no upper second stories are allowed. Current fence and trees are over 6 ft high and in violation of any landscape agreement. Permeable paving in an area of low permeability will only allow more water to enter the ground. (Condition 2)

37 →

40 → 3. Currently there are several olive trees on lot which is an invasive plant species that need to be removed. (Condition 32 & 33) 38 39

41 → 4. There is to be no change in drainage of this lot as per CC&Rs for Tract 2 section L, shared mutually by the opposition as per landslide assessment district drainage exists already (Condition 38)

42 → 5. The area in upper lot should not be disturbed due to saturation and groundwater recharge which has the potential to cause landslide in the area (Condition 38 C.)

43 → 6. The continued operation of the current OWTS has been called into question, given the saturation on Lot 8 and 10 and undiagnosed discharge of effluent on Lot 8 to Lots 2 and 10. (Condition 45)

44 → 7. Percolation tests were performed at the height of the dry summer season, and not during rainy season when a perched condition is most likely to cause the test to fail. Percolation testing must be performed when a hazardous threat is most likely to occur. (Condition 48c)

CEQA Exemption Cannot Apply To This Project

- 45 →
1. Cumulative impact of successive projects in the same place – over 30 projects approved in the past 5 years alone add water to the delicate ecosystem here in Big Rock
 2. A significant effect on the environment due to unusual circumstances. The dewatering equipment is ineffective for Lot 8 in question.
 3. A project that is not negligible or does involve expansion.
 4. The city is ignoring their own PLN guidelines related to significant environmental or cumulative impacts.
 5. The City is violating their own LIP Section 13.9 p 225 'The project is the least environmentally damaging alternative'. "The project will not result in potentially significant impacts on the physical environment, and as proposed is the least environmentally damaging alternative"
 6. The California Supreme Court recently ruled that zoning ordinances can't exempt CEQA without full consideration.

RESPONSE TO CLAIMS

The numerous claims cited in the five page appeal have been numbered and summarized below with text in bold, followed by our rebuttal. Note that underline emphasis has been added to quotes.

Note if this document is reviewed electronically, references to supporting documents (ex. [Fugro #1](#)) may be clicked on as hyperlinks to quickly navigate to the document.)

Claim 1 The project site has unstable geology

Response The appellant claims the project site is unstable and poses an extreme risk. The various reasons for this claim and our response are provided below:

The lot is located in a landslide hazard zone

It is well established that the entire 220 acre Big Rock Mesa is in an earthquake induced landslide hazard zone. That fact alone is not sufficient to prohibit 25% additions specifically allowed by the Malibu building code. The primary risk to be managed in the BRM is managing groundwater level. As stated in the Fugro annual report on the BRM assessment district:

The groundwater level in the Big Rock Mesa landslide is the primary factor controlling the stability of the landslide mass. Rises in groundwater level tend to de-stabilize the landslide. Previous episodes of movement of the landslide have been directly related to high groundwater levels. Therefore, controlling the long-term average and peak groundwater levels in the landslide mass is the primary means being used to reduce future movements of the landslide. The primary factors influencing recharge of groundwater to the landslide are: 1) onsite wastewater treatment system discharge, 2) rainfall, 3) irrigation, and 4) water-line and pool leakage. (See reference [Fugro #1](#) on page 30.)

The appellant's consulting geologist, E.D. Michael, in fact, has supported construction of a new residence in the Big Rock Mesa. In the 8/22/2001 staff report for a Coastal Commission hearing on nearby 20173 Rockport Way, his geology report supporting the project is quoted by staff:

...it is my opinion that so long as the dewatering system for the Mesa is maintained and groundwater levels are kept low, the subject property should experience about the same degree of movement as it has during the previous 17 years. (See second page of reference [Rockport #1](#) on page 31.)

The lot seismic safety factor is below 1.5

The Big Rock Mesa does have a safety factor below 1.5, which is the currently established building code safety factor for new construction, because BRM is located in an earthquake induced landslide hazard zone. In plain language, the safety factor is the ratio of all forces resisting movement of the earth divided by the forces that could cause movement. Geologists calculate these forces to determine the safety factor. One of the primary factors for the BRM safety factor is the level of groundwater. Our project geologist, Don Kowalewsky, provided a response to the ED Michael report with calculations that show the BRM safety factor has been increasing from 1.0 in 1983 to 1.37 in 2017, based on the steadily decreasing groundwater levels due to the assessment district dewatering program. (For further explanation of safety factors see reference [Kowalewsky #1](#) on page 34.)

Claim 2 Property does not “perc”

Response The appellant repeatedly states anecdotes that the project site does not percolate or drain. These anecdotes are based on site conditions prior to the previous 2005-2008 house and site renovation that added site drainage and a new evapotranspiration septic dispersal field to replace the deep seepage pits.

The property has been proven to percolate through two separate geology test reports:

- 1) Barton Slutske’s 2006 report documented a 2.0 gallon per day per square foot dosage rate. This report was accepted in the city approval of the original evapotranspiration septic system.
- 2) GeoConcepts 2017 report documented a 2.50 gallon per day per square foot dosage rate in the area of relocated dispersal field. This report was included in the project’s CDP submittal.

The existing property has a full system of area drains collecting excess site and roof stormwater directing the drainage to the street storm drain system. This is a standard recommendation and practice to reduce ground water infiltration. The proposed addition will add area drains and downspout collectors to further improve the site drainage. Due to the increased impermeable area of the addition, the property’s rainfall ground water infiltration will be reduced, consistent with Fugro’s recommendations.

Claim 3 Original detached lot was never developed which implies safety risks

Response The opposition notes that the lack of development on the previously separate lot 8 must only be due to hazardous conditions. Without records of the history of ownership this is just conjecture; some owners purchase adjacent lots for the sole purpose of preserving open space near their home. As to why the lot was not built-out during the original development: the site has approximately 9 feet of fill that may have required deeper foundations than was economically feasible at the time, and/or the site may have had an insufficient percolation rate for the conventional deep seepage pits installed at the time. Current economics and construction technologies commonly allow development of properties that were previously uneconomical to build.

Claim 4 State building ordinance supersedes / overrules both a City and County zoning definition for gross floor area

Response The appellant conflates the separate Malibu LCP land use code with the City of Malibu Building Code. This issue was discussed extensively in the second Planning Commission hearing of 11/4/19, and City Building Official Yolanda Bundy, Planning Director Bonnie Blue, and Assistant City Attorney Trevor Rusin concurred that the building code and zoning code are separate regulations. The building code has its own definition of gross floor area for use within the scope of the building code, independent from the differing definitions of gross floor area defined in the Malibu LCP and the LA County Zoning Code. The independent code definitions are developed by different legislative bodies, and the codes are intended to be internally complete.

It is inaccurate to state the building ordinance overrules the zoning codes. The referenced building code section simply limits the allowable additions to 25% of existing and uses the building code definition for gross floor area for these purposes. The Malibu LCP could

further limit allowable additions, for example if the allowable TDSF had been met or if setbacks restricted the buildable area.

(See reference Memo #1 on page 39 for Yolanda Bundy's determination on this issue.)

(See discussion in 11/4/19 PC hearing, discussion beginning at time of 57:25)

https://malibu.granicus.com/MediaPlayer.php?view_id=4&clip_id=1610&meta_id=75182

Claim 5 Planning Commission did not address neighbor petition for moratorium on development in Big Rock Mesa

Response It should be clarified that the submitted petition relies exclusively on the E.D. Michael report and was separate from the neighbor communications on this project. Additionally the petition's first signature is from the appellant.

Claim 6 Project has a "cumulative effect on the groundwater" implying a safety risk

Response There is no evidence that the potential additional water usage in the proposed addition has any significant impact on the ground water levels of Big Rock Mesa. The addition also reduces potential ground water infiltration by reducing landscape irrigation and redirecting the roof area stormwater to the street storm drain system.

Claim 7 Project will have an effect on slopes adjacent to the lot

Response There is no evidence that the proposed addition will have an effect on slope stability. The proposed addition is located on the flat yard of the property away from slopes, similar to the existing house. The proposed foundation extends deep into the same firm soil that supports the existing house. This is a typical foundation for sites with deep layers of fill, designed to avoid conventional deep footings that would have required extensive excavations. The foundation plan and soils report were included in the CDP submittal and reviewed by the city geologist.

Claim 8 Project geologist ignored reports of possible slope failure

Response The appellant refers to the ED Michael report as a basis for reports of possible slope failure. Far from being ignored, this report was reviewed by multiple parties: the project geologist, Don Kowalewsky; the city consulting geologist, Chris Dean; and the city consulting geotechnical consultant, Fugro, whose findings were presented to the Public Works Commission in a public hearing.

As summarized by Chris Dean in his email to the BRMPOA of 6/4/19 he notes:

Mr. Michael has not provided any data to justify his conclusion that the proposed project should be denied.

(See reference CDean #1 on page 40)

Don Kowalewsky provided a response memo dated 5/3/19, which was submitted to Chris Dean and included in the Planning Commission record communications. In his memo Don states:

The E. D. Michael report begins with a statement that it is preliminary in character and was not based on a complete review of all documents available regarding the Big Rock Mesa landslide. Michael's report clearly indicates that field observations were limited. Therefore, he was unable to determine the significance of his observations on and around the property at 20238 Piedra Chica as they relate to all other properties within the mesa.

...

It needs to made clear from the start, that Michael uses many different ways of stating that his opinions related to Lot 8 are conjectural and not based on fact or calculations. However, he still makes many negative statements, apparently trying to support his clients opinion regarding development of that property.

...

Michael states that perched groundwater has the potential to have negative effects on neighboring properties, but has not substantiated any negative effects in the past.

...

All statements made by Michael concerning negative effects are in fact assumptions not based on actual conditions.

...

There is nothing in the Michael report to support any justification for denial of the proposed project. Denial must be based on fact that show a project does not comply with current planning and building codes or is unsafe or will adversely affect offsite properties.

(See reference Kowalewsky #2 on page42)

In the Malibu Public Work Commission meeting of 5/22/19, Public Works Director Rob DuBoux stated:

Fugro Consultant's report of stable groundwater levels, consistent dewatering output of the wells and lack of significant ground movement confirmed the Big Rock Mesa residents were safe.

(See reference PWC #1 on page 45)

Claim 9 Project should have provided slope stability tests / calculations / analyses

Response Slope stability analyses were not provided for the proposed property for several reasons:

- 1) The 1992 Bing Yen report prepared for the Big Rock Mesa determined that this area of the landslide has a safety factor of 1.2 with a potential of achieving a safety factor of 1.4 with dewatering (extracting groundwater to lower the water table).
- 2) The project geologist, Don Kowalewsky had investigated the property in 2005 and 2017 and found no evidence that would require a local slope stability analysis.

The appellants ED Michael report in-fact stated that an analysis of the slope stability is not considered worth pursuing because there was no evidence of damage or public records of a claimed “perched condition”.

In other words, Kowelwsky and his co-consultants, being unaware of the evidence of a perched condition in Lot 8 first noticed almost 35 years previously and not a matter of public record can hardly be held to account for not investigating Lot 2 slope stability. As an intellectual exercise, whether in the circumstances research delving deeply into the history of the BRM landslide local evidence of perched conditions is something to consider, but in the absence of any demonstrated damage, the matter here is not considered worth pursuing.

(See reference Michael #1 on page 47.)

Claim 10 Appellant claims potential slope failure due to saturation of property

Response There is no evidence submitted that slope failure could occur due to the proposed addition. The added plumbing fixtures and relocated dispersal field are minor changes to a system that has been functioning successfully since 2008 with no evidence of impacts to the slope. The appellants ED Michael report in fact states:

Simply put, so long as a certain minor degree of OWTS perched effluent seeps to the surface in Lot 2 and perhaps also neighboring Inland Land properties without adverse health effect, the physical risk it presents should remain minimal. This is especially a matter to be recognized in view of the fact that such perched ground water most likely comes not just from Lot 8 but other properties along Piedra Chica Road as well.

(See reference Michael #2 on page 48.)

Claim 11 Most of the project's geological data is based on 28 year old report and based on testing that occurred before installation of the evapotranspiration septic system in 2012

Response The project geologist, Don Kowalewsky, has provided multiple investigations and reports: initial reports in 2005 for the previously approved CDP addition, a 2007 report specifically for the evapotranspiration system, and a 2017 inspection to confirm that site conditions had not changed since the original report. Additionally, in 2017 the consulting geotechnical engineering firm GeoConcepts dug two 6 foot deep test pits with soil sample testing as part of their percolation investigation.

It should be noted that the primary sources cited by the ED Michael report that assert there is a subsurface perched water condition are from 1973, investigations by Lockwood & Singh consulting with Lamar-Merifield.

Claim 12 The septic system has regularly failed, including recently and over last several years

Response No evidence of failure has been submitted. Anecdotes regarding the multiple visits by the inspection and maintenance company are not evidence. The system operating permit was recently renewed which requires inspection and a compliance report submitted to the city. Most recently, minor damage to the dispersal lines (due to gophers) was repaired. A report by Ely Jr is provided for reference.

(See reference Ely Jr #1 on page 49.)

Claim 13 The type of existing evapotranspiration septic system are known to regularly fail during heavy rainfall and are more suitable for arid climates without rainy seasons such as Big Rock

Response The appellant provides no evidence that evapotranspiration septic systems are not suitable for Malibu. The statement is also contradicted by City Consulting Geologist Chris Dean in his 6/4/19 email:

In addition, as discussed above, the alternative OWTS system on the property reduces the volume of effluent percolating into the deep subsurface, compared to the standard seepage pit OWTS in service throughout the Mesa. City geotechnical staff has encouraged applicants proposing development projects in Big Rock Mesa (under Section 110.2.3.4 of the Building Code) to utilize these alternative OWTS for that reason.

(See reference CDean #1 on page 40)

Claim 14 There is no measurement for ground water recharge

Response It is incorrect to state ground water recharge can't be measured. One scope of work for the BRM Assessment District is to specifically measure ground water levels and evaluate the rate of change over time. Per the latest Fugro report Section 1.3 these measurements are:

- Monthly groundwater level measurements from 29 standpipes;
- Periodic groundwater measurements from 4 pneumatic piezometers

Ground water level in the south-east region of the BRM has been steadily decreasing since 1984 due to the dewatering program and other mitigation measures. In 1984 the highest level measured was 125 feet above sea level, dropping to 81 feet in 1992, six years after the dewatering system was installed. The most recent 2018 report indicates a mean elevation of 43 feet.

(For ground water summary reference, see Kowalewsky #1 on page 34.)

(For original Fugro ground water elevation source data, see Fugro #2 on page 51.)

Claim 15 The relocated septic dispersal field is being moved to a higher portion of the slope

Response It is incorrect to state the relocated dispersal field is in a higher portion of the slope. As shown on the OWTS diagrams, which include slope contour lines, the entire OWTS dispersal field is in a flat portion of the property.

(See reference OWTS #1 on page 52.)

Claim 16 Appellant states an independent septic service company, Ely Jr's Pumping, said size of existing septic system dispersal field would not support added plumbing fixtures

Response The appellant provides no evidence for this hearsay statement. Regardless, the documents of approved OWTS design & installation confirm the area of original septic dispersal field is sufficient for the new plumbing fixtures. The 2012 approved as-built of the OWTS lists three zones totaling 4,011 SF (1,493+1,524+994). The 2018 approved revised plan lists three zones totaling 3,775 SF (1,493+1,126+1,156). Which is an approximately 5% decrease in area. The slightly reduced septic dispersal field area has been approved by City Environmental Health.

(For original 2012 OWTS plan see reference OWTS #2 on page 53.)

(For proposed 2018 OWTS plan see reference OWTS #3 on page 54.)

Claim 17 The Big Rock Mesa (BRM) dewatering system is badly deteriorating

Response This assertion is not supported by the publicly available annual reports prepared by the City's consultant, Fugro. The statements in the ED Michael report do not match the evidence; for example, Michael reports only 4 dewatering wells are currently producing (*Michael 2018 §1.3.1 page 1-14*), while Fugro's reports confirm 24 are active. Fugro also performs routine maintenance on the system and develops a capital improvement plan with the City.

(For summary of capital improvement plan, see reference Fugro #3 on page 55.)

Claim 18 The dewatering well at bottom of Piedra Chica Rd has not functioned for over 3 months

Response Per 2/4/2020 call with Public Works Director Rob DuBoux, pump W-3 has been repaired.

Claim 19 The BRM dewatering system is working at 50%

Response A review of the Fugro annual reports documenting the overall trends of ground water level, variations in average rainfall, and water consumption shows that it is inappropriate to make a generality that the decrease in overall rate of water production means the stability of the Big Rock Mesa landslide has decreased. The stability of the landslide is not based on the rate of dewatering; it is based on the elevation of the groundwater table, which is significantly lower than when the landslide was moving. The last two Fugro annual reports indicate the

rate of dewatering has increased each year, and the groundwater table has continued to drop.

(For text of above summary with reference data see Kowalewsky #1 page 37.)

(For graphs of Fugro data see reference Fugro #4 on page 56.)

Claim 20 Current water consumption is 170% higher than after the landslide stabilized, and the dewatering system is not designed to support the increased water usage.

Response The appellant's ED Michael report refers to a 1985 D.A. Evans report that was not provided for reference and claims water usage has increased 170% without providing any supporting data. In Fugro's response to the ED Michael report they note only a 33% increase:

A graph of water consumption data from 1991-2018, titled Plate 4 - Total Dewatering Rate vs. Total Water Consumption, can be found in Fugro's 2017-2018 annual report. The recorded water usage rates are cyclic throughout the monitoring year, reflecting higher levels of usage during the summer months. Periods of higher than average rainfall, such as the springs of 2005 and 2006 and the winters of 2011 and 2017 tend to lead to lower water consumption as landscaping water needs decline. There had been a general trend of increasing water consumption from about 1995 to 2008. Water consumption has generally trended downwards since 2008. Measured use of imported water for the 2017-2018 monitoring year (156,200 gallons per day) was approximately 33 percent above the average usage in 1984 (117,400 gallons per day).

(For Fugro graphs and response to ED Michael see Fugro #5 and Fugro #6 on pages 57 & 58.)

Claim 21 Appellant states that Fugro Project Engineer David Thornhill confirmed that because dewatering well/pump (W-3), located at the bottom of Piedra Chica Road, is in a "perched" area this is likely why it is not functioning.

Response Per 2/4/2020 call with Public Works Director Rob DuBoux, pump W-3 has been repaired and geological conditions were not the cause of disrepair.

Claim 22 The project geologist never responded to the "perched" water claim

Response The project geologist, Don Kowalewsky, responded to ED Michael's claim of perched water in his 5/3/19 memo. This memo was provided to the City consulting geologist, Chris Dean, and was provided in the correspondence for the 10/21/19 Planning Commission hearing. The relevant text pertaining to perched water follows:

However, Michael suggests that waste water will be discharged through a drain field and fails to consider that the new onsite wastewater system for Lot 8 (20238 Piedra Chica) is in fact a designed evapotranspiration system that will have most if not all of the wastewater evaporating instead of infiltrating. Therefore, no perched groundwater condition will develop. As stated in our reports, the use of the currently installed evapotranspiration system will have less effect on the underlying groundwater condition than the pre-existing seepage pits on the same property

Michael states that perched groundwater has the potential to have negative effects on neighboring properties, but has not substantiated any negative effects in the past. He did suggest seepage occurred near the base of the slope on Lot 2 in the early 1970's but seepage alone is not a negative condition and no one determined the cause of the seepage. Borings excavated on Lot 8 all showed ground water to be 15 feet below the elevation of the pad on Lot 2. All statements made by Michael concerning negative effects are in fact assumptions not based on actual conditions.

(See reference Kowalewsky #2 on page 42)

City consulting geologist, Chris Dean, also addressed perched water in his email of 6/4/19:

The PGC (Don Kowalewsky) did not encounter any water in his exploratory excavations on the property to a depth of 12' below grade. Mr. Michael's discussions regarding seepage at the base of the slope on Lot 2 in the early 1970's does not necessarily indicate a perched groundwater condition. A source/cause of the seepage was not determined. Perched water encountered on slopes, in excavations, etc. could be due to recent rainfall, over-irrigation, broken irrigation/water lines, etc. It should be noted that, based on Fugro's monitoring data, the standpipe closest to the site, PC-1, has had consistent groundwater elevations measured in the well between 132' and 145' from 1998 to 2018. The elevation at the well surface is at 250'. The static groundwater level is from 105' to 120' below the ground surface under the site. In addition, as discussed above, the alternative OWTS system on the property reduces the volume of effluent percolating into the deep subsurface, compared to the standard seepage pit OWTS in service throughout the Mesa. City geotechnical staff has encouraged applicants proposing development projects in Big Rock Mesa (under Section 110.2.3.4 of the Building Code) to utilize these alternative OWTS for that reason.

In summary, Mr. Michael has not provided any data to justify his conclusion that the proposed project should be denied.

(See reference CDean #1 on page 40)

Claim 24 Appellant states Public Works Director, Rob DuBoux, is considering a French drain for Piedra Chica Road to help with imminent damage.

Response Per a telephone discussion with Rob DuBoux on 2/4/2020, he confirmed the Public Works Department is considering installing a French drain on or around Piedra Chica Rd to deal with "nuisance water", not "imminent damage". It appears the appellant has added this dramatic language.

Claim 25 Adding 22 plumbing fixtures to the property will cause saturation and slope failure.

Response There is no evidence submitted that adding plumbing fixtures will cause saturation or slope failure. As discussed above, the evapotranspiration septic dispersal system is designed to distribute effluent over a large surface area in order to both avoid saturation and encourage evaporation. It should also be noted that the added plumbing fixtures are primarily for a new master bathroom which has an extra tub and sink for convenience, and one of the new bathrooms is for convenient exterior access to the existing swimming pool. The potential increase in household water use will be minimal.

Claim 26 The existing septic system is failing and this was hidden from Planning Commissioners.

Response As noted in response to Claim 16 above, there is no evidence for septic system failure, and the claimed failure was in fact minor temporary damage to the dispersal lines, which the maintenance company believes was caused by rodents. The temporary damage caused the grass around the damage to be wet and in preparation for a 10/16/19 site visit with Commissioners Hill and Uhring, the homeowners moved an existing trampoline to cover the wet grass. This was not intended to hide anything, and at no point had the performance of the existing septic had never been called into question by planning staff. Thus, we did not consider temporary damage to be relevant to the approval of a building addition and had no reason to hide anything.

Claim 27 The city geologist has not addressed claims of dewatering equipment deterioration and septic system “issues”

Response Claims regarding dewatering have been addressed by Public Works Director Rob DuBoux and the 5/3/19 Fugro summary in response to the ED Michael report. The appellant provided no evidence of septic system “issues”.

Claim 28 Appellant has provided a quote from the 2nd ED Michael report which disagrees with City geotechnical staff not finding his conclusions to be justified.

Response This disagreement provides no new information.

Claim 29 Appellant quotes 1st ED Michael report which makes reference to a 1995 installation of groundwater (piezometer) monitors on Piedra Chica Rd due to residence complaints of seepage pits.

Response This quote provides no new information but does highlight the issues with seepage pits in the original BRM development. This quote is informative as it points out a piezometer or ground water monitor was installed on Piedra Chica Road where such a location would be most useful to measure ground water caused by seepage pits of the properties uphill of Piedra Chica Road. (Our proposed project is downhill of the road.) As noted by Chris Dean in his 6/4/19 email: “City geotechnical staff has encouraged applicants proposing development projects in Big Rock Mesa (under Section 110.2.3.4 of the Building Code) to utilize these alternative OWTS for that reason.”

Claim 30 Fugro reports of movement prove slope stability of the area is close to 1.0

Response The Fugro reports that are provided on an annual basis for the Assessment District do not include geologic or engineering evaluations of the stability of the landslide. The reports do provide slope inclinometer data plots and summary of the movements. As noted in the latest 2017-2018 report:

Several inclinometers show some inconsistent changes (typically <0.1 to 0.2 inch), but the potential movement magnitude and orientation is not clear and is not within the reliable accuracy of the instrument. Some of the irregular shapes observed in the deep inclinometers can be attributed to depth position and rotation errors caused by cable length changes, local curvatures within the casings, and significant deviation from vertical during initial installation, which is common to deep inclinometers.

...

2.6.3 Eastern Mesa Region - *The Eastern Mesa Region extends west to the ends of Inland Lane and the Piedra Chica cul-de-sac. This area is bordered to the north by Big Rock Drive and to the south by the Bluff Region. The inclinometers in the Eastern Mesa Region are deep and show evidence of depth position errors, as well as localized casing curvature, and casing deviation from vertical. No quantifiable offsets along identified shear planes were detected within the inclinometers of the Eastern Mesa Region during the current monitoring year.*

(For full context of above quotes, see reference Fugro #7 on page 59.)

We acknowledge that we are not geotechnical experts, but “no quantifiable offsets” does not seem to justify a concern about slope stability.

Claim 31 Appellant states that geologist reports that indicate risk must mean no building permit can be issued.

Response The appellant jumps to an extreme conclusion that risks noted in geological reports should prohibit building. As noted in response to Claim 1 above, it is useful to review ED Michael’s statement of risk in his report for nearby rebuild on nearby 20173 Rockport Way, which was a complete fire rebuild of almost 1.6 times the original structure size (surely more significant than a 25% addition).

*...it is my opinion that so long as the dewatering system for the Mesa is maintained and ground-water levels are kept low, the subject property should experience about the same degree of movement as it has during the previous 17 years.
(See reference Rockport #1 on page 32.)*

Claim 32 Appellant has provide the text of Malibu Building Code Section 110.2.1 and 110.2.3.4 for reference.

Response These are the Building Code sections which the proposed project was designed to meet and which the City Planning Staff and Geologist reviewed the project for compliance.

Claim 33 No slope stability studies or calculations were completed in the applicants' geological reports to disprove the existing movement and direct and cumulative effect on other properties

Response The CDP submittal provided sufficient geological reports & testing data. This has been confirmed by the Geotechnical Review Sheet dated 10/17/17 and approval by City geotechnical staff. As noted by Chris Dean in the last paragraph of his email of 6/4/19:

*The applicant and his consultants have met the minimum requirements of the City’s geotechnical Guidelines as they pertain to Section 110.2.3.4 of the Building Code.
(See reference CDean #1 on page 40)*

Claim 34 Both geologists (Don Kowalewsky and ED Michael) indicated slope stability of 1.0

Response Don Kowalewsky’s statement regarding slope stability of 1.0 is referring to when a landslide is moving - in real time – not geological time.

Claim 35 The Planning Commissioners did not adequately address or receive feedback and information on the Big Rock Mesa landslide and site's current geology or the deteriorated dewatering equipment and mismanaged BRM landslide AD 98-1

Response After three separate Planning Commission hearings totaling over 4 hours of time, and over the span of 6 weeks, the concerns raised by the appellant have been adequately addressed.

Claim 36 Appellant requests EIR or larger study of slopes and ground water in adjacent properties

Response There is no legal basis for the appellants request for an EIR. Per the Planning Commission Agenda report for the project:

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) - interior and exterior alterations, 15301(e) - additions to existing structures and 15303(d) - New Construction. The Planning Director has

further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

The appellant's request for investigations of neighboring properties is unreasonable and would interfere with neighboring property rights. The appellant has provided no evidence that would justify such an extreme condition of approval.

Claim 37 The addition violates CC&Rs 15 foot height limit

Response We disagree with the appellant's allegation that the proposed addition violates the CC&Rs established by the Cave Club Inc. and recorded on the property in 1963. The project has been designed with the intention of full compliance with the CC&Rs, and we disagree with the appellant's interpretation of the regulations. It should be noted that the original development and CC&Rs established an Architectural Committee composed of the Board of Directors of the Malibu Mutual Drainage Company (MMDC). Public records show the MMDC was dissolved in 1975 and as such there is no HOA corporation to enforce or interpret the CC&Rs.

The CC&R height limit relevant to the property is:

No building shall be erected, altered, placed or permitted to remain on any one of lots 1 through 11 inclusive, 13,14, and 16 through 45 inclusive of the above tract other than one detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.

As shown on the east elevation, the addition complies with the CC&R height limit.

(See proposed East Elevation on page 27.)

Claim 38 Height of shrubs and trees are in violation

No new landscape is proposed that would exceed limits required by City regulations or the CC&Rs. The homeowners have endeavored to maintain their landscape in compliance with both. The property has been visited multiple times by planning staff and several Planning Commissioners, and there have been no comments on landscape height.

Claim 39 Permeable paving will allow more water into the ground

Response Small areas of permeable pavement have been proposed to replace existing grass. This has no effect on the amount of water absorbed by the ground. Additionally, Malibu LCP Section 3.6.I limits impermeable coverage to 30% of lot area. This has the benefit of reducing stormwater runoff pollution.

Claim 40 There are existing Olive trees that are an invasive species

The Malibu prohibited plant list specifies fruiting varieties of Olives. The existing olives are a fruitless species.

Claim 41 There is to be no change in drainage of this lot as per CC&Rs

Response The existing property is generally flat with primary drainage back to Piedra Chica Rd. The proposed work complies with the CC&Rs as the existing drainage is maintained and supplemented with area drains & drainage piping discharging at the street gutter. Drainage

plans were submitted and approved per the Public Work Review Sheet dated 9/20/17. The relevant language of the CC&Rs is provided below:

That each owner of a lot in said tract shall not in any way interfere with the established drainage in or over any lot in said tract. In the event it is necessary to change the established drainage over any lot, adequate provisions for proper drainage shall be made therefor. For the purpose hereof "Established Drainage" is defined as the drainage as the same existed at the time of the overall grading of said tract, including the landscaping of each lot in said tract as completed by the undersigned.

Claim 42 Disturbing the area of the upper lot (by relocation of the septic dispersal drip system) has the potential to cause a landslide

Response The appellant provides no evidence that relocation of the dispersal system will cause any negative effects. The area of relocation is level and has existing turf & shrub landscape which will be replaced after relocation.

Claim 43 The existing OWTS system operation is in question

Response The appellant provides no evidence that the existing septic system's effectiveness is in question. As per response to [Claim 26](#), temporary drainage damage is not evidence of system failure. The 1972 reports of seepage to south Lot 2 and pre-2008 seepage to west Lot 10 are not relevant. As ED Michael has noted, the water source could be other properties on the street:

Simply put, so long as a certain minor degree of OWTS perched effluent seeps to the surface in Lot 2 and perhaps also neighboring Inland Land properties without adverse health effect, the physical risk it presents should remain minimal. This is especially a matter to be recognized in view of the fact that such perched ground water most likely comes not just from Lot 8 but other properties along Piedra Chica Road as well.

(See reference [Michael #2](#) on page 48.)

Claim 44 Percolation tests should have been performed during rainy season

Response The percolation tests were completed under the supervision of Certified Engineering Geologist Mark Barrett of GeoConcepts. The full report with methodology and test data was included in original project submittal and reviewed by both City Environmental Health and Geotechnical Staff. On page 3 of GeoConcepts 7/10/17 report they state:

The groundwater was evaluated by a test pit with a total depth of six feet on June 20, 2017. No groundwater was encountered within ITP-1 to a depth of six feet. The bottom of the proposed dispersal field is anticipated to be one foot below the ground surface. Therefore, seasonal high groundwater is thought to be more than five feet below the proposed bottom of the dispersal field. Additionally, seasonal high groundwater is not anticipated to adversely affect the proposed dispersal field.

Additionally, per page 5 of Don Kowalewsky 2006 Geotechnical report:

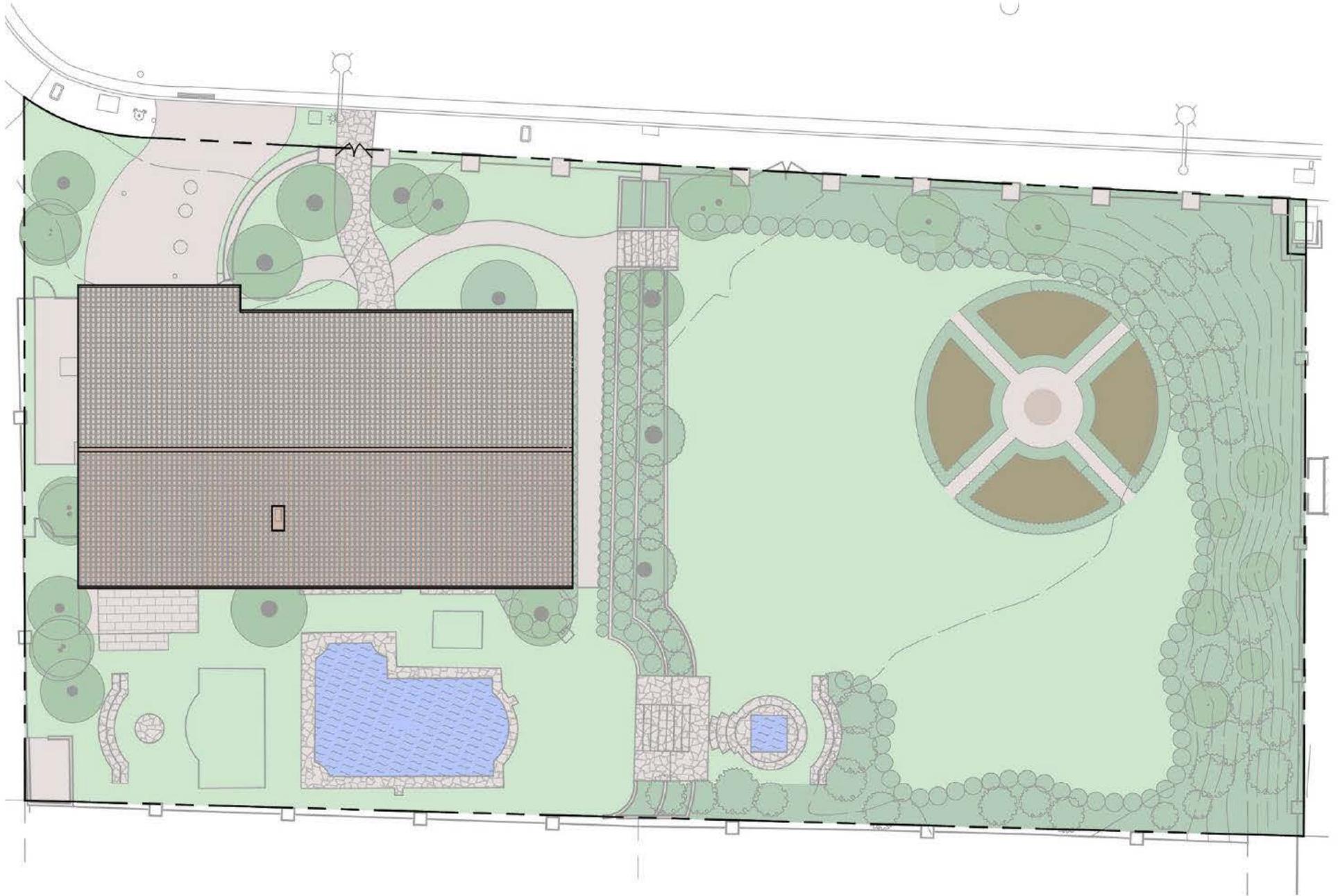
Regional ground water elevations have been monitored for nearly 20 years. The most recent available readings indicate groundwater is approximately 100 feet below the building pad. (Fugro 11-04 report for 2003-2004 Year).

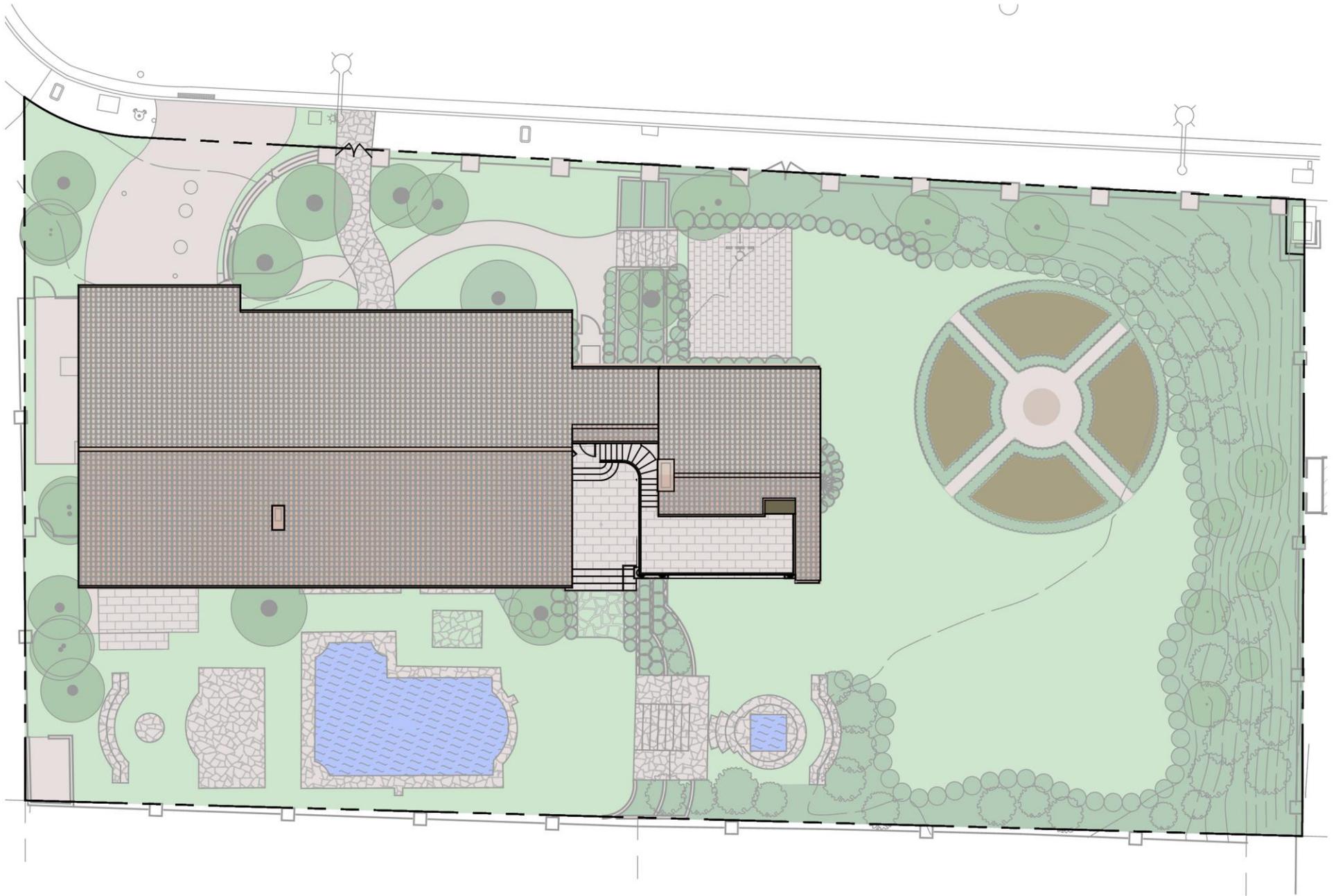
Claim 45 CEQA exemption cannot apply

Response As noted in response Claim 36 above, the Planning Director has made a determination on CEQA.

END OF RESPONSE TO CLAIMS

Reference Documents



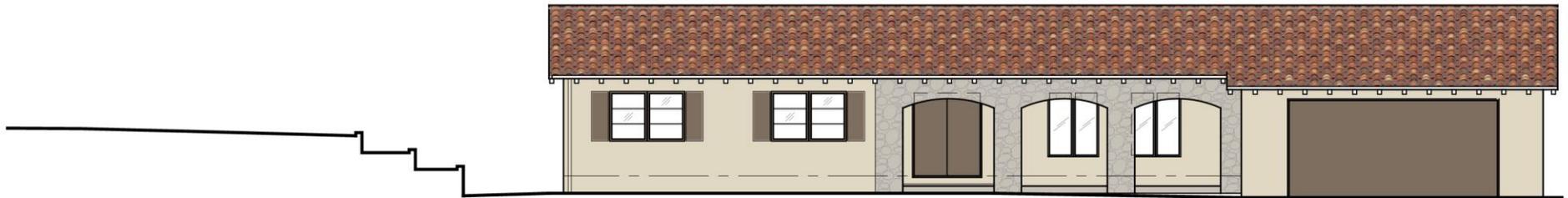




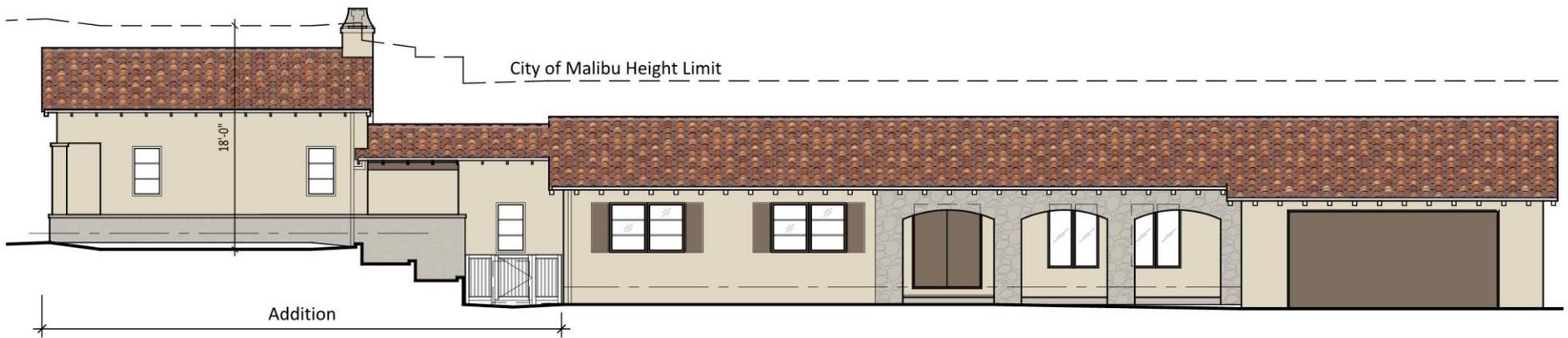
Street View - Existing



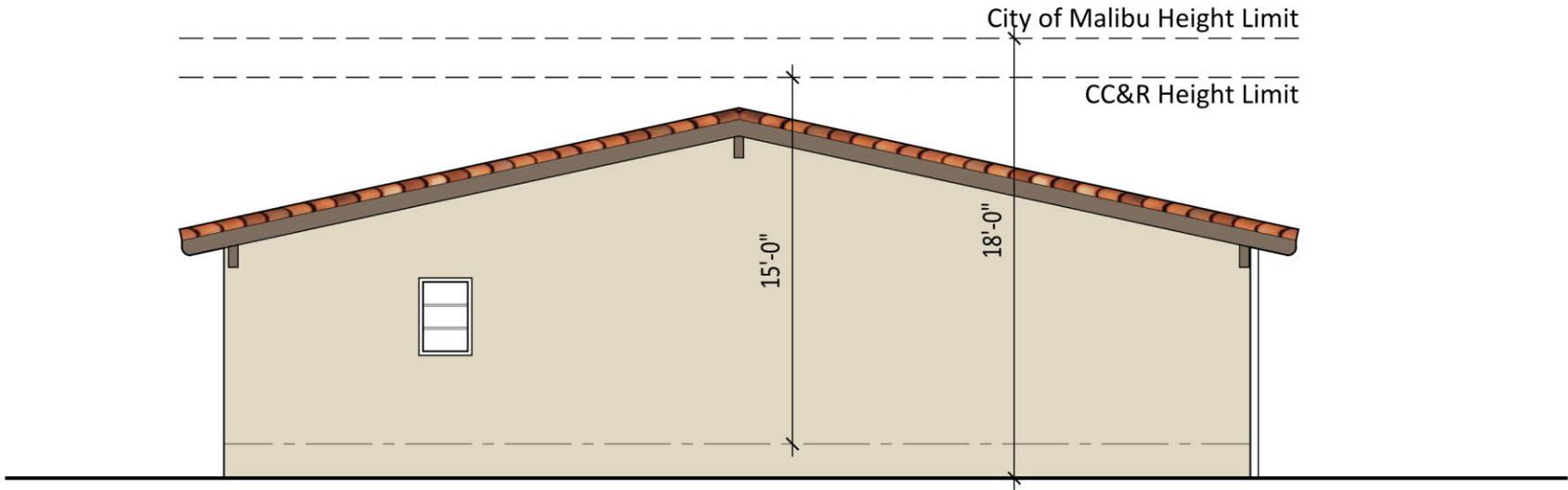
Street View - With Proposed Addition



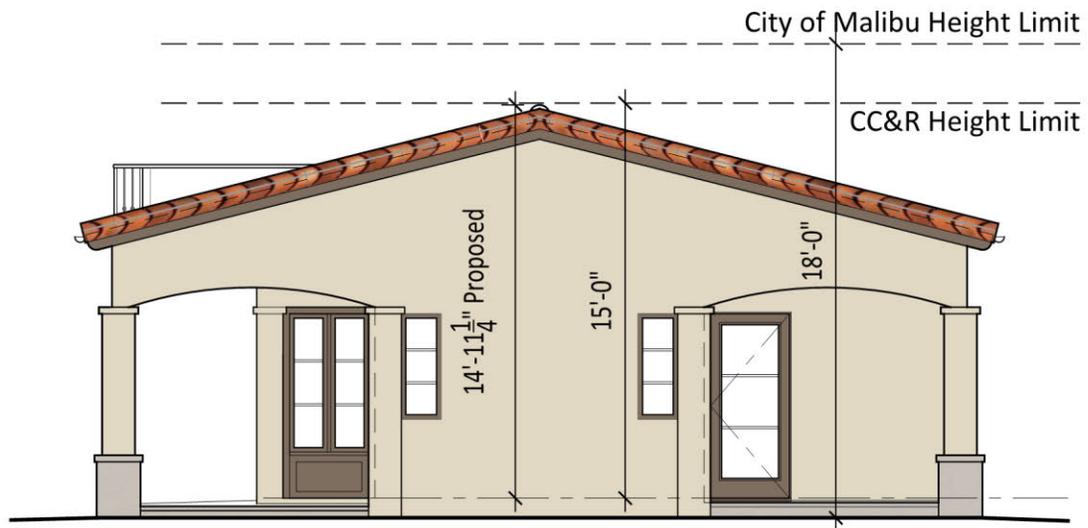
Existing North Elevation



Proposed North Elevation



Existing East Elevation



Proposed East Elevation



4. SUMMARY AND CONCLUSIONS

4.1 Annual Summary

The general status of the Big Rock Mesa Landslide Assessment District can be summarized as follows:

- The groundwater level in the Big Rock Mesa landslide is the primary factor controlling the stability of the landslide mass. Rises in groundwater level tend to de-stabilize the landslide. Previous episodes of movement of the landslide have been directly related to high groundwater levels. Therefore, controlling the long-term average and peak groundwater levels in the landslide mass is the primary means being used to reduce future movements of the landslide. The primary factors influencing recharge of groundwater to the landslide are: 1) onsite wastewater treatment system discharge, 2) rainfall, 3) irrigation, and 4) water-line and pool leakage.
- Monitoring data related to rainfall and imported water usage indicate the following:
 - Rainfall during the 2017-2018 rain-season period (October to September) was 7.36 inches of precipitation, which is below the historical average annual rainfall during the "rain season" of 15.69 inches. Rainfall during the Malibu "monitoring period" (July 2017 to June 2018) was 7.51 inches of precipitation which is lower than the historical annual average of 15.58 inches per year measured between July and June from 1968 through June 2018.
 - Use of imported water increased approximately 7.4 percent from the previous monitoring year (156,200 gpd versus 145,500 gpd) and is 33 percent above the average usage in 1984 (117,400 gpd).
- Groundwater levels in 29 standpipe piezometers were measured on a monthly basis during the monitoring period. Average groundwater levels measured during the monitoring period were more than 1 foot above long-term average groundwater levels for 8 of the 29 standpipe piezometers. The remaining 21 piezometers indicated a relatively static or lowered groundwater level.
- The average total well production rate for the 2017-2018 monitoring period was approximately 44,445 gpd. This is a 12 percent increase when compared to the previous year's monitoring period rate of 39,697 gpd and is below the historical average production rate of 52,426 gpd measured between 1993 and the present.
- The average total hydrauger production rate over the 2017-2018 monitoring period was approximately 14,184 gpd. That represents a 4-percent increase in production relative to the previous monitoring period (13,652 gpd).
- Interpretation of inclinometer data shows no quantifiable ground movement in the inclinometers monitored during the 2017 through 2018 monitoring period.
- Water quality monitoring, conducted in general conformance with the requirements of the RWQCB NPDES Permit No. R4-2013-0095, which became effective June 5, 2015, indicate occasional to consistent exceedances for bacteriological analytes at each of the discharge points except for M-003/HD-7 and M-009/HD-41. It was also noted that revising sample locations from the individual facility discharge points back to the beach-side Discharge Points after March 2015 appears to have resulted in detection of exceedances that were not typically present when sampling occurred directly from the individual dewatering facilities within the District during November 2004 to March 2015.

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(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms...

The neighboring property owner, Mr. Avery, is objecting to the proposed amendment request on the grounds that the proposed project is located in an area notorious for its unstable topography and mudslides and that the proposed additional remedial grading would exacerbate this unstable situation. Furthermore, he claims that the proposed grading and construction anticipated by the project would necessarily entail injection of a massive amount of water into the ground which would serve to exacerbate the danger of a mudslide in the area. Mr. Avery has not provided staff with any evidence to support his conclusion that the proposed amendment will result in adverse impacts to the geologic stability of this site.

The Commission findings for approval of this permit application addressed the geologic stability of the building site in detail. The applicants' geologist acknowledged that the subject property is located within the Big Rock Mesa Landslide area and found that the geologic stability of the site is favorable for the project. The Big Rock Mesa Landslide is a deep-seated regional landslide which activated in September 1993. The slide area encompasses approximately 150 acres involving some 216 single family residences. The Big Rock Area has been implementing the landslide mitigative measures recommended by Bing Yen & Associates including drainage improvements, hydraugers, and dewatering wells which, according to the consulting geologists, should serve to increase the factor of safety against renewed earth movement.

Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and subsurface exploration of the site, the engineering geologists prepared reports and provided recommendations to address the specific geotechnical conditions related to the site. The *Geotechnical Engineering Reconnaissance Report - Proposed Remedial Residential Fire Re-Build - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated December 10, 1995, states:

[T]he site is located in the Big Rock Landslide, and the overall stability of the site will be directly related to the stability of the adjacent area. ... At the time of our site reconnaissance, no evidence of recent damage, cracks, or other evidence of slope instability was observed. It should be noted that the future stability of the Big Rock Mesa Landslide can not be reliably predicted or modeled however...

The 1995 RJR Engineering Group report concludes:

It is the opinion of RJR Engineering Group that the site can be re-developed under the current City guidelines for fire re-builds as discussed above. The proposed remedial re-development, as planned, will not decrease the stability of the site or surrounding areas, relative to the conditions that existed at the time of the fire. It should be noted that the future stability of the Big Rock Landslide can not be reliably predicted or modeled, however, as the mitigate

measures recommended by Bing Yen & Associates will further increase the factor of safety against renewed movement. More importantly, it should be recognized that the stability of the site can be directly affected by movement or condition changes that could occur in other portions of the Big Rock Mesa Landslide.

This concluding statement is repeated nearly verbatim in the subsequent *Geotechnical and Geologic Update Report - 20173 Rockport Way, Malibu, California*, by RJR Engineering Group, dated November 15, 1999. The *Supplemental Comments Re: E.D. Michael November 21, 1995 Reconnaissance Geology Report for Fire Restoration - 20173 Rockport Way and adjacent Undeveloped Parcel, Big Rock Mesa area, Malibu, California*, by consulting geologist E.D. Michael, dated November 3, 1999, states:

Except for the effects of a strong earthquake which are essentially unpredictable, it is my opinion that so long as the dewatering system for the Mesa is maintained and ground-water levels are kept low, the subject property should experience about the same degree of movement as it has during the previous 17 years. In my opinion, on this basis, further movement should be of the same mode and order of magnitude as experienced previously, i.e., without significant effect in the subject property, although a more adverse effect in response to an unusually severe storm season, or because of a reduction in the effectiveness of the existing dewatering system, might eventually occur. In this regard, an especially stiff design for the proposed structures seems highly desirable.

The Commission noted in the findings for approval of the permit that the geologic and engineering consultants included a number of recommendations to increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission found it necessary to require the applicant, through Special Condition Three, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The geotechnical consultants and the City of Malibu geologist have required additional remedial grading to further stabilize the proposed building site. This building site is in the same location as the previous residence on the site that was destroyed by a wildfire in 1993. The additional remedial grading includes the removal and recompaction of the soils on top of competent earth material and construction of sub-drains and surface drains to convey ground water and surface drainage away from the building site. This additional remedial grading will further stabilize the building site and will not destabilize the site as asserted by the neighboring property owner. In addition, the installation of subdrains and surficial drainage system will minimize the introduction of water into the larger Big Rock Landslide complex. Furthermore, the applicant is proposing a evapotranspiration (ET) septic system to minimize the introduction of ground water into the Big Rock slide complex. The proposed evapotranspiration septic system extends across the two lots (APN #s 4450-11-29 and 4450-11-30) which are the subject of this coastal permit. The ET septic systems require a larger land area than a standard system in order to disperse the effluent produced. In this case, the ET system has been designed to extend over the two adjoining parcels which have been combined or merged together as one parcel. This lot merger will eliminate the possibility of the

adjacent parcel from being developed with a residence in the future. Therefore, the proposed project will not result in the injection of massive amounts of water into the ground.

The proposed additional remedial grading will improve site stability and will not result any additional landform alteration. The final building pad elevations remain the same as originally permitted by the Commission. The subject permit included a number Special Conditions to further ensure the stability of the subject site, which apply to this amendment, including submission of: Landscaping and Interim Erosion Control Plans, Drainage and Polluted Runoff Control Plans and Plans Conforming to Geologic Recommendations. Therefore, the Commission finds that, based on the above findings, the proposed amendment is consistent with Section 30253 of the Coastal Act.

C. Visual Resources

Section 30251 of the Coastal Act states that:

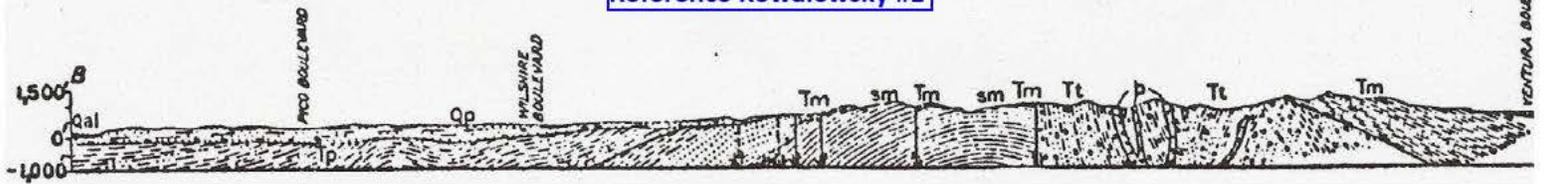
The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The neighboring property owner claims the proposed residence will adversely impact the view of surrounding properties. The visual resource policy of the Coastal Act (§ 30251) addresses the protection of scenic views and resources as seen from public viewsheds not private viewsheds. The interruption of private views is not a valid Coastal Act issue. In this case, as previously addressed in the Commission's findings for approval of this permit application, the proposed residence is not visible from Pacific Coast Highway or surrounding public beaches. The Commission findings also indicate the proposed building site is located on an existing building pad area, the grading is designed to minimize landform alteration and the structure is compatible with surrounding development. The additional remedial grading does not result in any changes to the final pad elevations or result in additional landform alteration. Therefore, Commission finds that proposed amendment is consistent with Section 30251 of the Coastal Act.

D. Environmentally Sensitive Resources

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.



Donald B. Kowalewsky
ENVIRONMENTAL &
ENGINEERING GEOLOGY

November 1, 2019

Job No. 15629J6.001

Resa Nabavi
 20238 Piedra Chica
 Malibu, CA 90265

**SUBJECT: CLARIFICATION OF OVERALL SLOPE STABILITY, BIG ROCK MESA
 LANDSLIDE AREA, 20238 PIEDRA CHICA ROAD, MALIBU,
 CALIFORNIA.**

This document is a review of the overall stability of the Big Rock Mesa region defined by Bing Yen & Associates in their 1992 report. It is also based on the Annual reports prepared for the Assessment District.

The site is within the recently (1982 through 1986) active Big Rock Mesa landslide. That landslide was separated into several regions due to changes in geologic and topographic characteristics. The subject property is within the "southeastern region" as labeled on Figure 1 (Bing Yen, 1992). When a landslide is moving, its safety factor is at or below 1.0. Stability analyses performed by Bing Yen & Associates in 1992 determined that this area of the landslide had a safety factor of 1.2 with a potential of achieving a safety factor of 1.4 with additional dewatering (extracting groundwater to lower the water table).

The earliest monitoring of ground water levels in the southeast region (1983/84) determined that the mean groundwater table had an elevation of 125.5 feet above sea level. At the time the 1992 Bing Yen report was prepared (approximately 6 years after the dewatering system was installed), the water table mean elevation had dropped to 80.5 feet above sea level (a drop of 45 feet). This would account for the safety factor rising from 1.0 to 1.2. The most recent available report indicates the 2017/18 mean groundwater elevation is 42.9 feet above sea level (an additional drop of 37.6 feet). Since the time when the landslide was significantly moving, the mean

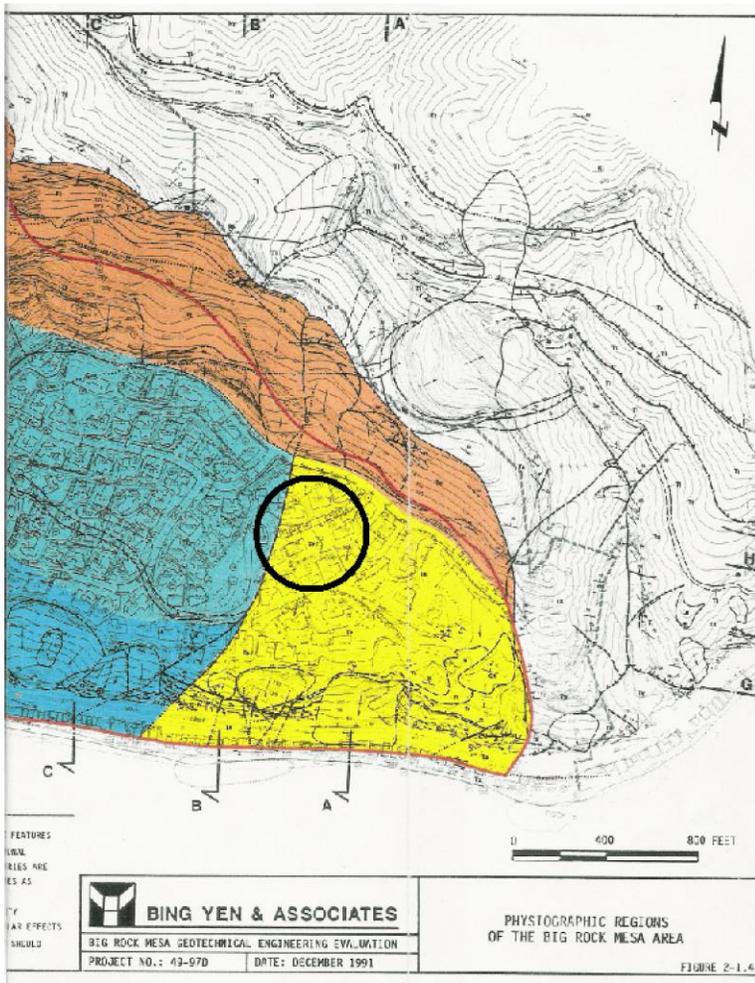


FIGURE 1. Big Rock Landslide
(Site shown by circle)
Physiographic Regions.
Yellow = Southeast Region
Brown = Headscarp Region
Green = Central Mesa Region
Blue = Bluff Region

groundwater level has dropped 82.6 feet. Consequently, based on the Bing Yen analyses, the safety factor should currently be greater than the 1991 value of 1.2. Using the data provided, if a drop of 45 feet in the mean groundwater elevation increases the safety factor to 1.2, the current safety factor should be approximately 1.37. (See Table I).

E. D. Michael raised the issue about the decrease in the rate that groundwater was being removed from the ground between 2006 and 2016. I believe that his data represented all of the Big Rock Mesa area. It should be noted that one reason why the current dewatering rate may be significantly below the 2006 level is that the mean water table has dropped 13 feet which means that less water is available for withdrawal.

The 2016/2017 Fugro report for the Big Rock Mesa provided the following description of dewatering:

2.4 Dewatering Well Production

The total production rate for all dewatering wells from 1993 through June 2017 is depicted on Plate 5. Dewatering well information, status and production rates for individual wells are presented on Plates B-1 through B-4 (Appendix B).

The average total well production rate for the monitoring period was approximately 39,697 gpd. This is approximately 13 percent more than the previous year's monitoring period value of 35,018 gpd, and below historical average production of 52,816 gpd measured from 1993 to the present. The increase in dewatering well production correlates with above average rainfall and general increase in average and peak groundwater levels. Additionally, total dewatering well production was affected during the year as mechanical, electrical or other issues caused wells to intermittently stop or reduce production. Over the course of the 2016-2017 monitoring year, dewatering wells BYA-1, -5, and -9 had periods without production.

The 2017/2018 Fugro report for the Big Rock Mesa provided the following description of dewatering:

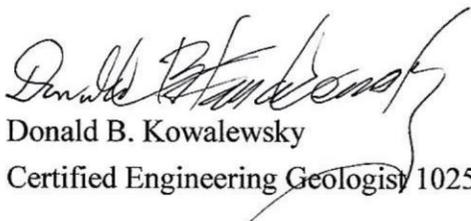
2.4 Dewatering Well Production

The total production rate for all dewatering wells from 1993 through June 2018 is depicted on Plate 5. Dewatering well information, status and production rates for individual wells are presented on Plates B-1 through B-4 (Appendix B).

The average total well production rate for the monitoring period was approximately 44,445 gpd. This is approximately 12 percent more than the previous year's monitoring period value of 39,697 gpd, and below the historical average production of 52,426 gpd measured from 1993 to the present. Total dewatering well production was affected during the year as mechanical, electrical, or other issues caused wells to intermittently stop or reduce production. Over the course of the 2017-2018 monitoring year, dewatering wells BYA-1, -5, -11, -12, and W-18 had periods without production.

My review of the annual reports for the Big Rock Mesa area, specifically for the eastern region, shows that there are 9 dewatering wells in this region and that since 2003, dewatering wells W-1, W-2, W-3, BYA-5, and BYA-13 have increased their rate of dewatering. Wells BYA-6, BYA - 12 and BYA-13 have decreased their rate of dewatering. Well FW-1 was not installed until after the 2006 report year. In 2008 its production rate was greater than the 2016/17 monitoring year.

Based on this data, it is inappropriate to make a generality that the decrease in overall rate of water production means that the stability of the Big Rock Mesa landslide has decreased. The stability of the landslide is not based on the rate of dewatering, it is based on the elevation of the groundwater table, which is significantly lower than when the landslide was moving. The last two Fugro annual reports indicate the rate of dewatering has increased each year, and the groundwater table has continued to drop.


Donald B. Kowalewsky
Certified Engineering Geologist 1025

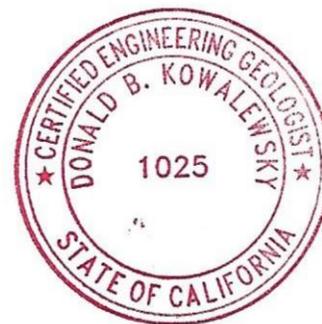


TABLE I

GROUNDWATER LEVEL RELATIVE TO SAFETY FACTOR

YEAR	MEAN ELEVATION GROUNDWATER TABLE	SAFETY FACTOR
1983	125.5	1.0
1991	80.5	1.2
2016	57.9	1.31
2017	42.9	1.37



City of Malibu

MEMORANDUM

To: Jessica Thompson, Associate Planner

From: Yolanda Bundy, Environmental Sustainability Director/Building Official

Date: October 23, 2019

Re: California Building Code Section 110.2.3.4

It is the City's interpretation that as per amended code section 110.2.3.4 of the City of Malibu ordinance refers to the gross floor area of the structure. This gross area includes habitable and non-habitable spaces.

From: Chris Dean <cdean@malibucity.org>
Sent: Tuesday, June 4, 2019 12:59 PM
To: Terry Davis
Cc: Jeff Grier; Jessica Thompson; Bonnie Blue; Rob Duboux; Dan Allen; mpollard@fugro.com
Subject: RE: Response to Big Rock Fugro report

Terry et al-

Thanks for your patience..

Response to the E. D. Michael report, "Geologic Aspects of Redevelopment, Big Rock Mesa Landslide Area, with special reference to 20838 Piedra Chica Road", dated November 20, 2018.

City geotechnical staff (Chris Dean, Consulting Engineering Geologist) has reviewed Mr. Michael's report as it relates to the development project proposed at 20238 Piedra Chica Road in the Eastern Mesa region of the active Big Rock Mesa Landslide.

Mr. Michael addresses the general geologic and hydrogeologic conditions of the Big Rock Mesa Landslide and discusses the Assessment District established to dewater and monitor the landslide to lower groundwater levels and enhance the stability of the landslide complex. Fugro (the City's geotechnical consultant) monitors and maintains the dewatering wells, hydraugers, slope inclinometers, and groundwater monitoring wells throughout the year and provides yearly reports summarizing the data and recommending maintenance and improvements to the facilities. Fugro has provided a separate response to Mr. Michael's report regarding the Assessment District.

The previous owner submitted a development project to the City in 2005, consisting of a lot merger (with the vacant property to the east) and a 763 square foot addition and remodel to the existing 3,051 square foot residence, including a 2-car garage. Since the site lies within the active Big Rock Mesa Landslide, the project falls under jurisdiction of Section 110.2.3.4 of the Malibu Building Code (adopted from the County of Los Angeles Building Code, for projects located in geotechnically hazardous areas). That section of the Code limits additions to 25% of the permitted square footage of the residence, including the garage. An enlargement of the Onsite Wastewater Treatment System (OWTS) was not permitted since the site lies within the BRM Landslide, and was a condition of approval. The OWTS was converted from a seepage pit system (deep percolation of effluent into the ground) to an alternative OWTS consisting of a treatment tank system and a GeoFlow evapotranspiration system that disperses treated effluent into shallow drip zones totaling 2,282 square feet. The dosing rate was 0.19 gallons per square foot per day (gpsfd). The project met the requirements of Section 110.2.3.4 of the Building Code, and City geotechnical staff issued an approval letter for the CDP in November 2005. The project was approved by the Planning Commission, and was submitted to plan check in 2006 but never constructed, except for the new alternative OWTS which was installed, and the permit finalled by the City in 2008.

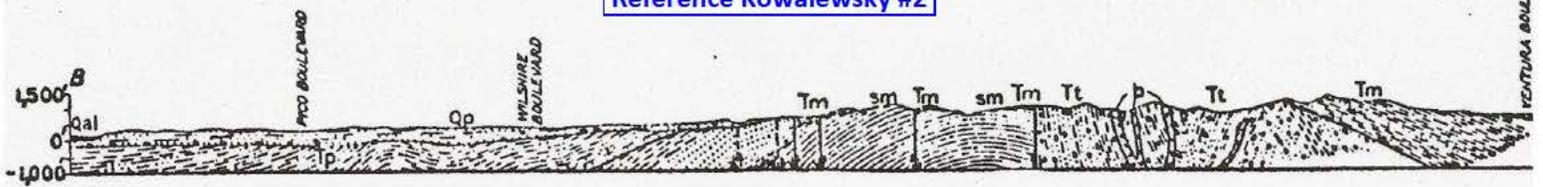
The current owner re-submitted the development project in 2017 which was similar to that submitted in 2005, consisting of a 770 square foot addition to the 3,078 square foot residence and the re-location of a portion of the drip dispersal field for the OWTS. The existing treatment tank system will be utilized, and a 1,493 square foot zone of drip dispersal was added to the existing two zones of drip dispersal at a loading rate of 0.16 gpsfd. The amount of treated effluent calculates to approximately 20 ounces of water dispersed per square foot per day, significantly reducing the volume of effluent infiltrating into the deeper subsurface compared to a standard seepage pit OWTS. Much of the effluent will be utilized to irrigate vegetation and evapotranspire into the atmosphere. The project was approved by City geotechnical staff in a review letter dated October 17, 2017.

The Project Geotechnical Consultant (PGC) (Don Kowalewsky) states in his report dated April 10, 2017 that, "Based on our findings, a tertiary treatment, geoflow, shallow drip irrigation system was approved by the City and installed. That system was designed to accommodate the same number of bedrooms as currently proposed. Therefore, no changes to the size of the existing system are needed. A portion of the

distribution field will be moved. The new area is immediately adjacent to and west of the other portion of the existing field. That location should function in the same manner as the existing field and its location is acceptable to this office.”

The PGC did not encounter any water in his exploratory excavations on the property to a depth of 12' below grade. Mr. Michael's discussions regarding seepage at the base of the slope on Lot 2 in the early 1970's does not necessarily indicate a perched groundwater condition. A source/cause of the seepage was not determined. Perched water encountered on slopes, in excavations, etc. could be due to recent rainfall, over-irrigation, broken irrigation/water lines, etc. It should be noted that, based on Fugro's monitoring data, the standpipe closest to the site, PC-1, has had consistent groundwater elevations measured in the well between 132' and 145' from 1998 to 2018. The elevation at the well surface is at 250'. The static groundwater level is from 105' to 120' below the ground surface under the site. In addition, as discussed above, the alternative OWTS system on the property reduces the volume of effluent percolating into the deep subsurface, compared to the standard seepage pit OWTS in service throughout the Mesa. City geotechnical staff has encouraged applicants proposing development projects in Big Rock Mesa (under Section 110.2.3.4 of the Building Code) to utilize these alternative OWTS for that reason.

In summary, Mr. Michael has not provided any data to justify his conclusion that the proposed project should be denied. The applicant and his consultants have met the minimum requirements of the City's geotechnical Guidelines as they pertain to Section 110.2.3.4 of the Building Code. City geotechnical staff will review the Building Plans, Structural Plans, Grading Plans, and OWTS as part of the building plan check review to verify that the PGC's recommendations have been implemented on the plans and all our conditions have been met.



Donald B. Kowalewsky ENVIRONMENTAL & ENGINEERING GEOLOGY

May 3, 2019

Job No. 15629J6.001

Resa Nabavi
20238 Piedra Chica
Malibu, CA 90265

SUBJECT: REVIEW OF E. D. MICHAEL REPORT “INITIAL REVIEW, GEOLOGIC ASPECTS OF REDEVELOPMENT, BIG ROCK MESA LANDSLIDE AREA, WITH SPECIAL REFERENCE TO 20238 PIEDRA CHICA ROAD”.

This document is a review of the subject E. D. Michael document and recent annual reports prepared by the City consultants regarding the Big Rock Mesa landslide. The E. D. Michael report begins with a statement that it is preliminary in character and was not based on a complete review of all documents available regarding the Big Rock Mesa landslide. Michael’s report clearly indicates that field observations were limited. Therefore, he was unable to determine the significance of his observations on and around the property at 20238 Piedra Chica as they relate to all other properties within the mesa.

There are numerous editorial (typographical) errors which make the understanding of some portions of the report difficult. Those items are not further addressed in this review.

Michael’s report addresses two items:

1. The general geologic and hydrogeologic conditions of the Big Rock Mesa landslide complex, and the operation, maintenance and improvement of the dewatering system that was installed to minimize future landslide movement and the use of the annual reports by the City to assure future nominal stability.
2. Address future construction within the Big Rock Mesa landslide area.

PART I. BRM Physical Conditions

Part I of the Michael's report generally discusses the geologic and hydrogeologic history of the area. It tends to criticize the City for not thoroughly considering the implications of the data and conclusions presented in the annual operation and maintenance reports. It also suggests that the funds collected for maintenance and improvement may not be accumulating in a separate account to be utilized solely for Big Rock Mesa landslide stabilization through implementation of new dewatering devices.

Portions of Part 1 also suggest that ongoing landslide movement can be seen by cracks in paved surfaces along Big Rock Drive, Pacific Coast Highway, Pinnacle Way, and the Hansch tennis court. This condition is a regional issue and not lot specific.

PART II. BRM Residential Improvement

It needs to be made clear from the start, that Michael uses many different ways of stating that his opinions related to Lot 8 are conjectural and not based on fact or calculations. However, he still makes many negative statements, apparently trying to support his clients opinion regarding development of that property.

Part II of the Michael's report begins with water use and "Mansionization". It suggests that increasing the size of a structure necessarily increases the potential for greater water use and consequently a greater amount of water being introduced into the ground to affect the groundwater levels in an area that is critically affected by increases in groundwater levels (groundwater recharge). However, Michael suggests that waste water will be discharged through a drain field and fails to consider that the new onsite wastewater system for Lot 8 (20238 Piedra Chica) is in fact a designed evapotranspiration system that will have most if not all of the wastewater evaporating instead of infiltrating. Therefore, no perched groundwater condition will develop. As stated in our reports, the use of the currently installed evapotranspiration system will have less effect on the underlying groundwater condition than the pre-existing seepage pits on the same property.

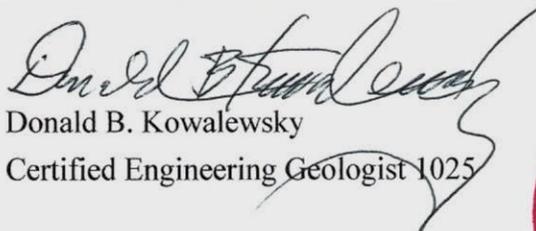
Michael states that perched groundwater has the *potential* to have negative effects on neighboring properties, but has not substantiated any negative effects in the past. He did suggest seepage occurred near the base of the slope on Lot 2 in the early 1970's but seepage alone is not

a negative condition and no one determined the cause of the seepage. Borings excavated on Lot 8 all showed ground water to be 15 feet below the elevation of the pad on Lot 2. All statements made by Michael concerning negative effects are in fact assumptions not based on actual conditions.

A following portion of the Michael's report discusses geologic formations and grading. He utilized two photographs to illustrate the extent of the earth fill. However, those photographs are oblique photos and there is no method of using oblique photographs to determine changes in elevation, let alone the depth of earth fill. Michael's statement that earth fill is about 20 feet thick is entirely without justification. Our test trenches encountered 3½ feet of earth fill overlying boulders that were up to 4 feet in diameter. The boulders were loosely arranged and may have been dumped as part of original site grading, or they may have been part of the upper landslide debris. Good quality earth materials (also landslide debris) was encountered at a depth of 9 feet.

There is nothing in the Michael report to support any justification for denial of the proposed project. Denial must be based on facts that show a project is does not comply with current planning and building codes or is either unsafe or will adversely affect offsite properties.

I agree with the Michael report in its conclusions that the City needs to take a new look at what should be done in the Big Rock Mesa area as a whole to reduce future risks.


Donald B. Kowalewsky
Certified Engineering Geologist 1025



CONSENSUS

By consensus, the Commission received and filed the update on the City's Street Maintenance Work.

ITEM 4 NEW BUSINESS

- A. Big Rock Mesa Landslide Maintenance Assessment District Update
Staff recommendation: Receive and file update on the Big Rock Mesa Landslide Maintenance Assessment District (98-1).

Public Works Director DuBoux presented the staff report.

In response to Vice Chair Merrick, Public Works Director DuBoux explained the City's Geologist would be responding to Mr. E.D. Michael's geological report on the Big Rock Mesa Landslide Maintenance Assessment District 98-1. In addition, he explained Fugro Consultant's response to Mr. Michael's report addressed the relevant issues raised, including the proper maintenance of the dewatering wells.

In response to Commissioner Grisanti, Public Works Director DuBoux stated the City's Geologist would be addressing the "perched" ground water areas in the Big Rock Mesa Landslide Maintenance Assessment District 98-1 that Mr. Michael's report stated were not served by the current dewatering wells.

In response to Chair Dittrich, Public Works Director DuBoux explained there was a request to repair a drainage ditch outside the Big Rock Mesa Landslide Maintenance Assessment District 98-1. He further explained the Big Rock Mesa homeowner association agreed not to spend the Assessment District's funds toward the ditch repairs.

Commissioner Simmens left the dais at 4:51 p.m.

In response to Vice Chair Merrick, Public Works Director DuBoux stated Fugro Consultants was continuing to live up to the terms of their contract with the City.

Commissioner Simmens returned to the dais at 4:54 p.m.

In response to Commissioner Simmens, Public Works Director DuBoux stated the Fugro Consultant's report of stable groundwater levels, consistent dewatering output of the wells and lack of significant ground movement confirmed the Big Rock Mesa residents were safe.

In response to Commissioner Simmens, Assistant Public Works Director Chase stated the reports of cracking in the Big Rock Assessment District area were unfounded due to the very small amount of ground level movement reported by

Fugro Consultant's data. Public Works Director DuBoux further explained the cracks may have been formed by the heavy rains in 2004, when the last appreciable movement was recorded.

CONSENSUS

By consensus, the Commission received and filed the update on the Big Rock Mesa Landslide Maintenance Assessment District 98-1.

ADJOURNMENT

MOTION At 5:16 p.m., Commissioner Palmer moved and Commissioner Simmens seconded a motion to adjourn. The motion carried unanimously.

Approved and adopted by the Public Works Commission of the City of Malibu on June 26, 2019.



SCOTT DITTRICH, Chair

ATTEST:



JULIE WALKER, Administrative Assistant

investigation in support of the proposed Spoliansky remodel was undertaken by Kowalewsky and Tsao (2005) as discussed in Michael (*op. cit.*, Section 4.4.2.1, pp. II-10 – II-13). The subject of their report essentially concerns the lithologic and mechanical character of the materials underlying Lot 12. No reference to the BRM landslide is made except to note the concerns of Dean and Doyel (2005), and no attention whatsoever, is given to the slope directly below Lot 8 in adjacent Lot 2.

The scope of the Kowalewsky and Tsao report is limited strictly to Lot 8 conditions. Significantly, it is stated (*op. cit.*, p. 16):

“This report was prepared with the understanding that the City will allow additions to existing single family residences without the necessity for site specific analysis or other mathematical calculations to demonstrate the site’s stability. From an engineering standpoint, proposed construction of additions, garage and retaining walls is considered feasible.”

The apparent purpose of this limitation probably was to avoid the necessity for the geotechnical consultant to comment on the **stability of the BRM landslide debris mass – a task far beyond scope of the typical CDP concern and seemingly justified** in this case by relying on the operation of AD 98-1. In doing so, however, as indicated in relevant section of the Malibu Municipal Code (Sec. 15.42.040), this was not intended to relieve the consultant of addressing the question of local slope stability.

It further seems clear that in the absence in the City records of evidence of perched ground water in Lot 2 or Lot 8, that there would have been no concern on the part of Kowalewsky and his co-consultants in that regard. Assuming normal conditions, spreading effluent in Lot 8 should result in essentially vertical percolation and hence no near-surface mounding or other condition resulting in saturation in the Lot 2 slopes. .

In other words, Kowalewsky and his co-consultants, being unaware of the evidence of a perched condition in Lot 8 first noticed almost 35 years previously and not a matter of public record can hardly be held to account for not investigating Lot 2 slope stability. As an intellectual exercise, whether in the circumstances research delving deeply into the history of the BRM landslide local evidence of perched conditions should have been undertaken is something to consider, but in the absence of any demonstrated damage, the matter here in not considered worth pursuing.

November 20, 2018

**Geologic Aspects of Redevelopment
BIG ROCK MESA LANDSLIDE AREA**

IV-7

der to: [i] estimate the landslide resisting force that such pumping would induce, and [ii] determine feasibility.

9.2 PIEDRA CHICA ROAD PERCHED GROUND WATER

The problem of perched ground that early became apparent in the Piedra Chica Road area -, as initially discussed by Eagen and Brown (1972, p. 3) and later elucidated by Merifield (1972; 1973a, b) - has now emerged as an example of how mansionization, or its equivalent, while perhaps due to infect Malibu generally in the near future, is especially objectionable in the BRM area because of the increased use of water it demands.

The question is not just one of fairness but also of the special BRN area conditions of that can't be easily shoe-horned into a code of health or building and safety standards. Simply put, so long as a certain minor degree of OWTS perched effluent seeps to the surface in Lot 2 and perhaps also neighboring Inland Lane properties without adverse health effect, the physical risk it presents should remain minimal. This is especially a matter to be recognized in view of the fact that such perched ground water most likely comes not just from Lot 8 but other properties along Piedra Chica Road as well.

Judging from the MMDC-sponsored survey by Merifield (1973a), cracks in curbs and streets that were apparent along Piedra Chica Road in the early 1970s were common throughout much of Tracts 26263 and 28463; however, along Piedra Chica Road they were more noticeable. Eagen and Brown (1972, p. 3), following up on Merifield's crack survey stated:

“The only significant areas of cracking that might be attributed to causes other than normal shrinkage or construction type cracks were observed on Piedra Chica in the vicinity of Lots 6, 7, 14, and 15 (Tract 26263) Separations and cracks in the curbing as much as one inch horizontal and one-half inch lateral displacement were observed.”

Ely Jr's Pumping

And Septic System Installations
State Contractors License # 746011

1100 Mercantile Street • Oxnard, CA 93030
805-483-2000 • 800-876-6332 • Fax: 805-483-2009
EJP95@verizon.net

October 18, 2019

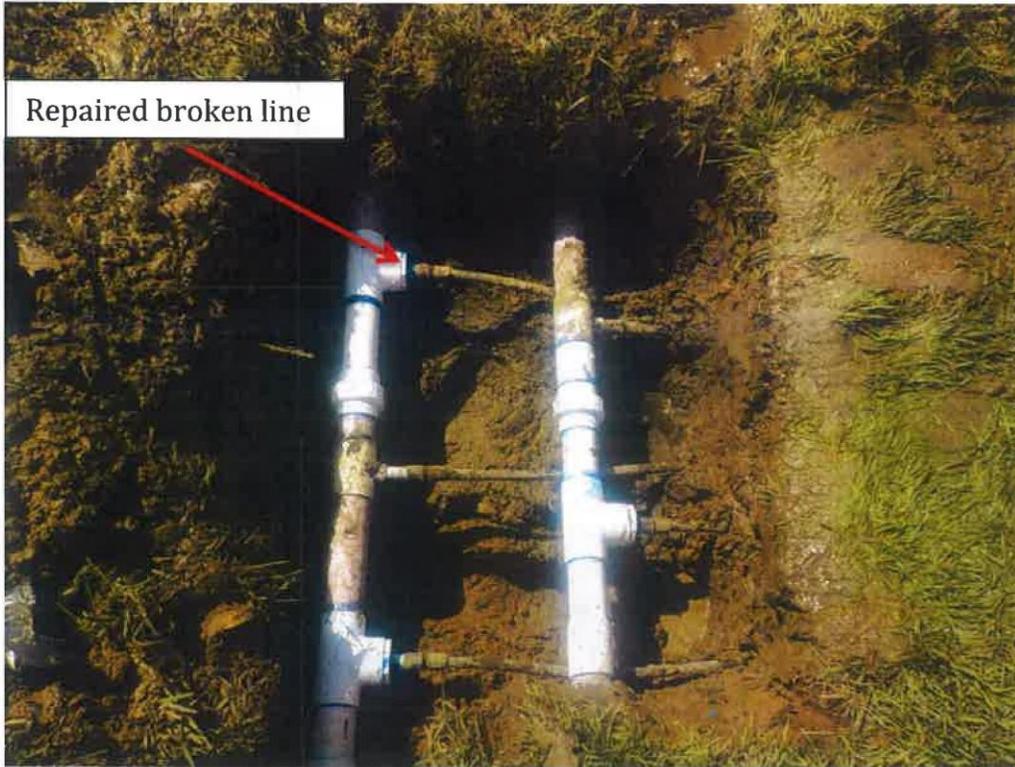
Regarding: AOWTS (Broken line)
Site Location: 20238 Piedra Chica, Malibu, CA 90265
APN: 4450-013-066

Our company is the Maintenance Service Provider for the subject property. Our client reported an issue with an overflow on the property. Our service technician exposed the area and found that the line was broken. It appears that a creature of nature such as goffer may have chewed on the line causing the aforementioned damage.

(See photos below)



Our service technician repaired the broken line to correct the issue with the overflow. See photos below of the repaired line.



The area has been backfilled.



Viviana Simental
Maintenance Service Coordinator



**BIG ROCK MESA LANDSLIDE ASSESSMENT DISTRICT
FY17-18 ANNUAL REPORT
MALIBU, CALIFORNIA**

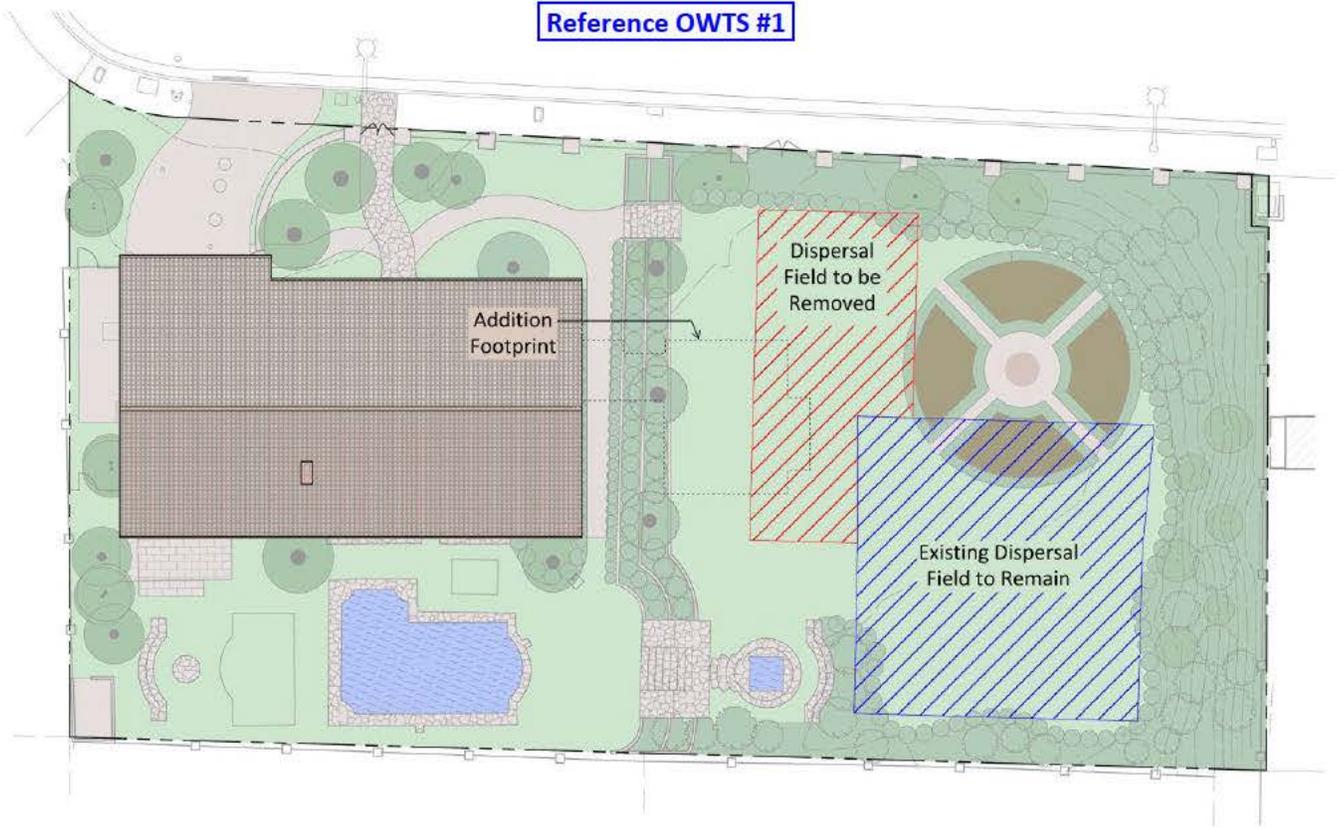
Piezometer I.D.		1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93
CENTRAL MESA											
SP-9A	Mean El.	254.7	232.0	232.0	227.5	236.3	222.2	220.0	233.3	215.1	221.9
	Highest El.	270.0	232.0	232.0	232.0	236.3	224.0	222.2	235.2	222.9	228.5
SP-16	Mean El.	226.5	195.4	174.3	171.9	171.5	161.8	113.0	86.5	95.7	
	Highest El.	226.5	214.7	180.3	174.2	177.1	182.5	147.8	89.5	121.0	
SP-16A	Mean El.					181.2	153.3	122.0	108.4	108.3	122.2
	Highest El.					181.2	180.3	148.8	124.5	124.5	184.5
SP-17	Mean El.	406.0	401.8	395.3	399.1	398.3	393.3	392.0	385.1	382.7	
	Highest El.	410.0	403.0	395.3	400.1	400.0	401.0	394.1	386.0	383.2	
SP-17A	Mean El.						360.1	377.4	376.6	374.5	379.2
	Highest El.						372.4	378.5	377.7	375.7	385.0
SP-17B	Mean El.										
	Highest El.										
SP-24	Mean El.	195.3	102.1	49.0	49.2		49.0		35.1	38.6	38.5
	Highest El.	220.6	170.0	50.0	52.0		52.0		39.6	40.0	38.9
SP-35	Mean El.										
	Highest El.										
SP-36	Mean El.										
	Highest El.										
Area Average	Mean El.	270.6	232.8	212.6	211.9	246.8	223.3	244.9	204.1	202.5	190.4
	Highest El.	281.8	254.9	214.4	214.6	248.7	235.4	258.3	208.8	211.2	209.2
Change vs Prior	Mean El.		-37.8	-20.2	-0.7	34.9	-23.5	21.6	-40.8	-1.7	-12.0
	Highest El.		-26.9	-40.5	0.2	34.1	-13.3	22.9	-49.5	2.5	-2.0
WESTERN EXTENSION											
SP-20	Mean El.	317.0	254.6	220.5	213.3	194.5	217.5	186.2	198.8	160.3	184.9
	Highest El.	350.0	277.0	224.0	216.7	194.5	231.0	214.5	202.4	165.5	233.0
SP-21	Mean El.		436.7	407.0		404.0	403.1	402.2	390.5	351.1	353.5
	Highest El.		450.9	407.0		405.0	407.0	410.4	399.1	358.9	361.2
SP-22	Mean El.		461.1	450.5	451.9	447.5	450.5	451.4	451.0	454.3	457.5
	Highest El.		493.5	450.5	454.1	450.9	455.7	451.4	451.3	468.0	471.3
SP-23	Mean El.					514.2	491.0	499.2	495.6	486.0	496.6
	Highest El.					514.2	491.0	536.0	509.1	489.4	513.1
Area Average	Mean El.	317.0	384.2	359.3	332.6	390.0	390.5	384.7	384.0	362.9	373.1
	Highest El.	350.0	407.1	360.5	335.4	391.2	396.2	403.1	390.5	370.5	394.7
Change vs Prior	Mean El.		67.2	-24.8	-26.7	57.4	0.5	-5.8	-0.8	-21.0	10.2
	Highest El.		57.1	-46.6	-25.1	55.8	5.0	6.9	-12.6	-20.0	24.2
EASTERN MESA											
PC-1	Mean El.										
	Highest El.										
SP-3	Mean El.	125.5	119.8	118.5	121.3	122.0	118.3			117.7	
	Highest El.	126.1	120.0	118.5	121.5	125.9	120.0			118.4	
SP-3A	Mean El.		105.0	74.0	79.5	75.7	79.2	80.5	82.5	89.5	86.3
	Highest El.		105.0	74.0	81.4	78.4	80.0	81.0	85.4	99.0	90.5
SP-33	Mean El.						41.6	39.0	38.3	34.4	8.7
	Highest El.						46.7	39.8	38.5	45.5	13.1
Area Average	Mean El.	125.5	112.4	96.3	100.4	98.8	79.7	59.8	60.4	80.5	47.5
	Highest El.	126.1	112.5	96.3	101.5	102.2	82.2	60.4	62.0	87.6	51.8
Change vs Prior	Mean El.		-13.1	-16.1	4.1	-1.6	-19.2	-19.9	0.6	20.1	-33.0
	Highest El.		-13.6	-16.3	5.2	0.7	-19.9	-21.9	1.6	25.7	-35.8

2016-2017	2017-2018	Highest Recorded	Mean '91-'18	Stand Dev.	'17-'18 vs '97-'98	'17-'18 vs '16-'17	'17-'18 vs mean
222.7	223.7	Dec-83	226.5	4.4	-0.9	1.0	-2.7
227.7	227.6	270.0	229.5	4.3	-3.5	-0.1	-1.8
72.9	80.6	Mar-84	66.9	22.0	32.6	7.7	13.7
121.0	131.3	226.5	87.6	30.5	64.8	10.3	43.7
110.3	112.9	Jan-05	138.9	26.1	-13.1	2.6	-26.0
158.1	145.2	196.2	170.4	19.1	-40.3	-12.9	-25.2
382.5	381.3	Jan-84	387.2	3.8	-12.2	-1.1	-5.9
390.3	381.8	410.0	392.9	7.6	-27.0	-8.5	-11.1
368.4	369.1	Feb-94	375.4	3.5	-10.0	0.6	-6.4
369.8	369.8	389.8	378.3	5.4	-16.9	0.0	-8.5
468.2	467.3	Feb-13	480.8	23.7		-0.8	-13.5
468.2	468.4	511.9	481.4	23.7		0.2	-13.1
46.7	46.6	Mar-84	44.6	9.4	6.6	0.0	2.0
49.6	46.9	220.6	48.1	19.3	4.9	-2.7	-1.2
100.6	96.9	Feb-16	93.8	7.9		-3.7	3.1
106.0	100.7	127.2	98.4	10.0		-5.3	2.3
191.2	190.6	Jun-12	192.1	2.6		-0.6	-1.5
191.8	191.4	253.1	198.0	18.9		-0.5	-6.6
218.2	218.8		203.3	15.8	16.9	0.6	15.5
231.4	229.2		213.4	17.0	9.1	-2.2	15.8
-3.7	0.6						
1.4	-2.2						
165.4	176.2	Feb-84	191.7	26.8	10.7	10.8	-15.5
185.2	193.0	350.0	213.3	32.0	-31.7	7.7	-20.4
387.3	388.6	Apr-94	380.0	12.0	16.2	1.3	8.6
396.5	390.1	450.9	387.2	12.7	-6.3	-6.4	2.9
470.4	469.2	Dec-96	467.3	5.0	3.2	-1.2	1.9
472.6	471.0	501.5	472.5	6.6	0.6	-1.5	-1.4
482.1	488.2	May-12	495.3	16.1	-12.2	6.1	-7.1
493.2	495.0	551.1	513.1	21.8	-23.4	1.8	-18.1
376.3	380.6		383.6	9.1	4.5	4.3	-3.0
386.9	387.3		396.5	9.7	-15.2	0.4	-9.3
-3.0	4.3						
2.1	0.4						
150.4	132.1	Jan-17	139.0	4.5	-7.3	-18.3	-7.0
219.7	132.7	219.7	145.2	19.4	-20.8	-86.9	-12.5
DRY	DRY	Nov-83		10.3			
DRY	DRY	126.1		9.4			
44.6	30.0	Apr-85	72.5	16.3	-66.0	-14.5	-42.5
49.6	32.1	105.0	77.1	17.7	-71.5	-17.5	-45.0
-21.3	-33.5	May-92	-27.6	20.0	-12.2	-12.2	-6.0
-12.7	-29.1	46.7	-24.4	22.4	-10.0	-16.4	-4.7
57.9	42.9		69.0	11.7	-40.5	-15.0	-26.2
85.5	45.2		73.4	12.9	-44.4	-40.3	-28.2
4.2	-15.0						
29.4	-40.3						

Piezometer Not Installed No Data Recorded

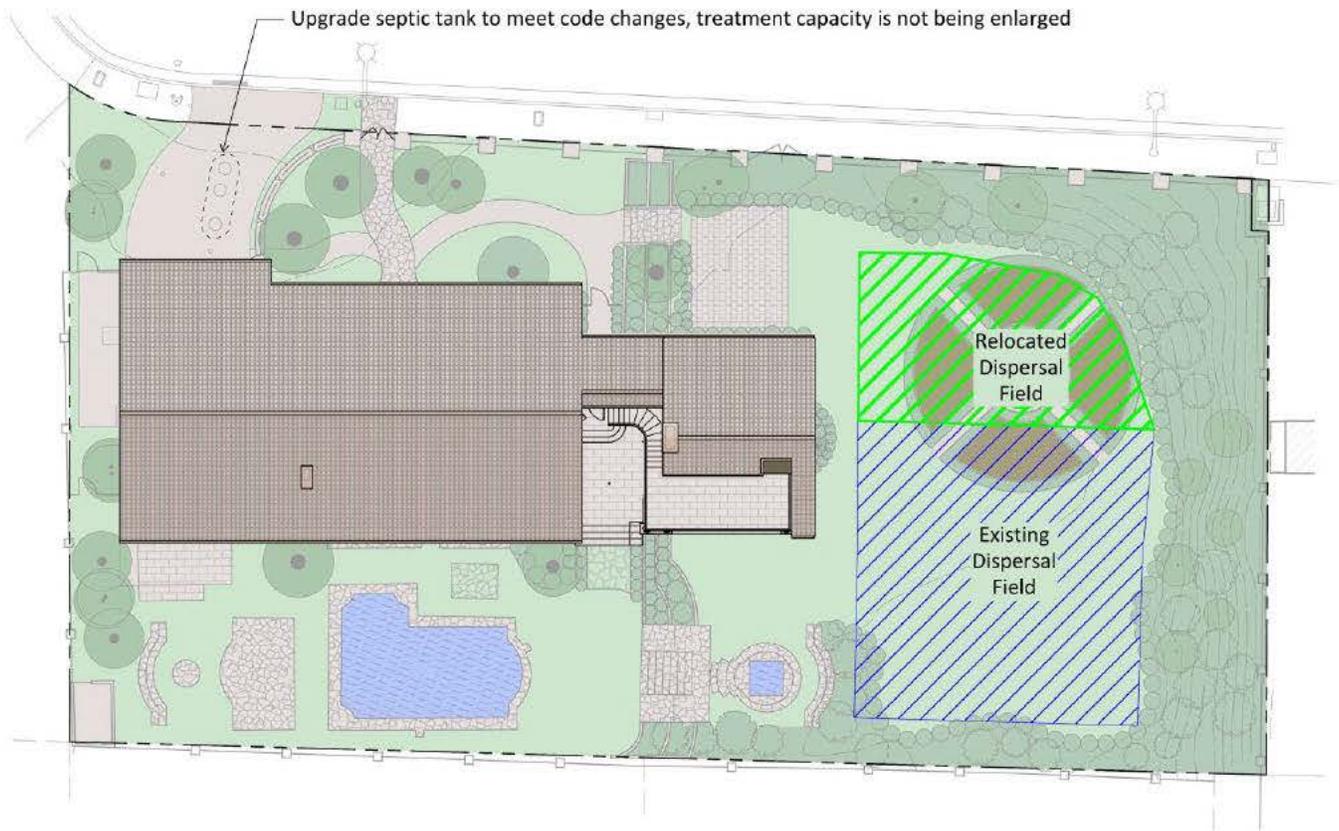
Note: Original Fugro Plate A-2b was 11x17, data for years 1994-2015 has been omitted

Reference OWTS #1



Existing OWTS Dispersal Field

Upgrade septic tank to meet code changes, treatment capacity is not being enlarged



Proposed OWTS Field

20238 PIEDRA CHICA ROAD
MALIBU, CA 90265

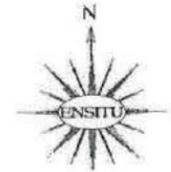
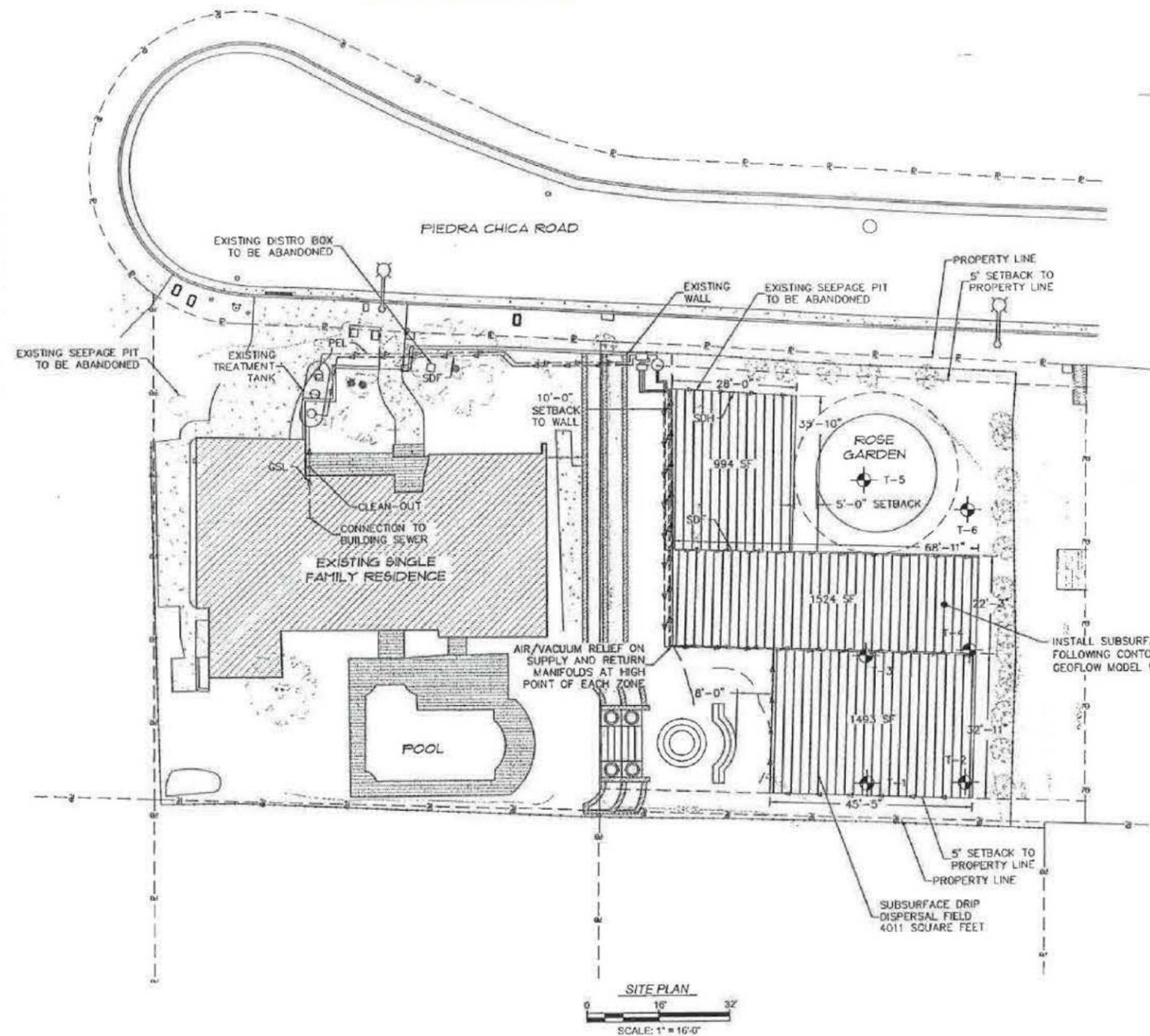
(CDP 05-161)

Reference OWTS #2

S.F.D.:	3 Bedroom/32 Fixture Units (R)
TREATMENT TANK:	1708 Gallon MicroSepTec ES6 w/ UV Disinfection (N)
DRIP DISPERSAL:	Zone 1 - 1493 sf; Zone 2 - 1524 sf; Zone 3 - 994 sf (N)
LOADING RATE:	0.15 gal/day-sf
DESIGNER:	John Yaroslaski RCE 60149
REFERENCE:	Ensitu Engineering; OWTS plans dated 8-21-2006 and 6-6-2012

NOTES:

1. This approval is for a new alternative onsite wastewater treatment system. The new 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 approval relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
3. This approval is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.



NOTES:

1. PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN "OWTS ABANDONMENT PERMIT" SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
2. EXISTING SEPTIC TANKS REQUIRING REMOVAL (IF APPLICABLE) SHALL BE PUMPED, CRUSHED AND FILLED WITH LOCAL FILL MATERIAL COMPACTED TO 85% OF ASTM D1557. SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND 2009 UNIFORM PLUMBING CODE (UPC).
3. SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS) SHALL BE INSTALLED IN ACCORDANCE WITH 2009 UNIFORM PLUMBING CODE.
4. ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH 2008 NATIONAL ELECTRIC CODE.
5. A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING INC., IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
6. ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION, BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION
7. ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH REQUIREMENTS OF THE 2009 UNIFORM PLUMBING CODE (CHAPTER 9) AND AS OTHERWISE REQUIRED BY LOCAL CODES.
8. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF BUILDING SEWER CONNECTION, MINIMUM 2% SLOPE FROM STRUCTURE TO CONNECTION POINT.

T-1 INFILTRATION TEST LOCATION (SEE INFILTRATION TEST REPORT DATED APRIL 5, 2005 BY BARTON SLUTSKE REHS)

TAG	DESCRIPTION
GSL	PROPOSED GRAVITY SEWER LINE (4" PVC SDR35)
PEL	PROPOSED PUMPED EFFLUENT LINE (2" PVC PURPLE SCH 40)
SDH	PROPOSED SUBSURFACE DISPOSAL HEADER (2" PVC PURPLE SCH40)
SDF	PROPOSED SUBSURFACE DISPOSAL FLUSH LINE (2" PVC PURPLE SCH 40)



CITY OF MALIBU
ENVIRONMENTAL HEALTH

APPROVED

AUG 07 2012

SIGNATURE *A. [Signature]*

THE APPROVAL OF THIS PLAN AND SPECIFICATIONS SHALL NOT BE HELD TO PERMIT OR TO BE AN APPROVAL OF THE VIOLATION OF FEDERAL, STATE, COUNTY OR CITY LAWS OR ORDINANCES.

**CITY OF MALIBU
GEOTECHNICAL DIVISION**

PLANS HAVE BEEN REVIEWED AND ARE FOUND TO BE IN GENERAL CONFORMANCE WITH THE RECOMMENDATIONS OF THE GEOTECHNICAL CONSULTANTS.

[Signature] 8/2/12
SIGNATURE DATE

FEES PAID IN FULL

PROFESSIONAL GEOLOGIST
DONALD B. KOWALEWSKY
No. 1025
CERTIFIED ENGINEERING GEOLOGIST
[Signature]



**CITY OF MALIBU PUBLIC WORKS
E.D. MICHAEL REPORT SUMMARY
MALIBU, CALIFORNIA**

Fugro is routinely at the project site and frequently interacts with the public during the maintenance and monitoring. Fugro attempts to respond to homeowner concerns brought to our attention. Those concerns are communicated to the City through the submitted Daily Field Reports and communicated promptly and directly to the City when the concern requires quick response. The results of Fugro's monitoring are summarized in our annual reports, which are available on the City website, and presented annually at a Public Works Commission Meeting open to the public. At the Public works Commission meeting, Fugro and City staff provide a report on the performance of the district to the commissioner and the public.

Fugro performs routine maintenance on dewatering facilities to keep the dewatering system functioning. There are twenty-four active wells (Mr. Michael states there are four) which are pumping water out of the hillside. Dewatering wells are repaired and rehabilitated when needed. A summary of repairs, dewatering well rehabilitation and hydrauger flushing are presented in our annual reports. Typically, maintenance or the addition of new facilities is performed in response to a measured significant decline in dewatering production or a significant increase in ground water level. Fugro and the City have developed a capital improvement plan to address the aging infrastructure over the next several years, which include the following elements:

- Restore (brush, bail, replace pump and drop pipe) BYA-14, BYA-10, BYA-4, BYA-11, W-18, BYA-5, BYA-6, and BYA-13
- Clean/flush existing hydraugers
- Replace BYA-13
- Restore (brush, bail, replace pump and drop pipe) BYA-7, BYA-15, and FW-2
- Brush, bail, and video log remaining 12 wells
- Replace FW-1
- New well near SP-30 on PCH
- Replace SP-28
- Replace SP-26
- Replace BYA-15
- Install new hydraugers
- Clean/flush dewatering well discharge lines

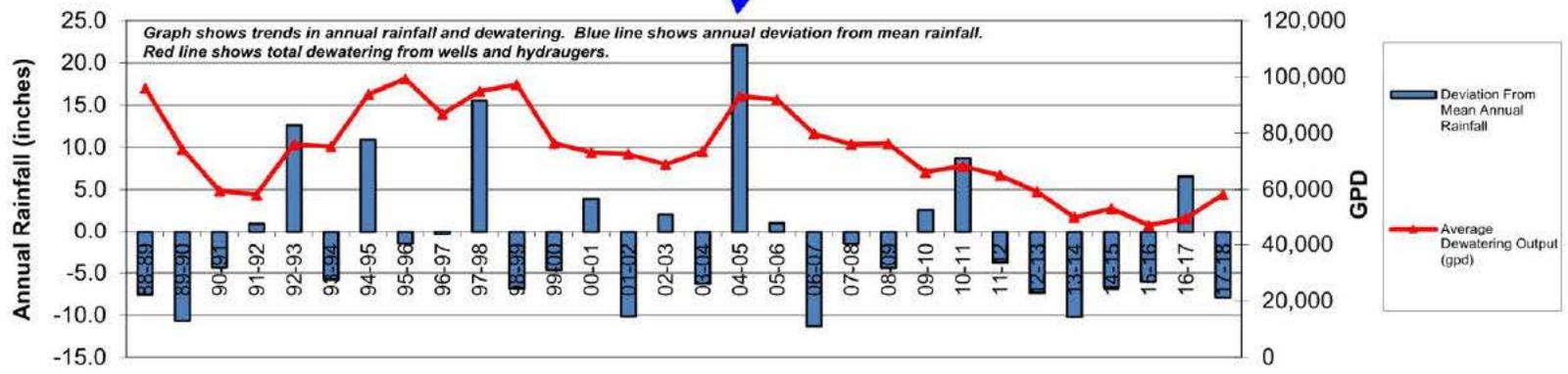
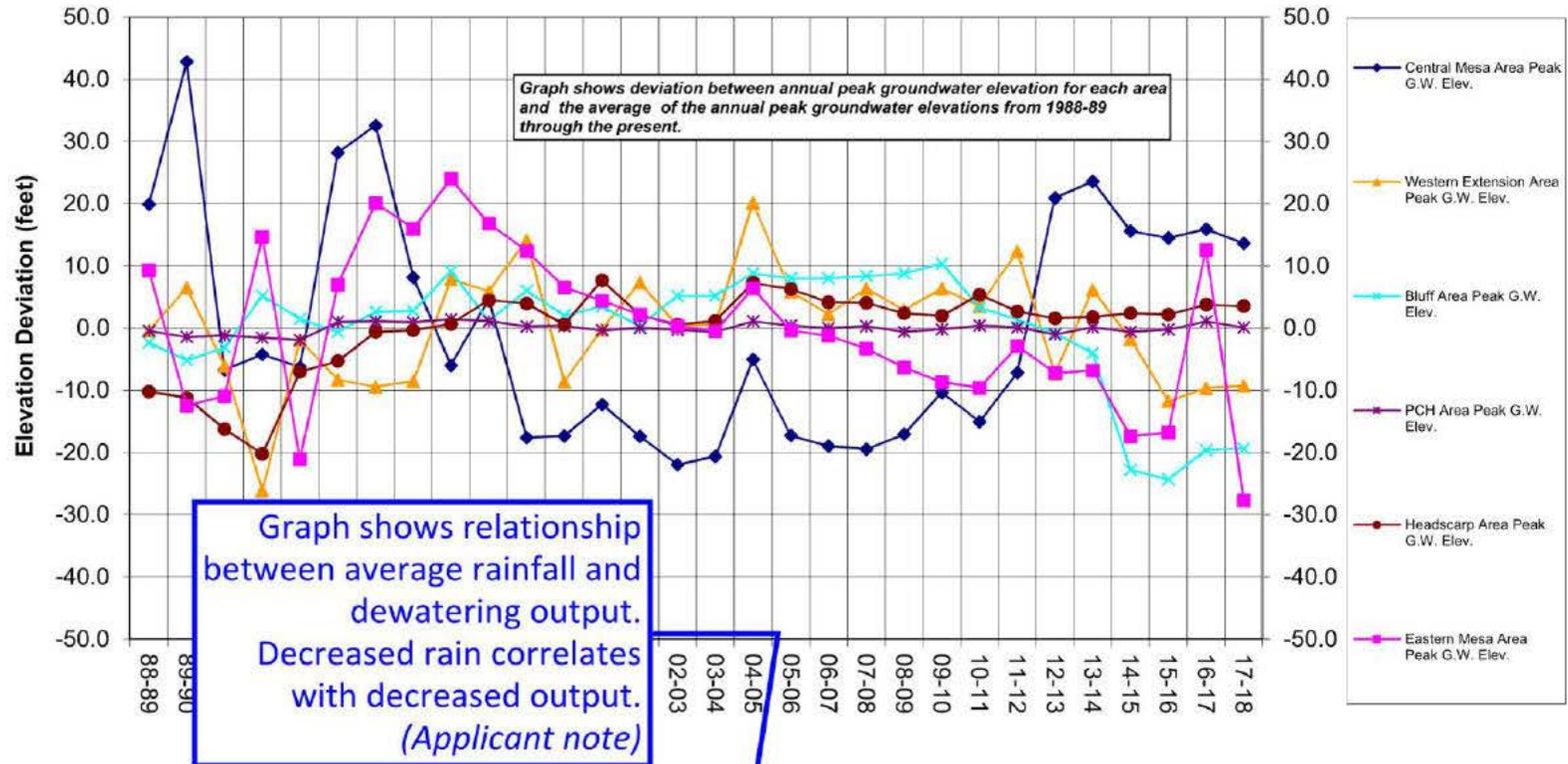
7. Lot 8 Effluent Spreading Concerns - Mr. Michael believes that, in addition to the overall adverse effect on global stability that redevelopment of Lot 8 would cause, localized seepage from perched groundwater would become more problematic with increased water usage at Lot 8. In his opinion, the currently proposed Lot 8 improvements are not within standard conformity (§7.1), will increase the amount of perched groundwater possibly causing damage to structures and roads (§7.3), and may not even be necessary (§7.4). Based on discussion with the City, Fugro understands that the City geologist will be addressing that concern.

Part IV- Recommendations

8. Assessment District Recommendations

8.1 - Mr. Michael recommends that the Big Rock Mesa Property Owners Association (BRMPOA) investigate the way in which the AD is set up, managed, and funded.

**BIG ROCK MESA LANDSLIDE ASSESSMENT DISTRICT
FY17-18 ANNUAL REPORT
MALIBU, CALIFORNIA**

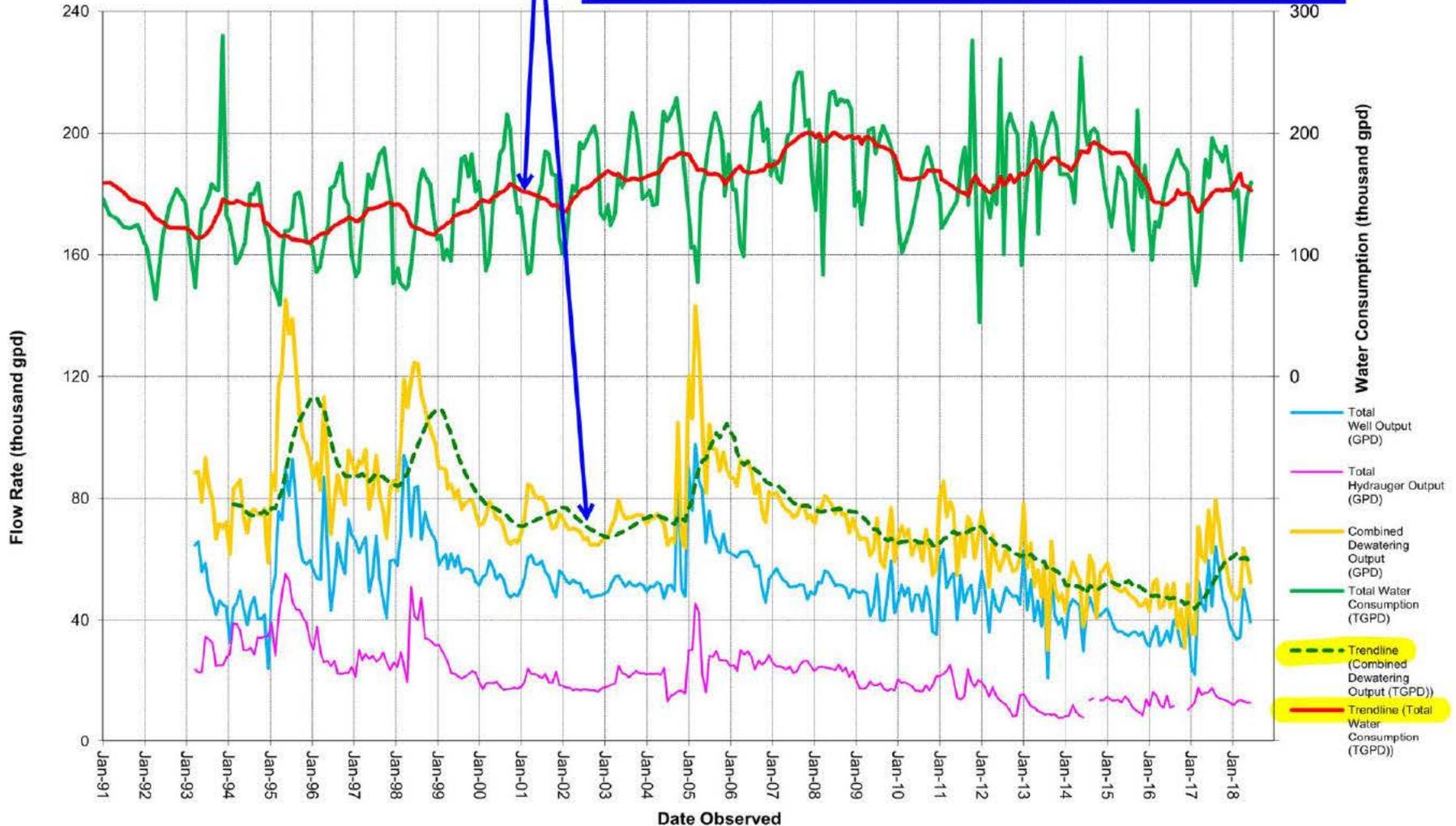


SUMMARY OF GROUNDWATER LEVELS, DEWATERING, AND RAINFALL
Big Rock Mesa Landslide Assessment District
Malibu, California

**BIG ROCK MESA LANDSLIDE ASSESSMENT DISTRICT
FY17-18 ANNUAL REPORT
MALIBU, CALIFORNIA**

Reference Fugro #5

Graph shows water consumption above in red, and dewatering output below in dashed green. If increased water consumption could dramatically increase groundwater, then dewatering levels should show a comparable increase. They do not, there is no correlation. *(Applicant note)*



TOTAL DEWATERING RATE VS. TOTAL WATER CONSUMPTION
Wells and Hydraugers(Combined)/Total Water Consumption
 Big Rock Mesa Landslide Assessment District
 Malibu, California

PLATE 5



stability (§2.3.2.1). Examples of Mr. Michael's recent observations of cracking are discussed (§2.3.3), which Mr. Michael believes might be evidence of movement of the landslide debris mass.

3. Local Ground Water Regime - Mr. Michael describes several ways in which water is introduced into the landslide debris area, such as rainfall (§3.2.1), septic systems (§3.2.2), irrigation (§3.2.3), and groundwater flow from higher up the hill slope (§3.2.4). He also describes the two primary ways in which water is removed from the area are through the AD dewatering system (§3.1) and outflow into the ocean (§3.2.3).

Part II - BRM Residential Improvement

4. BRM Water-Neutral Use Principle - Mr. Michael notes that redevelopment increases water usage which can have adverse effects on the stability of the landslide, and that those adverse effects need to be weighed against the benefit of redevelopment. Mr. Michael concludes that water usage has increased significantly since the dewatering system was put in place and the landslide was stabilized (§4.1). Mr. Michael suggests that one reason for this is the practice of maximizing property sizes, termed "mansionization", which leads to an increase in water usage due to increased occupancy (§4.2). An example cited is at Lot 8 at 20238 Piedra Chica, which Mr. Michael reports has gone through several phases of planned redevelopment (§4.3-§4.4). In addition to the overall adverse effect on global stability, Mr. Michael notes that localized seepage from perched groundwater has been observed flowing from Lot 8 to Lot 2 (20239 Inland Lane). Mr. Michael believes that further plans to redevelop Lot 8 should be halted until a more thorough analysis of the effects of redevelopment on the groundwater is performed (§4.4.4). Based on discussion with the City, Fugro understands that the City geologist will be addressing that concern.

A graph of water consumption data from 1991-2018, titled Plate 4 - Total Dewatering Rate vs. Total Water Consumption, can be found in Fugro's 2017-2018 annual report. The recorded water usage rates are cyclic throughout the monitoring year, reflecting higher levels of usage during the summer months. Periods of higher than average rainfall, such as the springs of 2005 and 2006 and the winters of 2011 and 2017 tend to lead to lower water consumption as landscaping water needs decline. There had been a general trend of increasing water consumption from about 1995 to 2008. Water consumption has generally trended downwards since 2008. Measured use of imported water for the 2017-2018 monitoring year (156,200 gallons per day) was approximately 33 percent above the average usage in 1984 (117,400 gallons per day).

Part III - Conclusions

5. Slope Stability Concerns - Mr. Michael indicates that the current dewatering system does not produce as much water as it did originally. Mr. Michael suggests it is possible that the movement of the landslide in 1983 may have weakened the overall landslide complex so that less force is required to reactivate the landslide than was needed in 1983. Therefore, Mr. Michael suggests that groundwater levels do not need to reach the same levels as they were in 1983 to cause renewed slope movement today (§5.1-§5.2). Mr. Michael states that one potential method of improving the dewatering system is to install dewatering wells at the toe of the landslide along PCH (§5.3).

Many of the examples of cracking cited by Mr. Michael are located along previously identified faults or landslide boundaries and may be a direct result of overall slope movement. Slope inclinometer data are Fugro's primary method



2.3.6 Headscarp Region

The Headscarp Region borders the Central Mesa Region to the north. The ground surface elevation in the Headscarp Region is higher than other regions in Big Rock Mesa, and groundwater is relatively deep.

Groundwater data for the Headscarp Region is presented as a hydrograph on Plate A-8. Groundwater levels in this area are monitored using standpipe piezometer SP-26. In general, groundwater elevations for the Headscarp Region for the 2017-2018 monitoring year increased slightly. The calculated area average groundwater elevation increased by 0.3 feet when compared to the 2016-2017 monitoring period and was 3.2 feet above the mean groundwater elevation for the area for the period of record.

2.4 Dewatering Well Production

The total production rate for all dewatering wells from 1993 through June 2018 is depicted on Plate 5. Dewatering well information, status and production rates for individual wells are presented on Plates B-1 through B-4 (Appendix B).

The average total well production rate for the monitoring period was approximately 44,445 gpd. This is approximately 12 percent more than the previous year's monitoring period value of 39,697 gpd, and below the historical average production of 52,426 gpd measured from 1993 to the present. Total dewatering well production was affected during the year as mechanical, electrical, or other issues caused wells to intermittently stop or reduce production. Over the course of the 2017-2018 monitoring year, dewatering wells BYA-1, -5, -11, -12, and W-18 had periods without production.

2.5 Hydrauger Production

The total production rate for all hydraugers from 1993 through June 2018 is depicted on Plate 5. Additional data regarding hydraugers and production rates are presented in Appendix C, Plates C-1 through C-4.

The average total hydrauger production rate over the monitoring period was approximately 14,184 gpd. That represents an approximately 4 percent increase in production relative to the previous monitoring period (13,652 gpd).

2.6 Slope inclinometers

Fugro monitored 26 slope inclinometers on a quarterly to annual basis to check for subsurface ground deformation through June 2018.

Slope inclinometer measurement plots are presented in Appendix D. Four slope inclinometer plots are prepared for each inclinometer installation:

- The first plot shows the cumulative deflection and incremental deflection for the A-direction.
- The second plot shows the cumulative deflection and incremental deflection for the B-direction.

- The third and fourth plots show displacement versus time for the same period as the first two plots (one for each direction) and the displacement time plots include intermediate readings for each of the years presented.

When reviewing and interpreting the slope inclinometer data plots, instrument limitations and movement history should be considered. Individual plots have been reviewed and interpreted with regard to movement along identified slide planes. Interpreted movement along the identified slide planes is summarized on Plate D1 in Appendix D.

Several inclinometers show some inconsistent changes (typically <0.1 to 0.2 inch), but the potential movement magnitude and orientation is not clear and is not within the reliable accuracy of the instrument. Some of the irregular shapes observed in the deep inclinometers can be attributed to depth position and rotation errors caused by cable length changes, local curvatures within the casings, and significant deviation from vertical during initial installation, which is common to deep inclinometers.

A brief summary of each region is presented below and is summarized on Plate D1. It is important to keep in mind the high sensitivity of the inclinometer probes and the magnitude of the interpreted movements when reviewing the inclinometer data presented in this report. Plate D1 notes the depths at which movement has been interpreted in the past, as well as whether the inclinometer penetrates the basal rupture surface. Shallower depths of historically interpreted movement above the base of the Big Rock Mesa Landslide have also been noted.

2.6.1 Pacific Coast Highway Region

The PCH Region extends along PCH in proximity of the southern boundary of the 1983 Big Rock Mesa landslide. No quantifiable offsets within the inclinometers of the PCH Region were measured during this monitoring period.

2.6.2 Bluff Region

The Bluff Region extends along the top of the slope immediately north of the PCH Region, where intense ground cracking was observed during the 1983 landslide. The inclinometers in that area are deep and show evidence of depth position and rotation errors, associated with cable stretch, casing curvature, and casing deviation from vertical. No quantifiable offsets within the inclinometers of the Bluff Region were measured during this monitoring period.

2.6.3 Eastern Mesa Region

The Eastern Mesa Region extends west to the ends of Inland Lane and the Piedra Chica cul-de-sac. This area is bordered to the north by Big Rock Drive and to the south by the Bluff Region. The inclinometers in the Eastern Mesa Region are deep and show evidence of depth position errors, as well as localized casing curvature, and casing deviation from vertical. No quantifiable offsets along identified shear planes were detected within the inclinometers of the Eastern Mesa Region during the current monitoring year.

End of Appeal Response

20238 PIEDRA CHICA RD RESIDENTIAL ADDITION

SAKAHARA ALLEN ARCHITECTS
1010 NORDICA DRIVE
LOS ANGELES CA 90065
323.739.6570
DAN@SAKAHARA.COM
DANIEL ALLEN, LIC. C26736

PROJECT DESCRIPTION
PARTIAL 246 SF REMODEL OF EXISTING SINGLE-STORY SINGLE FAMILY RESIDENCE AND 25% ADDITION OF 770 SF INCLUDING 1 BEDROOM AND 2 BATHROOMS, RELOCATION OF DISPERSAL FIELD FOR EXISTING ONSITE WASTE WATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPE, 2,480 SF.

PROJECT INFORMATION
OWNER: MARYAM AKBAR & REZA NABAVI
20238 PIEDRA CHICA RD
MALIBU, CA 90265
310.295.8485
drezanabavi@gmail.com

APPLICANT: DAN ALLEN / SAKAHARA-ALLEN ARCHITECTS
1010 NORDICA DRIVE
LOS ANGELES, CA 90065
323.739.6570
dan@sakahara-allen.com

PROJECT ADDRESS: 20238 PIEDRA CHICA RD
MALIBU, CA 90265

ASSESSOR PARCEL NO.: 4450-013-084 (NEW COMBINED 7/19/2015)
4450-013-066 & 4450-013-065 (OLD)

LEGAL DESCRIPTION: TR-26263 LOTS 8 AND 9
PROP BNDY DESC: SFL (SINGLE FAMILY LOW 2 DU/ACRE)
ZONE: YES
FIRE DISTRICT / STATION: LA COUNTY FIRE STATION #70 - HDQTRS
ENV SENSITIVE HABITAT (ESHA): NO
FEMA FLOOD ZONE: NO
TSUNAMI ZONE: NO

STORIES: 1
CONSTRUCTION TYPE: V-B
FIRE SPRINKLERS - EXISTING: NO
FIRE SPRINKLERS - ADDITION: NO
OCCUPANCY: R-3
USE: SINGLE FAMILY
YEAR BUILT: 1966

LOT AREA: 22,550 SF / (0.52 ACRE)
LOT DEPTH: 107.2'
LOT WIDTH: 210.3'

SETBACKS	ALLOWED	EXISTING	PROPOSED
FRONT (20% OR 65' MAX)	21.4'	25.5'	NO CHANGE
REAR (15% OR 15' MIN)	16.1'	38.3'	NO CHANGE
SIDE / WEST (10% OR 5' MIN)	21.0'	9.7'	NO CHANGE/(E) NON-CONFORM
SIDE / EAST (15% OR 5' MIN)	31.5'	121.3'	79.9'
SIDE COMBINED	52.5'	131.0'	89.6'

MAXIMUM STRUCTURE SIZE / TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
21,780 X 0.177 = 3,855 + 1,000 = 4,855 SF (UP TO 1/2 ACRE)
22,500 SF LOT SIZE - 21,780 = 770 SF X 0.10 = 77 SF (1/2 TO 1 ACRE)
TOTAL ALLOWED 4,855 + 77 = 4,932 SF

EXISTING, ALLOWED, AND PROPOSED TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF):

EXISTING RESIDENCE	3,078 SF	(MEASURED FROM SURVEY)
EXISTING TDSF	3,453 SF	(RESID + OVERHANG > 6FT)
ALLOWED	4,932 SF	
ALLOWED ADDITION	770 SF	(SUBJECT TO GEOLOGIC CONDITIONS MAX 125% x EXISTING 3,078 SF)
PROPOSED ADDITION	770 SF	
PROPOSED TOTAL DEVELOPMENT	4,223 SF	(18.7% LOT COVERAGE)

EXISTING & PROPOSED AREA (INTERIOR / ASSESSOR - EXCLUDING GARAGE):

EXISTING	2,743 SF	(SOURCE LA COUNTY ASSESSOR)
PROPOSED	3,444 SF	(INTERIOR ADDITION 701 SF)

PROPOSED & EXISTING UNENCLOSED COVERED AREAS GREATER THAN 6 FEET: (TDSF)

EXISTING	375 SF
PROPOSED	NONE

IMPERMEABLE COVERAGE:

ALLOWED:	6,765 SF	(22,550 X 30%)
EXISTING	5,732 SF	(25.4%)
PROPOSED	6,647 SF	(29.5%)

DISTURBED AREA (NEW STRUCTURES OR IMPERVIOUS PAVING)

PROPOSED	1,406 SF
----------	----------

TWO-THIRDS RULE / SECOND FLOOR SQUARE FOOTAGE:
NOT APPLICABLE

BUILDING HEIGHT

	ALLOWED	EXISTING	PROPOSED
MAIN HOUSE	18'-0"	15'-6"	17'-11 1/4"

PARKING

REQUIRED / EXISTING	2 COVERED / 2 UNCOVERED
PROPOSED	NO CHANGE

DISCRETIONARY REQUESTS
NONE

BUILDING CODE
2016 CALIFORNIA BUILDING CODES, AS AMENDED BY THE COUNTY OF LOS ANGELES, AS AMENDED BY THE CITY OF MALIBU PER MALIBU MUNICIPAL CODE CHAPTER 15
2016 CALIFORNIA BUILDING CODE (VOLUME 1 & 2)
2016 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA ELECTRICAL CODE (2008 NEC)
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ENERGY CODE
CALIFORNIA GREEN BUILDING STANDARDS CODE

PROJECT SOILS REPORTS
ALL REPORTS BY DONALD B. KOWALEWSKY
1. GEOTECHNICAL REPORT, DATED 9/5/05
2. ADDENDUM, DATED 5/5/06
3. FOUNDATION MEMO, DATED 7/13/06
4. SEPTIC SYSTEM LOCATION MEMO, 9/9/06
5. ADDENDUM II, DATED 9/22/06
6. SEPTIC SYSTEM MEMO, 1/23/07
7. ADDENDUM FOR SPA, 12/20/07
8. DESIGN LEVEL UPDATE REPORT, DATED 4/10/17
CONTRACTOR TO COMPLY WITH ALL RECOMMENDATIONS IN ABOVE REPORTS

project
AKBAR & NAVABI
RESIDENCE
20238 PIEDRA CHICA ROAD
MALIBU, CA 90265

owner:
MARYAM AKBAR & REZA NABAVI
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drezanabavi@gmail.com

architect:
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dan@sakahara-allen.com

project geologist:
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23801 Calabasas Road, Suite 1020
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818.568.5251
pccinc@yahoo.com

owns engineering:
ENSITU ENGINEERING INC
Attn: John Yaroslaski
780 Monterey Ave, Suite B
Morro Bay, CA 93442
805.772.0150
jyaroslaski@ensitu.com

stamp

issue

1	09.18.17	APR SUBMITTAL
2	12.14.17	FIRE REVIEW
3	01.18.18	ACDP RESUBMITTAL
4	05.08.18	ACDP UPDATE
5	07.24.18	ACDP UPDATE
6	09.25.18	ACDP UPDATE
7		
8		
9		
10		

sheet title

COVER SHEET & SITE PLAN

issued for: ACDP UPDATE
date: 09.25.18
scale: 1" = 10'-0"

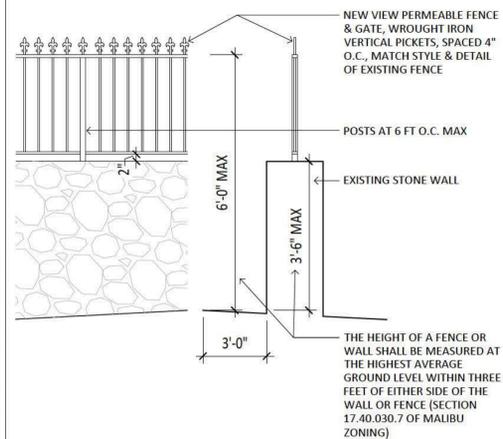
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A0.0 ATTACHMENT D

FIRE DEPARTMENT NOTES:

- APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRACT WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH. CFC 505.1
- FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. CFC 501.4
- ALL FIRE HYDRANTS SHALL MEASURE 6" X 4" X 2-1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C503, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
- ALL ROOF COVERINGS SHALL BE CLASS "A" PER CBC 1505.1.1, CRC R327.5.2 & R902
- ROOF VALLEY FLASHING SHALL NOT BE LESS THAN 0.019-INCH (NO. 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL INSTALLED OVER A MINIMUM 36-INCH WIDE UNDERLAYMENT CONSISTING OF ONE LAYER OF NO. 72 ASTM CAP SHEET MEETING RUNNING THE FULL LENGTH OF THE VALLEY. (CRC R327.5.3 AND CBC 705A.3)
- ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (CRC R327.5.34 AND CBC 705A.4)
- VENTS SHALL RESIST THE INTRUSION OF FLAME AND EMBERS AND FLAME THROUGH THE VENTILATION OPENINGS. VENT OPENINGS SHALL BE PROTECTED BY CORROSION-RESISTANT, NONCOMBUSTIBLE WIRE MESH WITH A MINIMUM 1/16TH INCH OPENINGS AND SHALL NOT EXCEED 1/8TH INCH. VENTS SHALL NOT BE INSTALLED IN EAVES OR CORNICES. (CRC R327.6.1 AND CBC 706A.1)
- PRIOR TO BUILDING PERMIT FINAL APPROVAL, THE PROPERTY SHALL BE IN COMPLIANCE WITH THE VEGETATION CLEARANCE REQUIREMENTS PRESCRIBED IN CALIFORNIA PUBLIC RESOURCES CODE SECTION 4291, CALIFORNIA GOVERNMENT CODE SECTION 51182 AND THIS CODE. (CRC R327.1.5 AND CFC 4708.3)
- CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER CFC 325.
- EXISTING RESIDENCE IS NON-SPRINKLERED.
- WHEN SECURITY GATES ARE PROVIDED (ACROSS A FIRE APPARATUS ACCESS ROAD), MAINTAIN A MINIMUM ACCESS WIDTH OF 20 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPLACED OR REPAIRED WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE DESIGNED, CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING OR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 503.6
- AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR
- ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 501.4
- REQUIRED FIRE FLOW FOR FIRE HYDRANT:

- TYPE OF CONSTRUCTION PER THE BUILDING CODE:	TYPE VB
- VHFHSZ:	YES X
- SIZE OF LOT (ACRES):	0.52 ACRE
- FIRE FLOW BASED ON THE FIRE-FLOW CALCULATION AREA:	1,750 GPM
- REDUCTION FOR FIRE SPRINKLERS (MAX. 50%):	0 GPM
- TOTAL FIRE FLOW REQUIRED:	1,750 GPM



DETAIL - TYP FENCE & GATE scale: 3/8"=1'-0"

Type of Plumbing Fixture	Existing Fixtures	+	Proposed Fixtures	=	Total Fixtures (A + B)	x	Unit Value	=	Existing Fixture Units (A x C)	Total Future Fixture Units (A + B) x C
Bath/ or Combination Bath/Shower	1	+	1	=	2	x	2	=	2	4
Bidet				=		x	2	=		
Bar Sink		+	1	=	1	x	1	=		1
Clothes washer	1	+		=	1	x	3	=	3	3
Dishwasher	1	+		=	1	x	2	=	2	2
Laundry Sink		+		=		x	2	=		
Lavatory (Wash Basin)	5	+	2	=	7	x	1	=	5	7
Kitchen Sink	1	+		=	1	x	2	=	2	2
Shower (Single Head)	1	+	2	=	3	x	2	=	2	6
Water Closet (Flush Toilet)	3	+	2	=	5	x	6	=	18	32

TOTAL EXISTING FIXTURE UNITS 34

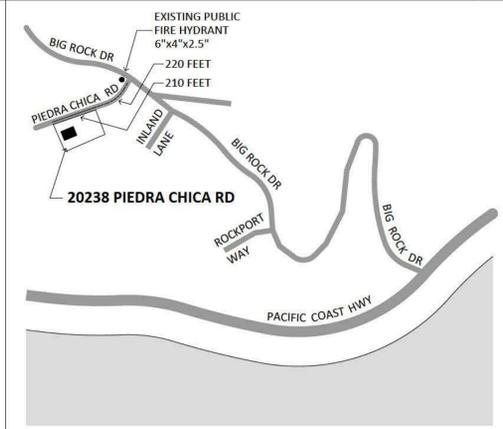
TOTAL FUTURE FIXTURE UNITS 55

FIXTURE UNIT WORKSHEET A4

- COVER**
A0.0 COVER SHEET & SITE PLAN
- SURVEY**
1 OF 1 TOPOGRAPHIC SURVEY
- ARCHITECTURAL**
A1.1 SITE DEMO PLAN
A1.2 ENLARGED SITE PLAN
A2.1 OVERALL FLOOR PLANS
A2.2 PROPOSED FLOOR & ROOF PLANS
A3.1 EXISTING EXTERIOR ELEVATIONS
A3.2 PROPOSED EXTERIOR ELEVATIONS
A3.3 PROPOSED BUILDING SECTIONS
- LANDSCAPE**
L1.1 LANDSCAPE PLAN
- STRUCTURAL**
S2.1 FRAMING & FOUNDATION PLAN
- CIVIL**
1 OF 2 GENERAL NOTES & PROJECT INFO
2 OF 2 PRECISE GRADING PLAN
- OWTS**
1 OF 1 AOWTS CONFORMANCE REVIEW

SHEET INDEX A3

PROPOSED SITE PLAN scale: 1/16" = 1'-0" B2



VICINITY MAP A2

PROJECT INFORMATION A1

LEGAL DESCRIPTION:

LOTS 8 AND 9, OF TRACT NO. 26263, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701 PAGE(S) 67 TO 69 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTIFICATE OF COMPLIANCE RECORDED MAY 6, 2015 AS INSTRUMENT NO. 15-519044 OFFICIAL RECORDS.

APN#S: 4450-013-065 AND 4450-013-066

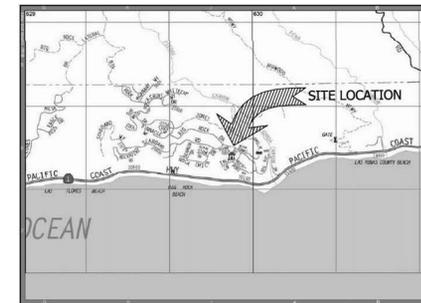
SURVEYOR'S NOTE:

CHRIS NELSON & ASSOCIATES HAS RELIED SOLELY ON TITLE REPORT NO O-SA-4866962, DATED APRIL 29, 2015 PREPARED BY FIRST AMERICAN TITLE COMPANY TO LOCATE TITLE MATTERS SHOWN HEREON UNLESS NOTED OTHERWISE. CHRIS NELSON & ASSOCIATES MAKES NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE HEREON REFERENCED TITLED REPORT.

FURTHER ALL INTERESTED PARTIES ARE ADVISED THAT LIENS, TAXES, C.C. & R'S, TRUST DEEDS, COUNTY CONDITIONS, ORDINANCES, REGULATIONS, STANDARDS OR POLICIES HAVE NOT BEEN ADDRESSED BY THIS SURVEY OTHER THAN AS NOTED HEREON, AND THEN ONLY TO THE EXTENT ADDRESSED HEREON.

NOTES OF SPECIFIC INTEREST

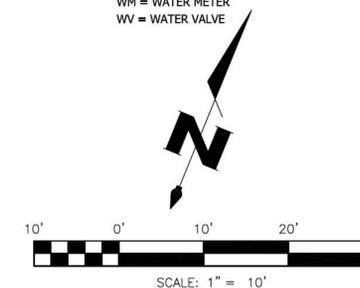
1) MINOR IRRIGATION DEVICES, I.E. SPRINKLERS, PIPING, CONTROLLERS, LANDSCAPE, LOCAL AREA DRAINS AND TIMERS, VALVE BOXES, ETC. EXIST ABOUT THE PROPERTY. SUCH ITEMS MAY OR MAY NOT HAVE BEEN SURVEYED AND NO REPRESENTATIONS IS MADE TO THEIR LOCATION OR RELATION TO PROPERTY LINES.



VICINITY MAP
"NOT TO SCALE"

LEGEND:

- AC = ASPHALT
- ACU = AIR CONDITIONING UNIT
- AL = AREA LIGHT
- CATV = CABLE TELEVISION PULLBOX
- CLTR = CLUSTER
- CONC = CONCRETE
- EM = ELECTRIC METER
- FF = FINISHED FLOOR
- FG = FINISHED GRADE
- FH = FIRE HYDRANT
- FL = FLOWLINE
- FP = FIRE PIT
- FS = FINISHED SURFACE
- GFF = GARAGE FINISHED FLOOR
- GV = GAS VALVE
- MB = MAILBOX
- PILL = PILLAR
- SCO = SEWER CLEANOUT
- SMH = SEWER MANHOLE
- TC = TOP OF CURB
- TR = TOP OF ROOF
- WIF = WROUGHT IRON FENCE
- WIG = WROUGHT IRON GATE
- WM = WATER METER
- WV = WATER VALVE

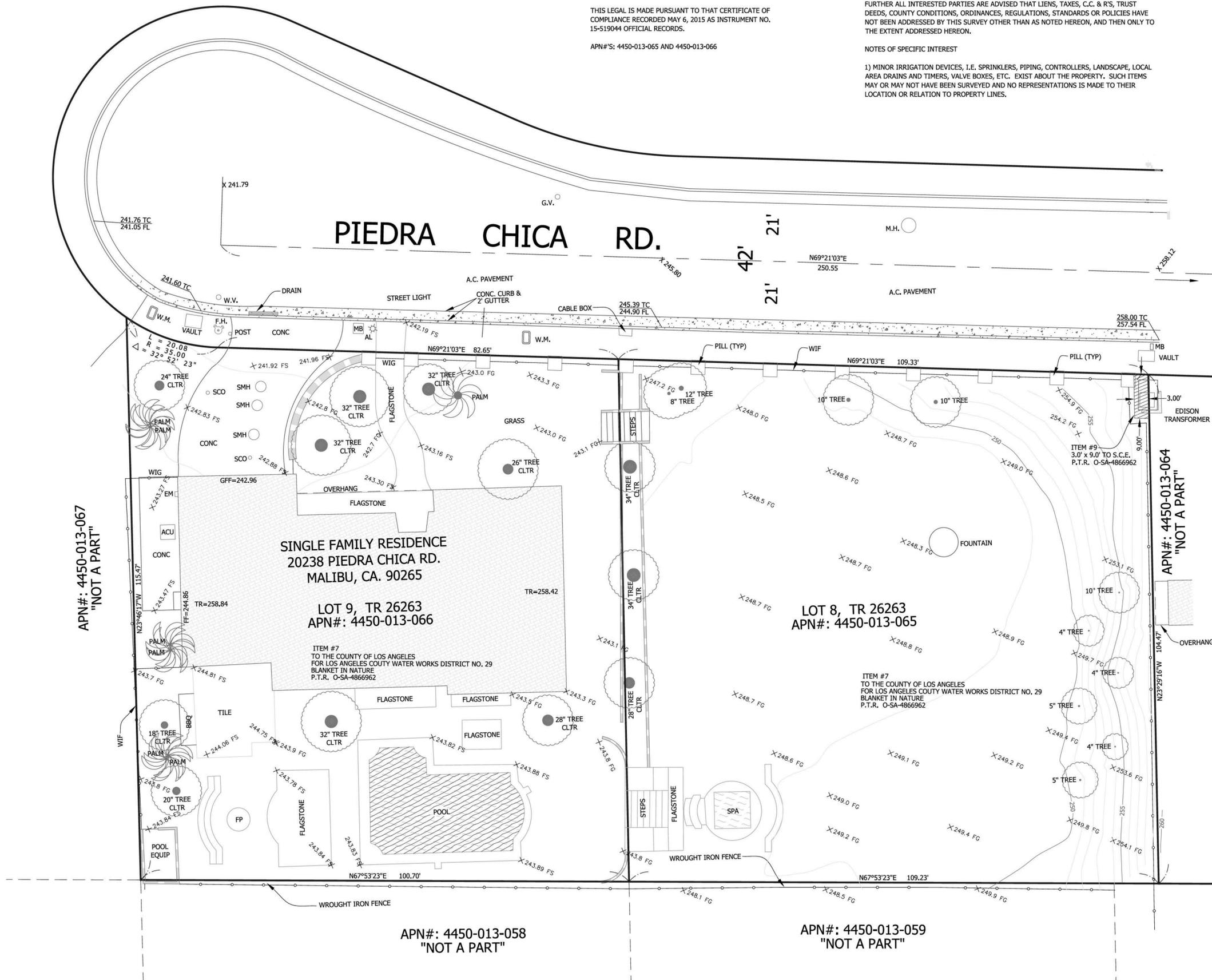


BENCH MARK:

B.M. NO. 114
FD SPK ON CURB AT PIEDRA CHICA RD. PER BIG ROCK MESA SURVEY F.B. 4550 PG. 99.
ELEVATION = 241.84 FEET

NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS AND PER TRACT NO. 26263.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DRIP LINES.
4. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
5. EASEMENTS SHOWN ON THIS SURVEY HAVE BEEN PLOTTED USING DEEDS CONTAINED IN PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE. ORDER NO. O-SA-4866962. DATED APRIL 29, 2015.



APN#: 4450-013-058
"NOT A PART"

APN#: 4450-013-059
"NOT A PART"



PREPARED BY:

Chris Nelson
& Associates, inc.

PROFESSIONAL LAND SURVEYORS
31238 Via Colinas Suite H, Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:

MARYAM AKBAR

20238 PIEDRA CHICA RD.
MALIBU, CA. 90265

TOPOGRAPHIC SURVEY
LOT 9 & 8, TRACT NO. 26263
APN#: 4450-013-066 & 4450-013-065

20238 PIEDRA CHICA RD.
MALIBU, CA. 90265

JOB NO. 16-4020

SCALE: 1" = 10'

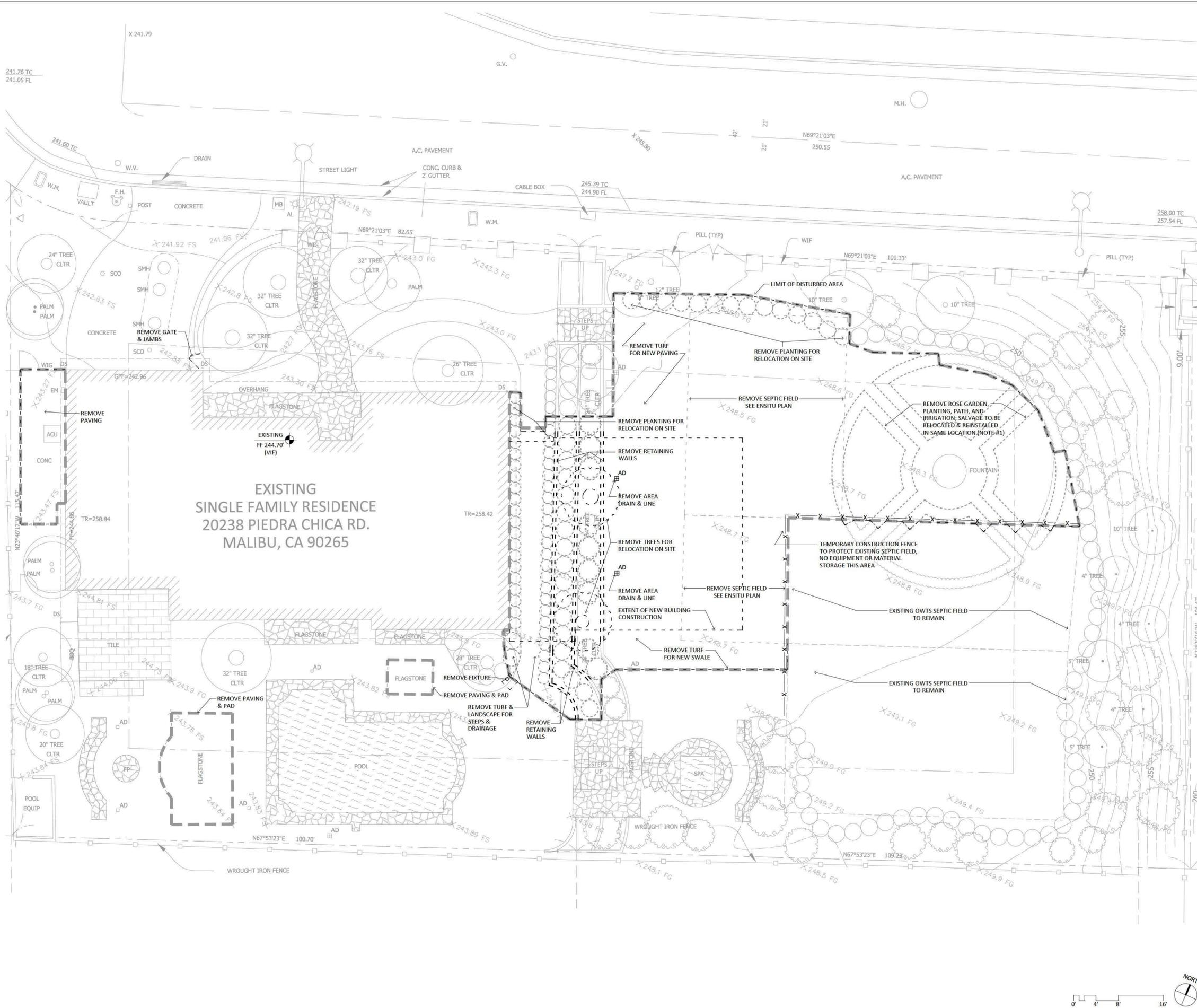
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OF 1 SHEETS

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EXISTING
SINGLE FAMILY RESIDENCE
20238 PIEDRA CHICA RD.
MALIBU, CA 90265

GENERAL NOTES:
A. AS REQUIRED FOR CONSTRUCTION & ACCESS, REMOVE & RELOCATE EXISTING PLANTING FOR REINSTALLATION AT JOB COMPLETION
SPECIFIC NOTES:
1. BEFORE REMOVAL OF EXISTING ROSE GARDEN, FIELD MEASURE LAYOUT TO USE FOR REPLACEMENT, GARDEN BEDS NOT MEASURED ON SURVEY

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Attn: Stephen Smith
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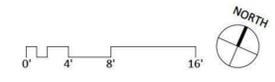
owts engineering:
ENSITU ENGINEERING INC
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Morro Bay, CA 93442
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jYaroslaski@ensitu.com

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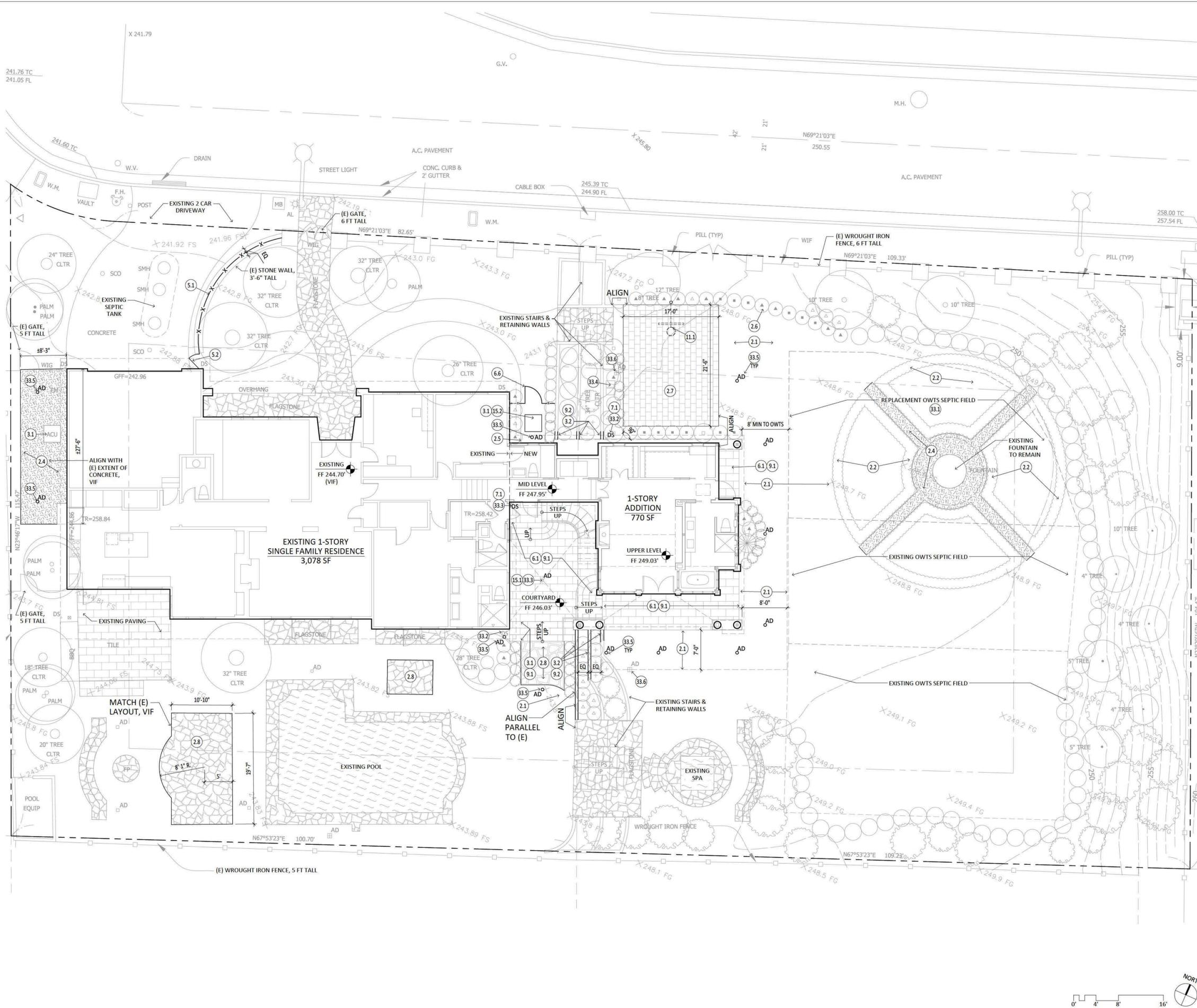
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SITE DEMO PLAN

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scale: 1/8" = 1'-0"



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- MATERIAL SCHEDULE**
- CPL1 CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
 - GL1 INSULATED GLASS, LOW-E
 - GL2 GLASS RAILING PANEL, CLEAR
 - MTL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING
 - MTL2 KYNAR PAINTED GALV STEEL
 - MTL3 PAINTED WROUGHT-IRON RAILING
 - PT1 PAINT TO MATCH (E) PLASTER
 - PT2 PAINT TO MATCH (E) RAFTERS
 - PT3 PAINT TO MATCH WINDOW
 - RFT.1 CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING
 - ST.1 STONE WALL CAP, MATCH (E), 3" TK
 - ST.2 STONE VENEER TO MATCH EXISTING
 - ST.3 STONE PAVING
 - WD1 WOOD FENCE, MATCH (E) SHUTTERS
- KEY NOTES:**
- 2.1 REPLACEMENT TURF TO MATCH EXISTING
 - 2.2 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
 - 2.3 NOT USED
 - 2.4 NEW GRAVEL PATH / WALKWAY
 - 2.5 LANDSCAPE EDGING TO MATCH EXISTING
 - 2.6 NEW PLANTING, SEE LANDSCAPE
 - 2.7 PERMEABLE CONCRETE UNIT PAVERS, 12"x18"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
 - 2.8 PERMEABLE FLAGSTONE PAVERS WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1-2" STONE SCREENINGS OVER 4" AGGREGATE BASE
 - 3.1 CONC EQUIPMENT PAD
 - 3.2 CONC RETAINING WALL TO MATCH (E)
 - 4.1 STONE WALL CAP
 - 4.2 STONE PAVING
 - 4.3 STONE TREAD & RISERS
 - 5.1 WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 42" HIGH STONE WALL. TOP OF NEW FENCE, 6 FT MAX
 - 5.2 WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE
 - 5.3 WROUGHT-IRON GUARDRAIL
 - 5.4 WROUGHT-IRON HANDRAIL
 - 6.1 WOOD FRAMING ON DEEPENED FOUNDATION
 - 6.2 WOOD RAFTER TAIL, 2X8 @ 24" O.C.
 - 6.3 BARGE RAFTER OR BEAM, 4X8
 - 6.4 WOOD PANEL SILL
 - 6.5 NEW OPENING HEADERS, SEE STRL
 - 6.6 WOOD SCREEN & GATE, 48" HIGH
 - 7.1 COPPER DOWNSPOUT, 3" DIA, UNO
 - 7.2 COPPER GUTTER, 6" HALF ROUND UNO
 - 7.3 CLAY ROOF TILE SYSTEM
 - 7.4 TIE NEW TO EXISTING ROOF
 - 8.1 TEMPERED GLASS GUARDRAIL
 - 8.2 NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE
 - 8.3 NEW EXTERIOR DOORS TO BE ALUMINUM CLAD / NONCOMBUSTIBLE MATERIAL
 - 9.1 STONE OR TILE PAVING OVER WATERPROOFING
 - 9.2 STONE WALL CAP TO MATCH EXISTING
 - 9.3 CEMENT PLASTER
 - 9.4 COLUMN, PREFORMED GFRC OR FOAM, TBD
 - 9.5 PLASTER, PREFORMED GFRC OR FOAM, TBD
 - 9.6 TILE BASE W/STUCCO WEEP SCREED ABOVE
 - 9.7 PATCH STUCCO TO MATCH EXISTING
 - 10.1 CHIMNEY SHROUD, OPEN TOP
 - 10.2 FACTORY BUILT CHIMNEY CAP
 - 11.1 BASKETBALL HOOP, LOCATION TO BE CONFIRMED WITH OWNER
 - 15.1 AREA DRAIN IN PAVING
 - 15.2 AIR CONDITIONER
 - 15.3 SLEEVE DRAIN PIPING THRU CONCRETE
 - 16.1 NEW AND/OR REPLACE EXISTING SMOKE ALARM (SD), OR COMBINATION SMOKE ALARM / CARBON MONOXIDE ALARM (CSD) PER FIRE DEPT NOTES. WIRE EXISTING & NEW DEVICES AS REQUIRED
 - 33.1 REPLACEMENT OWTS SEPTIC FIELD
 - 33.2 DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
 - 33.3 UNDERFLOOR DRAIN PIPING CONNECTION DISCHARGING TO STORM DRAIN, SEE CIVIL
 - 33.4 EXISTING IRRIGATION OR OWTS VAULTS. PROTECT IN PLACE
 - 33.5 AREA DRAIN, SEE CIVIL
 - 33.6 (E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

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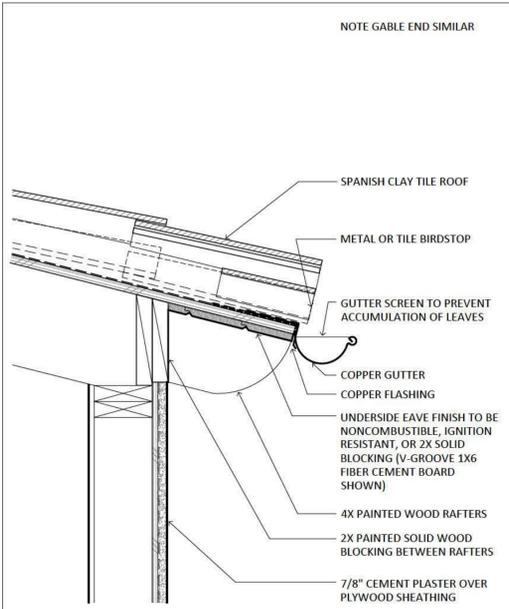
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sheet title
ENLARGED SITE PLAN

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sheet
A1.2

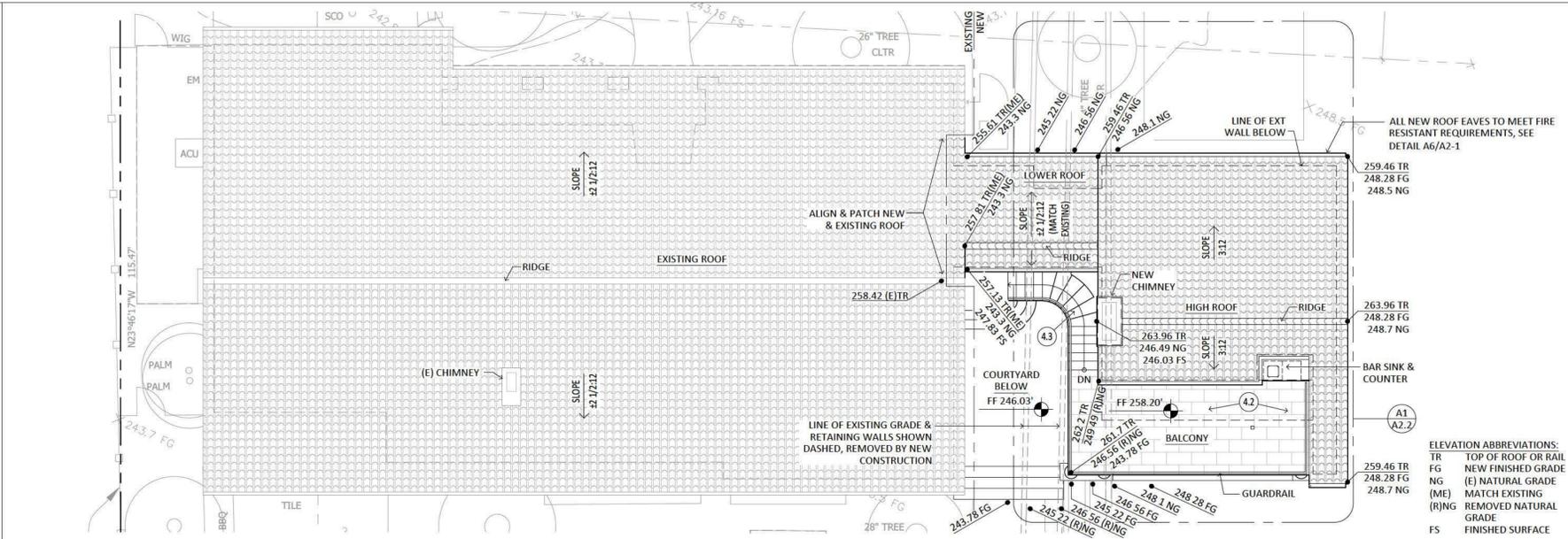
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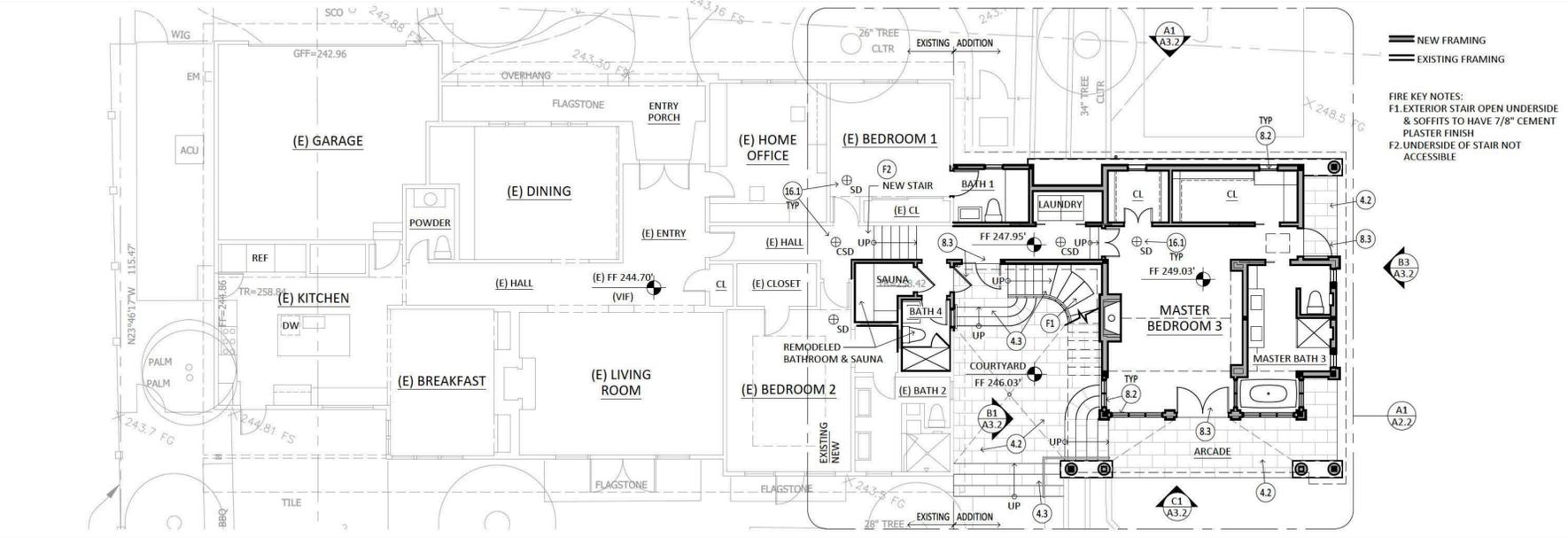
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FIRE DEPARTMENT NOTES:

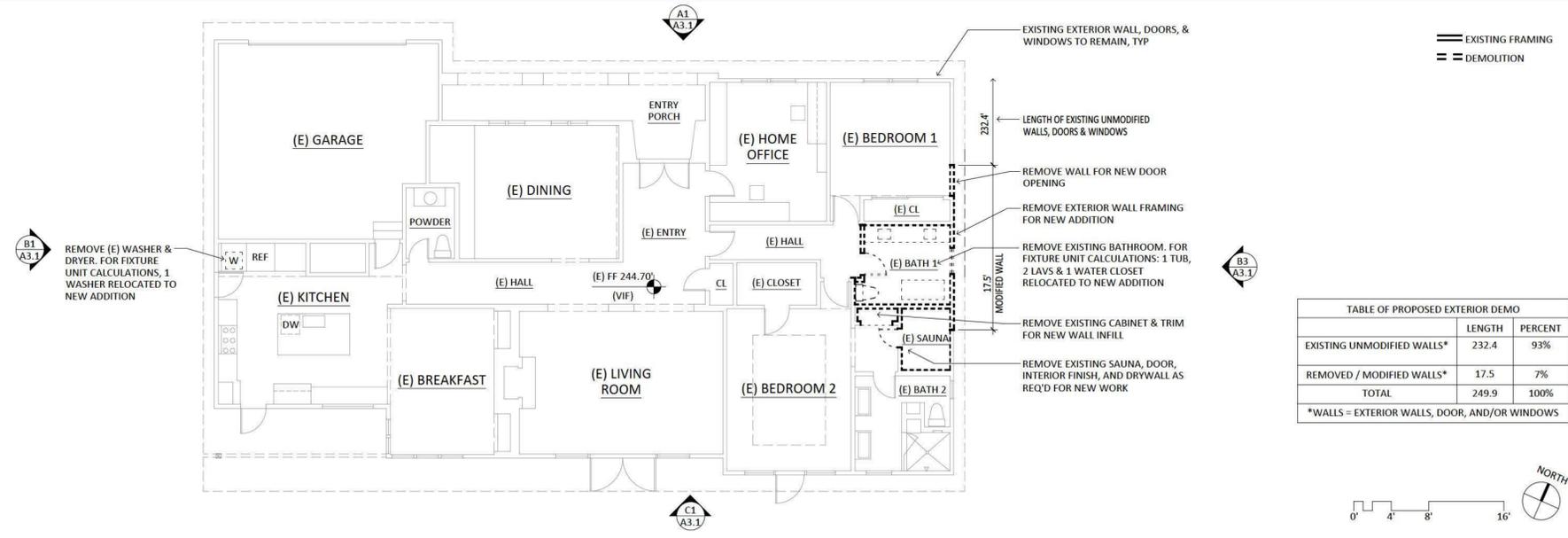
- ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER-STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2"-THICK GYPSUM BOARD (OR EQUIVALENT FIRE PROTECTION)
- SINGLE- AND MULTIPLE- STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH UL 2034. CARBON MONOXIDE DETECTORS SHALL BE LISTED AS COMPLYING WITH REQUIREMENTS OF UL 2075. CARBON MONOXIDE ALARMS REQUIRED BY (SECTIONS R315.1 AND R315.2) OR (SECTIONS 420.4.1 AND 420.4.2) SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: 1. OUTSIDE OF EACH SEPARATE DWELLING UNIT SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE THE BEDROOM(S). 2. ON EVERY LEVEL OF A DWELLING UNIT INCLUDING BASEMENTS. 3. FOR R-1 ONLY. A) ON THE CEILING OF SLEEPING UNITS WITH PERMANENTLY INSTALLED FUEL-BURNING APPLIANCES. RESIDENTIAL CODE R315.3, BUILDING CODE 420.4.3
- SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: 1. IN EACH SLEEPING ROOM, 2. OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS, 3. ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS AND HABITABLE ATTICS BUT NOT INCLUDING CRAWL SPACES AND UNINHABITABLE ATTICS. IN DWELLINGS OR DWELLING UNITS WITH SPLIT LEVELS AND WITHOUT AN INTERVENING DOOR BETWEEN THE ADJACENT LEVELS, A SMOKE ALARM INSTALLED ON THE UPPER LEVEL SHALL SUFFICE FOR THE ADJACENT LOWER LEVEL PROVIDED THAT THE LOWER LEVEL IS LESS THAN ONE FULL STORY BELOW THE UPPER LEVEL.
- WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITH AN INDIVIDUAL DWELLING UNIT THE ALARM DEVICES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTUATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. RESIDENTIAL CODE R314.3
- SMOKE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING PROVIDED THAT SUCH WIRING IS SERVICED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACKUP. RESIDENTIAL CODE R314.4
- AN APPROVED CARBON MONOXIDE ALARM SHALL BE INSTALLED IN DWELLING UNITS AND IN SLEEPING UNITS WITHIN WHICH FUEL-BURNING APPLIANCES ARE INSTALLED AND IN DWELLING UNITS THAT HAVE ATTACHED GARAGES. REQUIRED CARBON MONOXIDE ALARMS SHALL RECEIVE THEIR PRIMARY POWER FROM THE BUILDING WIRING WHERE SUCH WIRING IS SERVICED FROM A COMMERCIAL SOURCE AND SHALL BE EQUIPPED WITH A BATTERY BACK-UP. WHERE MORE THAN ONE CARBON MONOXIDE ALARM IS REQUIRED TO BE INSTALLED WITHIN THE DWELLING UNIT OR WITHIN A SLEEPING UNIT THE ALARM SHALL BE INTERCONNECTED IN A MANNER THAT ACTIVATION OF ONE ALARM SHALL ACTIVATE ALL OF THE ALARMS IN THE INDIVIDUAL UNIT. RESIDENTIAL CODE R315.1.2, BUILDING CODE 420.4.1



OVERALL PROPOSED ROOF PLAN scale: 1/8" = 1'-0" **A3**



OVERALL PROPOSED FLOOR PLAN scale: 1/8" = 1'-0" **A2**



OVERALL EXISTING / DEMO FLOOR PLAN scale: 1/8" = 1'-0" **A1**

MATERIAL SCHEDULE

CPL1 CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING

GL1 INSULATED GLASS, LOW-E

GL2 GLASS RAILING PANEL, CLEAR

MTL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING

MTL2 KYNAR PAINTED GALV STEEL

MTL3 PAINTED WROUGHT-IRON RAILING

PT1 PAINT TO MATCH (E) PLASTER

PT2 PAINT TO MATCH (E) RAFTERS

PT3 PAINT TO MATCH WINDOW

RFT.1 CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING

ST.1 STONE WALL CAP, MATCH (E), 3" TK

ST.2 STONE VENEER TO MATCH EXISTING

ST.3 STONE PAVING

WD1 WOOD FENCE, MATCH (E) SHUTTERS

KEY NOTES:

- REPLACEMENT TURF TO MATCH EXISTING
- REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
- NOT USED
- NEW GRAVEL PATH / WALKWAY
- LANDSCAPE EDGING TO MATCH EXISTING
- NEW PLANTING, SEE LANDSCAPE
- PERMEABLE CONCRETE UNIT PAVERS, 12"x18"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
- PERMEABLE FLAGSTONE PAVERS WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1-2" STONE SCREENINGS OVER 4" AGGREGATE BASE
- CONC EQUIPMENT PAD
- CONC RETAINING WALL TO MATCH (E)
- STONE WALL CAP
- STONE PAVING
- STONE TREAD & RISERS
- WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 42" HIGH STONE WALL. TOP OF NEW FENCE, 6 FT MAX
- WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE
- WROUGHT-IRON GUARDRAIL
- WROUGHT-IRON HANDRAIL
- WOOD FRAMING ON DEEPENED FOUNDATION
- WOOD RAFTER TAIL, 2X8 @ 24" O.C.
- BARGE RAFTER OR BEAM, 4X8
- WOOD PANEL SILL
- NEW OPENING HEADERS, SEE STRL
- WOOD SCREEN & GATE, 48" HIGH
- COPPER DOWNSPOUT, 3" DIA, UNO
- COPPER GUTTER, 6" HALF ROUND UNO
- CLAY ROOF TILE SYSTEM
- TIE NEW TO EXISTING ROOF
- TEMPERED GLASS GUARDRAIL
- NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE
- NEW EXTERIOR DOORS TO BE ALUMINUM CLAD / NONCOMBUSTIBLE MATERIAL
- STONE OR TILE PAVING OVER WATERPROOFING
- STONE WALL CAP TO MATCH EXISTING
- CEMENT PLASTER
- COLUMN, PREFORMED GFRC OR FOAM, TBD
- PLASTER, PREFORMED GFRC OR FOAM, TBD
- TILE BASE W/STUCCO WEEP SCREED ABOVE
- PATCH STUCCO TO MATCH EXISTING
- CHIMNEY SHROUD, OPEN TOP
- FACTORY BUILT CHIMNEY CAP
- BASKETBALL HOOP, LOCATION TO BE CONFIRMED WITH OWNER
- AREA DRAIN IN PAVING
- AIR CONDITIONER
- SLEEVE DRAIN PIPING THRU CONCRETE
- NEW AND/OR REPLACE EXISTING SMOKE ALARM (SD), OR COMBINATION SMOKE ALARM / CARBON MONOXIDE ALARM (CSD) PER FIRE DEPT NOTES. WIRE EXISTING & NEW DEVICES AS REQUIRED
- REPLACEMENT OWTS SEPTIC FIELD
- DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
- UNDERFLOOR DRAIN PIPING CONNECTION DISCHARGING TO STORM DRAIN PIPING, SEE CIVIL
- EXISTING IRRIGATION OR OWTS VAULTS. PROTECT IN PLACE
- AREA DRAIN, SEE CIVIL
- (E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

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stamp

issue

1	09.18.17	APR SUBMITTAL
2	12.14.17	FIRE REVIEW
3	01.18.18	ACDP RESUBMITTAL
4	07.18.18	PLANNING UPDATE
5	07.24.18	ACDP UPDATE
6	09.25.18	ACDP UPDATE
7		
8		
9		
10		

sheet title

OVERALL PLANS: EXISTING, PROPOSED, AND ROOF

issued for: ACDP UPDATE
date: 09.25.18
scale: 1/8" = 1'-0"

NOTES **A0**

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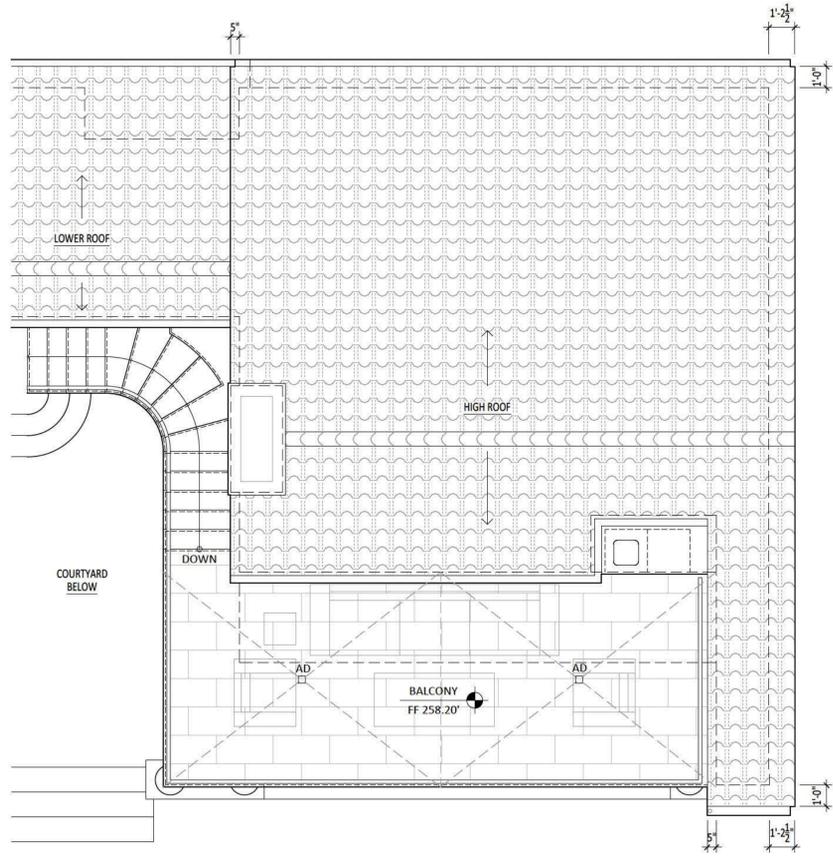
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OVERALL PLANS: EXISTING, PROPOSED, AND ROOF

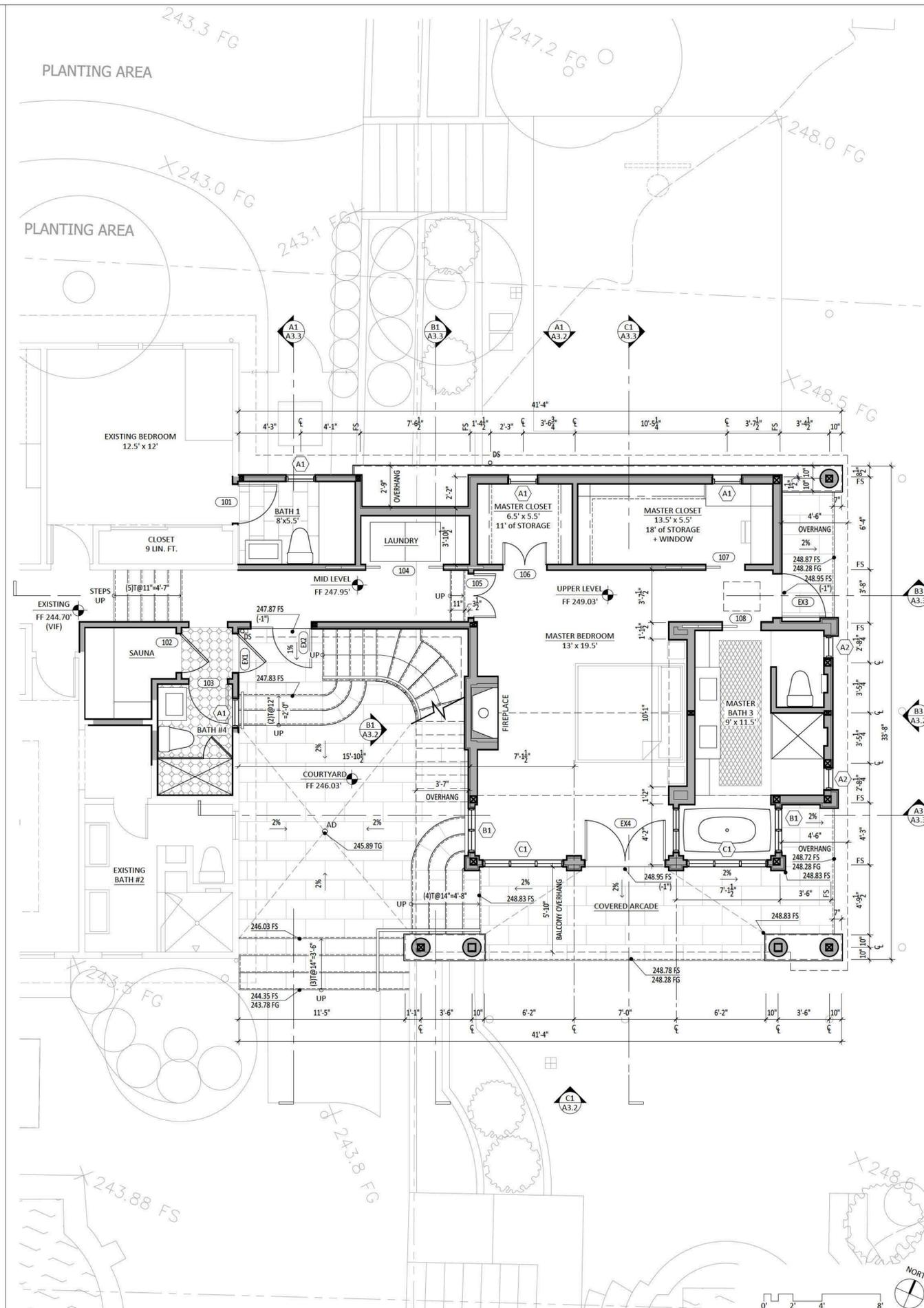
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PARTIAL - PROPOSED ROOF PLAN scale: 1/4" = 1'-0" A4



PARTIAL - PROPOSED FLOOR PLAN scale: 1/4" = 1'-0" A1

MATERIAL SCHEDULE	
CPL1	CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
GL1	INSULATED GLASS, LOW-E
GL2	GLASS RAILING PANEL, CLEAR
MTL1	GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING
MTL2	KYNAR PAINTED GALV STEEL
MTL3	PAINTED WROUGHT-IRON RAILING
PT1	PAINT TO MATCH (E) PLASTER
PT2	PAINT TO MATCH (E) RAFTERS
PT3	PAINT TO MATCH WINDOW
RFT.1	CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING
ST.1	STONE WALL CAP, MATCH (E), 3" TK
ST.2	STONE VENEER TO MATCH EXISTING
ST.3	STONE PAVING
WD1	WOOD FENCE, MATCH (E) SHUTTERS
KEY NOTES:	
2.1	REPLACEMENT TURF TO MATCH EXISTING
2.2	REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
2.3	NOT USED
2.4	NEW GRAVEL PATH / WALKWAY
2.5	LANDSCAPE EDGING TO MATCH EXISTING
2.6	NEW PLANTING, SEE LANDSCAPE
2.7	PERMEABLE CONCRETE UNIT PAVERS, 12"x18"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
2.8	PERMEABLE FLAGSTONE PAVERS WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1-2" STONE SCREENINGS OVER 4" AGGREGATE BASE
3.1	CONC EQUIPMENT PAD
3.2	CONC RETAINING WALL TO MATCH (E)
4.1	STONE WALL CAP
4.2	STONE PAVING
4.3	STONE TREAD & RISERS
5.1	WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 42" HIGH STONE WALL. TOP OF NEW FENCE, 6 FT MAX
5.2	WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE
5.3	WROUGHT-IRON GUARDRAIL
5.4	WROUGHT-IRON HANDRAIL
6.1	WOOD FRAMING ON DEEPENED FOUNDATION
6.2	WOOD RAFTER TAIL, 2X8 @ 24" O.C.
6.3	BARGE RAFTER OR BEAM, 4X8
6.4	WOOD PANEL SILL
6.5	NEW OPENING HEADERS, SEE STRL
6.6	WOOD SCREEN & GATE, 48" HIGH
7.1	COPPER DOWNSPOUT, 3" DIA, UNO
7.2	COPPER GUTTER, 6" HALF ROUND UNO
7.3	CLAY ROOF TILE SYSTEM
7.4	TIE NEW TO EXISTING ROOF
8.1	TEMPERED GLASS GUARDRAIL
8.2	NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE
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9.2	STONE WALL CAP TO MATCH EXISTING
9.3	CEMENT PLASTER
9.4	COLUMN, PREFORMED GFRC OR FOAM, TBD
9.5	PILASTER, PREFORMED GFRC OR FOAM, TBD
9.6	TILE BASE W/STUCCO WEEP SCREED ABOVE
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33.1	REPLACEMENT OWTS SEPTIC FIELD
33.2	DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
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33.4	EXISTING IRRIGATION OR OWTS VAULTS. PROTECT IN PLACE
33.5	AREA DRAIN, SEE CIVIL
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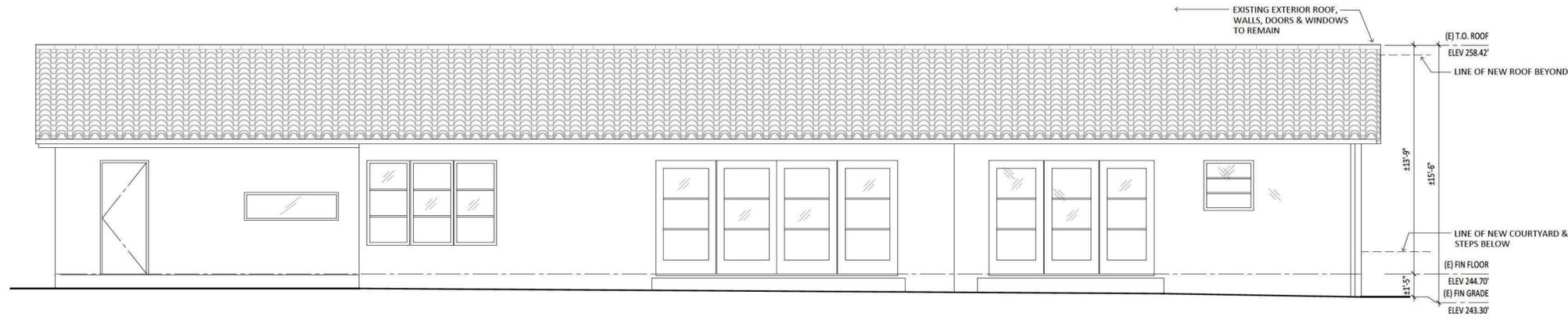
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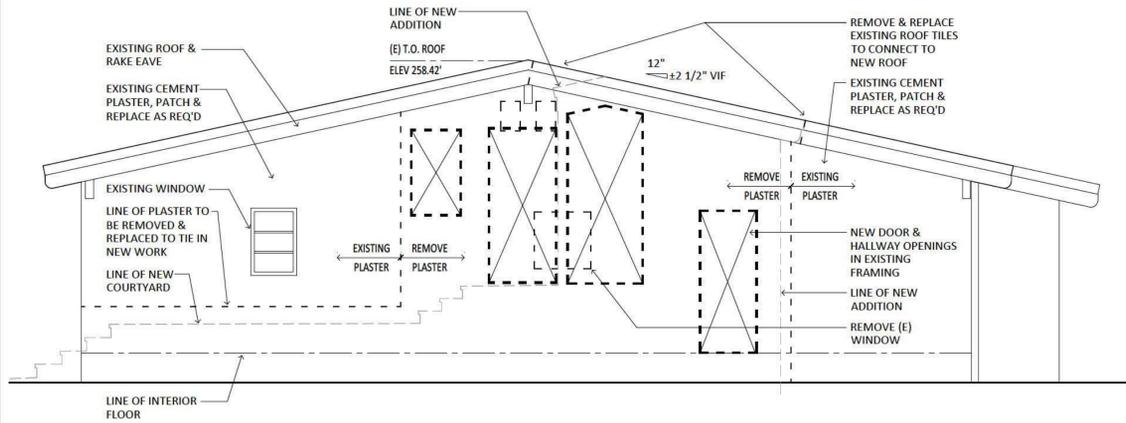
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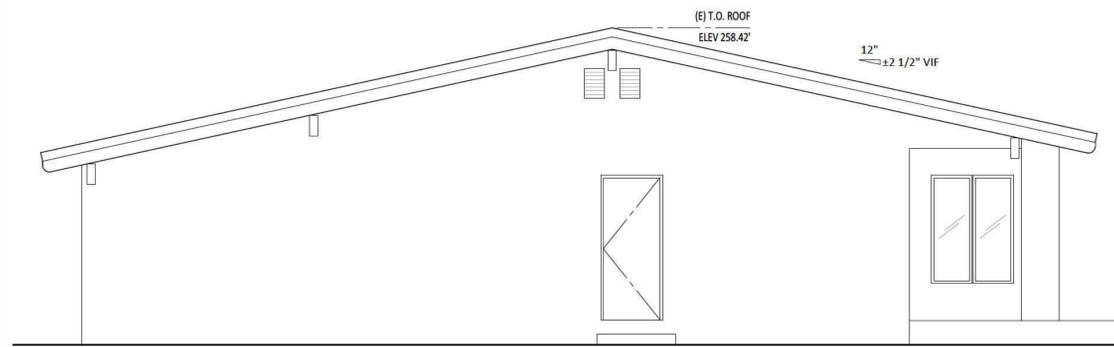
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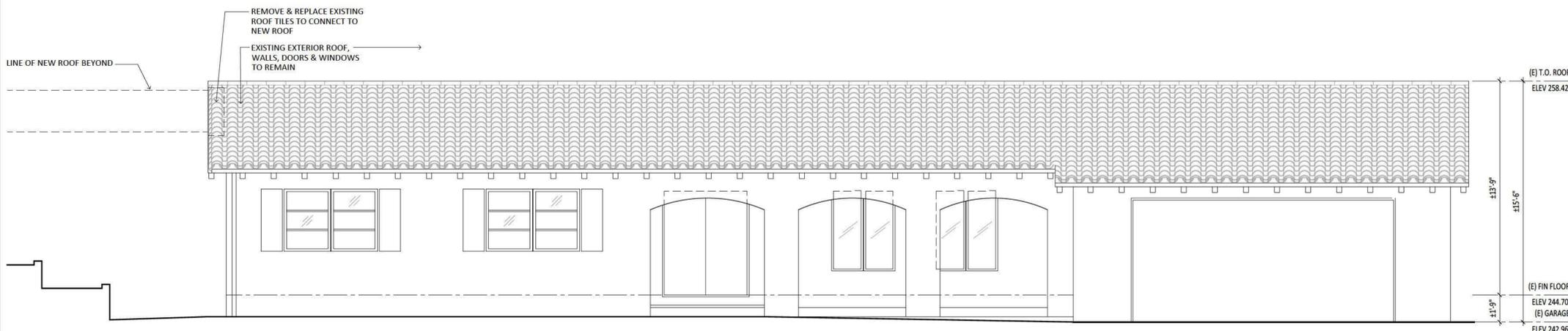
EXISTING SOUTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" C1



EXISTING EAST EXTERIOR ELEVATION scale: 1/4" = 1'-0" B3



EXISTING WEST EXTERIOR ELEVATION scale: 1/4" = 1'-0" B1



EXISTING NORTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" A1

- MATERIAL SCHEDULE**
- CPL1 CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
 - GL1 INSULATED GLASS, LOW-E
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 - ST.3 STONE PAVING
- KEY NOTES:**
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 - 2.2 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
 - 2.3 NOT USED
 - 2.4 NEW GRAVEL PATH / WALKWAY
 - 2.5 LANDSCAPE EDGING TO MATCH EXISTING
 - 2.6 NEW PLANTING, SEE LANDSCAPE PERMEABLE CONCRETE UNIT PAVERS, 12"x18"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
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- stamp**
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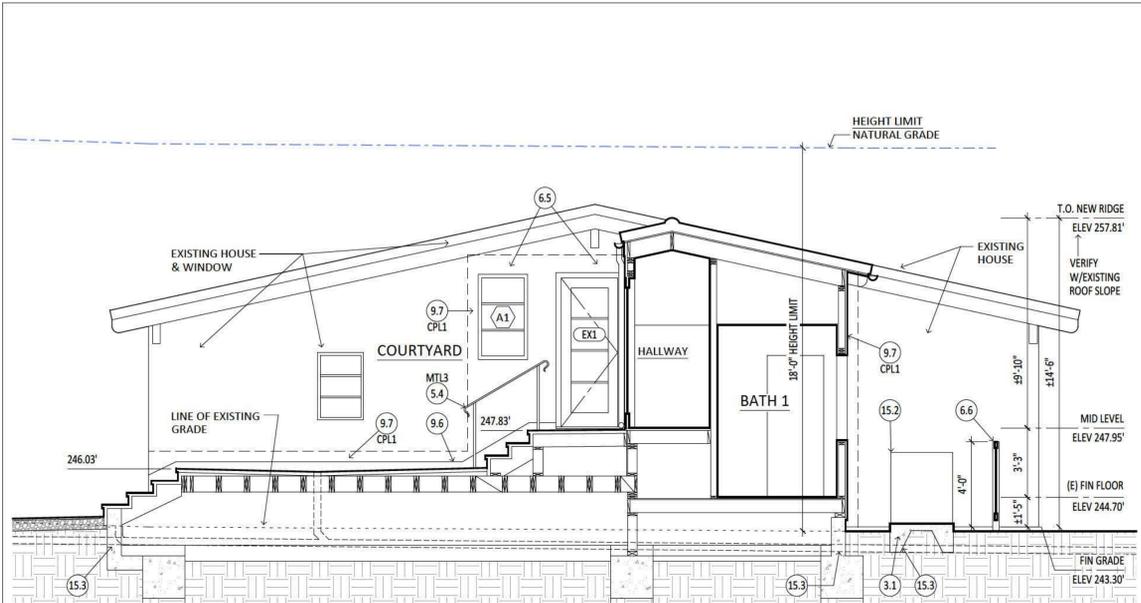
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| 2 | 12.14.17 | FIRE REVIEW |
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- sheet title**
EXISTING EXTERIOR ELEVATIONS

issued for: FIRE REVIEW
 date: 12.14.17
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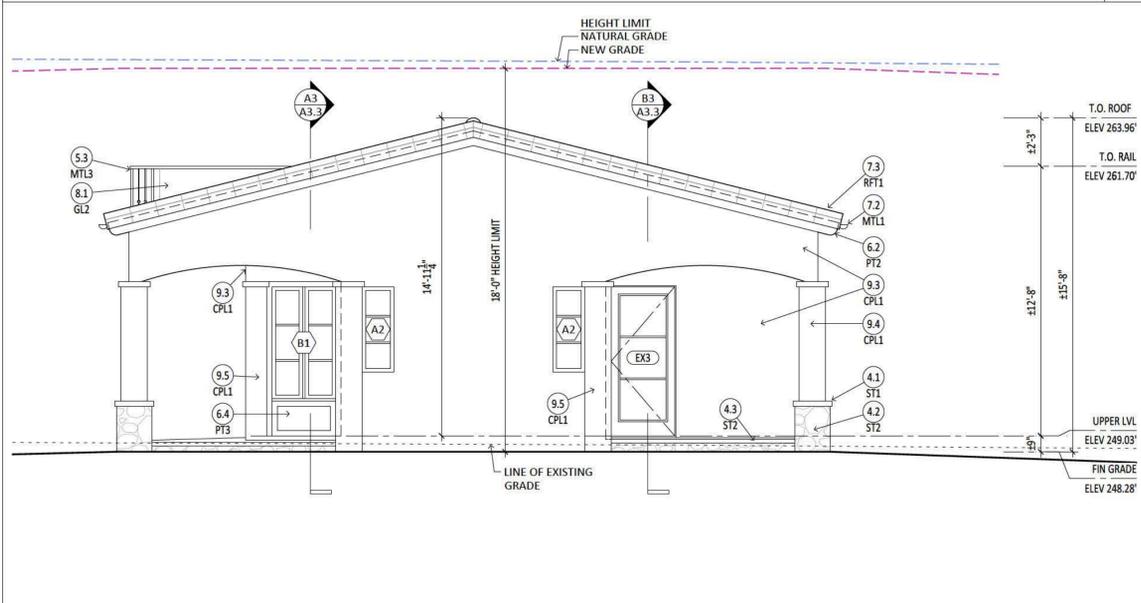
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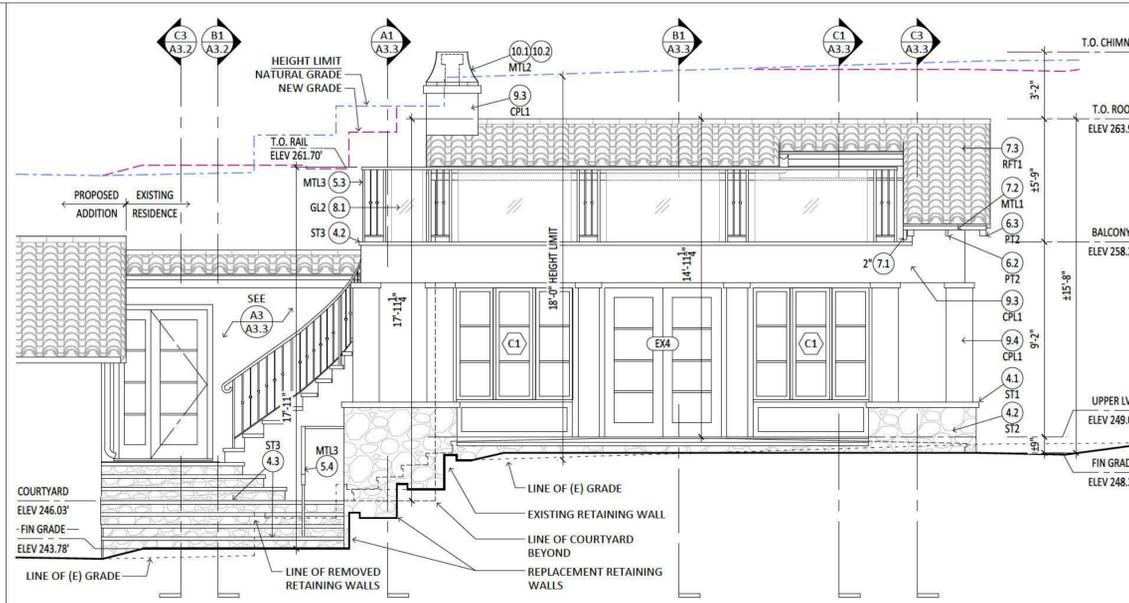
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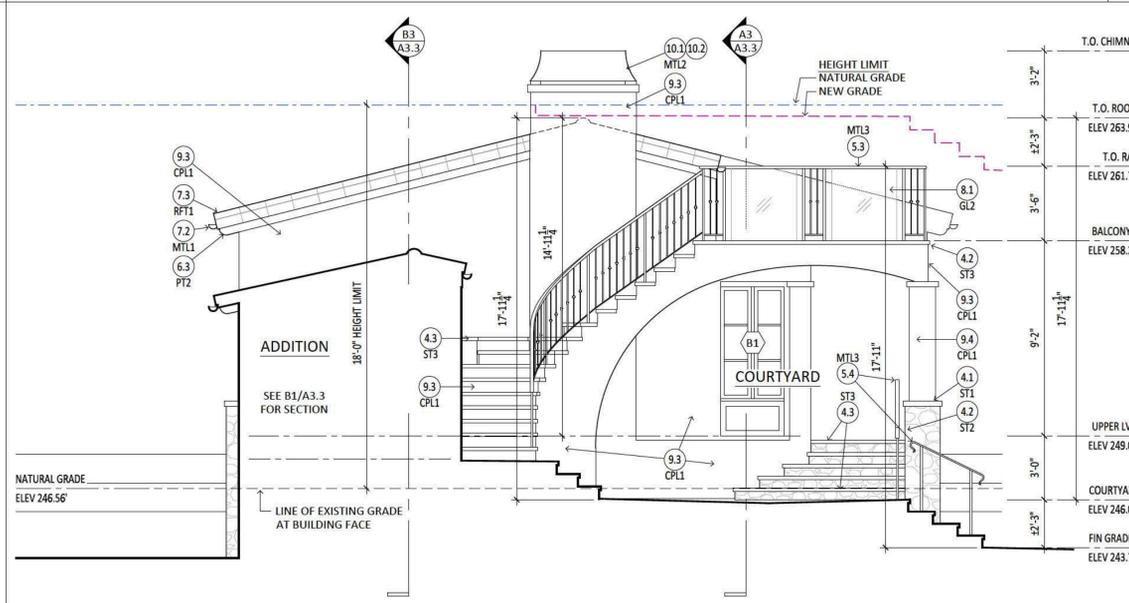
NORTH-SOUTH SECTION THRU COURTYARD - TO WEST scale: 1/4" = 1'-0" **C3**



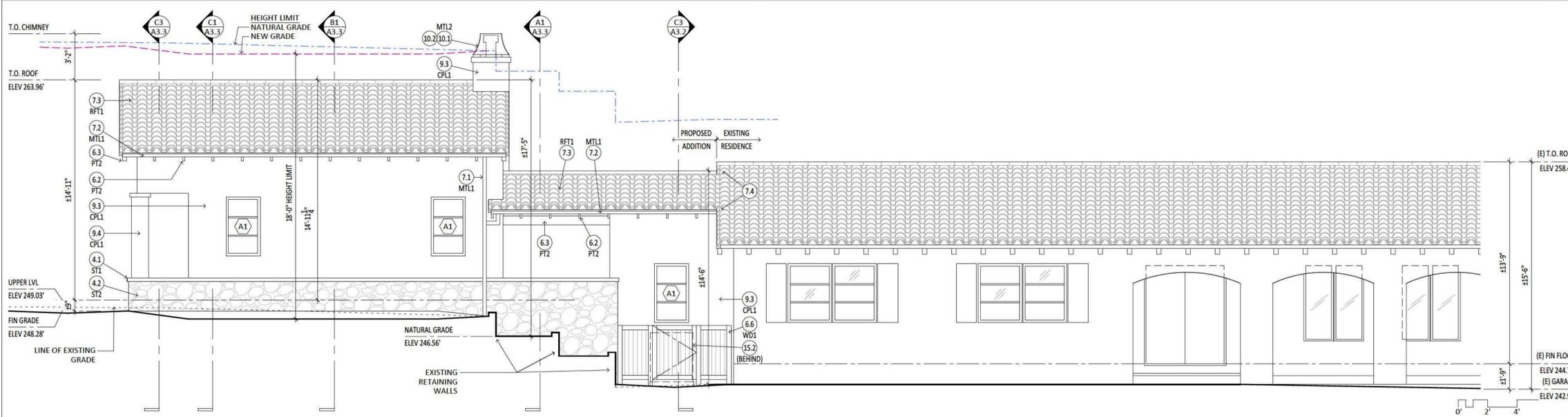
EAST EXTERIOR ELEVATION scale: 1/4" = 1'-0" **B3**



SOUTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" **C1**



SOUTH EXTERIOR ELEVATION OF ADDITION AT COURTYARD scale: 1/4" = 1'-0" **B1**



NORTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" **A1**

MATERIAL SCHEDULE	
CPL1	CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
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6.3	BARGE RAFTER OR BEAM, 4X8
6.4	WOOD PANEL SILL
6.5	NEW OPENING HEADERS, SEE STRL
6.6	WOOD SCREEN & GATE, 48" HIGH
7.1	COPPER DOWNSPOUT, 3" DIA, UNO
7.2	COPPER GUTTER, 6" HALF ROUND UNO
7.3	CLAY ROOF TILE SYSTEM
7.4	TIE NEW TO EXISTING ROOF
8.1	TEMPERED GLASS GUARDRAIL
8.2	NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE
8.3	NEW EXTERIOR DOORS TO BE ALUMINUM CLAD / NONCOMBUSTIBLE MATERIAL
9.1	STONE OR TILE PAVING OVER WATERPROOFING
9.2	STONE WALL CAP TO MATCH EXISTING
9.3	CEMENT PLASTER
9.4	COLUMN, PREFORMED GFRC OR FOAM, TBD
9.5	PLASTER, PREFORMED GFRC OR FOAM, TBD
9.6	TILE BASE W/STUCCO WEEP SCREED ABOVE
9.7	PATCH STUCCO TO MATCH EXISTING
10.1	CHIMNEY SHROUD, OPEN TOP
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15.1	AREA DRAIN IN PAVING
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16.1	NEW AND/OR REPLACE EXISTING SMOKE ALARM (SD), OR COMBINATION SMOKE ALARM / CARBON MONOXIDE ALARM (CSD) PER FIRE DEPT NOTES. WIRE EXISTING & NEW DEVICES AS REQUIRED
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33.2	DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
33.3	UNDERFLOOR DRAIN PIPING CONNECTION DISCHARGING TO STORM DRAIN PIPING, SEE CIVIL
33.4	EXISTING IRRIGATION OR OWTS VAULTS. PROTECT IN PLACE
33.5	AREA DRAIN, SEE CIVIL
33.6	(E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

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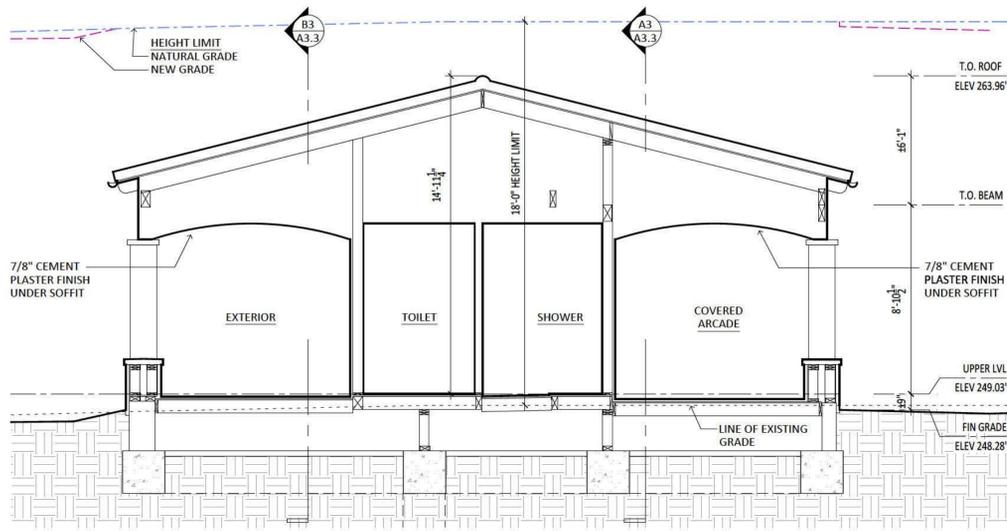
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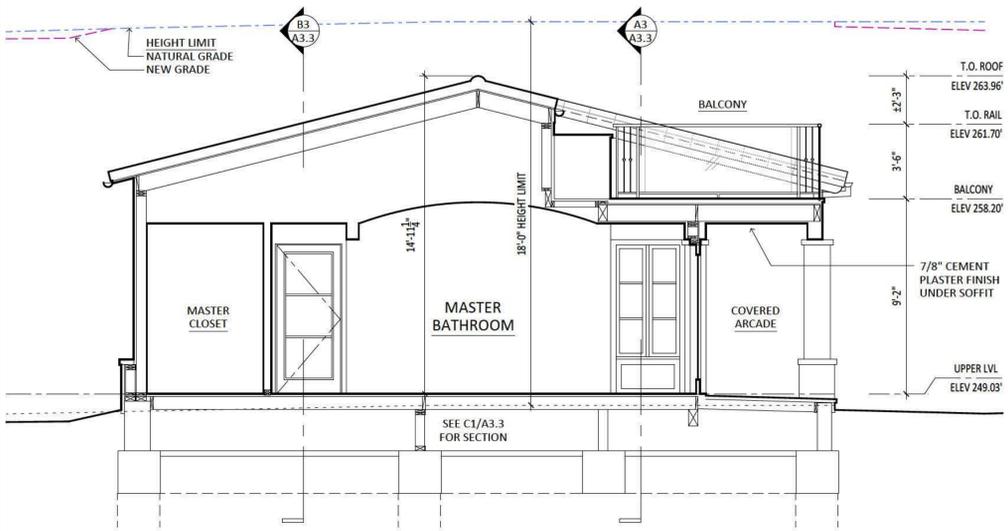
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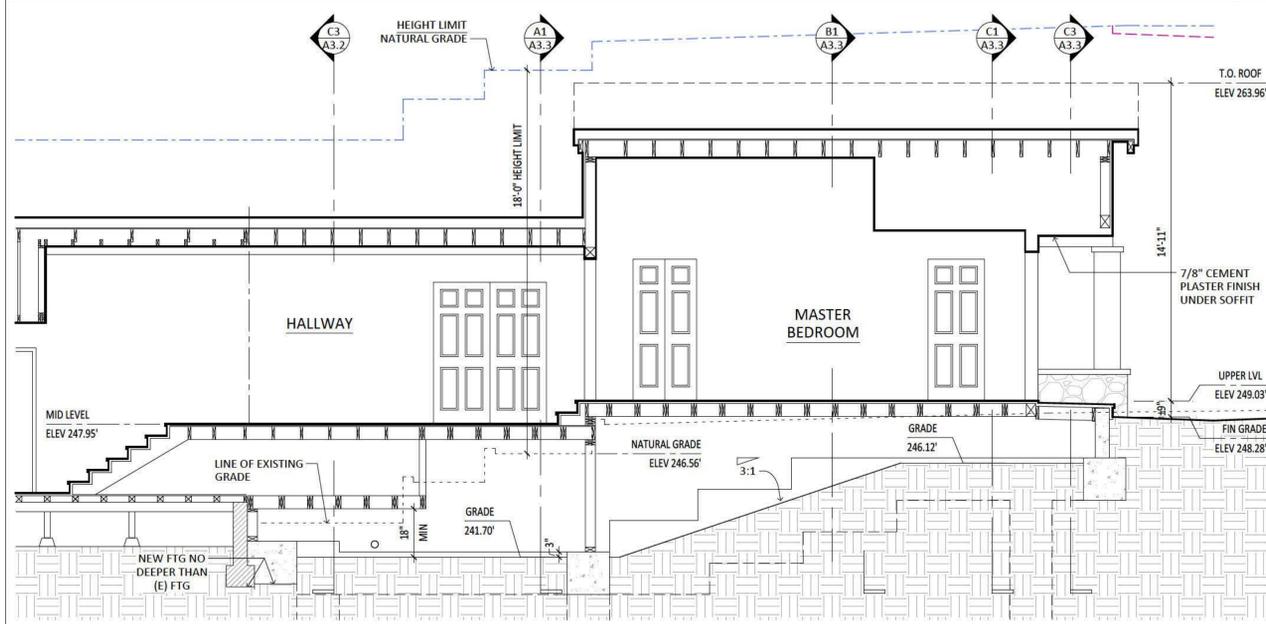
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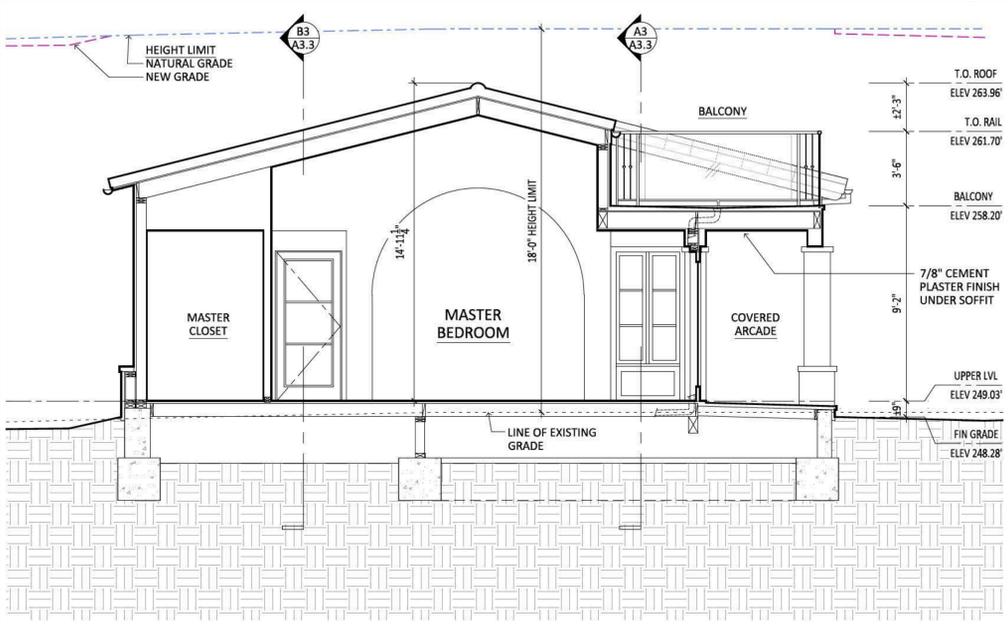
NORTH-SOUTH SECTION THRU M. BATHROOM - TO EAST scale: 1/4" = 1'-0" **C3**



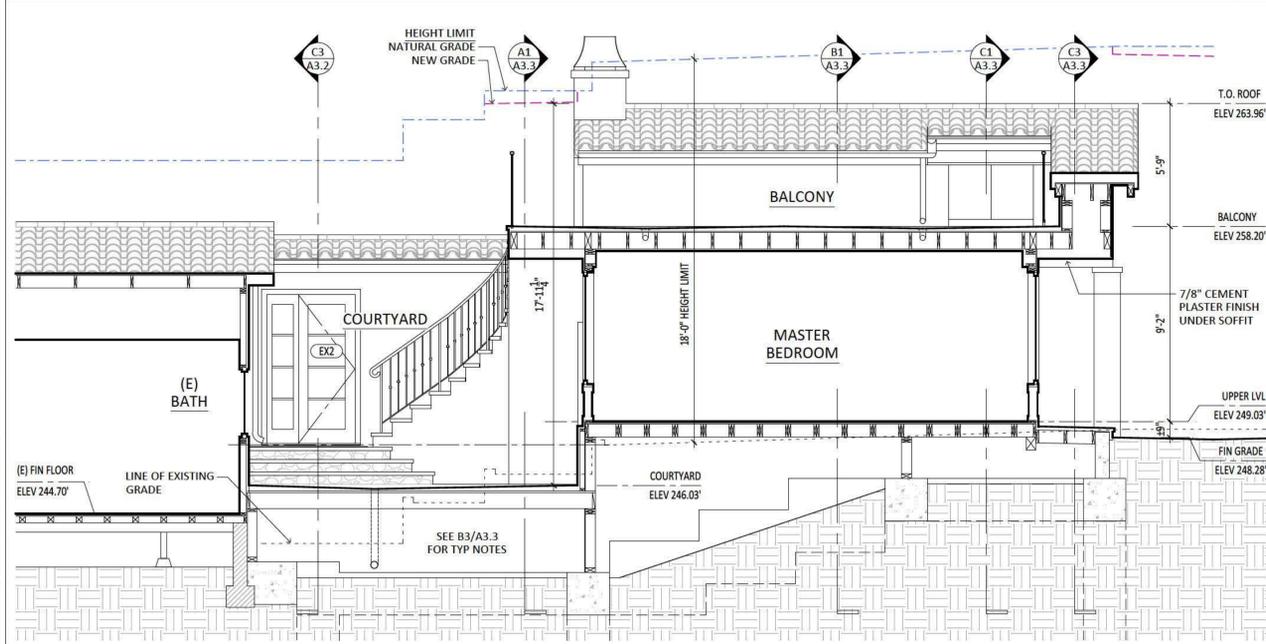
NORTH-SOUTH SECTION THRU M. BATHROOM - TO EAST scale: 1/4" = 1'-0" **C1**



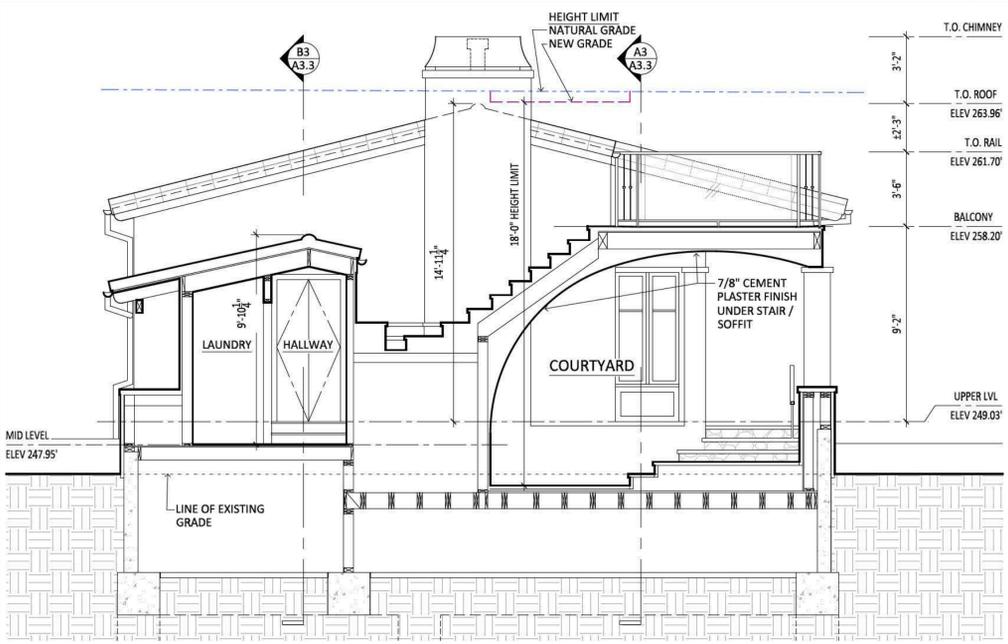
EAST-WEST SECTION THRU ADDITION - TO NORTH scale: 1/4" = 1'-0" **B3**



NORTH-SOUTH SECTION THRU M. BEDROOM - TO EAST scale: 1/4" = 1'-0" **B1**



EAST-WEST SECTION THRU ADDITION & COURTYARD - TO NORTH scale: 1/4" = 1'-0" **A3**



NORTH-SOUTH SECTION THRU STAIR - TO EAST scale: 1/4" = 1'-0" **A1**

- MATERIAL SCHEDULE**
- CPL1 CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
 - GL1 INSULATED GLASS, LOW-E
 - GL2 GLASS RAILING PANEL, CLEAR
 - MTL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING
 - MTL2 KYNAR PAINTED GALV STEEL
 - MTL3 PAINTED WROUGHT-IRON RAILING
 - PT1 PAINT TO MATCH (E) PLASTER
 - PT2 PAINT TO MATCH (E) RAFTERS
 - PT3 PAINT TO MATCH WINDOW
 - RFT.1 CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING
 - ST.1 STONE WALL CAP, MATCH (E), 3" TK
 - ST.2 STONE VENEER TO MATCH EXISTING
 - ST.3 STONE PAVING
 - WD1 WOOD FENCE, MATCH (E) SHUTTERS
- KEY NOTES:**
- 2.1 REPLACEMENT TURF TO MATCH EXISTING
 - 2.2 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
 - 2.3 NOT USED
 - 2.4 NEW GRAVEL PATH / WALKWAY
 - 2.5 LANDSCAPE EDGING TO MATCH EXISTING
 - 2.6 NEW PLANTING, SEE LANDSCAPE
 - 2.7 PERMEABLE CONCRETE UNIT PAVERS, 12"x18"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
 - 2.8 PERMEABLE FLAGSTONE PAVERS WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1-2" STONE SCREENINGS OVER 4" AGGREGATE BASE

- 3.1 CONC EQUIPMENT PAD
- 3.2 CONC RETAINING WALL TO MATCH (E)
- 4.1 STONE WALL CAP
- 4.2 STONE PAVING
- 4.3 STONE TREAD & RISERS
- 5.1 WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 42" HIGH STONE WALL. TOP OF NEW FENCE, 6 FT MAX
- 5.2 WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE
- 5.3 WROUGHT-IRON GUARDRAIL
- 5.4 WROUGHT-IRON HANDRAIL
- 6.1 WOOD FRAMING ON DEEPENED FOUNDATION
- 6.2 WOOD RAFTER TAIL, 2X8 @ 24" O.C.
- 6.3 BARGE RAFTER OR BEAM, 4X8
- 6.4 WOOD PANEL SILL
- 6.5 NEW OPENING HEADERS, SEE STRL
- 6.6 WOOD SCREEN & GATE, 48" HIGH
- 7.1 COPPER DOWNSPOUT, 3" DIA, UNO
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PROPOSED EXTERIOR ELEVATIONS & BUILDING SECTION

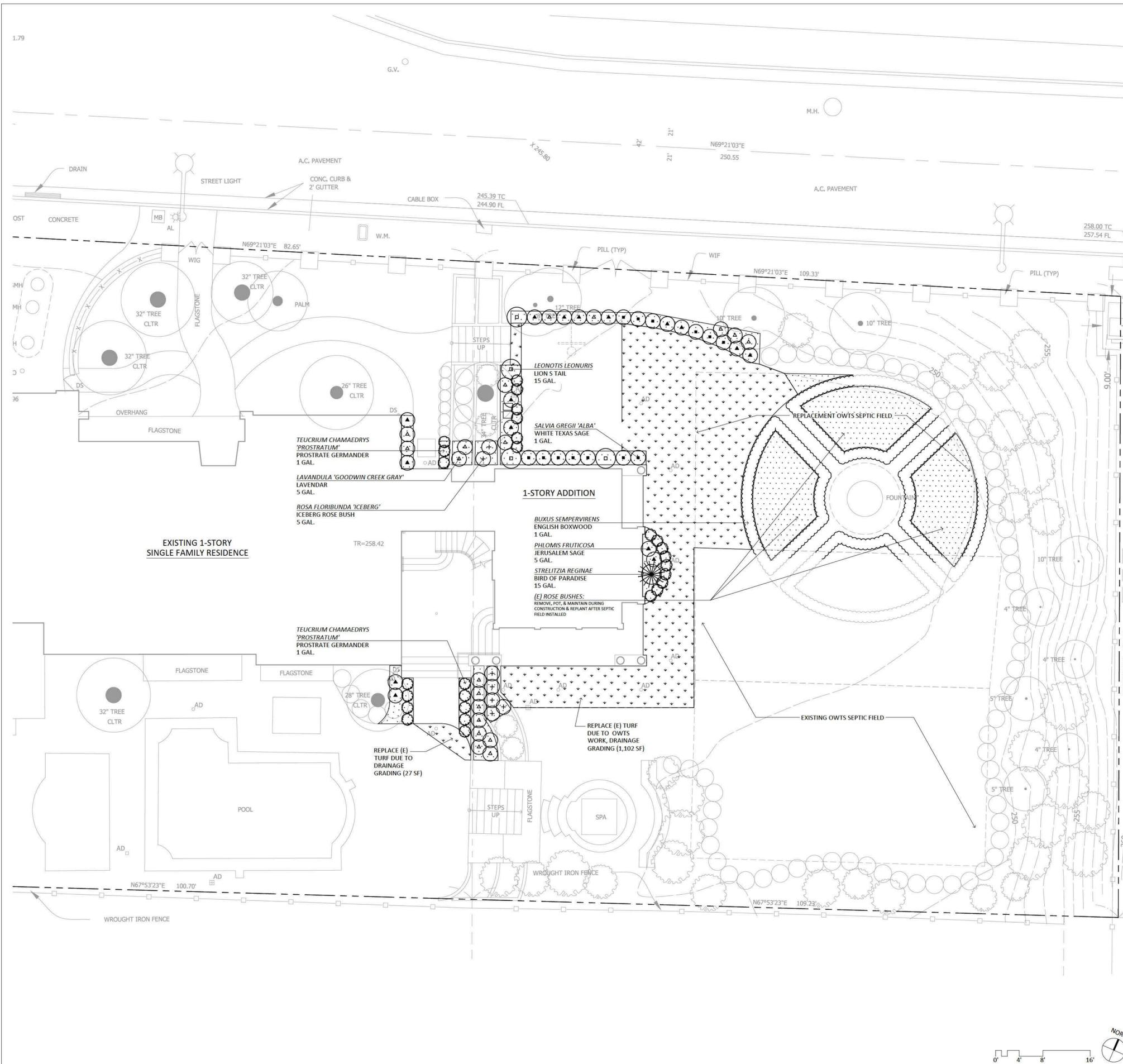
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AREA OF PROPOSED LANDSCAPE:
 REPLACEMENT PLANTING 2,495 SF AREA OF NEW & ALTERED LANDSCAPE IS LESS THAN 2,500 SF AND NOT
 NEW PLANTING 0 SF SUBJECT TO CITY OF MALIBU LANDSCAPE WATER CONSERVATION
 TOTAL 2,495 SF ORDINANCE REQUIREMENTS FOR LANDSCAPE DOCUMENTATION PACKAGE

AREA OF TURF:
 REPLACEMENT TURF 1,156 SF
 NEW TURF 116 SF (REPLACING EXISTING PAVING OR PLANTING)

LANDSCAPE PERMIT & APPROVAL NOTES

- FOR PROJECTS SUBJECT TO LA COUNTY FIRE FUEL MODIFICATION, ALL IDENTIFYING TAGS MUST BE LEFT ON THE PLANTS FOR THE FIRE INSPECTOR'S REVIEW
- PRIOR TO INSTALLATION OF ANY LANDSCAPING, THE APPLICANT SHALL OBTAIN A PLUMBING PERMIT FOR THE PROPOSED IRRIGATION SYSTEM FROM THE BUILDING SAFETY DIVISION
- PRIOR TO, OR AT THE TIME OF A PLANNING FINAL INSPECTION, THE PROPERTY OWNER APPLICANT SHALL SUBMIT TO THE CASE PLANNER A COPY OF THE PLUMBING PERMIT FOR THE IRRIGATION SYSTEM INSTALLATION THAT HAS BEEN SIGNED OFF BY THE BUILDING SAFETY DIVISION

LANDSCAPE GENERAL NOTES

- INVASIVE PLANT SPECIES, AS DETERMINED BY THE CITY OF MALIBU, ARE PROHIBITED.
- NO NON-NATIVE PLANT SPECIES SHALL BE APPROVED > 50 FEET FROM THE RESIDENTIAL STRUCTURE.
- 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).
- VEGETATION FORMING A VIEW IMPERMEABLE CONDITION (HEDGE), SERVING THE SAME FUNCTION AS A FENCE OR WALL, OCCURRING WITHIN THE SIDE OR REAR YARD SETBACK SHALL BE MAINTAINED AT OR BELOW SIX FEET IN HEIGHT. VIEW IMPERMEABLE HEDGES OCCURRING WITHIN THE FRONT YARD SETBACK SERVING THE SAME FUNCTION AS A FENCE OR WALL SHALL BE MAINTAINED AT OR BELOW 42 INCHES IN HEIGHT.
- NATIVE SPECIES OF THE SANTA MONICA MOUNTAINS, CHARACTERISTICS 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 OR GREATER CANOPY) SHRUBS IS RECOMMENDED BY THE FIRE DEPARTMENT. LAWNS ARE PROHIBITED ON SLOPES GREATER THAN 5%.
- SLOPE PLANTING MEASURES SUCH AS CONTOUR PLANTING AND TERRACING OR OTHER TECHNIQUES SHALL BE INCORPORATED ON SLOPES TO INTERRUPT THE FLOW AND RATE OF SURFACE RUNOFF IN ORDER TO PREVENT SURFACE SOIL EROSION.
- USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER ARSENATE IS PROHIBITED.
- COVER NEW NON-TURF LANDSCAPE AREAS IN WEED-FREE MULCHES OF ORGANIC OR INORGANIC MATERIAL, TO A AVERAGE DEPTH OF 3" EXCEPT AREAS WITH GROUNDCOVERS PLANTED FROM FLATS - 1 1/2" AVERAGE DEPTH.
- TURF SHALL NOT BE USED ON SLOPES EXCEEDING 20% OR FIVE TO ONE WITHIN THE LANDSCAPE AREA.
- UPLIGHTING OF LANDSCAPING IS PROHIBITED. NIGHT LIGHTING FROM EXTERIOR AND INTERIOR SOURCES SHALL BE MINIMIZED. ALL EXTERIOR LIGHTING SHALL BE LOW INTENSITY AND SHIELDED SO IT IS DIRECTED DOWNWARD AND INWARD SO THAT THERE IS NO OFFSITE GLARE OR LIGHTING OF NATURAL HABITAT AREAS. HIGH INTENSITY LIGHTING OF THE SHORE IS PROHIBITED.

IRRIGATION GENERAL NOTES

- WUCOLS REGION FOR PLANTING WATER USE CLASSIFICATION - SOUTH COASTAL REGION #3
- IRRIGATION SYSTEMS SHALL BE DESIGNED, CONSTRUCTED AND MANAGED TO MAXIMIZE OVERALL EFFICIENCY.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT RUNOFF, OVERSPRAY, LOW-HEAD DRAINAGE, AND OTHER SIMILAR CONDITIONS WHERE IRRIGATION WATER FLOWS OR SPRAYS ON TO AREAS NOT INTENDED
- IRRIGATION SYSTEMS (VALVE SYSTEMS, PIPING AND PRESSURE REGULATORS) SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON THE MOISTURE REQUIREMENTS OF THE PLANT GROUPING.
- AREAS LESS THAN EIGHT FEET WIDE SHALL BE IRRIGATED WITH APPROPRIATELY SELECTED EQUIPMENT THAT PROVIDES THE PROPER WATER COVERAGE WITHOUT CAUSING OVERSPRAY ONTO ADJACENT SURFACES.
- ALL SPRINKLERS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH VALVE AND CIRCUIT. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO INCLUDE OPTIMUM DISTRIBUTION UNIFORMITY, HEAD TO HEAD SPACING, AND SETBACKS FROM WALKWAYS AND PAVEMENT. OVERHEAD SPRAYS SHALL BE SET BACK A MINIMUM OF TWENTY-FOUR (24) INCHES FROM NONPERVIOUS SURFACES.
- ALL IRRIGATION SYSTEMS SHALL PROVIDE CHECK VALVES AT THE LOW END OF IRRIGATION LINES TO PREVENT UNWANTED DRAINING OF IRRIGATION LINES.

PLANTING SCHEDULE / LEGEND:

SYMBOL	SPECIES / SPEC	SPACING
(E) TREE TO REMAIN	SEE KEYNOTE FOR TYPE	
(E) SHRUB TO REMAIN	SEE KEYNOTE FOR TYPE	
SHRUBS, LARGE:		
(R) STAR	STRELITZIA REGINAE BIRD OF PARADISE 15 GAL.	
(R) SQUARE	LEONOTIS LEONURIS LION'S TAIL 15 GAL.	
SHRUBS, MEDIUM:		
(R) WAVE	BUXUS SEMPERVIRENS (MATCH EXISTING) ENGLISH BOXWOOD 1 GAL.	2' o.c.
(R) TRIANGLE	PHLOMIS FRUTICOSA JERUSALEM SAGE 5 GAL.	3' o.c.
(R) PLUS	ROSA FLORIBUNDA 'ICEBERG' ICEBERG ROSE BUSH 5 GAL.	2' o.c.
(R) TRIANGLE	LAVENDULA 'GOODWIN CREEK GRAY' LAVENDAR 5 GAL.	3' o.c.
GROUNDCOVER/PERENNIALS:		
(R) SQUARE	SALVIA GREGII 'ALBA' WHITE TEXAS SAGE 1 GAL.	18" o.c.
(R) CIRCLE	TEUCRIUM CHAMAEDRYS 'PROSTRATUM' CREEPING GERMANDER 1 GAL.	2' o.c.
PLANTING AREA MULCH:		
(R) DOTTED	BARK MULCH BIODEGRADABLE, WOOD, CELLULOSE-FIBER MULCH; NONTOXIC AND FREE OF PLANT-GROWTH OR GERMINATION INHIBITORS; WITH MAX MOISTURE CONTENT OF 15%, PH RANGE 4.5 - 6.5. AGROMIN ES-2 MULCH OR EQUAL	
REPLACEMENT TURF: (TURF REPLACED DUE TO SCOPE OF WORK)		
(R) DOTTED	TURFGRASS SOD MATCH EXISTING SOD, VIF. PROPOSED SOD FOR CONSIDERATION "MEDALLION DWARF WITH BONSAI" BY PACIFIC SOD	
(R) WAVE	NEW TURF:	

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LANDSCAPE PLAN

issued for: ACDP RESUBMITTAL
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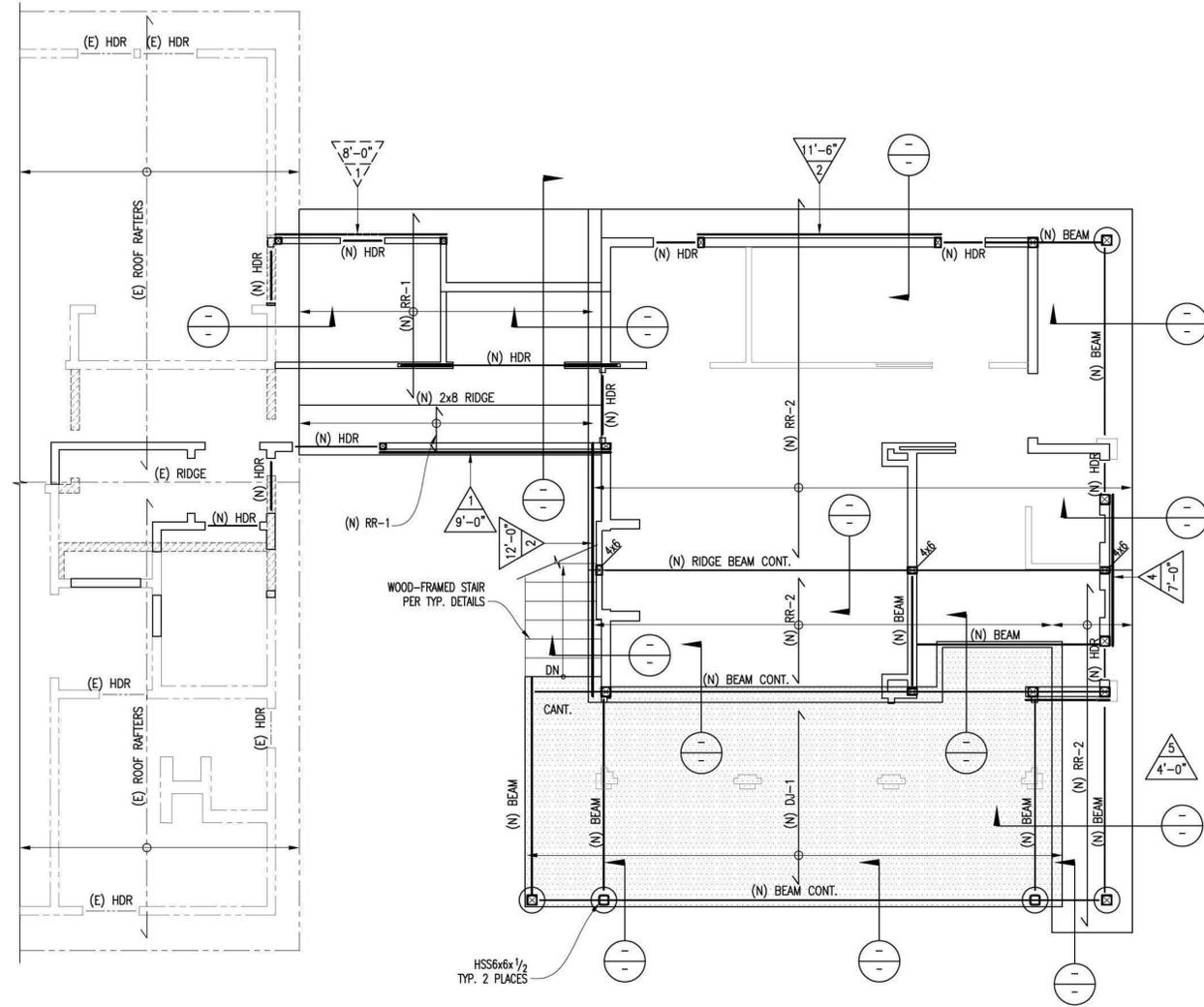
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Foundation & 1st Flr Framing Plan

issued for: APR SUBMITTAL
 date: 09.18.17
 scale: AS NOTED

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S2.1



Roof & Roof Deck Framing Plan over First Floor Walls

Scale: 1/4" = 1'-0"

NORTH



First Floor Framing & Foundation Plan

Scale: 1/4" = 1'-0"

NORTH



FOUNDATION & FRAMING NOTES:

- FOR GENERAL NOTES AND TYPICAL DETAILS SEE S1.0 THRU S1.X SHEETS. GENERAL NOTES & TYPICAL DETAILS APPLY TO ALL PARTS OF THE WORK EXCEPT WHERE SPECIFICALLY DETAILED OR U.N.O.
- VERIFY ALL DIMENSIONS, ELEVATIONS, SLAB EDGES, SLAB DEPRESSIONS, SLAB OPENINGS, CURBS, FOOTING, PENETRATIONS, WALL OPENINGS WITH ARCHITECTURAL, MECHANICAL, PLUMBING, ELECTRICAL & CIVIL DRAWINGS.
- FOR ALL DIMENSIONS, SEE ARCHITECTURAL DRAWINGS.
- CONCRETE SLAB ON GRADE: 4" THICK, REINFORCED WITH #4 BARS AT 16" O.C. EACH WAY. FOR SLAB ON GRADE SUB-GRADE PREPARATION SEE TYPICAL DETAILS.
- SILL PLATE ANCHOR BOLTS AT WALLS OTHER THAN SHEAR WALLS: 5/8" A.B.'S WITH 7" MIN. EMBEDMENT, INSTALLED WITH 3" SQUARE x 0.229" PLATE WASHERS AND CUT WASHER, SPACED AT 4'-0" O.C. FOR ALL WALLS. PROVIDE MINIMUM TWO BOLTS PER PIECE OF SILL PLATE & ONE LOCATED WITHIN 12" AND NOT LESS THAN 7 BOLT DIAMETER OR 4 3/8" OF EACH END OF EACH SILL PLATE.
- ALL HOLDOWN HARDWARE IS TO BE SECURED IN PLACE PRIOR TO FOUNDATION INSPECTION. HOLDOWNS SHALL BE RE-TIGHTENED JUST PRIOR TO COVERING THE WALL FRAMING. PLATE WASHERS ARE REQUIRED FOR ALL HOLDOWNS.
- ALL GRADING & FOUNDATION WORK MUST BE OBSERVED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER FOLLOWING PLACEMENT OF STEEL REINF. & PRIOR TO POURING CONCRETE.
- FOR LIMITS AND EXTENT OF OVER EXCAVATION SEE CIVIL DRAWINGS
- NON-BEARING WALLS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FOR NON-BEARING WALL LOCATIONS SEE ARCH'L.

- ROOF SHEATHING: WOOD STRUCTURAL PANEL, 3/4" CD APA RATED PLYWOOD SHEATHING, EXPOSURE 1, SPAN RATING 48/24, NAILED WITH 10d COMMONS SPACED AT 4" O.C. ALONG ALL BOUNDARIES (B.N.) AND CONTINUOUS ADJOINING PANEL EDGES, AND 6" O.C. ALONG OTHER PANEL EDGES (E.N.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.N.), BLOCK ALL PANEL EDGES, SEE TYP. DETAILS.
- FLOOR AND DECK SHEATHING: WOOD STRUCTURAL PANEL, 1 1/8" CD APA RATED STRUCT I PLYWOOD SHEATHING, EXPOSURE 1, SPAN RATING 48 O.C., NAILED WITH 10d COMMONS SPACED AT 4" O.C. ALONG ALL BOUNDARIES (B.N.) AND CONTINUOUS ADJOINING PANEL EDGES, AND 6" O.C. ALONG OTHER PANEL EDGES (E.N.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.N.), BLOCK ALL PANEL EDGES, GLUE WOOD STRUCTURAL PANELS TO JOISTS AND BLK'G. SEE TYP. DETAILS.
- WALL FRAMING:
 - EXTERIOR WALL FRAMING S.A.D.: 2X6 STUDS AT 16" O.C., U.N.O., MIN.
 - INTERIOR BEARING WALL OR SHEAR WALL FRAMING S.A.D.: 2X4 STUDS @ 16" O.C., U.N.O. MIN.
 - INTERIOR NON BEARING WALL S.A.D.: 2X4 STUDS @ 24" O.C., U.N.O. MIN.
- U.N.O. MINIMUM POST SIZE SHALL BE 4x DEPTH OF WALL.
- FOR MINIMUM POST SIZE AT ENDS OF SHEAR WALL, REFER TO HOLDOWN SCHEDULE ON TYPICAL DETAILS.
- WALL SHEATHING AT ALL EXTERIOR WALLS OTHER THAN SHEAR WALLS: WOOD STRUCTURAL PANEL, 1/2" CD APA STRUCTURAL I RATED PLYWOOD OR OSB SHEATHING, EXPOSURE 1, SPAN RATING 24/16, NAILED WITH 8d COMMONS SPACED AT 6" O.C. ALONG ALL PANEL EDGES (E.N.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.N.)
- HOLD DOWNS SHALL BE RE-TIGHTENED JUST PRIOR TO COVERING THE WALL FRAMING.
- PROVIDE DOUBLE JOISTS BENEATH ALL PARALLEL WALLS. PROVIDE SOLID BLOCK BENEATH ALL WALLS PERPENDICULAR TO JOISTS. SEE TYPICAL DETAILS.

SYMBOLS

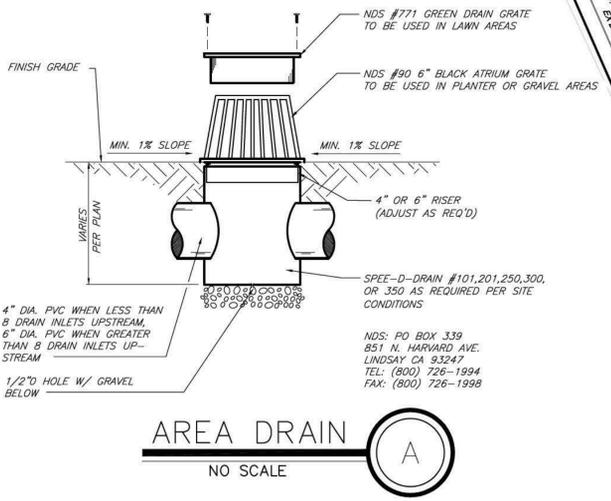
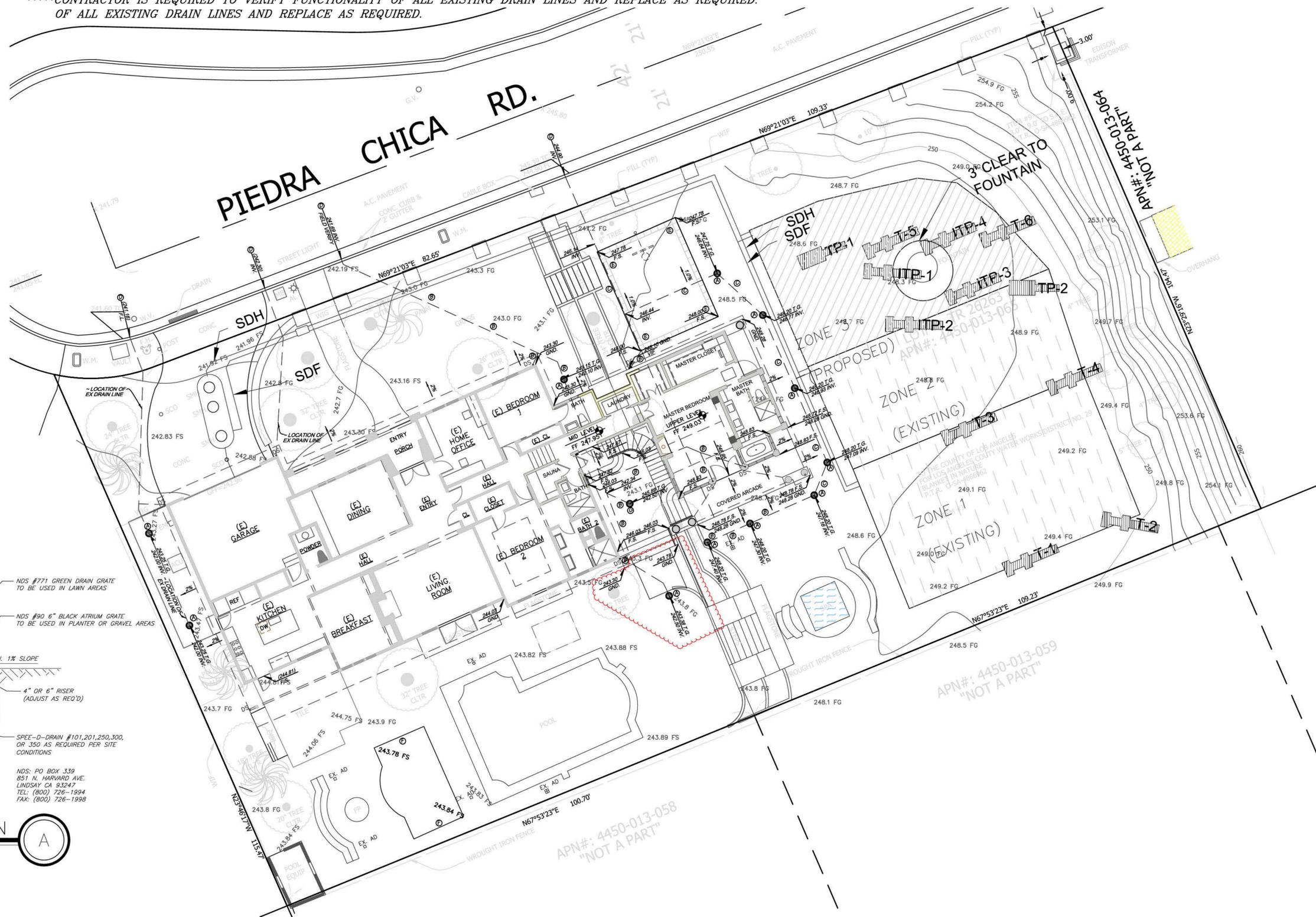
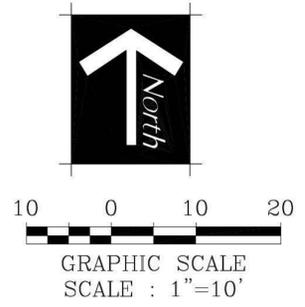
- INDICATES CHANGE IN FLOOR ELEVATION
- INDICATES PLYWOOD SHEAR WALL TYPE & LENGTH PER TYP. DETAILS
- INDICATES EXTENT OF WOOD JOIST
- INDICATES DIRECTION OF WOOD JOIST
- LVL INDICATES RIGIDLAM 2.2E BEAM
- INDICATES WOOD POST BELOW FRAMING PLAN LEVEL.
- INDICATES WOOD POST ABOVE
- INDICATES STRUCTURAL WOOD WALLS
- INDICATES NON-STRUCTURAL WOOD WALLS
- INDICATES HOLDOWN TYPE PER TYPICAL DETAILS
- INDICATES OPENING IN DIAPHRAGM/SLAB

Legend:

- F.G. FINISHED GRADE
 - FL. FLOW LINE
 - F.S. FINISHED SURFACE
 - T.C. TOP OF CURB
 - T.W. TOP OF WALL
 - H.P. HIGH POINT
 - T.G. TOP OF GRATE
 - TP. TYPICAL
 - GD.-BK. GRADE BREAK
 - GND. GROUND
 - INV. INVERT ELEVATION
 - B.W. BACK OF WALK
- 98.00 ← TOP OF CURB ELEVATION
 - 97.50 ← FINISH SURFACE OR FLOW LINE ELEVATION
 - 98.00 ← SPOT ELEVATION
 - T.C. ← DESCRIPTION OF ELEVATION
 - (98.00) ← EXISTING SPOT ELEVATION
 - T.C. ← DESCRIPTION OF ELEVATION
 - 1.0% ← PROPOSED GRADIENT AND DIRECTION OF FLOW
 - (A) ← CONSTRUCTION NOTES AND DETAIL NO.
 - ← PROPOSED SLOPE
 - 1150 ← PROPOSED CONTOUR
 - 1150 ← EXISTING CONTOUR
 - 986.4 ← EXISTING SPOT ELEVATION

CONSTRUCTION NOTES

- A) CONSTRUCT AREA DRAIN PER DETAIL "A" HEREON.
 - B) CONSTRUCT 4" PVC PER INVERT ELEVATIONS HEREON.
 - C) CONSTRUCT 6" PVC PER INVERT ELEVATIONS HEREON.
 - D) EXISTING DRAIN OUTLET
 - E) CONSTRUCT HANOVER(12"x18") PERMEABLE PAVERS PER ARCHITECTURAL SITE NOTES.
 - F) CONSTRUCT PERVIOUS PAVERS PER ARCHITECTURAL PLANS.
 - G) AREA DRAIN ON BUILDING DECK(SEE ARCHITECTURAL PLANS).
- ** DOWNSPOUTS SHOWN HEREON PER ARCHITECTURAL PLANS(DS)
 *** TIE ALL DOWNSPOUTS TO PROPOSED DRAINAGE SYSTEM SHOWN HEREON.
 **** ALL TREE REMOVALS PER SEPARATE PERMIT.
 *****CONTRACTOR IS REQUIRED TO VERIFY FUNCTIONALITY OF ALL EXISTING DRAIN LINES AND REPLACE AS REQUIRED.
 OF ALL EXISTING DRAIN LINES AND REPLACE AS REQUIRED.



PLAN	REVISION	DESCRIPTIONS
09.18.17	APR	SUBMITTAL
07.24.18	ACDP	UPDATE

PREPARED BY OR UNDER THE DIRECTION OF:



STEPHEN R. SMITH P.E. 63480

DATE:

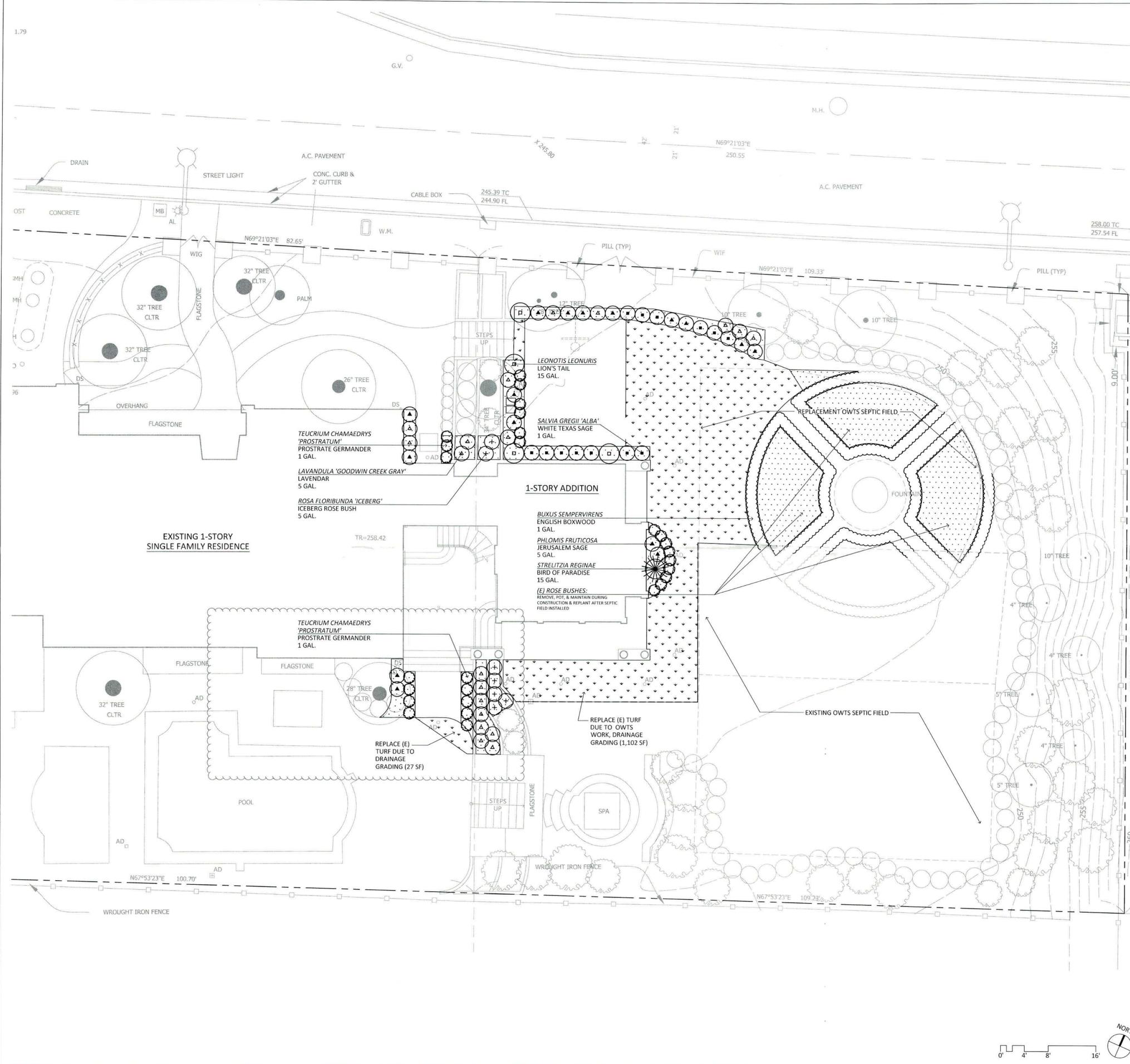
Precise Grading Plan
 for
20238 PIEDRA CHICA
 Prepared for
 MARYAM AKBAR & REZA NABAVI
 MALIBU CA 90265

DESCRIPTION:	BY
DESIGNED:	S.S
DRAWN:	S.S
CHECKED:	S.S
SUPERVISED:	S.S
PROJ. ENGINEER:	S.S
DRAWING SCALE:	1"=10'
PCCE JOB NUMBER:	6000-451

SHEET NO.

2

OF 2 SHEETS



AREA OF PROPOSED LANDSCAPE:
 REPLACEMENT PLANTING 2,495 SF
 NEW PLANTING 0 SF
 TOTAL 2,495 SF

AREA OF NEW & ALTERED LANDSCAPE IS LESS THAN 2,500 SF AND NOT SUBJECT TO CITY OF MALIBU LANDSCAPE WATER CONSERVATION ORDINANCE REQUIREMENTS FOR LANDSCAPE DOCUMENTATION PACKAGE

AREA OF TURF:
 REPLACEMENT TURF 1,156 SF
 NEW TURF 116 SF (REPLACING EXISTING PAVING OR PLANTING)

LANDSCAPE PERMIT & APPROVAL NOTES

- FOR PROJECTS SUBJECT TO LA COUNTY FIRE FUEL MODIFICATION, ALL IDENTIFYING TAGS MUST BE LEFT ON THE PLANTS FOR THE FIRE INSPECTOR'S REVIEW
- PRIOR TO INSTALLATION OF ANY LANDSCAPING, THE APPLICANT SHALL OBTAIN A PLUMBING PERMIT FOR THE PROPOSED IRRIGATION SYSTEM FROM THE BUILDING SAFETY DIVISION
- PRIOR TO, OR AT THE TIME OF A PLANNING FINAL INSPECTION, THE PROPERTY OWNER APPLICANT SHALL SUBMIT TO THE CASE PLANNER A COPY OF THE PLUMBING PERMIT FOR THE IRRIGATION SYSTEM INSTALLATION THAT HAS BEEN SIGNED OFF BY THE BUILDING SAFETY DIVISION

LANDSCAPE GENERAL NOTES

- INVASIVE PLANT SPECIES, AS DETERMINED BY THE CITY OF MALIBU, ARE PROHIBITED.
- NO NON-NATIVE PLANT SPECIES SHALL BE APPROVED > 50 FEET FROM THE RESIDENTIAL STRUCTURE.
- 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).
- VEGETATION FORMING A VIEW IMPERMEABLE CONDITION (HEDGE), SERVING THE SAME FUNCTION AS A FENCE OR WALL, OCCURRING WITHIN THE SIDE OR REAR YARD SETBACK SHALL BE MAINTAINED AT OR BELOW SIX FEET IN HEIGHT. VIEW IMPERMEABLE HEDGES OCCURRING WITHIN THE FRONT YARD SETBACK SERVING THE SAME FUNCTION AS A FENCE OR WALL SHALL BE MAINTAINED AT OR BELOW 42 INCHES IN HEIGHT.
- NATIVE SPECIES OF THE SANTA MONICA MOUNTAINS, CHARACTERISTICS OF THE LOCAL HABITAT, SHALL BE USED ON GRADED SLOPES OF 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 OR GREATER CANOPY) SHRUBS IS RECOMMENDED BY THE FIRE DEPARTMENT. LAWNS ARE PROHIBITED ON SLOPES GREATER THAN 5%.
- SLOPE PLANTING MEASURES SUCH AS CONTOUR PLANTING AND TERRACING OR OTHER TECHNIQUES SHALL BE INCORPORATED ON SLOPES TO INTERRUPT THE FLOW AND RATE OF SURFACE RUNOFF IN ORDER TO PREVENT SURFACE SOIL EROSION.
- USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER ARSENATE IS PROHIBITED.
- COVER NEW NON-TURF LANDSCAPE AREAS IN WEED-FREE MULCHES OF ORGANIC OR INORGANIC MATERIAL, TO A AVERAGE DEPTH OF 3" EXCEPT AREAS WITH GROUNDCOVERS PLANTED FROM FLATS - 1 1/2" AVERAGE DEPTH
- TURF SHALL NOT BE USED ON SLOPES EXCEEDING 20% OR FIVE TO ONE WITHIN THE LANDSCAPE AREA.
- UPLIGHTING OF LANDSCAPING IS PROHIBITED. NIGHT LIGHTING FROM EXTERIOR AND INTERIOR SOURCES SHALL BE MINIMIZED. ALL EXTERIOR LIGHTING SHALL BE LOW INTENSITY AND SHIELDED SO IT IS DIRECTED DOWNWARD AND INWARD SO THAT THERE IS NO OFFSITE GLARE OR LIGHTING OF NATURAL HABITAT AREAS. HIGH INTENSITY LIGHTING OF THE SHORE IS PROHIBITED.

IRRIGATION GENERAL NOTES

- WUCOLS REGION FOR PLANTING WATER USE CLASSIFICATION - SOUTH COASTAL REGION #3
- IRRIGATION SYSTEMS SHALL BE DESIGNED, CONSTRUCTED AND MANAGED TO MAXIMIZE OVERALL EFFICIENCY.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT RUNOFF, OVERSPRAY, LOW-HEAD DRAINAGE, AND OTHER SIMILAR CONDITIONS WHERE IRRIGATION WATER FLOWS OR SPRAYS ON TO AREAS NOT INTENDED
- IRRIGATION SYSTEMS VALVE SYSTEMS, PIPING AND PRESSURE REGULATORS SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON THE MOISTURE REQUIREMENTS OF THE PLANT GROUPING.
- AREAS LESS THAN EIGHT FEET WIDE SHALL BE IRRIGATED WITH APPROPRIATELY SELECTED EQUIPMENT THAT PROVIDES THE PROPER WATER COVERAGE WITHOUT CAUSING OVERSPRAY ONTO ADJACENT SURFACES.
- ALL SPRINKLERS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH VALVE AND CIRCUIT. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO INCLUDE OPTIMUM DISTRIBUTION UNIFORMITY, HEAD TO HEAD SPACING, AND SETBACKS FROM WALKWAYS AND PAVEMENT. OVERHEAD SPRAYS SHALL BE SET BACK A MINIMUM OF TWENTY-FOUR (24) INCHES FROM NONPERVIOUS SURFACES.
- ALL IRRIGATION SYSTEMS SHALL PROVIDE CHECK VALVES AT THE LOW END OF IRRIGATION LINES TO PREVENT UNWANTED DRAINING OF IRRIGATION LINES.

PLANTING SCHEDULE / LEGEND:

SYMBOL	SPECIES / SPEC	SPACING
(E) TREE TO REMAIN	SEE KEYNOTE FOR TYPE	
(E) SHRUB TO REMAIN	SEE KEYNOTE FOR TYPE	

SHRUBS, LARGE:

- STRELITZIA REGINAE BIRD OF PARADISE 15 GAL.
- LEONOTIS LEONURIS LION'S TAIL 15 GAL.

SHRUBS, MEDIUM:

- BUXUS SEMPERVIRENS (MATCH EXISTING) ENGLISH BOXWOOD 1 GAL. 2' o.c.
- PHLOMIS FRUTICOSA JERUSALEM SAGE 5 GAL. 3' o.c.
- ROSA FLORIBUNDA 'ICEBERG' ICEBERG ROSE BUSH 5 GAL. 2' o.c.
- LAVENDULA 'GOODWIN CREEK GRAY' LAVENDAR 5 GAL. 3' o.c.

GROUNDCOVER/PERENNIALS:

- SALVIA GREGII 'ALBA' WHITE TEXAS SAGE 1 GAL. 18" o.c.
- TEUCRIUM CHAMAEDRY'S 'PROSTRATUM' CREEPING GERMANDER 1 GAL. 2' o.c.

PLANTING AREA MULCH:

BARK MULCH BIODEGRADABLE, WOOD, CELLULOSE-FIBER MULCH; NONTXIC AND FREE OF PLANT-GROWTH OR GERMINATION INHIBITORS; WITH MAX MOISTURE CONTENT OF 15%, PH RANGE 4.5 - 6.5. AGROMIN ES-2 MULCH OR EQUAL

REPLACEMENT TURF: (TURF REPLACED DUE TO SCOPE OF WORK)

TURFGRASS SOD MATCH EXISTING SOD, VIF. PROPOSED SOD FOR CONSIDERATION "MEDALLION DWARF WITH BONSAI" BY PACIFIC SOD

NEW TURF:

SAKAHARA ALLEN ARCHITECTS
 1010 NORDICA DRIVE
 LOS ANGELES CA 90065
 323.739.6570
 DAN@SAKAHARA.COM
 DANIEL ALLEN, LIC. C26736

project
AKBAR & NAVABI RESIDENCE
 20238 PIEDRA CHICA ROAD
 MALIBU, CA 90265

owner:
MARYAM AKBAR & REZA NABAVI
 20238 Piedra Chica Road
 Malibu, CA 90265
 323.739.6570
 drreznabavi@gmail.com

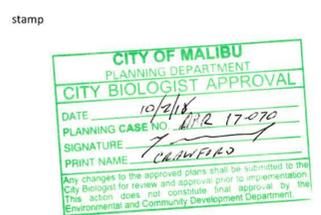
architect:
SAKAHARA ALLEN ARCHITECTS
 Attn: Dan Allen
 1010 Nordica Drive
 Los Angeles, CA 90065
 323.739.6570
 dan@sakahara-allen.com

project geologist:
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 310.457.2456
 maliburock@gmail.com

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 Attn: Tony Nguyen
 121 Sierra St
 El Segundo, CA 90245
 310.915.4119
 tony@logikstructures.com

civil:
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 Attn: Stephen Smith
 23801 Calabasas Road, Suite 1020
 Calabasas, CA 91302
 818.568.5251
 pccceinc@yahoo.com

owls engineering:
ENSITU ENGINEERING INC
 Attn: John Yaroslaski
 780 Monterey Ave, Suite B
 Morro Bay, CA 93442
 805.772.0150
 jyaroslaski@ensitu.com



issue

1	09.18.17	APR SUBMITTAL
2	01.18.18	ACDP RESUBMITTAL
3		
4		
5		
6		
7		
8		
9		
10		

LANDSCAPE PLAN

issued for: ACDP RESUBMITTAL
 date: 01.18.18
 scale: 1/8" = 1'-0"

sheet
L1.1

DRAWING FILE NAME: D:\dla-rk\Projects\201612_PiedraChica\Drawings\PiedraChica-L1.dwg PLOTTED ON: 2018.01.17 - 4:39pm BY: Dan

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 19-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT NO. 18-002 TO ALLOW FOR AN INTERIOR AND EXTERIOR REMODEL AND 770 SQUARE FOOT ADDITION TO AN EXISTING 3,453 SQUARE FOOT SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A COURTYARD, BALCONY, EXTERIOR STAIRS, GROUND MOUNTED MECHANICAL EQUIPMENT, FENCING, PERMEABLE PAVERS, GRADING, RELOCATION OF THE DISPERSAL FIELD FOR AN EXISTING ONSITE WASTEWATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPING, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20238 PIEDRA CHICA ROAD (NEBAVI AND AKBAR)

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

SECTION 1. Recitals.

A. On September 20, 2017, an application for Coastal Development Permit (CDP) No. 18-002, submitted to the Planning Department by applicant Sakahara Allen Architects, on behalf of the owners Reza Nebavi and Maryam Akbar. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.

B. On October 10, 2018, staff visited the site to view the story poles and the surrounding neighborhood.

C. On March 4, 2019, the project was deemed complete.

D. On March 13, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On March 21, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On March 25, 2019, prior to the Planning Commission meeting, the project was continued to a date uncertain. The project was continuance allowed for a geotechnical report prepared by E.D. Michael to be submitted by neighbors to be reviewed by City Geotechnical staff.

G. On June 4, 2019, City geotechnical staff determined that the report as it relates to the proposed development did not provide data to justify the report's conclusion that the proposed project should not be denied.

H. On September 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On September 10, 2019, the applicant requested the continuance of the subject item, to allow the project geotechnical engineer to be present on the date of the hearing.

J. On September 16, 2019, the Planning Commission Regular Meeting was adjourned to October 7, 2019.

K. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On October 7, 2019, The Planning Commission continued the item to the October 21, 2019, Planning Commission meeting.

M. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission directed staff to verify that the calculation of the allowable size of the project's addition was made correctly including the garage based on California Building Code Section 110.2.3.4 and to return with a resolution to approve the project on the consent calendar.

N. On November 4, 2019, the Planning Commission directed staff to verify the total gross floor area of the residence prior to July 6, 1968 in relation to the calculation of the allowable size of the project's addition based on California Building Code Section 110.2.3.4.

O. On December 2, 2019, the resolution was presented to the Planning Commission on the consent calendar for adoption.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) interior and exterior alterations, 15301 (e) additions to existing structures and 15303(d) - New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) local implementation plan (LIP) sections 13.7(b) and 13.9, the planning commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP no. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping; located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, 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)

1. The proposed project is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project is the least environmentally damaging environmental alternative.

D. Hazards (LIP Chapter 9)

1. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage, including the garage. City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9. An "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. 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 project will neither be the subject to nor increase the instability of the site or structural integrity from geologic, flood, fire or other hazard.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design. The project meets City requirements and standards.

3. The project, as conditioned, is the least environmentally damaging alternative, in that it maintains the existing structure and the addition complies with the requirements of both the MMC and LCP. Additionally, the associated development does not require any discretionary requests.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by City geotechnical staff, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on the site.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-002 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. Remodel of the existing 3,453 square foot single-story single-family residence (including attached garage);
 - b. Demolition of seven percent of exterior walls (17.5 linear feet);
 - c. A 770 square foot addition up to 18 feet in height;
 - d. Total Development Square Footage (TDSF) 4,223 square feet;
 - e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
 - f. New balcony;
 - g. New exterior stairs;
 - h. New courtyard;
 - i. Front yard fence (28 linear feet not to exceed 42 inches in height solid, up to six feet in height, view permeable);
 - j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);

- k. 918 square feet of permeable paving; and
 - l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the OWTS, it can be permitted. New turf areas are not permitted.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **September 26, 2018**. 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/or 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 plan check and again prior to the issuance of any building or development permits.
 6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 1, 2019 Planning Commission 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 Sustainability Department for plan check.
 7. This CDP shall expire 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 agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
 8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
 9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. 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 Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. 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, have been exhausted.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

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 MMC 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.

Site-Specific Conditions

15. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).
16. Exterior lighting must comply with the Dark Sky Ordinance and 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.

17. Night lighting for sports courts or other private recreational facilities shall be prohibited.
18. 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 shall not produce an illumination level greater than one foot candle.
19. 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.
20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Demolition/Solid Waste

23. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
24. 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.
25. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
26. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
27. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.
28. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

29. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
30. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Biology/Landscaping

31. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace the existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" are NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc.)
32. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. 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).
35. No non-native plant species shall be approved greater than 50 feet from the residential structure.
36. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
37. Up-lighting of landscaping is prohibited.

Grading/Drainage/Hydrology (Geology/ Public Works)

38. 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:
 - a. Public Works Department general notes;
 - b. 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);
 - c. 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;

- d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
- e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
- f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
- g. 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.

39. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

- 40. 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.
- 41. The developer’s consulting engineer shall sign the final plans prior to the issuance of permits.
- 42. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Geology

43. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff 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 geotechnical staff prior to the issuance of a grading permit.
44. Final plans approved by the City geotechnical staff 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 (OWTS)

45. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
46. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).
47. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
48. 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 OWTS 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;
 - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
 - e. Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
49. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).
50. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing OWTS components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."

51. 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 City Environmental Sustainability Department.
52. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
53. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
54. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
55. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
56. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Construction / Framing

57. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
58. 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. **158**

59. 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 will be rinsed off prior to leaving the property.
60. 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.

Deed Restrictions

61. 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 landslide area 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 the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

62. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
63. 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.

Fixed Conditions

64. This coastal development permit shall run with the land and bind all future owners of the property.
65. 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. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2019.


JEFFREY JENNINGS, Planning Commission Chair

ATTEST:


KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-25 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 2nd day of December 2019 by the following vote:

AYES:	3	Commissioners:	Uhring, Mazza, Jennings
NOES:	2	Commissioners:	Hill, Marx
ABSTAIN:	0		
ABSENT:	0		


KATHLEEN STECKO, Recording Secretary

From: Mark Johnson <mjohnson@malibucity.org>
Date: May 5, 2020 at 4:27:26 PM PDT
To: Maryam Akbar
Cc: "Reza Nabavi, PhD"
Subject: RE: 20238 Piedra Chica Road public health report

Dr. Maryam Akbar,

Thank you for taking time to show me around your property. During my visit today the drip disposal field was dry and I saw no evidence of water entering any drains in the area. Based on Today's inspection of your property and the properties on Inland Lane I believe this is irrigation water from one or more properties on Inland Lane and is unlikely to be associated with your residence. My next steps are to work with the property owners on Inland Lane to eliminate irrigation problems that may be contributing to this puddle. Let me know if you have any questions.
Regards,

Mark Johnson
Environmental Programs Coordinator | City of Malibu
(310) 456-2489 ext. 275
www.MalibuCity.org

From: Maryam Akbar
Sent: Tuesday, May 5, 2020 3:12 PM
To: Mark Johnson <mjohnson@malibucity.org>
Cc: Reza Nabavi, PhD
Subject: 20238 Piedra Chica Road public health report

Dear Mr. Johnson,

It was a pleasure meeting with you. Attached please find a copy of the requested report from the County Public Health office closing their investigation and concluding that the complaints about the water Inland is not related to any sewage coming from my property. If you have any other questions please let me know. Looking forward to hearing from you regarding your visit of our property this afternoon.

--

Sent with Genius Scan for iOS.
<https://dl.tglapp.com/genius-scan>

Kind Regards,

Maryam Akbar, Ph.D.
Chief Operational Officer & Founder
Resolutions Therapeutic Services
Resolutions Teen Center



OFFICIAL INSPECTION REPORT
 COUNTY OF LOS ANGELES • DEPARTMENT OF PUBLIC HEALTH
 OFFICE: CALABASAS • CHIEF: PABINA BISTA
 21515 VANOWEN ST, STE 116, CANOGA PARK, CA 91303 - Phone: (818) 593-7300
WWW.PUBLICHEALTH.LACOUNTY.GOV/EH



Facility Name:		Inspection Date: 4/27/2020	
Owner/Permittee: SZS BUILDERS LLC		Re-inspection Date: N/A	
Facility Address: 20238 PIEDRA CHICA RD		City/Zip: MALIBU CA 90265	Phone #:
Email Address: NONE SPECIFIED		EHS: FLORINA BREBU	
Mailing Address: 1427 LINCOLN BLVD, SANTA MONICA, CA 90401		Time In: 01:26 PM	Time Out: 03:25 PM
EH Office Number: (818) 593-7300		Program Identifier: N/A	
FA: N/A	PR: N/A	SR: N/A	CO: CO0195176 PE: 2400
		Service: COMPLAINT INVESTIGATION	
		Result: CORRECTIVE ACTION NOT REQUIRED	
		Action: NO FURTHER ACTION REQUIRED	

OVERALL INSPECTION COMMENTS

Complaint investigation regarding sewage located at 2039 Inland discharging from 20238 Piedra Chica RD.
 Dye test done at 20238 Piedra Chica and 20239 Inland, joint inspection with Inspector Amanda MEzo.
 Observed no sewage discharging at the time of the test.

It is improper and illegal for any County officer, employee or inspector to solicit bribes, gifts or gratuities in connection with performing their official duties. Improper solicitations include requests for anything of value such as cash, free services, paid travel or entertainment, or tangible items such as food or beverages. Any attempt by a County employee to solicit bribes, gifts or gratuities for any reason should be reported immediately to either the County manager responsible for supervising the employee or the Fraud Hotline at (800) 544-6881 or www.lacountyfraud.org. **YOU MAY REMAIN ANONYMOUS.**

Failure to correct the violations by the compliance date may result in additional fees.

Your signature on this form does not constitute agreement with its contents. You may discuss this content of this report by contacting the supervisor at the phone number of the Environmental Health office indicated on front page of this report. Until such time as a decision is rendered by this department, the content of this report shall remain in effect.

By signing below the Person in Charge/Owner understands the above noted violations and statements.

ADVISORIES / WARNINGS

CALIFORNIA STATE FRANCHISE TAX BOARD WARNING

Section 17274 and 24436.5 of the State Revenue and Taxation code provide, in part, that a taxpayer, who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of State or local codes dealing with health, safety, or building, cannot deduct from State personal income tax and bank and corporation income tax, deductions for interest, depreciation or taxes attributable to such substandard structure where the substandard conditions are not corrected within six (6) months after notice of violation by the regulatory agency. THE DATE OF THIS NOTICE MARKS THE BEGINNING OF THAT SIX-MONTH PERIOD. The Department is required by law to notify the Franchise Tax Board of failure to comply with these code sections.

Please be advised that the above WARNING is for purpose of compliance with the State Revenue and Taxation Code only. Compliance with Health Laws as noted on the attached Inspection Report or Notice of Violation must be made within the time specified on the report or notice.

LEAD CORRECTION ADVISORY

WARNING: You are hereby advised that corrections ordered by this report/official notice may disturb surfaces that may contain lead-based paint. Lead-based paint can be commonly found in housing built prior to 1978.

Prior to making any corrections ordered and in conjunction with repairs or rehabilitation, you must determine if lead is present in the dwelling unit/apartment/room. All corrective actions must be conducted in a manner that will protect occupants, workers, and other from exposure to contamination

For further information on lead hazards call 1(800) LA-4-LEAD.

OTHER INDOOR ENVIRONMENTAL HAZARDS

Exposure to internal environmental elements, such as asbestos, molds, and mildew, dust mites, droppings from cockroaches and rodents, carbon monoxide, formaldehyde, pesticides, and radon also contribute to unhealthy housing environments. All corrective actions must be conducted in a manner that will protect occupants, workers, and others from exposure to these elements.

 PIC/Owner Signature

FLORINA BREBU

 EHS Signature

Help us serve you better by completing a short survey. Visit our website at www.publichealth.lacounty.gov/eh



Planning Commission
Meeting
10-21-19
Item
4.A.

Commission Agenda Report

To: Chair Uhring and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner *JA*

Approved by: Bonnie Blue, Planning Director *JB*

Date prepared: October 10, 2019 Meeting date: October 21, 2019

Subject: Coastal Development Permit No. 18-002 – An application for an interior and exterior remodel of a single-family residence and associated development (continued from October 7, 2019)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone

APN: 4450-013-084

Owners: Reza Nebavi and Maryam Akbar

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 19-25 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system (OWTS), and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

DISCUSSION: This agenda report provides a project overview, a summary of the surrounding land uses and project setting, description of the proposed project, staff's analysis of the proposed project's consistency with Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC) provisions, and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the proposed project is consistent with the LCP and MMC.

Pursuant to LCP Local Implementation Plan (LIP) Section 13.13.1, the Planning Director may process this permit application administratively, as an administrative coastal development permit, because the scope of work is for improvements to a single-family dwelling and the permit is not appealable to the California Coastal Commission (CCC). However, the Planning Director, with the concurrence of the applicant, may accept the application for filing as a regular coastal development permit pursuant to LIP Section 13.13.2(B). The applicant has requested that the application be processed as a regular coastal development permit under LIP Section 13.6, subject to the provisions for hearing and appeal set forth in LIP Sections 13.11 and 13.12. Although the application does not include any discretionary requests, there have been multiple public comments pertaining to geotechnical concerns, view impacts, compatibility, and other issues.

On March 25, 2019, prior to the Planning Commission meeting, the project was continued to a date uncertain due to public comment regarding geotechnical concerns. A neighbor to the project submitted a geotechnical report prepared by E.D. Michael. Staff recommended continuance of the project to allow time for City geotechnical staff to review the geotechnical report.

On June 4, 2019, after careful review of the Michael report, City geotechnical staff determined that the report, as it relates to the proposed development, did not provide data to justify the report's conclusion that the proposed project should be denied. City geotechnical staff continues to recommend approval of this project, finding that it complies with all applicable codes City codes and standards.

The project was noticed for the October 7, 2019, Regular Planning Commission meeting, then was continued to the October 21, 2019, Regular Planning Commission meeting at the applicant's request to allow the project geotechnical consultant to be present at the meeting.

Project Overview

The proposed project involves the remodel and addition to an existing one-story, single-family residence and the relocation of the dispersal field of the existing OWTS (Attachment 2 - Project Plans). The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. The project site lies within the active Big Rock Mesa Landslide which is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property, based on the submitted geotechnical reports. The Big Rock Mesa Landslide Assessment District was established in 1989 by the County of Los Angeles to provide funding to maintain and monitor facilities to reduce landslide movements. The City has administered the district since 1991. The dewatering facilities in the Assessment District removes groundwater from the landslide on a daily basis in an effort to lower groundwater levels and, in turn, increase the stability of the landslide.

Correspondence has been submitted by the surrounding neighboring property owners expressing concern regarding the geological safety of the property and the impact on the

surrounding Big Rock Mesa Landslide area. Detailed geologic and geotechnical investigations were performed on the subject site by Don Kowalewsky of Environmental and Engineering Geology, for the proposed development. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage. However, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9.

Additionally, the neighbors in the area have expressed concerns regarding the Big Rock Mesa Landslide Assessment District and infrastructure. The City Public Works Department and City geotechnical staff have reviewed the project and have determined the proposed project will have no adverse impacts on the area. Management of the Big Rock Mesa Landslide Assessment District is not relevant to the decision of this application. Nevertheless, the City Planning department, City geotechnical staff, and City Public Works department has met with concerned neighbors to discuss questions and provide information on several occasions.

Furthermore, there have been neighbor concerns regarding view impacts of the project. However, the proposed addition is no higher than 18 feet in height and thus does not require a site plan review. Story poles were installed and certified to confirm the height of the proposed addition is no higher than 18 feet. Although surrounding neighboring properties have primary view determinations, pursuant to MMC Section 17.40A (17), "The primary view corridor shall exclude the first eighteen (18) feet of the proposed building height as measured from the existing natural grade or finish grade whichever results in a lower building height." As proposed, the building height will not exceed 18 feet in height. Therefore, while some view blockage may occur, the project will not affect any protected primary views because the 18 foot height of the structure is excluded from the neighbors protected views. Only views above 18 feet in height are protected.

Based on review of the story poles, staff's site visit to evaluate story poles and the surrounding neighborhood, the proposed addition to the existing single-family residence is not likely to have a visual impact from public scenic areas.

This is a "clean sheets" project, meaning no discretionary requests have been made, such as for a site plan review, all required findings can be made, and the project complies with the LCP and MMC. Staff recommends approval of the application.

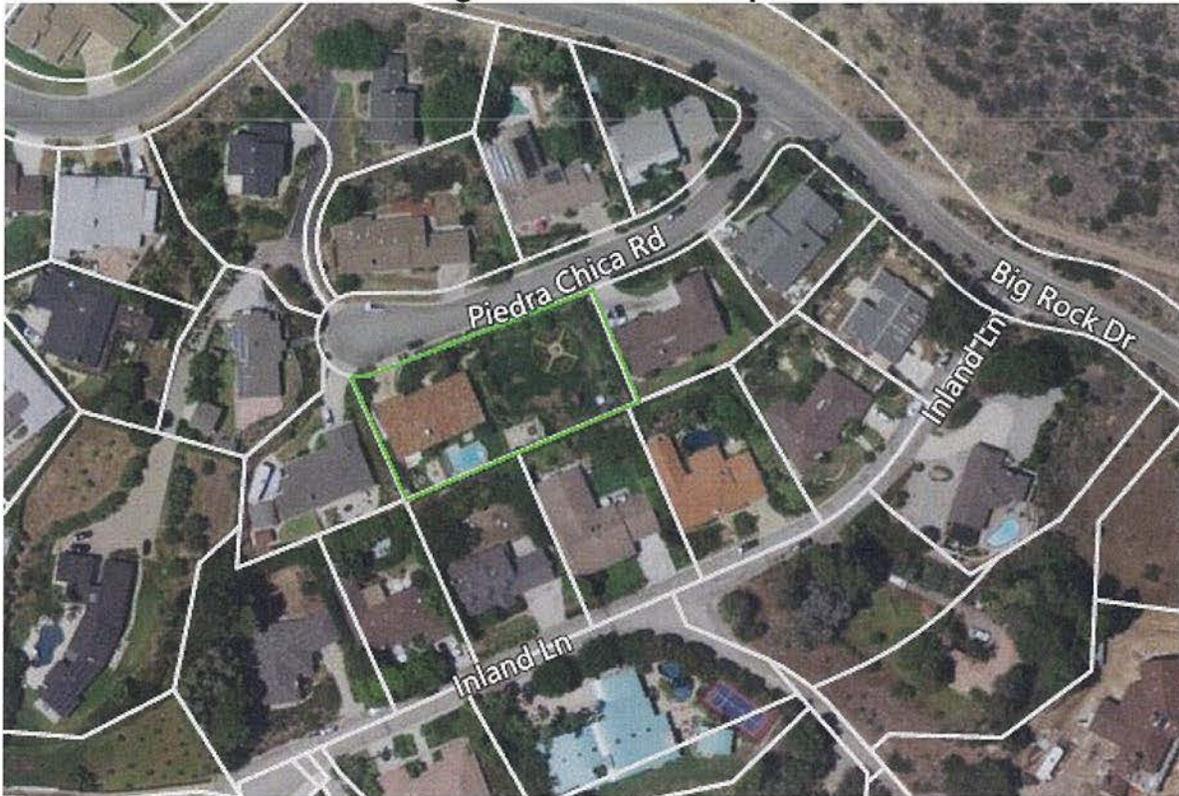
Surrounding Land Uses and Project Setting

The subject parcel is located at 20238 Piedra Chica Road and is currently developed with a 3,453 square foot single-family residence that was constructed in 1966. The parcel is

approximately 0.52 acres in area and is located on the west side of Piedra Chica Road which is accessed via Big Rock Drive. See Figure 1.

The site is currently developed in a way that is typical of other homes in the neighborhood. The property consists of a level building pad with ascending slopes to the east and descending slopes to the west. Minor grading will be required for the addition.

Figure 1 – Aerial Map



Source: City GIS 2019

The project site does not contain mapped trails on or adjacent to it according to the LCP Park Lands Map. Additionally, the property is not located in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.

The property is located in a neighborhood primarily developed with one and two-story single-family residences with accessory development, and is zoned SFL. Table 1 provides a summary of the neighboring surrounding land uses and lot sizes and Attachment 4 provides a table of Los Angeles County Assessor data for surrounding properties within a 500-foot radius.*

Table 1 – Surrounding Land Uses				
Direction	Address	Lot Size	Zoning	Land Use
North	20235 Piedra Chica Road	0.38 acres	SFL	Single-Family Residence
North	20223 Piedra Chica Road	0.38 acres	SFL	Single-Family Residence
South	20249 Inland Lane	0.38 acres	SFL	Single-Family Residence
South	20239 Inland Lane	0.36 acres	SFL	Single-Family Residence
West	20246 Piedra Chica Roca	0.30 acre	SFL	Single-Family Residence
East	20218 Piedra Chica Road	0.28 acres	SFL	Single-Family Residence

*This data was pulled by staff from the Assessor’s website due to previous requests by the Planning Commission. This information is not required by Malibu’s zoning codes and is not pertinent to conformance review.

Table 2 provides a summary of the lot dimensions and lot area of the subject parcel. The subject site is larger than the adjacent lots shown in Table 1.

Table 2 – Total Property Data	
Lot Depth	107.2 feet
Lot Width	210.3 inches
Gross Lot Area	22,550 square feet (.52 acres)
Area Comprised of 1:1 Slopes	0 square feet
Net Lot Area*	22,550 square feet (.52 acres)

*Net Lot Area = Gross Lot Area minus the area of access easements and 1 to 1 slopes

Project Description

The proposed scope of work is as follows:

- a. Remodel of the existing 3,453 square foot single-story single-family residence (including attached garage);
- b. Demolition of seven percent of exterior walls (17.5 linear feet);
- c. A 770 square foot addition not to exceed 18 feet in height;
- d. Total Development Square Footage (TDSF) equal to 4,223 square feet;
- e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
- f. New balcony;
- g. New exterior stairs;
- h. New courtyard;
- i. Front yard fence (28 linear feet, not to exceed 42 inches in height solid, up to six feet in height, view permeable);
- j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);
- k. 918 square feet of permeable paving; and
- l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the

OWTS, it can be permitted. New turf areas are not permitted.

LCP Analysis

The LCP consists of the Land Use Plan (LUP) and the LIP. The LUP contains programs and policies implementing the Coastal Act in Malibu. The LIP contains provisions to carry out the policies of the LUP to which every project requiring a coastal development permit must adhere.

There are 14 LIP chapters that potentially apply depending on the nature and location of the proposed project. Of these, five are for conformance review only and contain no findings: 1) Zoning, 2) Grading, 3) Archaeological/Cultural Resources, 4) Water Quality, and 5) OWTS. These chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters contain required findings: 1) Coastal Development Permit; 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. For the reasons described in this report, including the project site, the scope of work and substantial evidence in the record, only findings in the following chapters are applicable to the proposed project: Coastal Development Permit and Hazards.¹ These chapters are discussed in the *LIP Findings* section of this report.

LIP Conformance Analysis

The proposed project has been reviewed by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, the Los Angeles County Fire Department (LACFD), and the Los Angeles County Water Works District 29 (LACWD) (Attachment 3 – Department Review Sheets). The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies.

Zoning (LIP Chapter 3)

The proposed project is subject to development and design standards set forth under LIP Sections 3.5 and 3.6. Table 3 provides a summary and indicates the proposed project meets those standards.

¹ The 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 neither applicable nor required for the proposed project.

Table 3 – Zoning Conformance			
Development Requirement	Allowed/ Required	Proposed	Comments
SETBACKS (ft.)			
Front Yard	21.4 feet	32.6 feet	Complies
Rear Yard	16.1 feet	46 feet	Complies
Side Yard (Minimum 10%)	21 feet	104 feet	Complies
Side Yard	31.5 feet	79.9 feet	Complies
Total Side Yard (Cumulative 25%)	52.5 feet	89.6 feet	Complies
PARKING SPACES			
Enclosed (10 ft. x 18 ft.)	2	2	Complies
Unenclosed (10 ft. x 18 ft.)	2	2	Complies
Total Development Square Footage (TDSF) (sq.ft.)			
TDSF			
Single-Family Residence	4,932 sq. ft.	4,223 sq. ft.	Complies
HEIGHT (ft.)			
Single-Family Residence	18	17.9 feet	Complies
IMPERMEABLE COVERAGE (sq.ft.)			
	6,765 sq. ft.	6,647 sq. ft.	Complies
NON-EXEMPT GRADING (cu.yd.)			
	1,000 cu. yd.	14 cu. yd.	Complies
CONSTRUCTION ON SLOPES			
	3 to 1 or less	Flatter than 3 to 1	Complies

As shown in Table 3, the proposed project conforms to the development standards as set forth under LIP Chapter 3. The proposed project has been determined to be consistent with all applicable LCP codes, standards, goals, and policies.

The proposed addition does not exceed 18 feet in height; however, the applicant chose to erect story poles to demonstrate the height and bulk of the proposed addition. The story poles provide a visual demonstration of the proposed addition and compliance with the City's zoning standards.

Grading (LIP Chapter 8)

LIP Section 8.3 ensures that new development minimizes the visual resource impacts of grading and landform alteration by restricting the amount of non-exempt grading to a maximum of 1,000 cubic yards for a residential parcel. The project proposes 14 cubic yards of non-exempt grading and 75 cubic yards of understructure grading for the addition to the main residence as well as the relocation of the OWTS dispersal field. The excavation that will take place is considered as non-exempt because it is understructure and will not alter the property's topography. The proposed project complies with grading requirements set forth under LIP Section 8.3.

Table 4 – LCP Grading Conformance						
	Exempt*			Non-Exempt	Remedial	Total
	R&R**	Understructure	Safety***			
Cut	0	40	0	0	0	40
Fill	0	35	0	14	0	49
Total	0	75	0	14	0	89
Import	0	0	0	14	0	14
Export	0	5	0	0	0	5

All grading quantities indicated are in cubic yards (c.y.)

* Exempt grading includes all R&R, understructure and safety grading.

** R&R= Removal and Re-compaction

***Safety grading is the incremental grading required for fire department access (such as turnouts, hammerheads and turnarounds and any other increases in driveway width above 15 feet required by the Los Angeles County Fire Department).

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. A Phase I Archaeological Survey was prepared by Robert J. Wlodarski of Historical, Environmental, Archaeological, Research Team (HEART), Inc. for the subject property in October 2017. No indication of prehistoric or historic archaeological resources was discovered in the project area. HEART determined that any proposed improvements should have no adverse impacts to known cultural resources.

Nevertheless, a condition of approval is included in the resolution which states that 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.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the proposed project for conformance with LIP Chapter 17 requirements for water quality protection. Standard conditions of approval include the implementation of approved storm water management plans during construction activities and for the life of the project, to manage runoff from the development. With the implementation of these conditions, the proposed project conforms to the water quality protection standards of LIP Chapter 17.

Wastewater Treatment System Standards (LIP Chapter 18)

LIP Chapter 18 addresses OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The proposed project includes the relocation of the existing dispersal field toward the northern portion of the property in order to accommodate the proposed addition. There is no additional proposed renovation or expansion the existing OWTS. The system has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. The proposed relocation of the dispersal field will meet all applicable requirements and operating permits

will be required. An operation and maintenance contract and recorded covenant covering such must comply with City of Malibu Environmental Health requirements. Additionally, a covenant shall be recorded to serve as constructive notice to any successors in interests that, 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 if the primary effluent dispersal area fails to drain adequately, the City of Malibu may require remedial measures. Conditions of approval have been included in this resolution, which require continued operation, maintenance, and monitoring of onsite facilities.

LIP Findings

A. Coastal Development Permit (LIP Chapter 13)

LIP Section 13.9 requires that the following four findings be made for all coastal development permits.

Finding 1. 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 is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP in that it meets all applicable residential development standards.

Finding 2. If the project is located between the first public road and the sea, that the project is in conformity 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 not located between the first public road and the sea. Additionally, the subject property does not contain any mapped trails as depicted on the LCP Park Lands Map, and this finding does not apply.

Finding 3. The project is the least environmentally damaging alternative.

This analysis assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources. There are no sensitive coastal resources on the site, such as scenic or biological. The most notable site characteristic is the Big Rock Mesa landslide area; however, the scope of the development was determined by the project geotechnical consultant, with concurrence of City geotechnical staff, not to adversely affect the landslide.

Alternate Project – Rather than maintain the existing structure, the owner could have chosen to demolish the entire structure and develop the site with a new single-family residence, creating further site disturbance. Additionally, the owner could have chosen to construct a two-story addition on the existing single-family residence, which would have created larger view impacts. As designed, the proposed addition complies with the requirements of both the MMC and LCP. In conclusion, it is not anticipated that an alternative project would offer any environmental advantages.

Proposed Project – The project proposes the remodel and addition of 770 square feet to the existing single-story single-family residence, the relocation of the dispersal field for an existing OWTS, and the replacement of 2,480 square feet of existing landscape, which are permitted uses within the SFL zoning designation, in an existing residentially developed area. The proposed project complies with the size, height and location requirements of the LCP. The proposed project has been reviewed and conditionally approved by the City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and the LACFD, and meets the City’s residential development policies of the LCP and MMC. The proposed project, as conditioned, will comply with all applicable requirements of State and local law. The proposed project has been determined not to result in adverse biological, scenic or visual resource impacts, and is the least environmentally damaging feasible alternative.

Finding 4. 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.

The subject property is not designated as containing ESHA or ESHA buffer as shown on the LCP ESHA and Marine Resources Map. Therefore, Environmental Review Board review was not required, and this finding does not apply.

B. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

The subject property is not designated as containing ESHA, or ESHA buffer, as shown on the LCP ESHA and Marine Resources Map. Based on site specific analysis by the City Biologist, it has been determined that there is no ESHA on the property. On October 2, 2018, the City Biologist approved the proposed project and determined that the project is not expected to result in any adverse impacts to significant biological resources. As conditioned, the proposed project will result in less than significant impacts to sensitive resources, and no significant loss of vegetation or wildlife, or encroachments into an ESHA. Therefore, the findings of LIP Section 4.7.6 are not applicable.

C. Native Tree Protection (LIP Chapter 5)

There are no native trees on or adjacent to the subject parcel. Therefore, the findings of LIP Chapter 5 are not applicable.

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

The Scenic, Visual, and Hillside Resource Protection Chapter governs those coastal development permit applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property is not located along, within, nor provides views to or is visible from any scenic area, scenic road or public viewing area. Therefore, the findings LIP Chapter 6 are not applicable.

E. Transfer of Development Credit (LIP Chapter 7)

The proposed project does not include a land division or multi-family development. Therefore, the findings of LIP Chapter 7 are not applicable.

F. 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 hazards listed in LIP Sections 9.2(A)(1-7) 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 proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. The required findings are made as follows:

Finding 1. 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 geotechnical and engineering reports and addenda prepared by Donald B. Kowalewsky of Environmental and Engineering Geology, referenced in the geotechnical review sheet in Attachment 3. These reports are on file at City Hall. The reports evaluate site-specific conditions and recommendations are provided to address any pertinent issues. Potential hazards analyzed include geologic, seismic and fault rupture, liquefaction, landslide, groundwater, tsunami, and flood and fire hazards. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. The landslide is 160 acres and up to 350 feet thick.

The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage, and an "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. The existing OWTS consists of a tertiary treatment tank, geoflow,

and shallow drip irrigation system that minimizes deep percolation into the subsurface. The proposed project will not increase the size of the existing system. The Project Geotechnical Consultant (PGC) has reviewed the previous 10 years of Monitoring Reports for the Big Rock Mesa Landslide Assessment District and concludes that maximum recorded movement for the 10 year time span was less than 1.5 inches at a depth of 210 feet. No visible signs of distress were visible across the property, and the PGC concluded that the proposed project will not adversely affect offsite properties.

Based on review of the project plans and associated geotechnical reports by City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD, these specialists determined that adverse impacts to the project site related to the proposed development are not expected. The proposed project, including the relocation of the dispersal field of the existing OWTS, will neither be subject to nor increase the instability from geologic, flood, or fire hazards. 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.

Additionally, the project is conditioned to record a deed restriction, stating that the property is subject to landslides or other hazards associated with development on a landslide area, 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

Fire Hazard

The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The subject property is currently subject to wildfire hazards. The scope of work proposed as part of this application is not expected to have an adverse impact on wildfire hazards. The proposed development may actually decrease the site's susceptibility to wildfire through compliance with fuel modification requirements and the use of appropriate building materials utilized during construction.

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. Conditions of approval have been included in the resolution to require compliance with all LACFD development standards. As such, the proposed project, as designed, constructed, and conditioned, will not be subject to nor increase the instability of the site or structural integrity involving wildfire hazards.

The project, as conditioned, will incorporate all recommendations contained in the above cited geotechnical reports and conditions required by the City Public Works Department, City geotechnical staff, and the LACFD, including foundations, OWTS modifications, and

drainage. As such, the proposed project will not increase instability of the site or structural integrity from geologic, flood, or any other hazards.

Finding 2. 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 stated in Finding 1, the proposed project, as designed, conditioned and approved by the applicable departments and agencies, will not have any significant adverse impacts on the site stability or structural integrity from geologic or flood hazards due to project modifications, landscaping or other conditions.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

As previously stated in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative.

Finding 4. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. It has been determined that the proposed project does not impact site stability or structural integrity. As previously discussed in Finding 3 of Section A and Finding 1 of Section F, there are no environmentally superior feasible alternatives.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance with sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Section A, the proposed project, as designed and conditioned, is the least environmentally damaging alternative and no adverse impacts to sensitive resources are anticipated.

I. Shoreline and Bluff Development (LIP Chapter 10)

The project site is not located on or along the shoreline, a coastal bluff or bluff top fronting the shoreline. Therefore, the findings of LIP Chapter 10 are not applicable.

J. Public Access (LIP Chapter 12)

LIP Section 12.4 requires public access for lateral, bluff-top, and vertical access near the ocean, trails, and recreational access for the following cases:

- A. New development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing a historically used or suitable public access trail or pathway.

- B. New development between the nearest public roadway and the sea.
- C. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
- D. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

As described herein, the property is not located between the first public road and the sea, no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located near a recreational area. The project does not meet any of the criteria above. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

K. Land Division (LIP Chapter 15)

This project does not include a land division. Therefore, the findings of LIP Chapter 15 are not applicable.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Director has analyzed the proposed project. The Planning Director found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the proposed project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) – interior and exterior alterations, 15301(e) – additions to existing structures and 15303(d) – New Construction. The Planning Director has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: Correspondence was received from neighbors objecting to the proposed project. Cited concerns include geological hazards, size, view impacts and potential impacts to community character that may result from the proposed project. Staff has addressed the concerns expressed in the attached correspondence within the agenda report.

The following written correspondence has been submitted to date (Attachment 7 – Public Correspondence):

- Email dated July 17, 2018, from Jo Drummond on behalf of the Big Rock Mesas Property Owners Association in opposition of the proposed project;
- Email dated July 18, 2018, from Ed and Georganne Bartylak expressing opposition to the proposed project;
- Email dated July 18, 2018, from Jo Drummond in response to Building Official, Craig George;

- Email dated July 25, 2018, from Jo Drummond expressing concerns regarding the project;
- Email dated July 25, 2018, from Jo Drummond in response to letter from Barouti Law Corporation;
- Email dated July 26, 2018, from Ellen Relles expressing concerns regarding the project;
- Email dated, July 30, 2018, from Ed and Georganne Bartylak expressing concern regarding the project;
- Email dated, July 31, 2018, from Ed and Georganne Bartylak expressing opposition to the project and attaching an article regarding landslide history of the Big Rock Mesa area;
- Email dated August 1, 2018, from Emily Cable regarding Big Rock landslide history;
- Email dated, August 2, 2018, from Roesmarie Ihdle expressing opposition to the proposed project;
- Letter dated August 8, 2018, from Christopher W. Cunningham expressing opposition to the proposed project;
- Email dated August 9, 2018, from Frank Albino expressing concern regarding the project;
- Email dated August 9, 2018, from Jeff Grier expressing opposition to the project;
- Email dated August 10, 2018, from Judy Shockley stating a formal opposition to the project;
- Email dated August 22, 2018, from Ed and Georganne Bartylak with an attached reply letter to Reza Nabavi with comments concerning the project;
- Email dated October 2, 2018, noting the attached certified letter from the Big Rock Property Owners Associate regarding Brush Clearance/View impact;
- Letter dated January 16, 2019, on behalf of the Big Rock Mesas Property Owner Association expressing geology concerns;
 - Attached: Geologic Aspects of Redevelopment Big Rock Mesa Landslide Area Review and Abstract prepare by E.D. Michael.
- Email dated January 24, 2019, from Jo Drummond requesting the status of the project;
- Email dated March 21, 2019, from Jo Drummond requesting the Planning Commission meeting be postponed in order for the E.D. Michael report to be reviewed by City staff;
- Email dated March 22, 2019, from Lynda Cook requesting the item be postponed to allow for further review;
- Email dated June 4, 2019, a response from City geotechnical staff, Christopher Dean regarding the E.D. Michael report;
- Email dated September 10, 2019, from the applicant, Dan Allen, requesting the continuance of the subject item, to allow the project geotechnical engineer to be present the date of the hearing; and

PUBLIC NOTICE: On September 26, 2019, staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu and on September 26, 2019, a notice was mailed 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 proposed project complies with the LCP and MMC. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report and the accompanying resolution, staff recommends approval of this project, subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 19-25. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff and appropriate City and County departments.

ATTACHMENTS:

1. Planning Commission Resolution No. 19-25
2. Project Plans
3. Department Review Sheets
4. Table of Surrounding Properties Within 500 Feet
5. Site Photographs
6. Project Rendering
7. Public Correspondence
8. Radius Map
9. Public Hearing Notice
10. Geologic Aspects of Redevelopment Big Rock Mesa Landslide Area report by E.D. Michael
11. Geotechnical Reconnaissance Report for Proposed Additions to an Existing Single Family Dwelling at 20238 Piedra Chica Road by Donald B. Kowalewsky

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 19-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT NO. 18-002 TO ALLOW FOR AN INTERIOR AND EXTERIOR REMODEL AND 770 SQUARE FOOT ADDITION TO AN EXISTING 3,453 SQUARE FOOT SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A COURTYARD, BALCONY, EXTERIOR STAIRS, GROUND MOUNTED MECHANICAL EQUIPMENT, FENCING, PERMEABLE PAVERS, GRADING, RELOCATION OF THE DISPERSAL FIELD FOR AN EXISTING ONSITE WASTEWATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPING, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20238 PIEDRA CHICA ROAD (REZA NEBAVI AND MARYAM AKBAR)

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

SECTION 1. Recitals.

A. On September 20, 2017, an application for Coastal Development Permit (CDP) No. 18-002, submitted to the Planning Department by applicant Sakahara Allen Architects, on behalf of the owners Reza Nebavi and Maryam Akbar, was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.

B. On October 10, 2018, staff visited the site to view the story poles and the surrounding neighborhood.

C. On March 4, 2019, the project was deemed complete.

D. On March 13, 2019, Notice of Coastal Development Permit Application was posted on the subject property.

E. On March 21, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On March 25, 2019, prior to the Planning Commission meeting, the project was continued to a date uncertain. The project was continuance allowed for a geotechnical report prepared by E.D. Michael to be submitted by neighbors to be reviewed by City Geotechnical staff.

G. On June 4, 2019, City geotechnical staff determined that the report as it relates to the proposed development did not provide data to justify the report's conclusion that the proposed project should not be denied.

H. On September 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On September 10, 2019, the applicant requested the continuance of the subject item, to allow the project geotechnical engineer to be present on the date of the hearing.

J. On September 16, 2019, the Planning Commission Regular Meeting was adjourned to October 7, 2019.

K. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On October 7, 2019, The Planning Commission continued the item to the October 21, 2019, Planning Commission meeting.

M. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, 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 analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) interior and exterior alterations, 15301 (e) additions to existing structures and 15303(a) - New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) local implementation plan (LIP) sections 13.7(b) and 13.9, the planning commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP no. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping; located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, 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)

1. The proposed project is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project is the least environmentally damaging environmental alternative.

D. Hazards (LIP Chapter 9)

1. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage. City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9. An "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. 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 project will neither be the subject to nor increase the instability of the site or structural integrity from geologic, flood, fire or other hazard.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design. The project meets City requirements and standards.

3. The project, as conditioned, is the least environmentally damaging alternative, in that it maintains the existing structure and the addition complies with the requirements of both the MMC and LCP. Additionally, the associated development does not require any discretionary requests.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9

by City geotechnical staff, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on the site.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-002 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 shall allow for the project described herein. The scope of work approved includes:
 - a. Remodel of the existing 2,153 square foot single-story single-family residence (including attached garage);
 - b. Demolition of seven percent of exterior walls (17.5 linear feet);
 - c. A 770 square foot addition up to 18 feet in height;
 - d. Total Development Square Footage (TDSF) 4,223 square feet;
 - e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
 - f. New balcony;
 - g. New exterior stairs;
 - h. New courtyard;
 - i. Front yard fence (28 linear feet not to exceed 42 inches in height solid, up to six feet in height, view permeable);
 - j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);
 - k. 918 square feet of permeable paving; and
 - l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the OWTS, it can be permitted. New turf areas are not permitted.

3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **September 26, 2018**. 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/or 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 plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 1, 2019 Planning Commission 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 Sustainability Department for plan check.
7. This CDP shall expire if the project has not commenced within three (3) years after issuance of the permit. Extension of the permit may be requested by the approving authority for due cause. Extensions shall be requested in writing by the applicant or authorized agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. 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 Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. 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, have been exhausted.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

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 MMC 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.

Site-Specific Conditions

15. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).
16. Exterior lighting must comply with the Dark Sky Ordinance and 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.
17. Night lighting for sports courts or other private recreational facilities shall be prohibited.

18. 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 shall not produce an illumination level greater than one foot candle.
19. 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.
20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Demolition/Solid Waste

23. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
24. 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 materials, lumber, concrete, glass, metals, and drywall.
25. Prior to the issuance of a building demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 60 percent (in accordance with CalGreen) of all construction waste from the landfill.
26. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
27. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a six month period. Dust control measures must be in place if construction does not commence within 30 days.
28. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.

29. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
30. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Biology/Landscaping

31. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace the existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" are NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc.)
32. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. 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).
35. No non-native plant species shall be approved greater than 50 feet from the residential structure.
36. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
37. Up-lighting of landscaping is prohibited.

Grading/Drainage/Hydrology (Geology/ Public Works)

38. 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:
 - a. Public Works Department general notes;
 - b. 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);
 - c. 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;

- d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
- e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
- f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
- g. 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.

39. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

- 40. 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.
- 41. The developer’s consulting engineer shall sign the final plans prior to the issuance of permits.

42. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Geology

43. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff 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 geotechnical staff prior to the issuance of a grading permit.
44. Final plans approved by the City geotechnical staff 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 (OWTS)

45. 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 Malibu Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
46. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).
47. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).
48. 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 OWTS 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.
 - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
 - e. Traffic Rate Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
49. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

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50. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing OWTS components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”
 51. 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 of 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 City Environmental Sustainability Department.
 52. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
 53. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
 54. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
 55. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
 56. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Construction / Framing

57. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
58. 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.
59. 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 will be rinsed off prior to leaving the property.
60. 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.

Deed Restrictions

61. 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 landslide area 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 the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

62. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
63. 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.

Fixed Conditions

64. This coastal development permit shall run with the land and bind all future owners of the property.
65. 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. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 21st day of October 2019.

STEVE UHRING, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved party 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-25 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 21st day of October 2019 by the following vote:

AYES:

NOES:

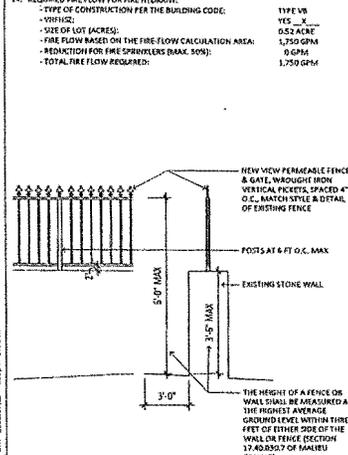
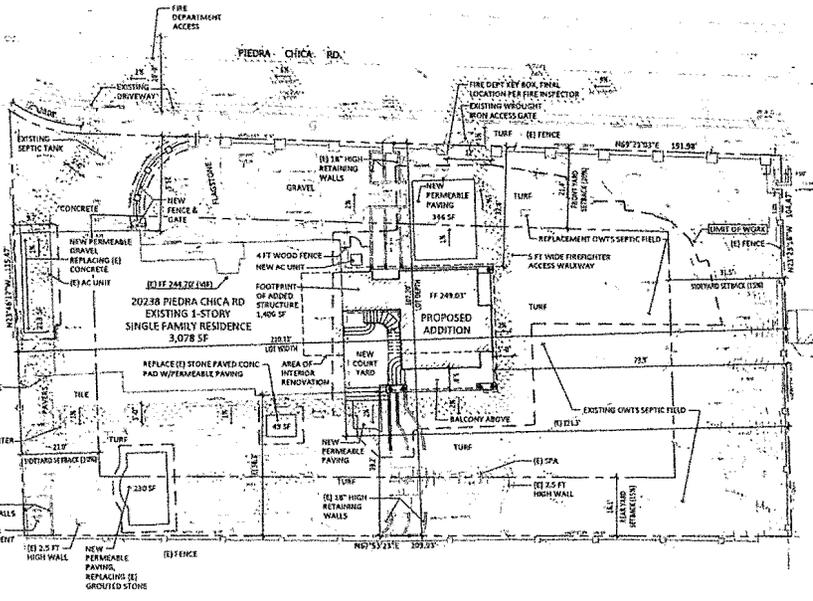
ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

FIRE DEPARTMENT NOTES:

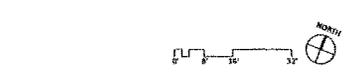
- APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBERS OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE REFINELY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.3 INCH. (CFC 205.1)
- FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICEABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. CFC 304.4
- ALL FIRE HYDRANTS SHALL MEASURE 6" x 4" x 24 1/2", BRASS OR BRONZE, CONFORMING TO AMERICAN WATER WORKS ASSOCIATION STANDARD C900, OR APPROVED EQUAL, AND SHALL BE INSTALLED IN ACCORDANCE WITH THE COUNTY OF LOS ANGELES FIRE DEPARTMENT REGULATION 8.
- ALL ROOF COVERINGS SHALL BE CLASS "A" PER CFC 1505.3.3, CFC 8327.3.3 & 8300.
- ROOF VALLEY FLASHING SHALL NOT BE LESS THAN 0.019 INCH (NO. 26 GALVANIZED SHEET GAGE) CORROSION RESISTANT METAL INSTALLED OVER A MINIMUM 3/8 INCH WIDE UNDERLAYERMENT CONSISTING OF ONE LAYER OF NO. 72 ASPHALT SHEET MEETING MINIMUM THE FULL LENGTH OF THE VALLEY. (CFC 8327.3.3 AND CFC 205A.1)
- ROOF FLASHING SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (CFC 8327.3.3 AND CFC 205A.1)
- VENTS SHALL RESIST THE INTRUSION OF FLAME AND EMBERS AND FLAME THROUGHOUT THE VENTILATION OPENINGS. VENT OPENINGS SHALL BE PROTECTED BY CORROSION RESISTANT, NONCOMBUSTIBLE WIRE MESH WITH A MINIMUM 2.0x2.8 INCH OPENINGS AND SHALL NOT EXCEED 1/8TH INCH. VENTS SHALL NOT BE INSTALLED IN EAVES OR CORNICES. (CFC 8327.3.3 AND CFC 205A.1)
- PRIOR TO BUILDING PERMIT FINAL APPROVAL, THE PROPERTY SHALL BE IN COMPLIANCE WITH THE VEGETATION CLEARANCE REQUIREMENTS DESCRIBED IN CALIFORNIA PUBLIC RESOURCES CODE SECTION 4211, CALIFORNIA GOVERNMENT CODE SECTION 51182 AND THIS CODE. (CFC 8327.3.3 AND CFC 420.2)
- CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER CFC 235.
- EXISTING KESLER PINE SHALL BE PROTECTED.
- WHEN SECURITY GATES ARE PROVIDED (ACCESS A FREE APPARATUS ACCESS ROAD), MAINTAIN A MINIMUM ACCESS WIDTH OF 10 FEET. THE SECURITY GATE SHALL BE PROVIDED WITH AN APPROVED MEANS OF EMERGENCY OPERATION, AND SHALL BE MAINTAINED OPERATIONAL AT ALL TIMES AND REPAIR OR REPLACE WHEN DEFECTIVE. ELECTRIC GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325. GATES INTENDED FOR AUTOMATIC OPERATION SHALL BE CONSTRUCTED AND INSTALLED TO COMPLY WITH THE REQUIREMENTS OF ASTM F220. GATES SHALL BE OF THE SWINGING FOR SLIDING TYPE. CONSTRUCTION OF GATES SHALL BE OF MATERIALS THAT ALLOW MANUAL OPERATION BY ONE PERSON. FIRE CODE 303.4 AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 307 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 306. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE INSPECTOR.
- ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. FIRE CODE 304.1
- REQUIRED FIRE FLOW FOR THE HYDRANT:
 - TYPE OF CONSTRUCTION PER THE BUILDING CODE: TYPE VB
 - HYDRANT: YES, A
 - SIZE OF LOT (ACRES): 0.52 ACRES
 - FIRE FLOW BASED ON THE FIRE FLOW CALCULATION AREA: 1,750 GPM
 - REDUCTION FOR FIRE SPRINKLERS (BASED 30%): 0.50%
 - TOTAL FIRE FLOW REQUIRED: 1,750 GPM



RECEIVED
SEP 26 2018
PLANNING DEPT.

LEGEND

EXISTING IMPERMEABLE SURFACE AREA (PAVING & ROOFING)	5,212 SF
PROPOSED ADDED IMPERMEABLE SURFACE AREA (FOOTPRINT ONLY)	1,406 SF
TOTAL PROPOSED IMPERMEABLE SURFACE AREA (PAVING & ROOFING)	6,618 SF
EXISTING IMPERMEABLE SURFACE AREA TO BE REPLACED BY ANOTHER IMPERMEABLE SURFACE	0 SF
TOTAL DISTURBED AREA	4,927 SF



**20238 PIEDRA CHICA RD
RESIDENTIAL ADDITION**

PROJECT DESCRIPTION
PARTIAL 2ND FLOOR REMOVAL OF EXISTING SINGLE STORY FAMILY RESIDENCE AND 2ND ADDITION OF 770 SF INCLUDING 1 BEDROOM AND 2 BATHROOMS, RELOCATION OF OVERSIZED POOL FOR EXISTING ONSITE WASTE WATER TREATMENT SYSTEM AND REPLACEMENT OF EXISTING LANDSCAPE, 1,405 SF.

PROJECT INFORMATION
OWNER: MARYAM ARBAR & REZA HABABI
20238 PIEDRA CHICA RD
MALIBU, CA 90265
310.795.8485
dhababi@akbar-navabi.com

ARCHITECT: DAN ALLEN / SAKAHARA ALLEN ARCHITECTS
1010 NORDICA DRIVE
LOS ANGELES, CA 90005
323.293.0270
dalan@sakahara-ellen.com

PROJECT ADDRESS: 20238 PIEDRA CHICA RD
MALIBU, CA 90265
ASSESSOR PARCEL NO.: 4450-013-004 (NEW COMBINED 7/19/2015)
450-013-056 & 440-013-065 (OLD)

LEGAL DESCRIPTION: TR 28783 LOTS 8 AND 9 SR (ENIGLE FAMILY LOT 2 DU/ACRE)
ZONE: YES
VERY HIGH FIRE / WINDSET: YES
FIRE DISTRICT / STATION: LA COUNTY FIRE STATION 870 - 1101745
ENVIRONMENTAL HAZARD (SLASH): NO
FEMA FLOOD ZONE: 15019AAH ZONE: NO

STORIES: 3
CONSTRUCTION TYPE: V-B
FIRE SPRINKLERS - EXISTING: NO
FIRE SPRINKLERS - ADDITION: NO
OCCUPANCY: R-3
USE: SINGLE FAMILY
YEAR BUILT: 1964

LOT AREA: 32,550 SF (0.751 ACRES)
LOT DEPTH: 102.7'
LOT WIDTH: 210.7'

SETBACKS	EXISTING	PROPOSED
FRONT (OR OR 65' MAX)	31.4'	25.5'
REAR (15% OR 10' MIN)	16.1'	16.9'
SIDE (WEST 15% OR 5' MIN)	12.0'	9.7'
SIDE (EAST 15% OR 5' MIN)	11.5'	12.3'
SIDE CORNER	52.0'	131.0'

MAXIMUM STRUCTURE AREA / TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
21,700 SF (637' x 3,355' x 1.50% = 4,833 SF OF UP TO 12 ACRES)
22,500 SF LOT SIZE - 21,700 + 700 SF (3.10' x 77.5' (1/2 TO 1 ACRE))
TOTAL ALLOWED 4,833 + 77 = 4,910 SF

EXISTING, ALLOWED, AND PROPOSED TOTAL DEVELOPMENT SQUARE FOOTAGE (TDSF)
EXISTING RESIDENCE 2,078 SF (MEASURED FROM SURVEY)
EXISTING TDSF 3,455 SF (RESID + OVERHANG + 4FT)
ALLOWED ADDITION 4,932 SF
ALLOWED ADDITION 770 SF (SUBJECT TO GEOLOGICAL CONSULTANT
MARK 125% x EXISTING 3,078 SF)

PROPOSED ADDITION 770 SF
PROPOSED TOTAL DEVELOPMENT 4,225 SF (18.7% LOT COVERAGE)
EXISTING + PROPOSED AREA (INTERIOR / EXTERIOR - EXCLUDING GARAGE):
EXISTING 3,741 SF (SOURCE LA COUNTY FASE 530M)
PROPOSED 3,444 SF (INTERIOR ADDITION 701 SF)

PROPOSED & EXISTING UNENCLOSED COVERED AREA GREATER THAN 6 FEET: (TDSF)
EXISTING 379 SF
PROPOSED NONE

PERMISSIBLE COVERAGE: 6,745 SF (22.50% R30%)
ALLOWED 5,732 SF (25.4%)
PROPOSED 6,647 SF (20.5%)

UNIMPAVED AREA (NEW STRUCTURES OR RAISED PAVEMENT SURFACES) 1,406 SF
TWO-THIRD RULE / SECOND FLOOR SQUARE FOOTAGE: NOT APPLICABLE
BUILDING HEIGHT: MAIN HOUSE: ALLOWED 18'-0", EXISTING 15'-4", PROPOSED 17'-11 1/4"

PARKING: REQUIRED / EXISTING 2 COVERED / 2 UNCOVERED
PROPOSED NO CHANGE

DISCRETIONARY REQUESTS: NONE

BUILDING CODE: 2015 CALIFORNIA BUILDING CODES, AS AMENDED BY THE COUNTY OF LOS ANGELES, AS AMENDED BY THE CITY OF MALIBU PER MALIBU MUNICIPAL CODE CHAPTER 15
2015 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA BUILDING CODE (VOLUME 1 & 2)
2015 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA ELECTRICAL CODE (2008 NEC)
2015 CALIFORNIA MECHANICAL CODE
2015 CALIFORNIA PLUMBING CODE
2015 CALIFORNIA ENERGY CODE
CALIFORNIA GREEN BUILDING STANDARDS CODE

PROJECT SOILS REPORTS: ALL REPORTS BY GEORGE B. KUWALINSKI
1. GEOTECHNICAL REPORT, DATED 9/25/05
2. ADDENDUM, DATED 9/25/06
3. FOUNDATION MEMO, DATED 7/13/06
4. SEPTIC SYSTEM LOCATION MEMO, 9/7/06
5. ADDENDUM B, DATED 9/22/06
6. SEPTIC SYSTEM MEMO, 11/20/07
7. ADDENDUM FOR SPA, 12/20/07
8. CLOSURE LEVEL UPDATE REPORT, DATED 4/10/17
CONTRACTOR TO COMPLY WITH ALL RECOMMENDATIONS IN ABOVE REPORTS

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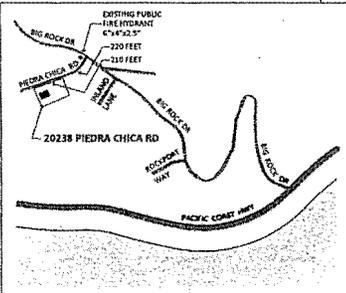
STRUCTURAL: LOGIK STRUCTURES
Attn: Tony Nguyen
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213.975.4119
tony@logikstructures.com

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MECHANICAL ENGINEER: ENSTU ENGINEERING INC
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stamp

PROPOSED SITE PLAN scale: 1/16" = 1'-0"



DETAIL - TYP FENCE & GATE scale: 3/16" = 1'-0"

Type of Plumbing Fixture	Existing Fixtures		Proposed Fixtures		Total Fixtures		Unit Value	Existing Fixture Units		Total Fixture Units	
	A	B	A	B	A+B	C		A+C	A+B+C		
Bathroom (excluding Bath/Shower)	3	1	2	1	2	2	2	4	4	6	6
Bidet											
Bar Sink	1	1	1	1	2	1	1	2	2	3	3
Clothes washer	1	1	1	1	2	3	3	2	5	5	5
Dishwasher	1	1	1	1	2	2	2	2	4	4	4
Laundry Sink						2	2		2	2	2
Lavatory (Wash Basin)	5	2	7	1	8	3	3	5	7	10	10
Kitchen Sink	1	1	1	1	2	2	2	2	2	2	2
Shower (Single Head)	3	2	3	2	5	2	2	6	6	6	6
Water Closet (Flush Toilet)	3	2	5	1	6	1	1	6	6	7	7

TOTAL EXISTING FIXTURE UNITS: 34
TOTAL PROPOSED FIXTURE UNITS: 30

COVER
A.0 COVER SHEET & SITE PLAN
SURVEY
1.01.1 TOPOGRAPHIC SURVEY
ARCHITECTURAL
A.1.1 SITE DEMO PLAN
A.1.2 ENLARGED SITE PLAN
A.2.1 EXISTING FLOOR PLANS
A.2.2 PROPOSED FLOOR & ROOF PLANS
A.3.1 EXISTING EXTERIOR ELEVATIONS
A.3.2 PROPOSED EXTERIOR ELEVATIONS
A.3.3 PROPOSED BUILDING SECTIONS
LANDSCAPE
L.1.1 LANDSCAPE PLAN
STRUCTURAL
S.2.1 FRAMING & FOUNDATION PLAN

ATTACHMENT 2

FIXTURE UNIT WORKSHEET | A4

SHEET INDEX | A3

VICINITY MAP | A2

PROJECT INFORMATION | A1

COVER SHEET & SITE PLAN

Issued for: ACDP UPDATE
date: 09.25.18
scale: 1" = 10'-0"

A0.0

LEGAL DESCRIPTION:

LOTS 8 AND 9, OF TRACT NO. 26263, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS FOR MAP RECORDED IN BOOK 701 (PAGE 65) OF 69 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTIFICATE OF COMPLIANCE RECORDED MAY 8, 2015 AS INSTRUMENT NO. 15-519044 OFFICIAL RECORDS.

APN#S: 4450-013-058 AND 4450-013-059

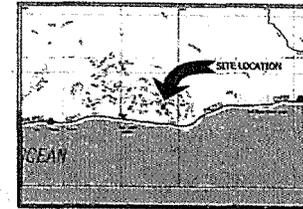
SURVEYOR'S NOTE:

CHRIS NELSON & ASSOCIATES HAS RELIED SOLELY ON TITLE REPORT NO. 0-5A-866962, DATED APRIL 29, 2015 PREPARED BY FIRST AMERICAN TITLE COMPANY TO LOCATE TITLE MATTERS SHOWN HEREON UNLESS NOTED OTHERWISE. CHRIS NELSON & ASSOCIATES MAKES NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE HEREON REFERENCED TITLED REPORT.

FURTHER ALL INTERESTED PARTIES ARE ADVISED THAT LIENS, TAXES, C.C. & P.S., TRUST DEEDS, COUNTY CONDITIONS, ORDINANCES, REGULATIONS, STANDARDS OR POLICIES HAVE NOT BEEN ADDRESSED BY THIS SURVEY OTHER THAN AS NOTED HEREON, AND THEY OUGHT TO THE EXTENT ADDRESSED HEREON.

NOTES OF SPECIFIC INTEREST

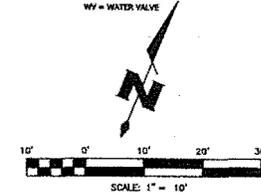
1) HONOR IRRIGATION DEVICES, I.E. SPRINKLERS, PIPING, CONTROLLERS, LANDSCAPE, LOCAL AREA DRAINS AND TRENCHES, VALVE BOXES, ETC. EXCEPT ABOUT THE PROPERTY. SUCH ITEMS MAY OR MAY NOT HAVE BEEN SURVEYED AND NO REPRESENTATIONS IS MADE TO THEIR LOCATION OR RELATION TO PROPERTY LINES.



VICINITY MAP
"NOT TO SCALE"

LEGEND:

- AC = AIR UNIT
- ACU = AIR CONDITIONING UNIT
- AL = AREA LIGHT
- CATV = CABLE TELEVISION PULLBOX
- CLTR = CLUSTER
- CONC = CONCRETE
- EM = ELECTRIC METER
- FF = FINISHED FLOOR
- FG = FINISHED GRADE
- FI = FIRE FITTING
- FL = FLOWLINE
- FP = FIRE PIT
- FS = FINISHED SURFACE
- GF = GARAGE FINISHED FLOOR
- GV = GAS VALVE
- MB = MAILBOX
- PILL = PILLAR
- SCD = SEWER CLEANOUT
- SMH = SEWER MANHOLE
- TC = TOP OF CURB
- TR = TOP OF ROOF
- WIP = WROUGHT IRON FENCE
- WIG = WROUGHT IRON GATE
- WM = WATER METER
- WV = WATER VALVE



BENCH MARK:

B.M. NO. 114
FO SPK ON CURB AT PIEDRA CHICA RD. PER 05G ROCK MESA SURVEY F.B. 4550 PG. 99. ELEVATION = 243.84 FEET

NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS AND PER TRACT NO. 26263.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DROP LINES.
4. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTRAILING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
5. EASEMENTS SHOWN ON THIS SURVEY HAVE BEEN PLOTTED USING DEEDS CONTAINED IN PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE. ORDER NO. 0-5A-866962, DATED APRIL 29, 2015.



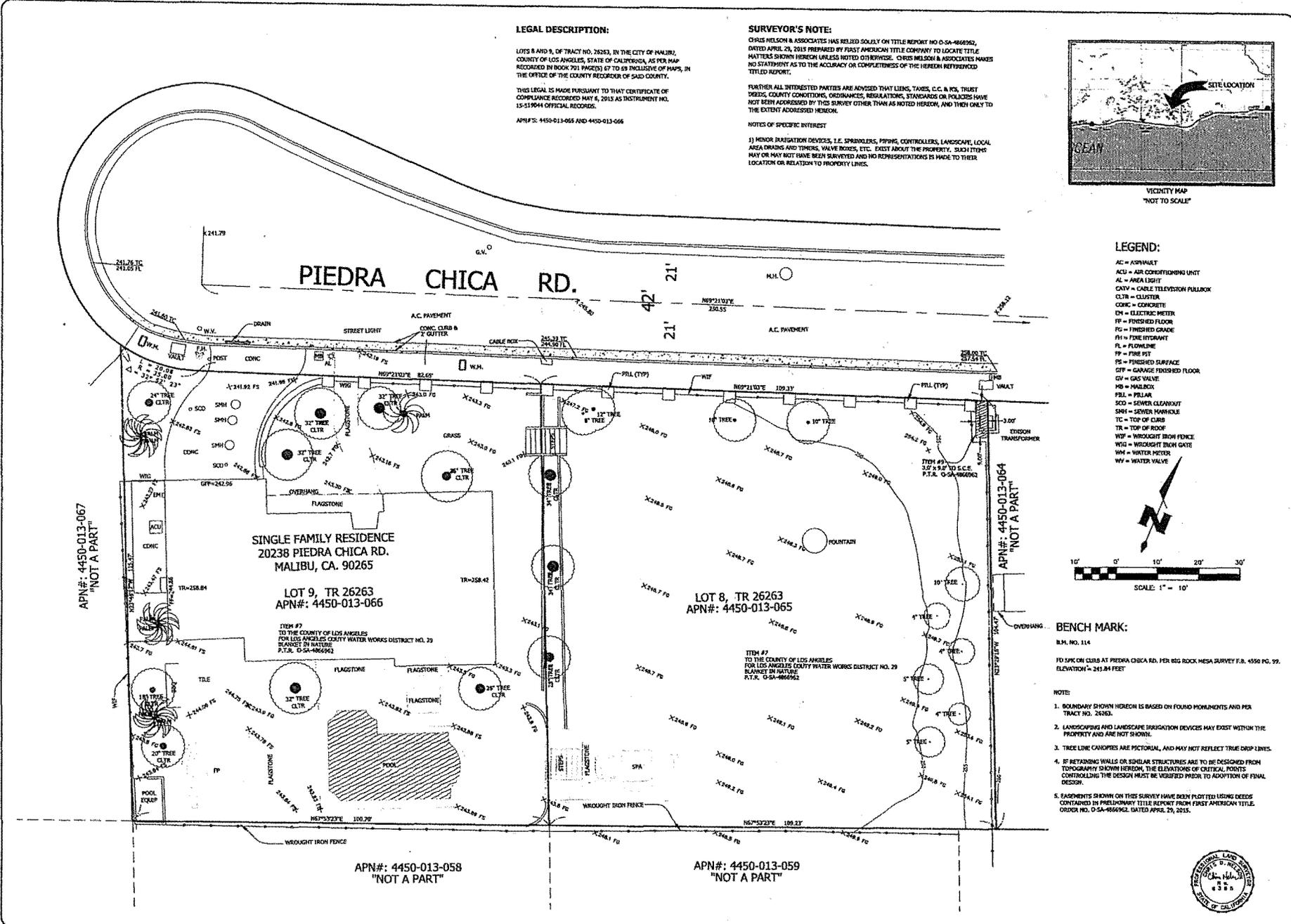
PREPARED BY:
Chris Nelson & Associates, Inc.
18260 HUNTERS HILL, LAGUNA BEACH, CALIFORNIA 92653
314208 Via Coronas Suite H, Westlake Village, CA 91362
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PREPARED FOR:
MARYAM AKBAR
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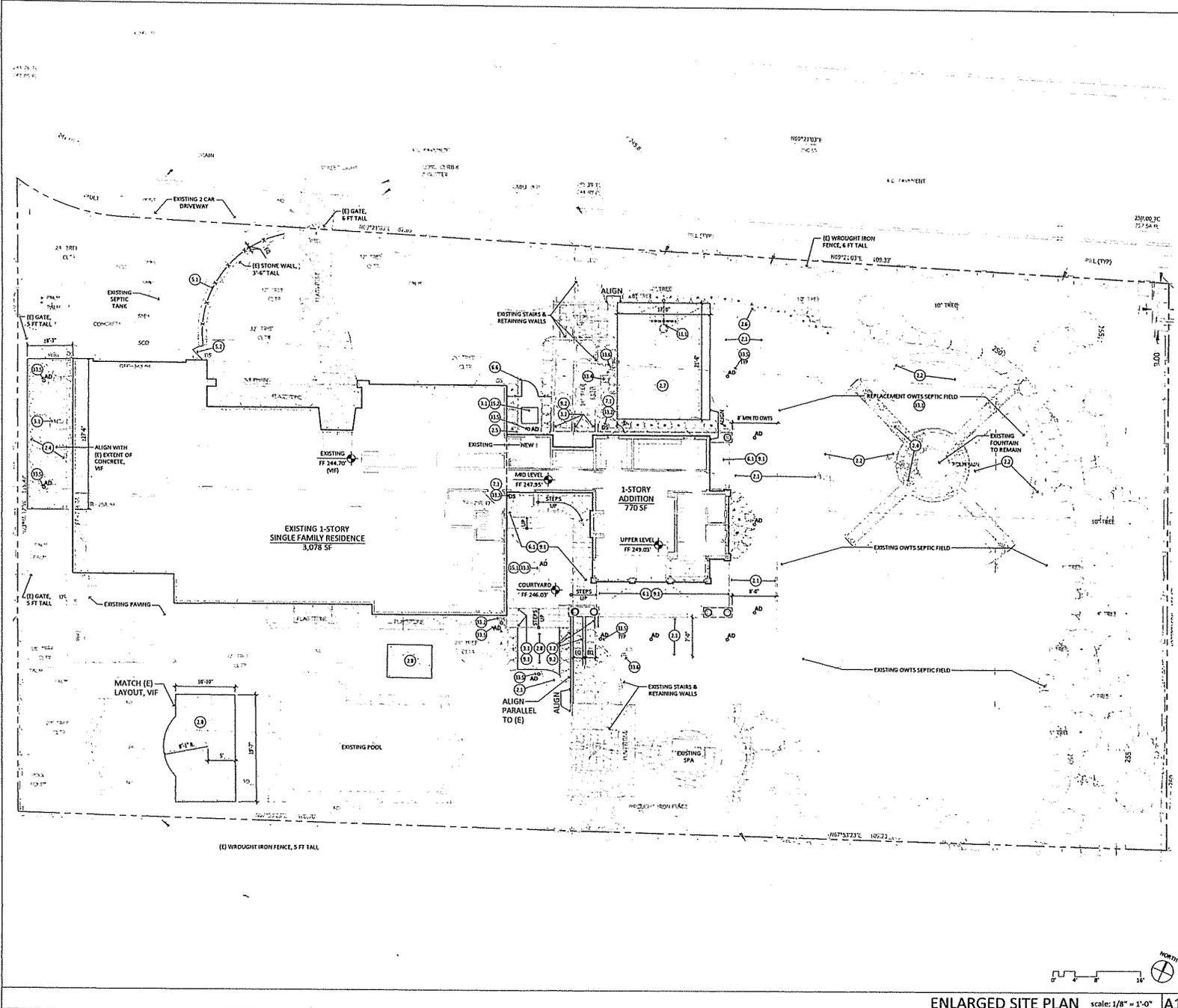
TOPOGRAPHIC SURVEY
LOT 9 & 8, TRACT NO. 26263
APN#S: 4450-013-066 & 4450-013-065
20238 PIEDRA CHICA RD.
MALIBU, CA. 90265

JOB NO. 16-4020
SCALE: 1" = 10'
DATE: NOV 2016

SHEET NO.
1
OF 1 SHEETS



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MATERIAL SCHEDULE

CP11 CEMENT PLASTER, SMOOTH THROW, INTEGRAL COLOR TINT TO MATCH EXISTING

GL3 INSULATED GLASS, LOW-E

GL2 GLASS RAILING PANEL, CLEAR

MTL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING

MTL2 KYNAR PAINTED GALV STEEL

MTL3 PAINTED WROUGHT-IRON RAILING

PT1 PAINT TO MATCH (E) PLASTER

PT2 PAINT TO MATCH (E) RAFTERS

PT3 PAINT TO MATCH WINDOW

REF1 CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING

ST1 STONE WALL CAP, MATCH (E) 3" X 6" STONE FENCER TO MATCH EXISTING

ST2 STONE FENCER TO MATCH EXISTING

ST3 STONE PAVING

W01 WOOD FENCE, MATCH (E) SHUTTERS

(E) SHUTTERS

2.1 REPLACEMENT TURT TO MATCH EXISTING

2.2 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REUSE ALL SALVAGED PLANT MATERIAL WHERE POSSIBLE

2.3 NOT USED

2.4 NEW GRAVEL PATH / WALKWAY

2.5 LANDSCAPE EDGING TO MATCH EXISTING

2.6 NEW PLANTING, SEE LANDSCAPE

2.7 PERMEABLE CONCRETE UNIT PAVERS, 12" X 12" ON 3/4" CONC SAND OVER 4" AGGREGATE BASE

2.8 PERMEABLE FLAGSTONE PAVERS WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1-2" STONE SCREENINGS OVER 4" AGGREGATE BASE

3.1 CONC EQUIPMENT PAD

3.2 CONC RETAINING WALL TO MATCH (E)

4.1 STONE WALL CAP

4.2 STONE PAVING

4.3 STONE TREAD & RISERS

5.1 WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 4" HIGH STONE WALL, TOP OF NEW FENCE, 6 FT MAX

5.2 WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE

5.3 WROUGHT-IRON GUARDRAIL TO REMAIN

5.4 WROUGHT-IRON HANDRAIL

6.1 WOOD FRAMING ON DEEPENED FOUNDATION

6.2 WOOD RAFTER TAIL, 2x8 @ 24" O.C.

6.3 BRIDGE RAFTER OR BEAM, 4x8

6.4 WOOD PANEL SILL

6.5 NEW OPENING HEADERS, SEE STRL

6.6 WOOD SCREEN & GATE, 48" HIGH

7.1 COPPER DOWNSPOUT, 3" DIA, UND

7.2 COPPER GUTTER, 6" HALF ROUND UND

7.3 CLAY ROOF TILE SYSTEM

7.4 TILE NEW TO EXISTING ROOF

8.1 TEMPERED GLASS GUARDRAIL

8.2 NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE

8.3 NEW EXTERIOR DOORS TO BE ALUMINUM CLAD / NONCOMBUSTIBLE MATERIAL

9.1 STONE OR TILE PAVING OVER WATERPROOFING

9.2 STONE WALL CAP TO MATCH EXISTING

9.3 CEMENT PLASTER

9.4 COLUMN, PREFORMED GFRC OR FOAM, T&D

9.5 PLASTER, PREFORMED GFRC OR FOAM, T&D

9.6 T&E BASE W/STUCCO WEEP SCREEN ABOVE

9.7 PATCH STUCCO TO MATCH EXISTING

10.1 CHIMNEY SHROUD, OPEN TOP

10.2 FACTORY BUILT CHIMNEY CAP

11.1 BASKETBALL HOOP, LOCATION TO BE CONFIRMED WITH OWNER

15.1 AREA DRAIN IN PAVING

15.2 AREA CONDITIONER

15.3 SLEEVE DRAIN PIPING THRU CONCRETE

16.1 NEW AND/OR REPLACE EXISTING SMOKE ALARM (SD), OR COMBINATION SMOKE ALARM / CARBON MONOXIDE ALARM (CSO) PER FIRE DEPT NOTES, WIRE EXISTING & NEW DEVICES AS REQUIRED

31.1 REPLACEMENT OWTS SEPTIC FIELD

31.2 DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL

31.3 UNDERFLOOR DRAIN PIPING CONNECTION DISCHARGING TO STORM DRAIN PIPING, SEE CIVIL

31.4 EXISTING IRRIGATION OR OWTS VALVES, PROTECT PLACE

31.5 AREA DRAIN, SEE CIVIL

31.6 (E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

NOTES

1 07.18.17 AFR SUBMITTAL

2 01.18.18 ACDP RESUBMITTAL

3 09.08.18 ACDP UPDATE

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10

sheet title

ENLARGED SITE PLAN

issued for: ACDP UPDATE

date: 05.08.18

scale: 1/8" = 1'-0"

sheet

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issue

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sheet title

ENLARGED SITE PLAN

issued for: ACDP UPDATE

date: 05.08.18

scale: 1/8" = 1'-0"

sheet

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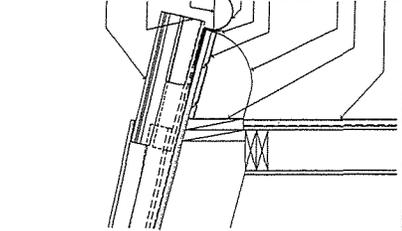
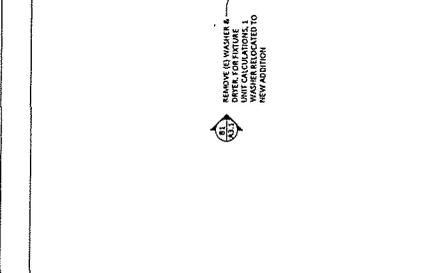
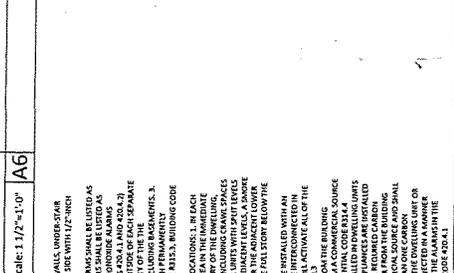
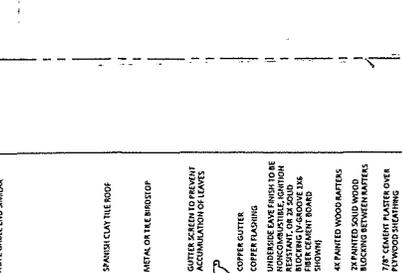
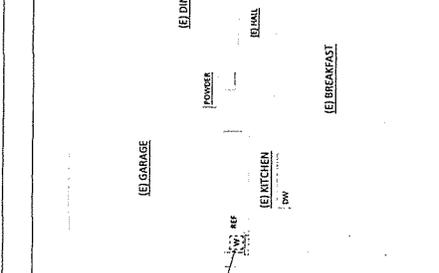
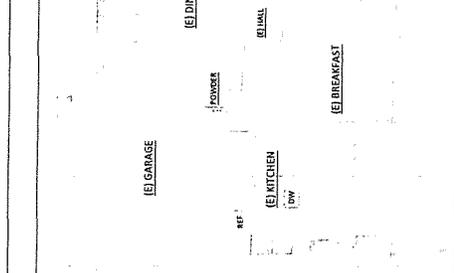
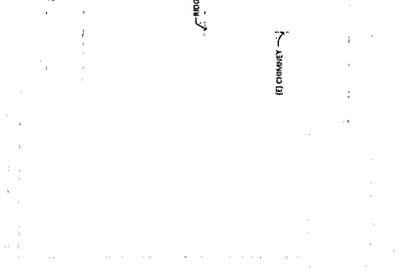
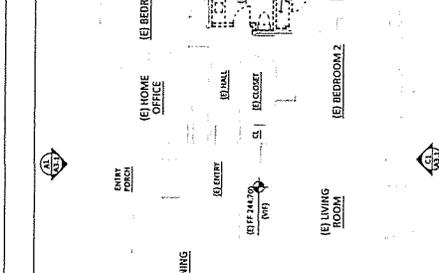
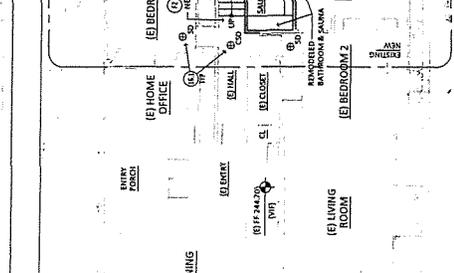
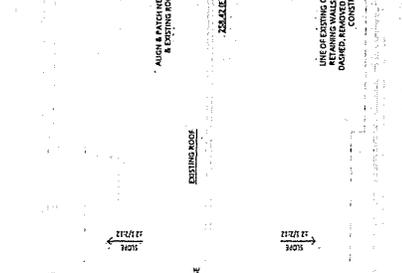
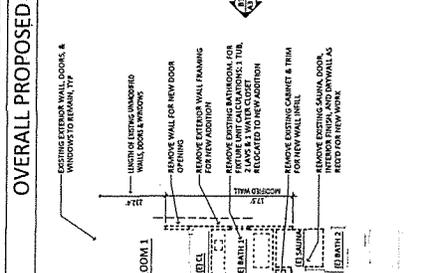
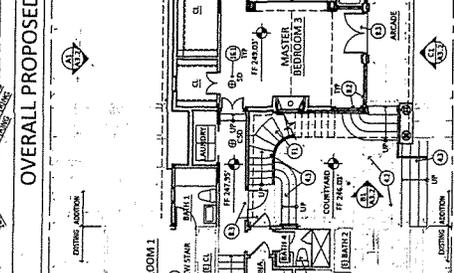
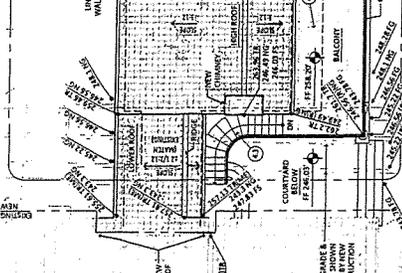
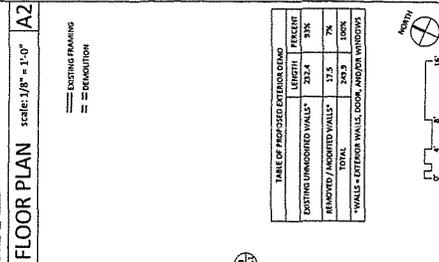
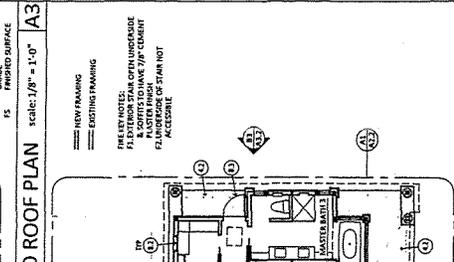
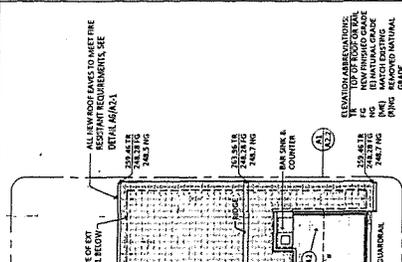
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ITEMS
1 09.18.17 APC SUBMITTAL
2 12.14.17 FIRE REVIEW
3 01.18.18 ACP ARCHITECTURAL
4 07.18.18 PLANNING UPDATE
5 07.18.18 ACP UPDATE
6 09.25.18 ACP UPDATE
7
8
9
10

OVERALL PLANS:
EXISTING, PROPOSED,
AND ROOF
Issued for:
ACDP UPDATE
09.25.18
date:
1/8" = 1'-0"
scale:



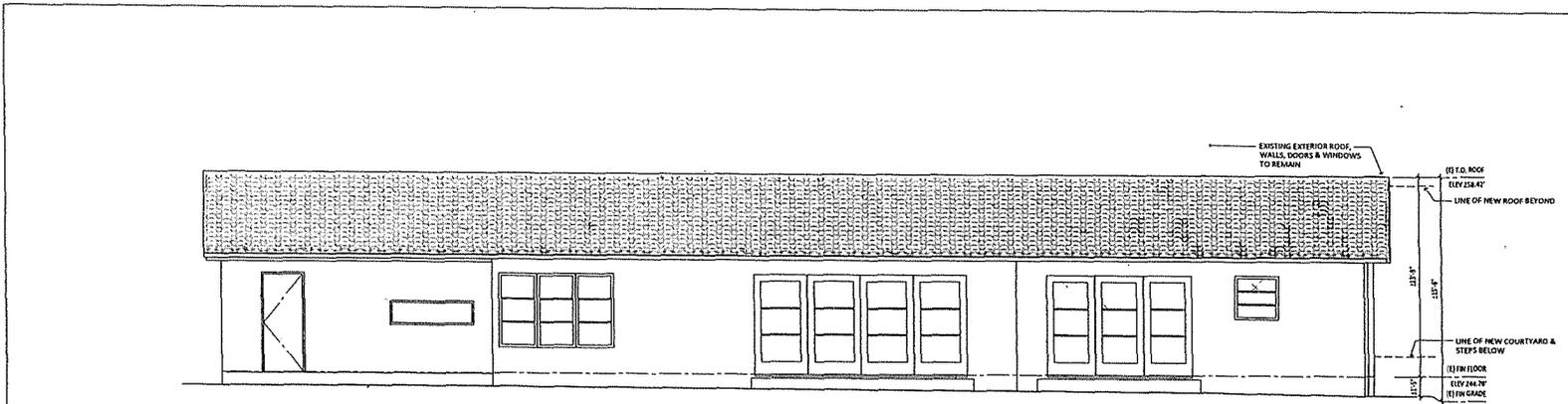
OPEN EAVE DETAIL scale: 1/2" = 1'-0" A6

FIRE DEPARTMENT NOTES:

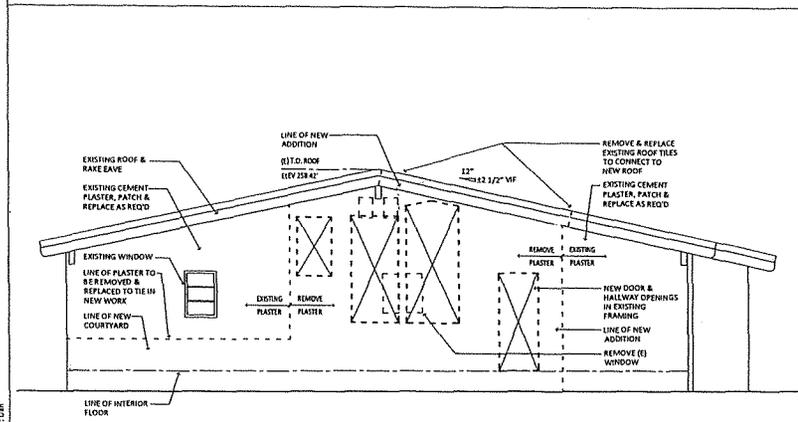
1. ENCLOSED ACCESSIBLE SPACE UNDER STAIRS SHALL HAVE WALLS, UNDER-STAR SURFACE AND ANY OTHER PROTECTED ON THE ENCLOSED SIDE WITH 1/2" THICK TYPE X GYPSUM BOARD.
2. SINGLE AND MULTIPLE STATION CARBON MONOXIDE ALARMS SHALL BE LISTED AS COMPLYING WITH 2018 CARBON MONOXIDE DETECTORS SHALL BE LISTED AS REQUIRED BY SECTION 915.1 AND 915.2.3 ON EXISTING AND NEW UNITS.
3. CARBON MONOXIDE DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM, LIVING ROOM, AND KITCHEN. DETECTORS SHALL BE INSTALLED AT THE CEILING OF SLEEPING UNITS WITH PERMANENTLY MOUNTED DETECTORS. DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM, LIVING ROOM, AND KITCHEN.
4. DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM, LIVING ROOM, AND KITCHEN.
5. DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM, LIVING ROOM, AND KITCHEN.
6. DETECTORS SHALL BE INSTALLED IN EACH SLEEPING ROOM, LIVING ROOM, AND KITCHEN.

TABLE OF PROPOSED EXTERIOR GRAP

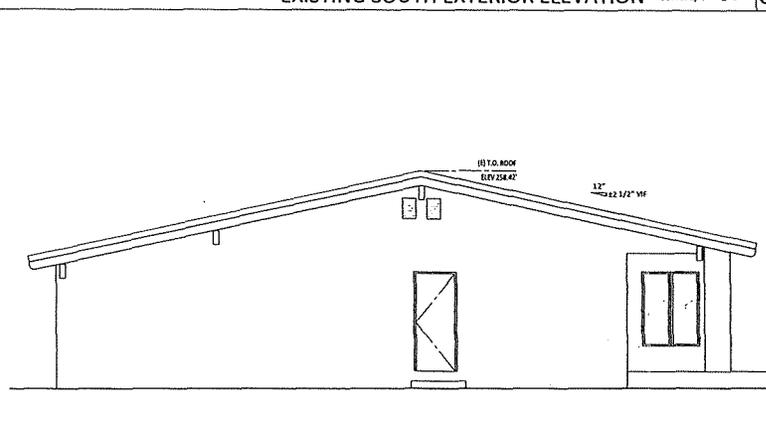
EXISTING UNMODIFIED WALLS	REMOVED / MODIFIED WALLS	TOTAL
2314	174	2488
2979	2979	5958
WALLS - EXTERIOR WALLS, DOOR, AND/OR WINDOWS		



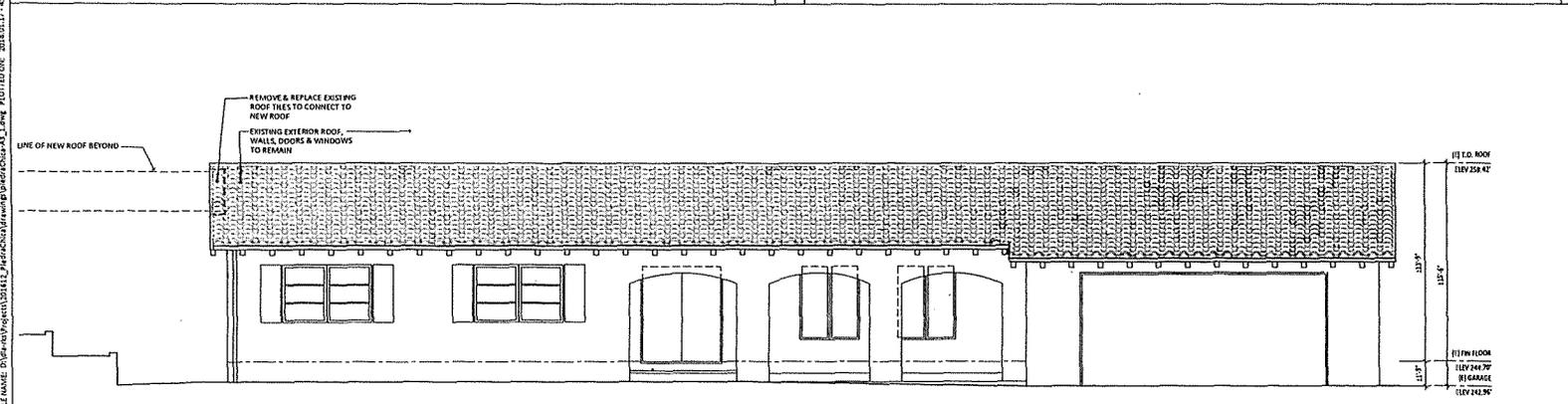
EXISTING SOUTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" C1



EXISTING EAST EXTERIOR ELEVATION scale: 1/4" = 1'-0" B3



EXISTING WEST EXTERIOR ELEVATION scale: 1/4" = 1'-0" B1



EXISTING NORTH EXTERIOR ELEVATION scale: 1/4" = 1'-0" A1

- MATERIAL SCHEDULE**
- CPL1 CEMENT PLASTER, SMOOTH TROWEL, INTEGRAL COLOR TAN TO MATCH EXISTING
 - GL1 INSULATED GLASS, LOW-E
 - GL2 GLASS RAINING PANEL, CLEAR
 - MTL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING
 - MTL2 KYNAR PAINTED GALV STEEL
 - MTL3 PAINTED WROUGHT-IRON RAILING
 - PF1 PAINT TO MATCH (E) PLASTER
 - PF2 PAINT TO MATCH (E) RAFTERS
 - PF3 PAINT TO MATCH WHIRLOW
 - RF1-1 CLAY ROOF TILE, 2 PIGE, TO MATCH EXISTING
 - ST1 STONE WALL CAP, MATCH (E) 3" X STONE VENEER TO MATCH EXISTING
 - ST3 STONE PAVING
- KEY NOTES:**
- 2.1 REPLACEMENT TURF TO MATCH EXISTING
 - 2.2 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, PERINSTALL SALVAGED PLANT MATERIAL WHERE POSSIBLE
 - 2.3 NOT USED
 - 2.4 NEW GRAVEL PATH / WALKWAY
 - 2.5 LANDSCAPE EDGING TO MATCH EXISTING
 - 2.6 NEW PLANTING, SEE LANDSCAPE
 - 2.7 PERMEABLE CONCRETE UNIT PAVES, 12" X 18" X 2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
 - 2.8 PERMEABLE PLASTIC TILE PAVES WITH 3" DECORATIVE GRAVEL JOINTS, SET ON 3" X 2" STONE SCREENINGS OVER 4" AGGREGATE BASE
- 3.1 CONC EQUIPMENT PAD
 - 3.2 CONC RETAINING WALL TO MATCH (E)
 - 4.1 STONE WALL CAP
 - 4.2 STONE PAVING
 - 4.3 STONE TREAD & RISERS
 - 5.1 WROUGHT-IRON FENCE TO MATCH EXISTING, ON TOP OF (E) 4" HIGH STONE WALL TOP OF NEW FENCE, 6 FT MAX
 - 5.2 WROUGHT-IRON GATE TO MATCH EXISTING, MATCH HEIGHT OF ADJACENT FENCE
 - 5.3 WROUGHT-IRON GUARDRAIL
 - 5.4 WROUGHT-IRON HANDRAIL
 - 6.1 WOOD FRAMING ON DEEPENED FOUNDATION
 - 6.2 WOOD RAFTER TAIL, 2X8 @ 24" O.C.
 - 6.3 BARGE RAFTER OR BEAM, 4X8
 - 6.4 WOOD PANEL, SILE
 - 6.5 NEW OPENING HEADERS, SEE STRL
 - 7.1 COPPER DOWNSPOUT, 3" DIA. LIND
 - 7.2 COPPER GLUTTER, 4" HALF ROUND LIND
 - 7.3 CLAY ROOF TILE SYSTEM
 - 7.4 THE NEW TO EXISTING ROOF
 - 8.1 TEMPERED GLASS GUARDRAIL
 - 8.2 NEW EXTERIOR WINDOWS TO HAVE MINIMUM OF ONE TEMPERED PANE
 - 8.3 NEW EXTERIOR DOORS TO BE ALUMINUM CLAD / HIGH COMBUSTIBLE MATERIAL
 - 9.1 STONE OR TILE PAVING OVER WATERPROOFING
 - 9.2 STONE WALL CAP TO MATCH EXISTING
 - 9.3 CEMENT PLASTER
 - 9.4 COLUMN, PREFORMED GFRG OR FOAM, TBD
 - 9.5 PLASTER, PREFORMED GFRG OR FOAM, TBD
 - 9.6 THE BASE W/STUCCO WEEP SCREEN ABOVE
 - 9.7 PATCH STUCCO TO MATCH EXISTING
 - 10.1 CHIMNEY SHROULD, OPEN TOP
 - 10.2 FACTORY BUILT CHIMNEY CAP
 - 11.1 BASKETBALL HOOP, LOCATION TO BE CONFIRMED WITH OWNER
 - 15.1 AREA DRAIN IN PAVING
 - 15.2 AREA CONDITIONER
 - 15.3 SLEEVE DRAIN PIPING THRU CONCRETE
 - 16.1 NEW AND/OR REPLACE EXISTING SMOKE ALARMA (SD), OR COMBINATION SMOKE ALARMA / CARBON MONOXIDE ALARMA (CSO) FOR THE DEPT NOTES. WIRE EXISTING & NEW DEVICES AS REQUIRED
 - 33.1 REPLACEMENT DWTS SEPTIC FIELD
 - 33.2 DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
 - 33.3 UNDERLOOR DRAIN PIPING CONNECTION DISCONNECTING TO STORM DRAIN PIPING, SEE CIVIL
 - 33.4 EXISTING IRRIGATION OR DWTS VALVE, PROTECT IN PLACE
 - 33.5 AREA DRAIN, SEE CIVIL
 - 33.6 (E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

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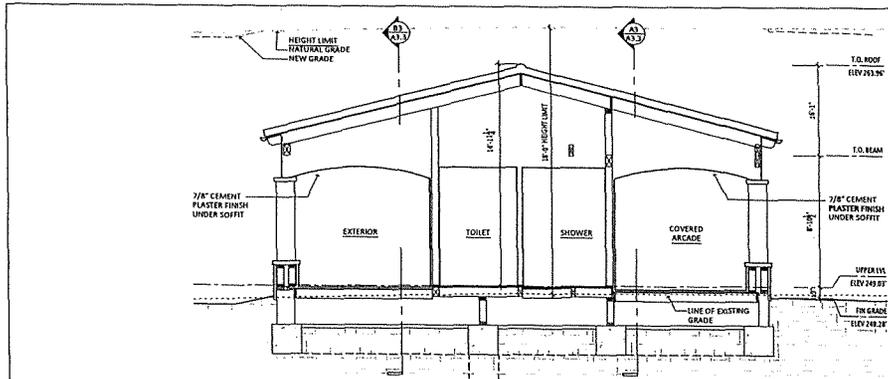
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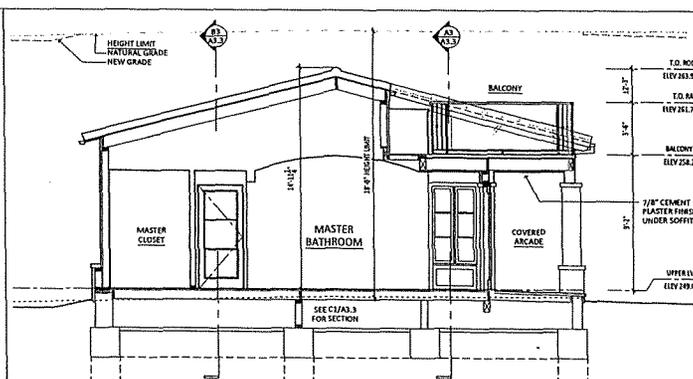
sheet title
EXISTING EXTERIOR ELEVATIONS

issued for: FIRE REVIEW
 date: 12.14.17
 scale: 1/4" = 1'-0"

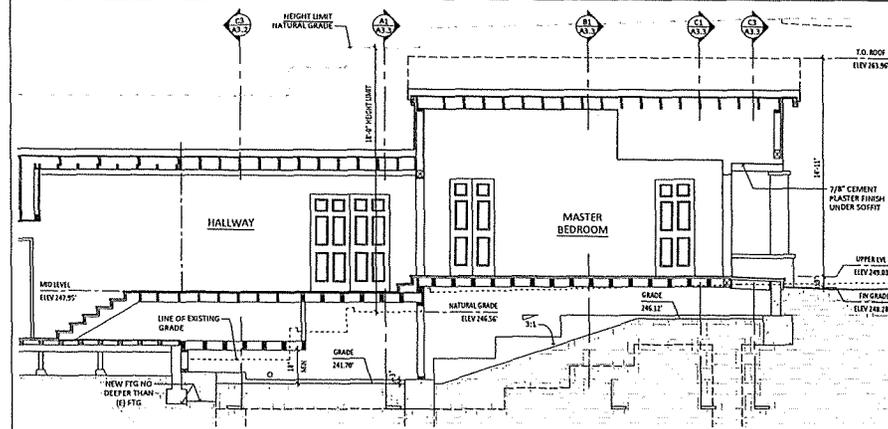
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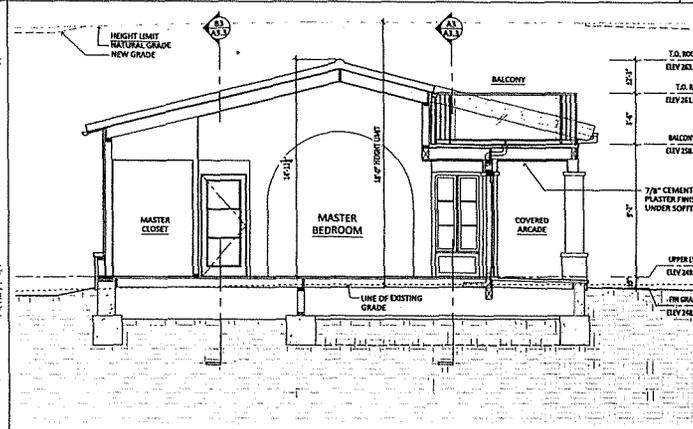
NORTH-SOUTH SECTION THRU M. BATHROOM - TO EAST scale: 1/4" = 1'-0" C3



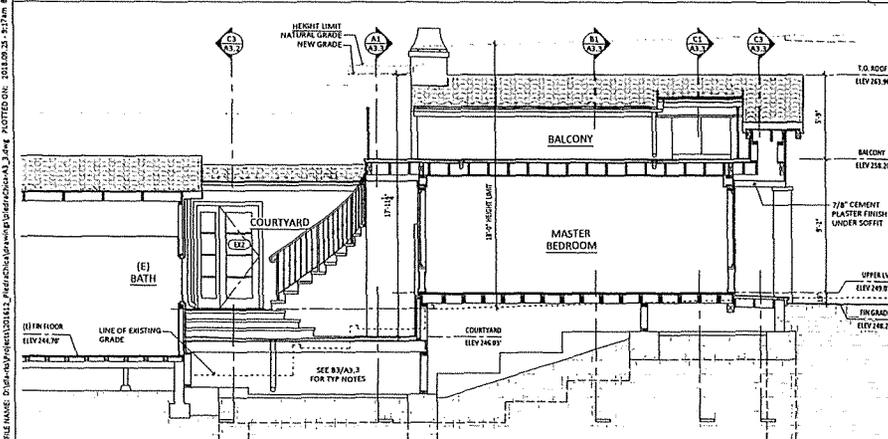
NORTH-SOUTH SECTION THRU M. BATHROOM - TO EAST scale: 1/4" = 1'-0" C1



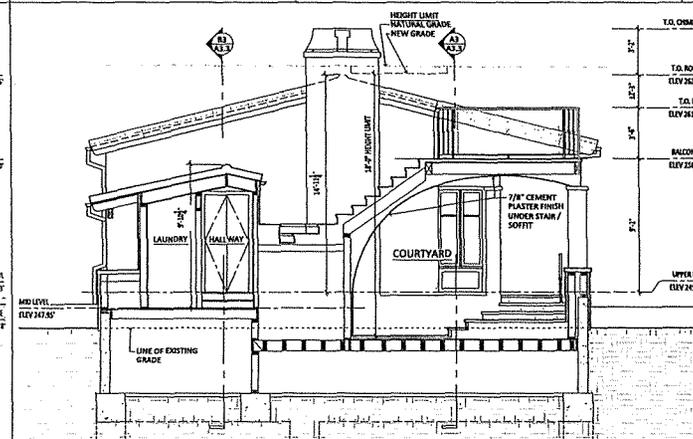
EAST-WEST SECTION THRU ADDITION - TO NORTH scale: 1/4" = 1'-0" B3



NORTH-SOUTH SECTION THRU M. BEDROOM - TO EAST scale: 1/4" = 1'-0" B1



EAST-WEST SECTION THRU ADDITION & COURTYARD - TO NORTH scale: 1/4" = 1'-0" A3



NORTH-SOUTH SECTION THRU STAIR - TO EAST scale: 1/4" = 1'-0" A1

- MATERIAL SCHEDULE**
- CP1 CEMENT PLASTER, SMOOTH FROWEL, INTEGRAL COLOR OR TAN TO MATCH EXISTING
 - GL1 INSULATED GLASS, LOW-E
 - GL2 GLASS RAILING PANEL, CLEAR
 - MFL1 GUTTER & DOWNSPOUT PATINA TO MATCH EXISTING
 - MFL2 KYNIA PAINTED GALV STEEL PAINTED W/ROUGHT-IRON RAILING PAINT TO MATCH (E) PLASTER
 - MFL3 PAINT TO MATCH (E) RAFTERS
 - PT1 PAINT TO MATCH WINDOW
 - PT2 PAINT TO MATCH (E) PLASTER
 - PT3 PAINT TO MATCH WINDOW
 - RF1.1 CLAY ROOF TILE, 2 PIECE, TO MATCH EXISTING
 - ST.1 STONE WALL CAP, MATCH (E), 3" TK
 - ST.2 STONE VENEER TO MATCH EXISTING
 - ST.3 STONE PAVING
 - WFL1 WOOD FENCE, MATCH (E) SHUTTERS
- NOTES:**
- 1.1 REPLACEMENT TURF TO MATCH EXISTING
 - 2.1 REPLACEMENT ROSE GARDEN & SHRUBS TO MATCH EXISTING, REINSTALL SAVINGED PLANT MATERIAL WHERE POSSIBLE
 - 2.2 NOT USED
 - 2.3 NEW GRAVEL PATH / WALKWAY
 - 2.4 LANDSCAPE EDGING TO MATCH EXISTING
 - 2.5 NEW PLANTING, SEE LANDSCAPE
 - 2.7 PERMEABLE CONCRETE UNIT PAVES, 12"x12"x2", ON 3/4" COURSE SAND OVER 4" AGGREGATE BASE
 - 2.8 PERMEABLE FLAGSTONE PAVES WITH 1" DECORATIVE GRAVEL JOINTS, SET ON 1.2" STONE SCREENINGS OVER 4" AGGREGATE BASE

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stamp

- 9.1 STONE OR TILE PAVING OVER WATERPROOFING
- 9.2 STONE WALL CAP TO MATCH EXISTING
- 9.3 CEMENT PLASTER
- 9.4 COLUMN, PREFORMED GFRG OR FOAM, T80
- 9.5 PLASTER, PREFORMED GFRG OR FOAM, T80
- 9.6 TILE BASE W/STUCCO WEEP SCREED ABOVE
- 9.7 PATCH STUCCO TO MATCH EXISTING
- 10.1 CHIMNEY SHROUD, OPEN TOP
- 10.2 FACTORY BUILT CHIMNEY CAP
- 11.1 BASKETBALL HOOP, LOCATION TO BE CONFIRMED WITH OWNER
- 12.1 AREA DRAIN IN PAVING
- 12.2 AIR CONDITIONER
- 13.1 SLEEVE DRAIN PIPING THRU CONCRETE
- 14.1 NEW AND/OR REPLACE EXISTING SMOKE ALARM (SD), OR COMBINATION SMOKE ALARM / CARBON MONOXIDE ALARM (CSO) PER FIRE DEPT. NOTES. WIRE EXISTING & NEW DEVICES AS REQUIRED
- 15.1 REPAIR/REPLACE OUTS SEPTIC FIELD
- 15.2 DOWNSPOUT CONNECTION TO STORM DRAIN, SEE CIVIL
- 15.3 UNDERLOOR DRAIN PIPING CONNECTION DISCHARGING TO STORM DRAIN PIPING, SEE CIVIL
- 15.4 EXISTING RISER/GRAB ON OWTS VAULTS, PROTECT IN PLACE
- 15.5 SARRA DRAIN, SEE CIVIL
- 15.6 (E) AREA DRAIN, CONNECT TO NEW DRAINAGE PIPING, SEE CIVIL

Issue	Date	Description
1	09.18.17	APP SUBMITTAL
2	12.14.17	FIRE REVIEW
3	01.14.18	ACDP RESUBMITTAL
4	07.24.18	ACDP UPDATE
5	09.25.18	ACDP UPDATE
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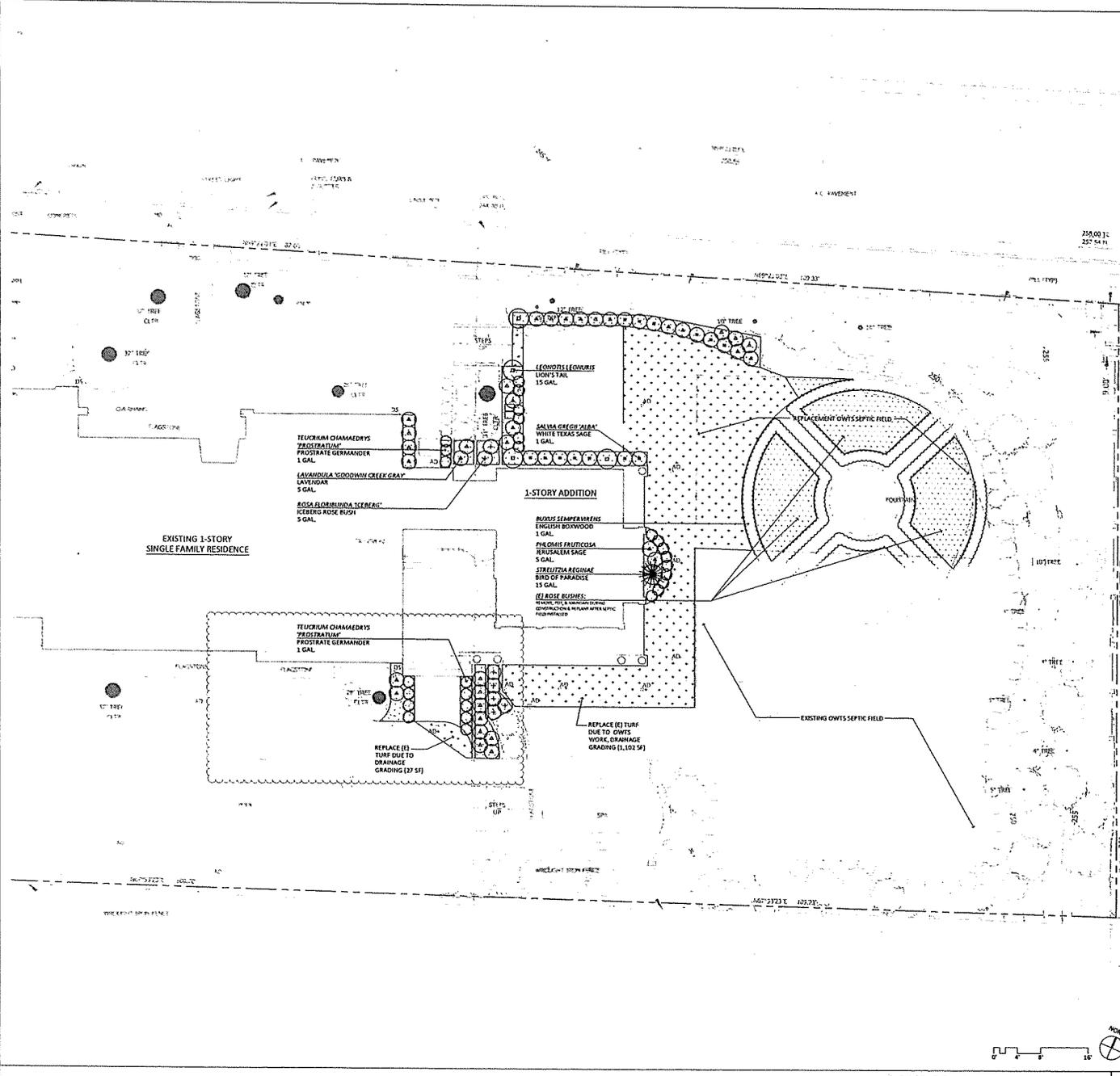
PROPOSED EXTERIOR ELEVATIONS & BUILDING SECTION

Issued for: ACDP UPDATE
 date: 09.25.18
 scale: 1/4" = 1'-0"

sheet

A3.3

DRAWING FILE NAME: C:\Users\pjh\Desktop\201712_Plan\csh\landscape\chc14_1.dwg PLOTTED ON: 2018.01.17 - 4:38pm R:\p.dwg



AREA OF PROPOSED LANDSCAPE:
 REPLACEMENT PLANTING: 2,495 SF
 NEW PLANTING: 8 SF
 TOTAL: 2,503 SF
 AREA OF NEW & ALTERED LANDSCAPE IS LESS THAN 2,500 SF AND NOT SUBJECT TO CITY OF MALIBU LANDSCAPE WATER CONSERVATION ORDINANCE REQUIREMENTS FOR LANDSCAPE DOCUMENTATION PACKAGE

AREA OF TURF:
 REPLACEMENT TURF: 1,156 SF
 NEW TURF: 116 SF
 (REPLACING EXISTING PAVING OR PLANTING)

LANDSCAPE PERMIT & APPROVAL NOTES

- FOR PERMITS SUBJECT TO CITY FIRE FUEL MODIFICATION, ALL IDENTIFYING TAGS MUST BE LEFT ON THE PLANTS FOR THE FIRE INSPECTOR'S REVIEW
- BEFORE INSTALLATION OF ANY LANDSCAPING, THE APPLICANT SHALL OBTAIN A PLANNING PERMIT FOR THE PROPOSED IRRIGATION SYSTEM FROM THE BUILDING SAFETY DIVISION
- BEFORE TO, CA AT THE TIME OF A PLANNING FINAL INSPECTION, THE PROPERTY OWNER APPLICANT SHALL SUBMIT TO THE CITY PLANNING A COPY OF THE PLUMBING PERMIT FOR THE IRRIGATION SYSTEM INSTALLATION THAT HAS BEEN ISSUED BY THE BUILDING SAFETY DIVISION

LANDSCAPE GENERAL NOTES

- INVASIVE PLANT SPECIES, AS DETERMINED BY THE CITY OF MALIBU, ARE PROHIBITED.
- NO MORE THAN FIVE PLANT SPECIES SHALL BE APPROVED 50 FEET FROM THE RESIDENTIAL STRUCTURE.
- VEGETATION SHALL BE MAINTAINED ON THE PROPERTY TO ACHIEVE VISUAL SCREENING OF THE PROPERTY FROM ADJACENT PROPERTIES AT ANY GIVEN TIME (GIVEN CONSIDERATION OF ITS FUTURE GROWTH).
- VEGETATION FORMING A VIEW MANAGEMENT CONDITION (VMEC), SERVING THE SAME FUNCTION AS A FENCE OR WALL, LOCATING WITHIN THE SIDE OR REAR YARD SETBACK SHALL BE MAINTAINED AT OR BELOW 5 FEET IN HEIGHT. VIEW MANAGEMENT BARRIERS OCCURRING WITHIN THE FRONT YARD SETBACK SERVING THE SAME FUNCTION AS A FENCE OR WALL SHALL BE MAINTAINED AT OR BELOW 4 FEET IN HEIGHT.
- IN THE SPECIES OF THE SAME & NON-SAME SPECIES, CHARACTERISTICS OF THE LOCAL MARKET SHALL BE USED ON GRADED SLOPES OR WHERE SLOPE PLANTINGS ARE REQUIRED FOR SOIL STABILIZATION, EROSION CONTROL, AND WETTED/SLOPE PROTECTION. PLANTS SHOULD BE SELECTED TO MATCH A VARIETY OF ROOTING DEPTHS. A SPACING OF 15 FEET BETWEEN LIVING WOODY (OR PART OR COMPLETE CANOPY) SHOULD BE RECOMMENDED BY THE FIRE DEPARTMENT. LAWNS ARE PROHIBITED ON SLOPES GREATER THAN 10%.
- SOIL PLANTING MEASURES SUCH AS CONTAIN PLANTING AND TERRACING OR OTHER TECHNIQUES SHALL BE INCORPORATED ON SLOPES TO INTERRUPT THE FLOW AND RATE OF SURFACE RUNOFF IN ORDER TO PREVENT SURFACE SOIL EROSION.
- USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER AZELATE IS PROHIBITED.
- COVER NEW NON-TURF LANDSCAPE AREAS IN WETTED-FREE AREAS WITH MULCHES OF ORGANIC OR INORGANIC MATERIAL TO A MINIMUM DEPTH OF 2" EXCEPT AREAS WITH GROUNDCOVERS PLANTED FROM 1/2" - 1 1/2" AVERAGE DEPTH. TURF SHALL NOT BE USED ON SLOPES EXCEEDING 10% OR 10 FEET WITHIN THE LANDSCAPE AREA.
- UPWARD-FACING OF LANDSCAPING IS PROHIBITED. INSUFFICIENTLY FROM EXTERIOR AND INTERIOR SOURCES SHALL BE MINIMIZED. ALL EXTERIOR LIGHTING SHALL BE LOW INTENSITY AND SHIELDED SO IT IS DIRECTED DOWNWARD AND INWARD SO THAT THERE IS NO SPILL LIGHT OR LIGHTING OF ADJACENT STREET AREAS. HIGH INTENSITY LIGHTING OF THE SHORE IS PROHIBITED.

IRRIGATION GENERAL NOTES

- IRREVERSIBLE FOR FURTHER WATER USE (CLASSIFICATION: SOUTH COASTAL REGION)
- IRRIGATION SYSTEMS SHALL BE DESIGNED, CONSTRUCTED AND MAINTAINED TO MAXIMIZE OVERALL EFFICIENCY.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT ROOTING, OVERFLOW, LOW HEAD DAMAGE, AND OTHER SIMILAR CONDITIONS WHICH MAY OCCUR FROM OVERSOWING OR SPRAYS ON TO BEAS NOT INTENDED.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT ROOTING, OVERFLOW, LOW HEAD DAMAGE, AND OTHER SIMILAR CONDITIONS WHICH MAY OCCUR FROM OVERSOWING OR SPRAYS ON TO BEAS NOT INTENDED.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT ROOTING, OVERFLOW, LOW HEAD DAMAGE, AND OTHER SIMILAR CONDITIONS WHICH MAY OCCUR FROM OVERSOWING OR SPRAYS ON TO BEAS NOT INTENDED.
- ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO INCLUDE OPTIMUM ESTIMATION UNIFORMITY, HEAD TO HEAD SPACING, AND RETIQUES FROM WINDWAYS AND PAVEMENT. OVERHEAD SPPAYS SHALL BE SET BACK A MINIMUM OF TWENTY FOUR (24) FEET FROM NON-HOMOGENEOUS SURFACES.
- ALL IRRIGATION SYSTEMS SHALL PROVIDE CHECK VALVES AT THE LOW END OF IRRIGATION LINES TO PREVENT UNWANTED DRAINING OF IRRIGATION LINES.

PLANTING SCHEDULE / LEGEND:

SYMBOL: SPECIES / SPEC. SPACING

EXISTING PLANTING:

- (1) TREE TO REMAIN SEE KEYNOTE FOR TYPE
- (2) SHRUB TO REMAIN SEE KEYNOTE FOR TYPE

SHRUBS, LARGE:

- STREPTILIA REGINAE BIRD OF PARADISE 15 GAL.
- LEONOTIS LEONURUS LYONS' PALM 15 GAL.

SHRUBS, MEDIUM:

- RUPEA SEMPERVIRENS ENGLISH BOWWOOD 1 GAL.
- PHLOMIS FRUTICOSA REUSALEM SAGE 5 GAL.
- ROSA FLORIBUNDA 'ICEBERG' KEISER ROSE BUSH 5 GAL.
- LAVANDULA 'WOODWIND CREEK GRAY' LAVENDER 5 GAL.

GROUND COVER/PERENNIALS:

- SALVIA GREGGI 'PALM' WHITE TEXAS SAGE 1 GAL.
- TEUCHIUM CHAMAEDRIS 'PROSTRATUM' PROSTRATE GERMANDER 1 GAL.

PLANTING AREA MULCH:

BARK AND/OR BIODEGRADABLE WOOD, CELLULOSE-FIBER MULCH, NON-TOXIC AND FREE OF PLANT-GROWTH OR GERMINATION INHIBITORS, WITH MAX MOISTURE CONTENT OF 15%, PH RANGE 4.5 - 6.5, AGRONOMIC ES-2 MULCH OR EQUAL.

REPLACEMENT TURF: (TURF REPLACED DUE TO SCOPE OF WORK)

- TURFGRASS SOO MATCH EXISTING SOO, VIF. PROPOSED SOO FOR CONSIDERATION
- MEDALLION DWARF WITH 'BONSAI' BY PACIFIC SOO

NEW TURF:

- TURFGRASS SOO MATCH EXISTING SOO, VIF. PROPOSED SOO FOR CONSIDERATION
- MEDALLION DWARF WITH 'BONSAI' BY PACIFIC SOO

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sheet 006

LANDSCAPE PLAN

issued for: ACDP RESUBMITTAL
 date: 01.18.18
 scale: 1/8" = 1'-0"

sheet

L1.1

LANDSCAPE PLAN scale: 1/8" = 1'-0" A1

NOTES A0

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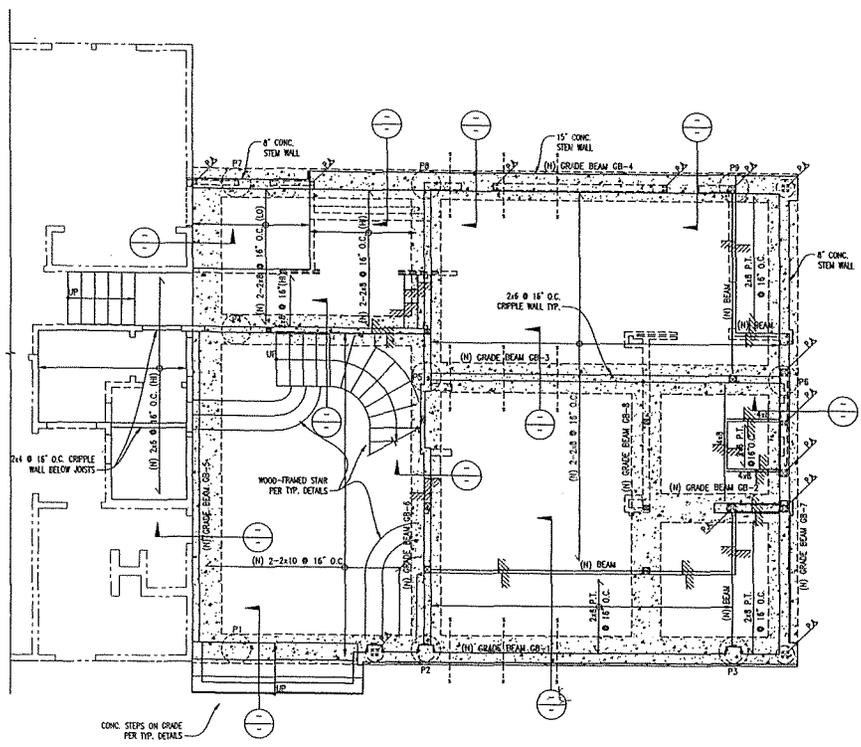
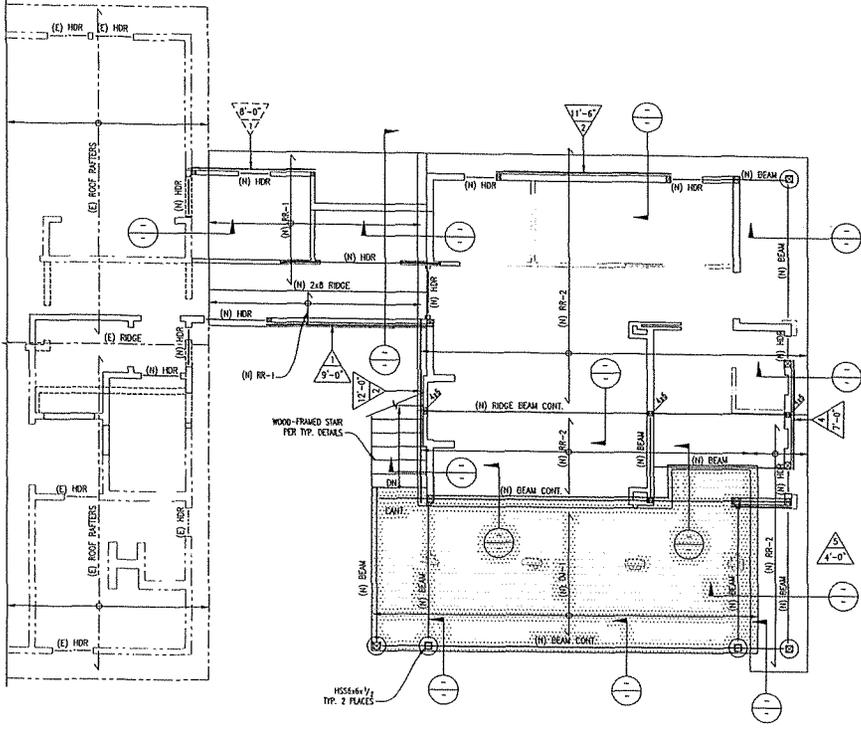
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chf:
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 www.logikstructures.com
 LOGIK JOB #17106
 stamp



Roof & Roof Deck Framing Plan over First Floor Walls
 Scale: 1/4" = 1'-0"

First Floor Framing & Foundation Plan
 Scale: 1/4" = 1'-0"

FOUNDATION & FRAMING NOTES:

- FOR GENERAL NOTES AND TYPICAL DETAILS SEE S1.0 THRU S1.X SHEETS. GENERAL NOTES & TYPICAL DETAILS APPLY TO ALL PARTS OF THE WORK EXCEPT WHERE SPECIFICALLY DETAILED OR U.N.O.
- VERIFY ALL DIMENSIONS, ELEVATIONS, SLAB EDGES, SLAB DEPRESSIONS, CURBS, FOOTING, PENETRATIONS, WALL OPENINGS WITH ARCHITECTURAL, MECHANICAL, PLUMBING, ELECTRICAL & CIVIL DRAWINGS.
- FOR ALL DIMENSIONS, SEE ARCHITECTURAL DRAWINGS.
- CONCRETE SLAB ON GRADE: 4" THICK, REINFORCED WITH #4 BARS AT 16" O.C. EACH WAY. FOR SLAB ON GRADE SUB-GRADE PREPARATION SEE TYPICAL DETAILS.
- SLAB PLATE ANCHOR BOLTS AT WALLS OTHER THAN SHEAR WALLS: 3/8" A.D.'S WITH 7" MIN. EMBEDMENT, INSTALLED WITH 3" SQUARE x 0.225" PLATE WASHERS AND CUT WASHER, SPACED AT 4'-0" O.C. FOR ALL WALLS. PROVIDE MINIMUM TWO BOLTS PER PIECE OF SLAB PLATE & ONE LOCATED WITHIN 12" AND NOT LESS THAN 2 BOLT DIAMETER OR 4 1/2" OF EACH END OF EACH SLAB PLATE.
- ALL HOLDOWN HARDWARE IS TO BE SECURED IN PLACE PRIOR TO FOUNDATION INSPECTION. HOLDOWNS SHALL BE RE-TIGHTENED JUST PRIOR TO COVERING THE WALL FRAMING. PLATE WASHERS ARE REQUIRED FOR ALL HOLDOWNS.
- ALL GRADING & FOUNDATION WORK MUST BE OBSERVED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER FOLLOWING PLACEMENT OF STEEL REINF. & PRIOR TO POURING CONCRETE.
- FOR LIMITS AND EXTENT OF OVER EXCAVATION SEE CIVIL DRAWINGS
- NON-BEARING WALLS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. FOR NON-BEARING WALL LOCATIONS SEE ARCHV.
- ROOF SHEATHING: WOOD STRUCTURAL PANEL 3/4" CD APA RATED PLYWOOD SHEATHING, EXPOSURE 1, SPAN RATING 48/24, NAILED WITH 10d COMMONS SPACED AT 4" O.C. ALONG ALL BOUNDARIES (B.M.) AND CONTINUOUS ADJOINING PANEL EDGES, AND 6" O.C. ALONG OTHER PANEL EDGES (E.M.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.I.). BLOCK ALL PANEL EDGES. SEE TYP. DETAILS.
- FLOOR AND DECK SHEATHING: WOOD STRUCTURAL PANEL 1 1/8" CD APA RATED STRUCT I PLYWOOD SHEATHING, EXPOSURE 1, SPAN RATING 48 O.C., NAILED WITH 10d COMMONS SPACED AT 4" O.C. ALONG ALL BOUNDARIES (B.M.) AND CONTINUOUS ADJOINING PANEL EDGES, AND 6" O.C. ALONG OTHER PANEL EDGES (E.M.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.I.). BLOCK ALL PANEL EDGES, GLUE WOOD STRUCTURAL PANELS TO JOISTS AND B.L.G. SEE TYP. DETAILS.
- WALL FRAMING:
 - EXTERIOR WALL FRAMING S.A.D.: 2x6 STUDS AT 16" O.C., U.N.O. MIN.
 - INTERIOR BEARING WALL OR SHEAR WALL FRAMING S.A.D.: 2x4 STUDS @ 16" O.C., U.N.O. MIN.
 - INTERIOR NON BEARING WALL S.A.D.: 2x4 STUDS @ 24" O.C., U.N.O. MIN.
- U.N.O. MINIMUM POST SIZE SHALL BE 4x DEPTH OF WALL.
- FOR MINIMUM POST SIZE AT ENDS OF SHEAR WALL, REFER TO HOLDOWN SCHEDULE ON TYPICAL DETAILS.
- WALL SHEATHING AT ALL EXTERIOR WALLS OTHER THAN SHEAR WALLS: WOOD STRUCTURAL PANEL 1/2" CD APA STRUCTURAL I RATED PLYWOOD OR OSB SHEATHING, EXPOSURE 1, SPAN RATING 24/16, NAILED WITH 8d COMMONS SPACED AT 6" O.C. ALONG ALL PANEL EDGES (E.M.) AND 12" O.C. ALONG INTERMEDIATE SUPPORTS (FIELD) (F.I.).
- HOLD DOWNS SHALL BE RE-TIGHTENED JUST PRIOR TO COVERING THE WALL FRAMING.
- PROVIDE DOUBLE JOISTS BENEATH ALL PARALLEL WALLS. PROVIDE SOLID BLOCK BENEATH ALL WALLS PERPENDICULAR TO JOISTS. SEE TYPICAL DETAILS.

SYMBOLS

- INDICATES CHANGE IN FLOOR ELEVATION
- INDICATES PLYWOOD SHEAR WALL TYPE & LENGTH PER TYP. DETAILS
- INDICATES EXTENT OF WOOD JOIST
- INDICATES DIRECTION OF WOOD JOIST
- INDICATES RIGIDUM 2.2E BEAM
- INDICATES WOOD POST BELOW FRAMING PLAN LEVEL
- INDICATES WOOD POST ABOVE
- INDICATES STRUCTURAL WOOD WALLS
- INDICATES NON-STRUCTURAL WOOD WALLS
- INDICATES HOLDOWN TYPE PER TYPICAL DETAILS
- INDICATES OPENING IN DIAPHRAGM/WALL

NORTH

Issue:
 1 09.18.17 APR SUBMITTAL
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sheet title
**Foundation & 1st Fr
 Framing Plan
 Roof Framing Plan**

issued for: APR SUBMITTAL
 date: 09.18.17
 scale: AS NOTED

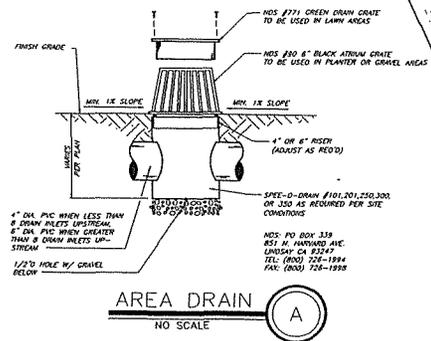
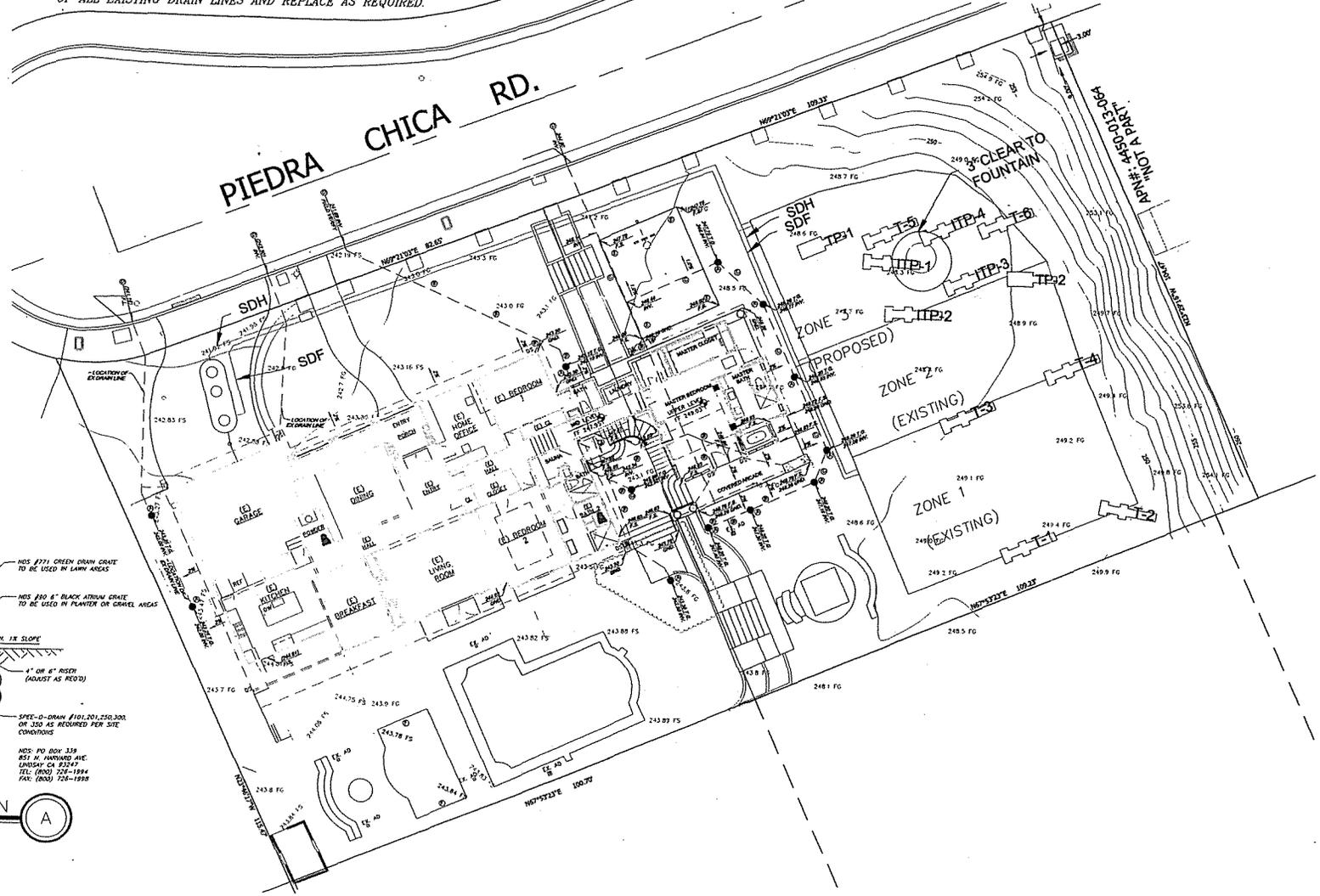
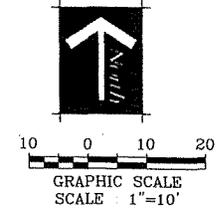
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Legend:

- FG. FINISHED GRADE
- FL. FLOW LINE
- F.S. FINISHED SURFACE
- T.C. TOP OF CURB
- T.W. TOP OF WALK
- H.P. HIGH POINT
- T.G. TOP OF GRADE
- T.P. TYPICAL
- GD-BK. GRADE BREAK
- GRD. GROUND
- INV. INVERT ELEVATION
- B.W. BACK OF WALK
- TS-00 TOP OF CURB ELEVATION
- TS-01 TYPICAL SURFACE OR FLOW LINE ELEVATION
- TS-02 SPOT ELEVATION
- T.C. DESCRIPTION OF ELEVATION
- TS-0001 EXISTING SPOT ELEVATION
- T.C. DESCRIPTION OF ELEVATION
- LOT PROPOSED GRADIENT AND DIRECTION OF FLOW
- CONSTRUCTION NOTES AND DETAIL NO.
- PROPOSED SLOPE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- EXISTING SPOT ELEVATION

CONSTRUCTION NOTES

- A) CONSTRUCT AREA DRAIN PER DETAIL "A" HEREON.
- B) CONSTRUCT 4" PVC PER INVERT ELEVATIONS HEREON.
- C) CONSTRUCT 6" PVC PER INVERT ELEVATIONS HEREON.
- D) EXISTING DRAIN OUTLET.
- E) CONSTRUCT HANOVER(12"x18") PERMEABLE PAVERS PER ARCHITECTURAL SITE NOTES.
- F) CONSTRUCT PERVIOUS PAVERS PER ARCHITECTURAL PLANS.
- G) AREA DRAIN ON BUILDING DECK(SEE ARCHITECTURAL PLANS).
- ** DOWNSPOUTS SHOWN HEREON PER ARCHITECTURAL PLANS(DS)
- *** THE ALL DOWNSPOUTS TO PROPOSED DRAINAGE SYSTEM SHOWN HEREON.
- **** ALL TREE REMOVALS PER SEPARATE PERMIT.
- *****CONTRACTOR IS REQUIRED TO VERIFY FUNCTIONALITY OF ALL EXISTING DRAIN LINES AND REPLACE AS REQUIRED. OF ALL EXISTING DRAIN LINES AND REPLACE AS REQUIRED.



PLAN REVISION DESCRIPTIONS	
09.18.17	APR SUBMITTAL
07.24.18	ACDP UPDATE

PREPARED BY OR UNDER THE DIRECTION OF:



STEPHEN R. SMITH, P.E. 65389

DATE:

Precise Grading Plan for 20238 PIEDRA CHICA

Prepared for
MARYAM AKBAR & REZA NABAVI
MALIBU CA 90285

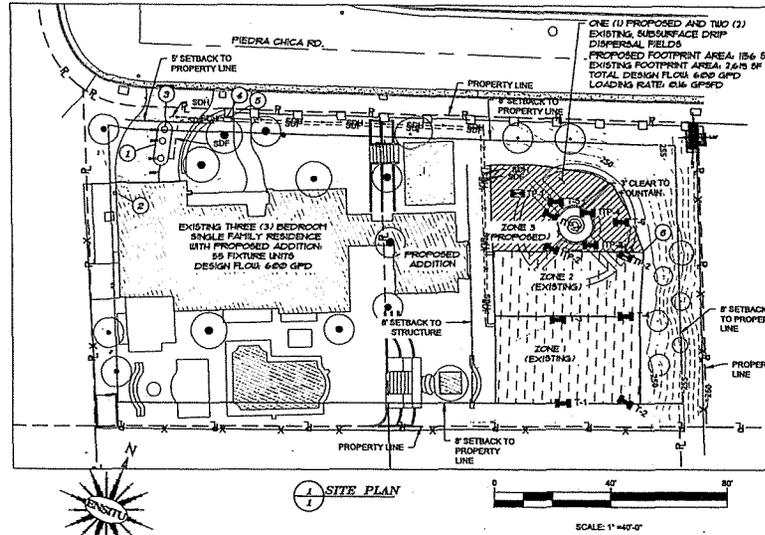
DESCRIPTION:	BY
DESIGNED:	S.S
DRAWN:	S.S
CHECKED:	S.S
SUPERVISED:	S.S
PROJ. ENGINEER:	S.S
DRAWING SCALE:	1"=10'
PCCCE JOB NUMBER:	6000-451

SHEET NO.

2

OF 2 SHEETS

PLOT DATE: 9-18-17



LEGEND	
	INFILTRATION TEST LOCATION
	TEST PIT LOCATION
	PROPOSED DISPERSAL FIELD
	EXISTING DISPERSAL FIELD
	STRUCTURES
	HARDSCAPE

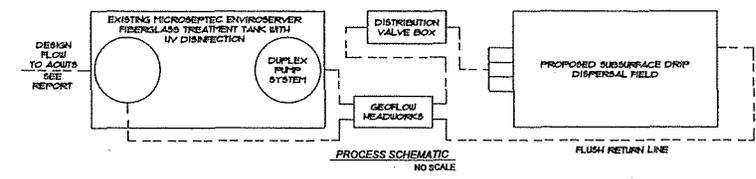
EQUIPMENT SCHEDULE			
ITEM	QTY	DESCRIPTION	MFG/PART NUMBER
1	1	EXISTING MICROSEPTIC E508 TREATMENT TANK.	MICROSEPTIC E5 08
2	1	EXISTING TREATMENT TANK TELEMETRY PANEL, CONTROL PANEL, AIR COMPRESSORS, AND AIR VENT ASSEMBLY.	MICROSEPTIC AND GEOFLOW
3	1	EXISTING DUPLEX PUMP SYSTEM.	
4	1	EXISTING DISPERSAL FIELD HEADWORKS.	GEOFLOW
5	1	EXISTING DISPERSAL FIELD ISOLATION CHECK VALVE ASSEMBLY.	SPEARS MODEL 2229 OR 2222
6	1	AIR VENT/VACUUM RELIEF ASSEMBLY	GEOFLOW PART NUMBER AP7VK

PIPING SCHEDULE		
TAG	DESCRIPTION	SPECIFICATION
SDH	EXISTING SUBSURFACE HEADER	2" SCH80 PVC
SDF	EXISTING SUBSURFACE FLUSH	2" SCH80 PVC

Leading T-M Calculations	
Max Subsurface Loading Rate, L _s	0.200 gpd/ft ²
Preferred Subsurface Irrigation Loading Rate, L _s	0.2 gpd/ft ²
Minimum Square Feet of Leaching Area Required, A _s	3000 ft ²
Preferred Square Feet of Leaching Area Required, A _s	3000 ft ²
Is Design Area Adequate (A _s > A _{req})	Yes
Actual Loading Rate, L _s	0.159 gpd/ft ²

Component	Description	Flow Capacity (Design and Maximum)	Design Capacity	Max Capacity
Leaching	MicroSeptic E508	2,493 gpd	55 Barrels/Day	40 Barrels/Day
Trimmer	MicroSeptic E508	1,290 gpd	3 Master Bedroom and 2 Bedrooms	1 Master Bedroom and 6 Bedrooms
Shower	MicroSeptic E508	1,290 gpd	2 Master Bedroom and 3 Bedrooms	1 Master Bedroom and 6 Bedrooms
Dispersal	3775 square feet subsurface drip dispersal	2,590 gpd	1 Master Bedroom and 2 Bedrooms	1 Master Bedroom and 3 Bedrooms

- GENERAL NOTES:
- PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN OWTS ABANDONMENT PERMIT SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENTS.
 - EXISTING OWTS COMPONENTS SHALL BE ABANDONED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES. METHOD OF ABANDONMENT SHALL BE DETERMINED BY THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE.
 - SEWER PIPE SHALL BE BEDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
 - SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN OUTS, VENTS, BACKWATER VALVES, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
 - ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
 - A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SOLE TO BECOME UNSTABLE. ENSITU ENGINEERING INC. IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SOLE.
 - THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSAL SYSTEM COMPONENTS OF THE ADOWTS (INCLUDING BUT NOT LIMITED TO: (A) TANK EXCAVATION, BEDDING, AND BACKFILL (B) SEEPAGE PITS EXCAVATION, CONSTRUCTION, AND BACKFILL (C) SUBSURFACE DISPERSAL SYSTEM BEDDING, FILL MATERIAL, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSAL SYSTEM WAS INSTALLED PER APPROVED ADOWTS PLANS.
 - SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES. SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MULCH, 40% NATIVE OR LANDSCAPE DESIGNER SHALL BE CONTACTED TO ADVISE CONTRIBUTION ON TYPE OF TOPSOIL TO IMPROVE MINIMUM BURIAL DEPTH. DISPERSAL FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY).
 - ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION, BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION.
 - ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.



FINAL FOR APPROVAL
ISSUED
08/09/2017

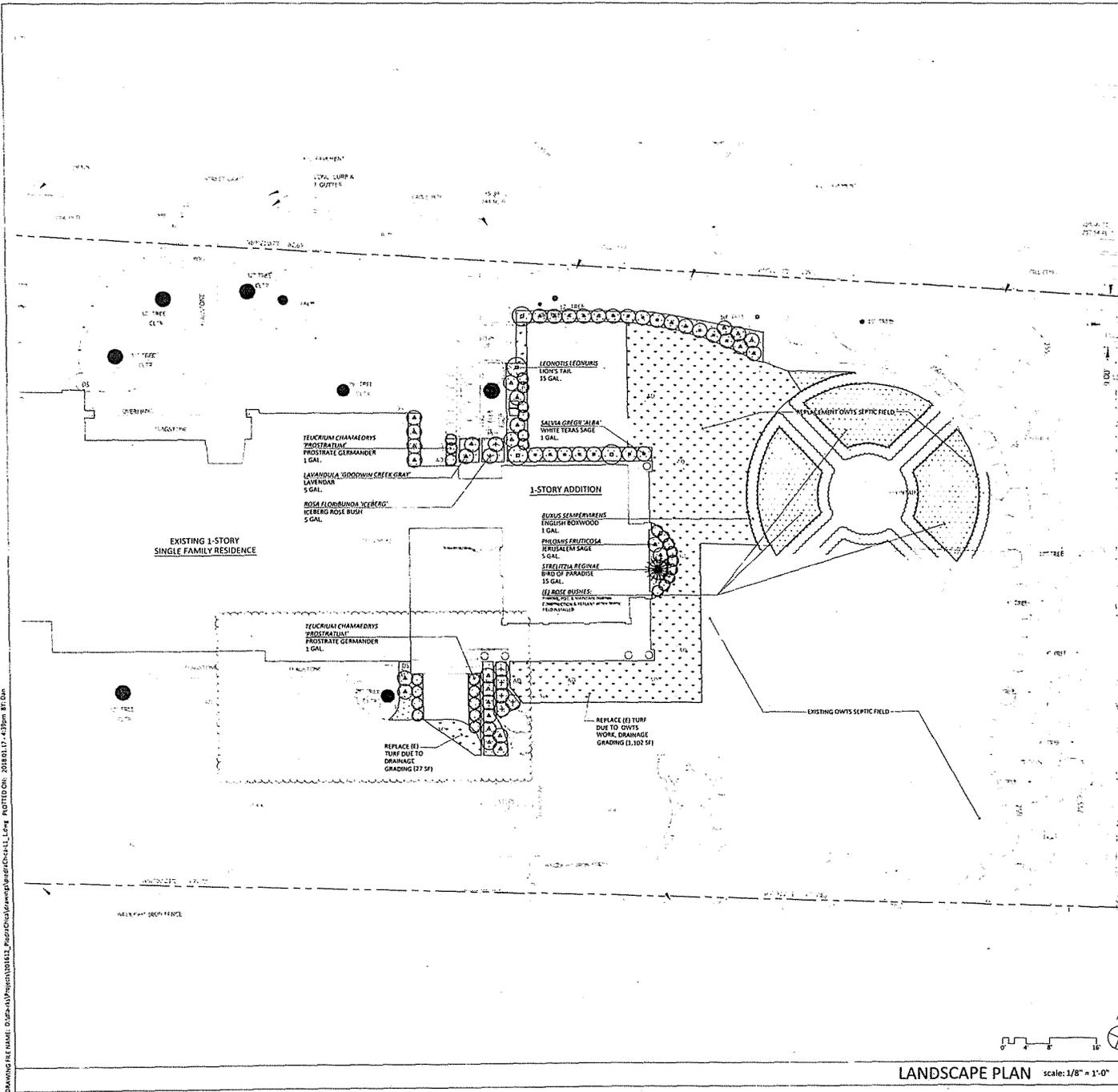
J. N. Yaroslaski
JOHN N. YAROSLASKI
PRINCIPAL ENGINEER

ENSITU
 ENSITU ENGINEERING, INC. 11000 W. CENTRAL EXPRESSWAY, SUITE 200, MALIBU, CA 90263
 Dedicated to achieving higher performance in decentralized wastewater systems.

20238 PIEDRA CHICA RD ADOWTS CONFORMANCE REVIEW PW-SITE PLANS AND TABLES 11x17 MALIBU, CALIFORNIA

REVISIONS: DATE BY: NO.

DATE: 08/09/2017
 DRAWN BY: JNY
 CHECKED BY: JNY
 JOB NO. 651-01
 SHEET 1 of 1



AREA OF PROPOSED LANDSCAPE:

REPLACEMENT PLANTING	2,495 SF	AREA OF NEW & ALTERED LANDSCAPE IS LESS THAN 2,000 SF AND NOT SUBJECT TO CITY OF MALIBU LANDSCAPE WATER CONSERVATION PERFORMANCE REQUIREMENTS FOR LANDSCAPE DOCUMENTATION PACKAGE
NEW PLANTING	2,495 SF	
TOTAL	2,495 SF	

AREA OF TURF:

REPLACEMENT TURF	1,156 SF	
NEW TURF	116 SF	(REPLACING EXISTING PAVING OR PLANTING)

LANDSCAPE PERMIT & APPROVAL NOTES

- FOR PROJECTS SUBJECT TO A COUNTY FIRE FUEL MANAGEMENT, ALL IDENTIFYING TAGS SHOULD BE LEFT ON THE PLANTS FOR THE FIRE INSPECTOR'S REVIEW.
- FOR TO INSTALLATION OF ANY LANDSCAPING, THE APPLICANT SHALL OBTAIN A PLUMBING PERMIT FOR THE PROPOSED IRRIGATION SYSTEM FROM THE BUILDING SAFETY DIVISION.
- FOR TO, OR AT THE TIME OF A PLUMBING FINAL INSPECTION, THE PROPERTY OWNER/APPLICANT SHALL SUBMIT TO THE CASE PLANNER A COPY OF THE PLUMBING PERMIT FOR THE IRRIGATION SYSTEM INSTALLATION THAT HAS BEEN SIGNED OFF BY THE BUILDING SAFETY DIVISION.

LANDSCAPE GENERAL NOTES

- WILDLIFE PLANT SPECIES, AS DEFINED BY THE CITY OF MALIBU, ARE PROHIBITED.
- NO NON-NATIVE PLANT SPECIES SHALL BE APPROVED > 50 FEET FROM THE RESIDENTIAL STRUCTURE.
- VEGETATION SHALL BE SITUATED ON THE PROPERTY SO AS NOT TO SIGNIFICANTLY OBSTRUCT THE PRIMARY VIEW FROM PRIVATE PROPERTY OR AT ANY OTHER TIME OTHER CONSIDERATION OF THE FUTURE PROPERTY.
- VEGETATION FORMING A VIEW IMPEDIMENT (WALL, FENCE, OR OTHER STRUCTURE) SHALL BE MAINTAINED AT OR BELOW 42 INCHES IN HEIGHT. NEW IMPEDIMENT ARE BEING OCCURRING WITHIN THE FRONT YARD SHALL BE MAINTAINED AT OR BELOW 42 INCHES IN HEIGHT. ALL EXISTING WALLS SHALL BE MAINTAINED AT OR BELOW 42 INCHES IN HEIGHT.
- PLANT SPECIES OF THE SANTA MONICA MOUNTAINS, CHARACTERISTICS OF THE LOCAL HAVANA, SHALL BE USED ON GRASSY SLOPES OR WHERE SLOPE PLANTING IS REQUIRED FOR SOIL STABILIZATION. EROSION CONTROL, AND WATERBUSH PROTECTION PLANTS SHOULD BE SELECTED TO HAVE A VARIETY OF FOOTING DEPTHS, A SPACING OF 15 FEET BETWEEN LARGE WOODLIED FOOT OR GREATER (CONIFER) SHRUBS IS RECOMMENDED BY THE FIRE DEPARTMENT. SHRUBS ARE PROHIBITED ON SLOPES GREATER THAN 5%.
- SOIL PLANTING MEASURES SUCH AS CONTAINER PLANTING AND TERRACING OR OTHER TECHNIQUES SHALL BE INCORPORATED ON SLOPES TO INTERCEPT THE FLOW AND RATE OF SURFACE RUNOFF AND ORDER TO PREVENT SURFACE SOIL EROSION.
- USE OF BUILDING MATERIALS TREATED WITH TOXIC COMPOUNDS SUCH AS COPPER ARGENTATE IS PROHIBITED.
- COVER NEW WOOD TURF LANDSCAPE AREAS IN WIND-FREE AREAS OF DRYLAND OR WINDSHADOWED AREAS WITH A PESTICIDE DEPTH OF 1" DEEP AREAS WITH GRASS COVERS PLANTED FROM FLATS - 1/2" JET DEPTH.
- TURF SHALL NOT BE USED ON SLOPES EXCEEDING 30% OR FIVE TO ONE WITHIN THE LANDSCAPE AREA.
- ILLUMINATION OF LANDSCAPING IS PROHIBITED. NIGHT LIGHTING FROM EXTERIOR AND INTERIOR SOURCES SHALL BE MINIMIZED. ALL EXTERIOR LIGHTING SHALL BE LOW INTENSITY AND SHIELDED SO IT IS DIRECTED DOWNWARD AND INWARD SO THAT THERE IS NO OFF-SITE GLARE OR LIGHTING OF NATURAL HAVANA AREAS. HIGH INTENSITY LIGHTING OF THE LANDSCAPE IS PROHIBITED.

IRRIGATION GENERAL NOTES

- WATERS REGION FOR PLANTING WATER USE CLASSIFICATION - SOUTH COASTAL REGION I.
- IRRIGATION SYSTEM SHALL BE DESIGNED, CONSTRUCTED AND MAINTAINED TO MATCH OR EXCEED EFFICIENCY. IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT ROOT, OVERHEAD, LOW HEAD DRIFTAGE, AND OTHER SMALL CONDITIONS WHERE IRRIGATION WATER RUNOFF OR SPRAYS ON TO AREAS NOT INTENDED.
- IRRIGATION SYSTEMS SHALL BE DESIGNED TO PREVENT ROOT, OVERHEAD, LOW HEAD DRIFTAGE, AND OTHER SMALL CONDITIONS WHERE IRRIGATION WATER RUNOFF OR SPRAYS ON TO AREAS NOT INTENDED.
- ALL SCHEDULES SHALL HAVE WATERS PRECIPITATION RATES WITH EACH VALVE AND CIRCLES ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO INCLUDE OPTIMUM DISTRIBUTION UNIT (MFT), HEAD TO HEAD SPACING, AND STRUCK FROM MAINLINE AND MAINLINE COVERED UP SPRAYS SHALL BE SET BACK A MINIMUM OF TWENTY FOUR (24) INCHES FROM IMPERVIOUS SURFACES.
- ALL IRRIGATION SYSTEMS SHALL PROVIDE CHECK VALVES AT THE LOW END OF IRRIGATION LINES TO PREVENT UNWANTED BACKFLOW OF IRRIGATION WATER.

PLANTING SCHEDULE / LEGEND:

SYMBOL	SPECIES / SPEC	SPACING
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EXISTING PLANTING:

- (E) TREE TO REMAIN - SEE KEYNOTE FOR TYPE
- (E) SHRUB TO REMAIN - SEE KEYNOTE FOR TYPE

SHRUBS, LARGE:

- STRELITZIA REGINAE BIRD OF PARADISE 15 GAL.
- LEONOTIS LEONARDI LIGHTS TAIL 15 GAL.

SHRUBS, MEDIUM:

- BUNUS SEMPERVIRENS (MATCH FERTIGING) 2' o.c.
- ENGLISH BOKWOOD 1 GAL.
- PHACELIA FRUTICOSA 3' o.c.
- FRANSERIE SAGE 5 GAL.
- ROSA FLORIBUNDA "CEBORG" 2' o.c.
- CELESTINE ROSE BUSH 5 GAL.
- LAVANDULA "GOODMORN CREEK GRAY" 3' o.c.
- LAVANDULA 5 GAL.

GROUND COVER/PERENNIALS:

- SALVIA GRECA "ALBA" WHITE TEXAS SAGE 18" o.c.
- TEUCRIUM CHAMAEDRYS "PROSTRATUM" CHEERING GERMANDER 2' o.c.
- 1 GAL.

PLANTING AREA MULCH:

- BARK MULCH
- ROCK GRADABLE, WOOD, CELLULOSE-FIBER MULCH; NO TOXIC AND FREE OF PLANT-GROWTH OR GERMINATION INHIBITORS; WITH MAXIMUM MOISTURE CONTENT OF 10%, IN RANGE 4.5 - 6.5. APPLICATION 5-6" MULCH ON EQUAL

REPLACEMENT TURF: (TURF REPLACED DUE TO SCOPE OF WORK)

- TURFGRASS SOO MATCH EXISTING SOO, VIF. PROPOSED SOO FOR CONSIDERATION ARE ALLISON DRYMAY WITH WONSAP BY PACIFIC SOO

NEW TURF:

- TURFGRASS SOO MATCH EXISTING SOO, VIF. PROPOSED SOO FOR CONSIDERATION ARE ALLISON DRYMAY WITH WONSAP BY PACIFIC SOO

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 DANIEL ALLEN, LIC. C26765

AKBAR & NAVABI RESIDENCE
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owner:
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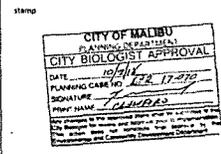
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issue

1	09.18.17	APP SUBMITTAL
2	01.18.18	ACDP RESUBMITTAL
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LANDSCAPE PLAN

issued for: ACDP RESUBMITTAL
 date: 01.18.18
 scale: 1/8" = 1'-0"

sheet **L1.1**

LANDSCAPE PLAN scale: 1/8" = 1'-0" **A1**

NOTES **A0**

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City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Contract Biological Staff DATE: 9/20/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 17-070

JOB ADDRESS: 20238 PIEDRA CHICA RD

APPLICANT / CONTACT: Daniel Allen

APPLICANT ADDRESS: 1010 Nordica Drive
Los Angeles, CA 90065

APPLICANT PHONE #: _____

APPLICANT FAX #: _____

APPLICANT EMAIL: dan@sakahara-allen.com

PLANNER: To Be Assigned

PROJECT DESCRIPTION: Remodel and addition to ESRF, relocate OWTS,
replace landscaping

TO: Malibu Planning Department and/or Applicant

FROM: City Contract Biologist DAVE CRAWFORD

_____ 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).

X_____ 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).

Signature

10/10/17
Date

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Dave Crawford, Contract Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277
Steven Hongola, Contract Biologist, shongola@malibucity.org, (310) 456-2489, extension 301



City of Malibu

Biology • Planning Department
 23825 Stuart Ranch Road • Malibu, California • 90265-4861
 Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

BIOLOGY REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniel Allen dan@sakahara-allen.com	
Project Address:	20238 Piedra Chica Road Malibu, CA 90265	
Planning Case No.:	APR 17-070	
Project Description:	Remodel and addition to ESFR, relocate OWTS, replace landscaping	
Date of Review:	10/10/17	
Reviewer:	Dave Crawford	Signature:
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	9/20/17
Site Survey:	9/20/17
Grading Plans:	
OWTS Plan:	9/20/17
Planting Plan:	9/20/17
Hydrozone/Water Budget Calculations:	
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan:	
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Review Status:	<input type="checkbox"/> INCOMPLETE: Additional information and/or a response to the listed review comments is required. <input type="checkbox"/> COMPLETE: All required information has been received and a conformance review shall be completed within the next 30 days. <input checked="" type="checkbox"/> APPROVED: The project has been approved with regards to biological impacts. <input type="checkbox"/> NOT APPROVED: The proposed project does not conform to the requirements of the MMC and/or LCP.
Environmental Review Board (ERB):	<input type="checkbox"/> ERB: This project has the potential to impact ESHA and may require review by the Environmental Review Board pursuant to LIP Section 4.4.4



DISCUSSION:

1. Pursuant to Section 9.22.030 of City of Malibu Ordinance No. 343 (Landscape Water Conservation Ordinance), the proposed project is not subject to the Landscape Water Conservation Ordinance as the property supports an existing single family residence and the newly planted area totals less than 2,500 square feet.

RECOMMENDATIONS:

1. The project is recommended for APPROVAL with the following conditions:
 - A. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" is NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc).
 - B. Vegetation forming a view impermeable condition (hedge), serving the same function as a fence or wall, occurring within the side or rear yard setback shall be maintained at or below six (6) feet in height. View impermeable hedges occurring within the front yard setback serving the same function as a fence or wall shall be maintained at or below 42 inches in height.
 - C. Invasive plant species, as determined by the City of Malibu, are prohibited.
 - D. Vegetation shall be situated on the property so as not to obstruct the primary view from private property at any given time (given consideration of its future growth).
 - E. No non-native plant species shall be approved greater than 50 feet from the residential structure.
 - F. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote and copper arsenate.
 - G. Up-lighting of landscaping is prohibited.

-o0o-

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

cc: Planning Project file
Planning Department



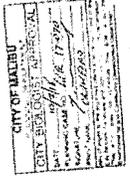
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LOS ANGELES, CA 90005
323.939.6600
WWW.SAKHARAALLEN.COM
DANIEL ALLEN, AIA, CFP, CMAA
PAMELA ALLEN, AIA, CFP, CMAA

AKBAR & NAVABI
RESIDENCE
2023B PIEDRA CHICA ROAD
MILPITAS, CA 95035

MARIYAM AKBAR & REZA NAVABI
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Van Nuys, CA 91411
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ENKITE ENGINEERING INC
Attn: John Yehouak
10000 Wilshire Blvd, Suite 100
Beverly Hills, CA 90210
310.276.8888
www.enkite.com



Name
1 09.18.17 APP SUBMITTAL
2 01.18.18 ACOP PERMITTAL
3
4
5
6
7
8
9
10

LANDSCAPE PLAN

Issued for: ACOP RESUBMITTAL
DATE: 09.18.17
SCALE: 1/8" = 1'-0"

1:1

AREA OF PROPOSED LANDSCAPE: 1.50 SQ. FT. (TOTAL) (1.50 SQ. FT. EXISTING + 0.00 SQ. FT. NEW)
PROPOSED PLANTING: 1.50 SQ. FT. (TOTAL) (1.50 SQ. FT. EXISTING + 0.00 SQ. FT. NEW)
TOTAL: 1.50 SQ. FT. (TOTAL) (1.50 SQ. FT. EXISTING + 0.00 SQ. FT. NEW)

AREA OF TURF: 11.50 SQ. FT. (TOTAL) (11.50 SQ. FT. EXISTING + 0.00 SQ. FT. NEW)

AREA OF PAVING: 11.50 SQ. FT. (TOTAL) (11.50 SQ. FT. EXISTING + 0.00 SQ. FT. NEW)

LANDSCAPE PERMIT & APPROVAL NOTES:
1. THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF MILPITAS' "DESIGN REVIEW" PROCESS.
2. THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF MILPITAS' "DESIGN REVIEW" PROCESS.
3. THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF MILPITAS' "DESIGN REVIEW" PROCESS.
4. THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF MILPITAS' "DESIGN REVIEW" PROCESS.
5. THIS PLAN IS TO BE USED IN CONNECTION WITH THE CITY OF MILPITAS' "DESIGN REVIEW" PROCESS.

LANDSCAPE GENERAL NOTES:
1. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
2. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
3. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
4. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
5. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.

IRRIGATION GENERAL NOTES:
1. ALL IRRIGATION SHALL BE INSTALLED BY THE CITY OF MILPITAS' IRRIGATION CONTRACTOR.
2. ALL IRRIGATION SHALL BE INSTALLED BY THE CITY OF MILPITAS' IRRIGATION CONTRACTOR.
3. ALL IRRIGATION SHALL BE INSTALLED BY THE CITY OF MILPITAS' IRRIGATION CONTRACTOR.
4. ALL IRRIGATION SHALL BE INSTALLED BY THE CITY OF MILPITAS' IRRIGATION CONTRACTOR.
5. ALL IRRIGATION SHALL BE INSTALLED BY THE CITY OF MILPITAS' IRRIGATION CONTRACTOR.

PLANTING SCHEDULE / LEGEND:
SPRINKLER: 1.50 GAL.
TURF: 11.50 GAL.
PAVING: 11.50 GAL.

SHRUBS, LARGE:

- 1. 15 GAL. (15 GAL. EXISTING)
- 2. 15 GAL. (15 GAL. EXISTING)
- 3. 15 GAL. (15 GAL. EXISTING)
- 4. 15 GAL. (15 GAL. EXISTING)
- 5. 15 GAL. (15 GAL. EXISTING)
- 6. 15 GAL. (15 GAL. EXISTING)
- 7. 15 GAL. (15 GAL. EXISTING)
- 8. 15 GAL. (15 GAL. EXISTING)
- 9. 15 GAL. (15 GAL. EXISTING)
- 10. 15 GAL. (15 GAL. EXISTING)

SHRUBS, MEDIUM:

- 1. 15 GAL. (15 GAL. EXISTING)
- 2. 15 GAL. (15 GAL. EXISTING)
- 3. 15 GAL. (15 GAL. EXISTING)
- 4. 15 GAL. (15 GAL. EXISTING)
- 5. 15 GAL. (15 GAL. EXISTING)
- 6. 15 GAL. (15 GAL. EXISTING)
- 7. 15 GAL. (15 GAL. EXISTING)
- 8. 15 GAL. (15 GAL. EXISTING)
- 9. 15 GAL. (15 GAL. EXISTING)
- 10. 15 GAL. (15 GAL. EXISTING)

SHRUBS, SMALL:

- 1. 15 GAL. (15 GAL. EXISTING)
- 2. 15 GAL. (15 GAL. EXISTING)
- 3. 15 GAL. (15 GAL. EXISTING)
- 4. 15 GAL. (15 GAL. EXISTING)
- 5. 15 GAL. (15 GAL. EXISTING)
- 6. 15 GAL. (15 GAL. EXISTING)
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- 9. 15 GAL. (15 GAL. EXISTING)
- 10. 15 GAL. (15 GAL. EXISTING)

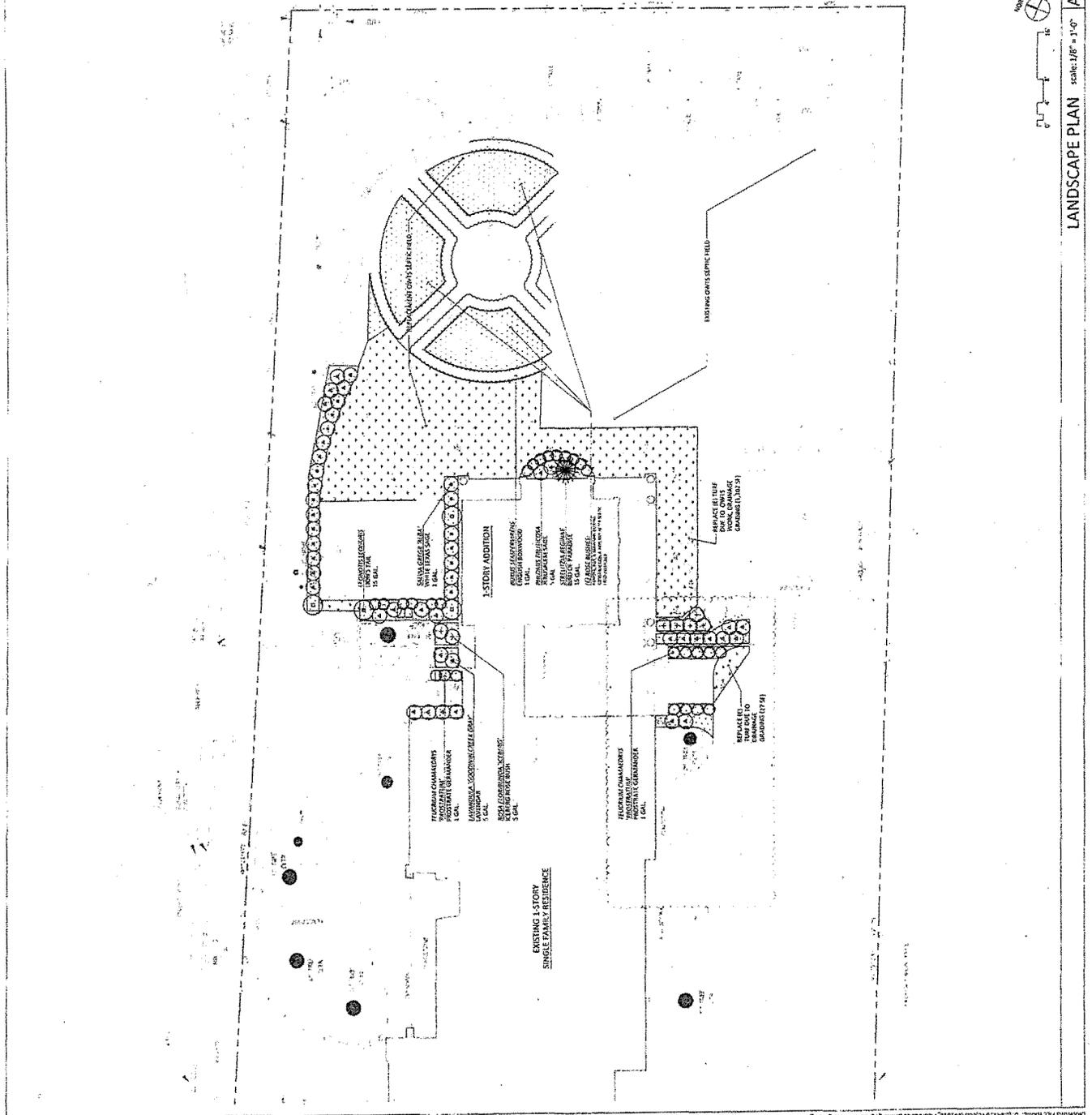
GROUNDCOVER/PERENNIALS:

- 1. 15 GAL. (15 GAL. EXISTING)
- 2. 15 GAL. (15 GAL. EXISTING)
- 3. 15 GAL. (15 GAL. EXISTING)
- 4. 15 GAL. (15 GAL. EXISTING)
- 5. 15 GAL. (15 GAL. EXISTING)
- 6. 15 GAL. (15 GAL. EXISTING)
- 7. 15 GAL. (15 GAL. EXISTING)
- 8. 15 GAL. (15 GAL. EXISTING)
- 9. 15 GAL. (15 GAL. EXISTING)
- 10. 15 GAL. (15 GAL. EXISTING)

PLANTING AREA NOTES:
1. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
2. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
3. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
4. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.
5. ALL PLANTING SHALL BE INSTALLED BY THE CITY OF MILPITAS' LANDSCAPE CONTRACTOR.

REPLACE TURF: TURF REPLACED DUE TO SCOPE OF WORK

NEW TURF: 11.50 GAL. (11.50 GAL. EXISTING + 0.00 GAL. NEW)





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 317-1950 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

TO: City of Malibu Environmental Health Administrator DATE: 9/20/2017
FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 17-070
JOB ADDRESS: 20238 PIEDRA CHICA RD
APPLICANT / CONTACT: Daniel Allen
APPLICANT ADDRESS: 1010 Nordica Drive
Los Angeles, CA 90065
APPLICANT PHONE #: _____
APPLICANT FAX #: _____
APPLICANT EMAIL: dan@sakahara-allen.com
PROJECT DESCRIPTION: Remodeal and addition to ESRF, relocate OWTS,
replace landscaping

TO: Malibu Planning Department and/or Applicant
FROM: City of Malibu Environmental Health Reviewer

Conformance Review Complete for project submittals reviewed with respect to the City of Malibu Local Coastal Plan/Local Implementation Plan (LCP/LIP) and Malibu Plumbing Code (MPC). The Conditions of Planning conformance review and plan check review comments listed on the attached review sheet(s) (or else handwritten below) shall be addressed prior to plan check approval.

Conformance Review Incomplete for the City of Malibu LCP/LIP and MPC. The Planning stage review comments listed on the City of Malibu Environmental Health review sheet(s) shall be addressed prior to conformance review completion.

OWTS Plot Plan: NOT REQUIRED
 REQUIRED (attached hereto) REQUIRED (not attached)

Matthew...
Signature

OCTOBER 10, 2017
Date



City of Malibu

Environmental Health • Environmental Sustainability Department
 23825 Stuart Ranch Road • Malibu, California • 90265-4861
 Phone (310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Daniel Allen dan@sakahara-allen.com	
Project Address:	20238 Piedra Chica Road Malibu, California 90265	
Planning Case No.:	APR 17-070	
Project Description:	Remodel and addition to ESFR, relocate OWTS, replace landscaping	
Date of Review:	October 10, 2017	
Reviewer:	Matt Janousek	Signature: <i>Matt Janousek</i>
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: mjanousek@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Sakahara Allen: Plans dated 9-18-2017 (submitted to Planning 9-20-2017)
Grading Plans:	PCCE: Plans dated 9-18-2017
OWTS Plan:	Ensitu: OWTS plan dated 8-9-2017
OWTS Report:	Ensitu: OWTS report dated 8-9-2017
Geology Report:	Don Kowalewsky: Geotechnical report dated 4-10-2017. GeoConcepts: OWTS report dated 7-10-2017 (received 9-20-2017).
Miscellaneous:	
Previous Reviews:	

REVIEW FINDINGS

Planning Stage:	<input checked="" type="checkbox"/> CONFORMANCE REVIEW COMPLETE for the City of Malibu Local Coastal Program/Local Implementation Plan (LIP) and Malibu Plumbing Code (MPC). The listed conditions of Planning stage conformance review and plan check review comments shall be addressed prior to plan check approval.
	<input type="checkbox"/> CONFORMANCE REVIEW INCOMPLETE for the City of Malibu LIP and MPC. The listed Planning stage review comments shall be addressed prior to conformance review completion.
OWTS Plot Plan:	<input type="checkbox"/> NOT REQUIRED
	<input checked="" type="checkbox"/> REQUIRED (attached hereto) <input type="checkbox"/> REQUIRED (not attached)

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new alternative onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed OWTS 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, 2016 Edition with City of Malibu local amendments (Malibu Municipal Code Section 15.12; hereinafter MPC), and the City of Malibu Local Coastal Program/Local Implementation Plan (LIP). Please distribute this review sheet to all of the project consultants and, prior to final approval, provide a coordinated submittal addressing all conditions for final approval and plan check items.

The conditional conformance findings hereby transmitted complete the Planning stage Environmental Health review of the subject development project. In order to obtain Environmental Health final approval of the project OWTS Plot Plan and associated construction drawings (during Building Safety plan check), all conditions and plan check items listed below must be addressed through submittals to the Environmental Health office.

Conditions of Planning Conformance Review for Building Plan Check Approval

- 1) **Final OWTS Plot Plan:** A final plot plan shall be submitted showing an OWTS 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 OWTS, existing improvements, and proposed/new improvements. The plot 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) **Final OWTS Design Report, Plans, and System Specifications:** A final OWTS design report and construction drawings with system specifications (four sets) shall be submitted to describe the OWTS design basis and all components proposed for use in the construction of the OWTS. All plans and reports must be signed by the California-registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist who is responsible for the design, and is a registered practitioner with the City of Malibu. The final OWTS design report and construction drawings shall be submitted with the designer's signature, professional registration number, and stamp (if applicable).

The final OWTS design submittal 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 schedule, and the subsurface effluent dispersal system acceptance rate. The drainage 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. Sewage and effluent pump design calculations (as applicable).
- c. 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 the design basis for engineered systems.
- d. 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.

- e. All OWTS 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 OWTS final designs, full-size plans for are also required for review by Building & Safety and Planning.]
- 3) **Existing OWTS to be Abandoned:** Final plans shall clearly show the locations of all existing OWTS components (serving pre-existing development) to be abandoned and provide procedures for the OWTS' proper abandonment in conformance with the MPC.
- 4) **Worker Safety Note and Abandonment of Existing OWTS:** The following note shall be added to the plan drawings included with the OWTS final design. "Prior to commencing work to abandon, remove, or replace existing Onsite Wastewater Treatment System (OWTS) components an "OWTS Abandonment Permit" shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal, or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
- 5) **Building Plans:** All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
- 6) **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.**
- 7) **OWTS 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 City of Malibu 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 sewage disposal pursuant to the City of Malibu Uniform Plumbing Code. Said covenant shall be provided by the City of Malibu Environmental Health Administrator. **Please submit a certified copy issued by the City of Malibu Recorder.**



- 8) **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 City of Malibu 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 Sustainability Department. Please submit a certified copy issued by the City of Malibu Recorder.
- 9) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the OWTS plan shall be submitted to the Environmental Health Administrator.
- 10) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 11) **Environmental Health Final Review Fee:** A final fee in accordance with the adopted fee schedule at the time of final approval shall be paid to the City of Malibu for Environmental Health review of the OWTS design and system specifications.
- 12) **Operating Permit Update and Fee:** The OWTS operating permit must be updated with a new inspection report upon completion of the OWTS modifications and final approval. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the inspection report.

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

cc: Environmental Health file
Planning Department



20238 PIEDRA CHICA ROAD
MALIBU, CA 90265

(APR 17-070)

S.F.D.: 3 Bedroom/34 Fixture Units to
3 Bedroom/55 Fixture Units (R)

TREATMENT TANK: 2,493 Gallon MicroSepTec ES6
w/ UV Disinfection (E)

DRIP: Zone 1: 1493 ft² (E); Zone 2: 1524 ft² (E);
Zone 3: 758 ft² (R)

LOADING RATE: 0.16 gal/day-sf

DESIGNER: John Yaroslaski, RCE 60149

REFERENCE: Ensitu Engineering: OWTS plans dated
8-21-2006, 6-6-2012; OWTS report dated
8-9-2017
Don Kowalewski: Geotechnical report
dated 4-10-2017
GeoConcepts: OWTS report dated 7-10-2017

NOTES:

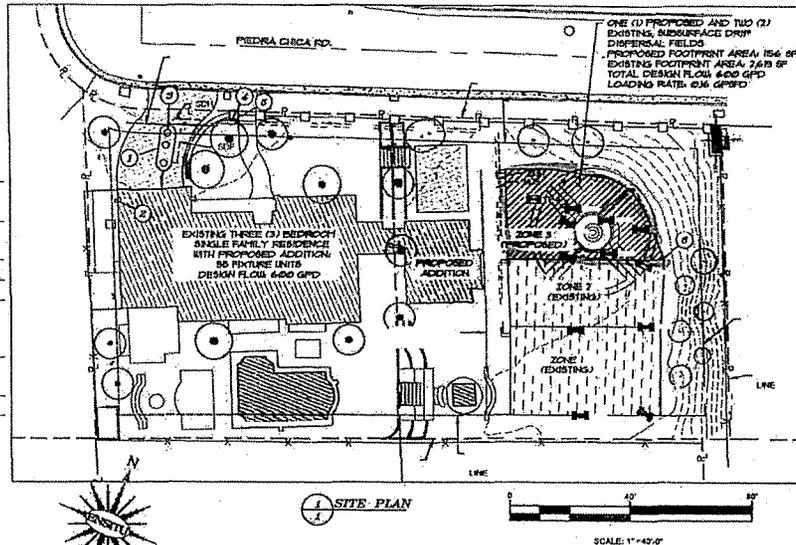
- This conformance review is for an addition and 3 bedroom (34 Fixture Units) to 3 bedroom (55 Fixture Units) remodel to an existing single family dwelling. In addition, a portion of the existing onsite wastewater treatment system (OWTS) drip dispersal area will be relocated, as shown. No other renovation to the existing OWTS is required.
- This review relates only to the minimum requirements of the MPC, and the LCP, and does not include an evaluation of any geological or other potential problems, which may require an alternative method of wastewater treatment.
- This review is valid for one year, or until MPC, and/or LCP, and/or Administrative Policy changes render it noncomplying.

CITY OF MALIBU
ENVIRONMENTAL SUSTAINABILITY DEPT
ENVIRONMENTAL HEALTH
CONFORMANCE REVIEW

OCT 10 2017

SIGNATURE: *John Yaroslaski*

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



LEGEND

- TP-X OR T-X: INFILTRATION TEST LOCATION
- TP-X: TEST PIT LOCATION
- [Hatched Box]: PROPOSED DISPERSAL FIELD
- [Dotted Box]: EXISTING DISPERSAL FIELD
- [Solid Box]: STRUCTURES
- [Cross-hatched Box]: HARDSCAPE

EQUIPMENT SCHEDULE

ITEM	QTY.	DESCRIPTION	MFG/PART NUMBER
1	1	EXISTING MICROSEPTEC ES66 TREATMENT TANK	MICROSEPTEC ES 66
2	1	EXISTING TREATMENT TANK TELEMETRY PANEL, CONTROL PANEL, AIR COMPRESSORS, AND AIR VENT ASSEMBLY	MICROSEPTEC AND GEOFLOW
3	1	EXISTING DUPLEX PUMP SYSTEM	
4	1	EXISTING DISPERSAL FIELD HEADWORKS	GEOFLOW
5	1	EXISTING DISPERSAL FIELD ISOLATION CHECK VALVE ASSEMBLY	SEPARA MODEL 2229 OR 2222
6	1	AIR VENT/VACUUM RELIEF ASSEMBLY	GEOFLOW PART NUMBER APVDC

ALL ELECTRICAL APPURTENANCES INCLUDING BUT NOT LIMITED TO: CIRCUIT, CONDUCTOR, CONTROL PANELS, ELECTRICAL PANELS, FLOATE PUMPS, DISCONNECTS, AND CONDENSATION DEVICES SHALL COMPLY WITH CURRENT LOCAL, COUNTY, AND STATE ELECTRICAL CODE AND CURRENT NATIONAL ELECTRIC CODE. CONDUIT AND CONDUCTOR RISES AND BUNDLING ON PLAN ARE FOR ALIGNMENT AND COST ESTIMATION. ELECTRICAL CONTRACTOR SHALL SPECIFY ALL ELECTRICAL APPURTENANCES, CONTROL, AND POWER CONDUCTORS SHALL BE PLACED IN SEPARATE CONDUIT.

PIPING SCHEDULE

TAG	DESCRIPTION	SPECIFICATION
SDH	EXISTING SUBSURFACE HEADER	2" SCH40 PVC
SDR	EXISTING SUBSURFACE FLUSH	2" SCH40 PVC

GENERAL NOTES:

- PRIOR TO COMMENCING WORK TO ABANDON, REMOVE, OR REPLACE EXISTING ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) COMPONENTS AN OWTS ABANDONMENT PERMIT SHALL BE OBTAINED FROM THE CITY OF MALIBU. ALL WORK PERFORMED IN THE OWTS ABANDONMENT, REMOVAL, OR REPLACEMENT AREA SHALL BE PERFORMED IN STRICT ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND OCCUPATIONAL SAFETY AND HEALTH REGULATORY REQUIREMENTS. THE OBTAINMENT OF ANY SUCH REQUIRED PERMITS OR APPROVALS FOR THIS SCOPE OF WORK SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND THEIR AGENT.
- EXISTING OWTS COMPONENTS SHALL BE ABANDONED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES. METHOD OF ABANDONMENT SHALL BE DETERMINED BY THE ENGINEER AND/OR THE OWNER'S REPRESENTATIVE.
- SEWER PIPE SHALL BE REDDED IN ACCORDANCE WITH SPECIFICATIONS AND TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND ORDINANCES.
- SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS, VENTS, BACKWATER VALVES, ETC.) SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.
- ELECTRICAL COMPONENTS AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH TITLE 27 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA ELECTRICAL CODE, LOCAL ELECTRICAL CODE, AND ORDINANCES.
- A REGISTERED GEOLOGICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE WASTEWATER LOADING RATE WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. ENSITU ENGINEERING, INC. IS NOT A GEOLOGICAL ENGINEERING FIRM THEREFORE, WE CANNOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
- THE PROJECT ENGINEERING GEOLOGIST SHALL OBSERVE THE INSTALLATION OF THE TANK AND DISPERSAL SYSTEM COMPONENTS OF THE ADJUTS (INCLUDING BUT NOT LIMITED TO: (A) TANK EXCAVATION, BEDDING, AND BACKFILL, (B) SEEPAGE PIT EXCAVATION, CONSTRUCTION, AND BACKFILL, (C) SUBSURFACE DISPERSAL SYSTEM BEDDING, FILL MATERIAL, CONSTRUCTION, AND BACKFILL) AND PROVIDE THE CITY INSPECTOR WITH A FIELD MEMORANDUM(S) DOCUMENTING AND VERIFYING THAT THE TANK AND DISPERSAL SYSTEM WAS INSTALLED PER APPROVED ADJUTS PLANS.
- SUBSURFACE DRIP LINE SHALL BE PLACED IN UNCOMPACTED NATIVE SOILS RIPPED AND TILLED A MINIMUM OF 18 INCHES. SOIL SHALL BE AMENDED TO BE 30% SAND, 30% MULCH, 40% NATIVE OR LANDSCAPE DESIGNER SHALL BE CONTACTED TO ADVISE CONTRACTOR ON TYPE OF TOPSOIL TO IMPORT FOR MINIMUM BURIAL DEPTH. DISPERSAL FIELD SHALL BE PLANTED AND ESTABLISHED PRIOR TO OCCUPANCY (ENGINEER TO VERIFY)
- ALL DIMENSIONS AND GRADES SHALL BE VERIFIED BY CONTRACTOR PRIOR TO SYSTEM INSTALLATION. BUILDING SEWER DEPTH OR CONNECTION POINT WAS NOT PROVIDED AND SHALL BE DETERMINED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- ONSITE WASTEWATER TREATMENT SYSTEM SHALL BE VENTED IN ACCORDANCE WITH TITLE 28 OF THE LOS ANGELES COUNTY CODE, INCORPORATING THE MOST CURRENT CALIFORNIA PLUMBING CODE, LOCAL PLUMBING CODE, AND POLICIES.

Loading Field Calculations

Area	Rate	Flow
Max Subsurface Infiltration Loading	0.16	2500
Preferred Subsurface Infiltration Loading Rate	0.2	2500
Minimum Square Feet of Loading Area Required		3000
Preferred Square Feet of Loading Area Required		3000
Design Area Available		3775
Design Area Adequate	Yes	
Actual Loading Rate	0.159	2500

OWTS Capacity (Design and Maximum)

Component	Description	Size/Capacity	Design Capacity	Max Capacity
Tank	MicroSep Tec ES66	1,473 gallons	13 Empty days	60 Retention
Treatment	MicroSep Tec ES66	1,200 gpd	1.2 Master Bedroom and 2 Bedrooms	1.2 Master Bedroom and 2 Bedrooms
Dispersion	MicroSep Tec ES66	1,200 gpd	1.2 Master Bedroom and 2 Bedrooms	1.2 Master Bedroom and 2 Bedrooms
Overflow	1775 square feet subsurface	3,540 gpd	1.2 Master Bedroom and 2 Bedrooms	1.2 Master Bedroom and 2 Bedrooms

Fixture Units Summary

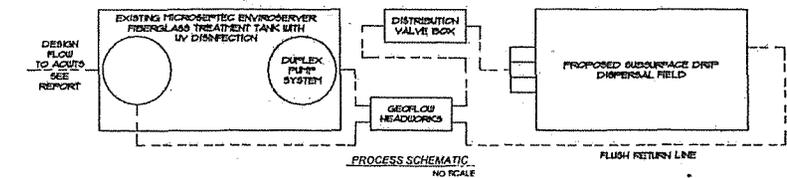
Category	Count
Total Existing Fixtures Units	34
Total Proposed Fixtures Units	21
Total Fixtures Units	55
Number of Existing Dwelling Units	1
Total Proposed Dwelling Units	1
Number of Existing Bathrooms	2
Total Proposed Bathrooms	2
Number of Existing Toilets	2
Total Proposed Toilets	2
Number of Existing Sinks	2
Total Proposed Sinks	2
Number of Existing Showers	2
Total Proposed Showers	2
Number of Existing Laundry	1
Total Proposed Laundry	1
Number of Existing Dishwashers	1
Total Proposed Dishwashers	1
Number of Existing Water Heaters	1
Total Proposed Water Heaters	1

Maximum Subsurface Infiltration Subsurface Infiltration

Area	Rate	Flow
Max Subsurface Infiltration Loading Rate	0.20	3000
Design Loading Area Required		3775
Max Flow		755
Number of Dwelling Units	1	
Max Bathrooms	2	

Soil Loading

Depth	Soil Type	Permeability	Flow
0-12"	Clayey sand	0.05	2
12-24"	Clayey sand	0.05	2
24-36"	Clayey sand	0.05	2
36-48"	Clayey sand	0.05	2
48-60"	Clayey sand	0.05	2
60-72"	Clayey sand	0.05	2
72-84"	Clayey sand	0.05	2
84-96"	Clayey sand	0.05	2
96-108"	Clayey sand	0.05	2
108-120"	Clayey sand	0.05	2
120-132"	Clayey sand	0.05	2
132-144"	Clayey sand	0.05	2
144-156"	Clayey sand	0.05	2
156-168"	Clayey sand	0.05	2
168-180"	Clayey sand	0.05	2
180-192"	Clayey sand	0.05	2
192-204"	Clayey sand	0.05	2
204-216"	Clayey sand	0.05	2
216-228"	Clayey sand	0.05	2
228-240"	Clayey sand	0.05	2
240-252"	Clayey sand	0.05	2
252-264"	Clayey sand	0.05	2
264-276"	Clayey sand	0.05	2
276-288"	Clayey sand	0.05	2
288-300"	Clayey sand	0.05	2



**FINAL FOR APPROVAL
ISSUED
08/09/2017**

John N. Yaroslaski
**JOHN N. YAROSLASKI
PRINCIPAL ENGINEER**

ENSITU ENGINEERING, INC.
10000 W. CENTURY BLVD., SUITE 100
LOS ANGELES, CA 90048
TEL: 310.341.1111 FAX: 310.341.1112
WWW.ENSITUENGINEERING.COM

20238 PIEDRA CHICA RD OWTS CONFORMANCE REVIEW PW-SITE PLANS AND TABLES 11x17 MALIBU, CALIFORNIA

REVISIONS: [Table with columns for DATE and BY]

DATE: 08/09/2017
APPROVED BY: JNY
DRAWN BY: JNY
CHECKED BY: JNY

JOB NO. 651-01
SHEET 1 OF 1



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED

JAN 31 2018

PLANNING DEPT.

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department

DATE: 9/20/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 17-070

JOB ADDRESS: 20238 PIEDRA CHICA RD

APPLICANT / CONTACT: Daniel Allen

APPLICANT ADDRESS: 1010 Nordica Drive
Los Angeles, CA 90065

APPLICANT PHONE #:

APPLICANT FAX #:

PROJECT DESCRIPTION: Remodeal and addition to ESFR, relocate OWTS, replace landscaping

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 1250 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

APPROVED

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

App'd N/app'd

*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.

SIGNATURE

DATE

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 91302; Hours: Monday - Thursday between 7:00 AM and 11:00 AM

2,743 SF (SOURCE LA COUNTY ASS) DR
3,444 SF (INTERIOR ADDITION 701 SF)

COVERED AREAS GREATER THAN 6 FEET: (TDSF)

375 SF
NONE

6,765 SF (22,550 X 30%)
5,732 SF (25.4%)
6,647 SF (29.5%)

OR IMPERVIOUS PAVING)

1,406 SF

SQUARE FOOTAGE:

ALLOWED	EXISTING	PROPOSED
18'-0"	15'-6"	17'-6"

2 COVERED / 2 UNCOVERED
NO CHANGE

STAMPED BY THE COUNTY OF LOS ANGELES, AS
PER MALIBU MUNICIPAL CODE CHAPTER 15
(VOLUME 1 & 2)

2008 NEC)

PERMITS CODE

stamp

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING

APPROVED

ACCESS REQUIREMENTS ONLY

By JOHNIE C GEE
Fire Prevention Engineer

Date 1-10-18

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION ENGINEERING

1 09.18.17 APPROVAL SUBMITTAL

2 12.14.17 FIRE REVIEW

3 FOP

4 OCCUPANCY ONLY

5

6 BY JOHNIE C GEE
Fire Prevention Engineer

7 Date 1-10-18

8 Subject to fire department approval

9 Subject to conditions of plans.

10

The stamping of this plan and specifications
SHALL NOT be deemed to constitute an
approval of the location of any structures of
any County/City Ordinance or State Law.

sheet title

COVER SHEET & SITE PLAN

issued for: FIRE REVIEW
date: 12.14.17
scale: 1" = 10'-0"

sheet

A0.0

PROJECT INFORMATION | A1



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Fire Prevention Engineering
26600 Agoura Road
Calabasas, CA 91302
Telephone 818-880-0341 Fax 818-880-0345

BUILDING PLAN APPROVAL ONLY

TO: MR. CRAIG GEORGE BUILDING OFFICIAL
MALIBU BUILDING AND SAFETY OFFICE
RE: 20238 PIEDRA CHICA ROAD CITY MALIBU

Building plans have been approved. The issuance of a building permit by the Building Official may proceed in accordance with the established policy. This is not an occupancy release, waiver, or modification of any Department requirement.

This occupancy is required to have Department approval of all on-site fire protection, life safety systems and appliances in accordance with approved building plans. These systems shall be inspected and approved by the Fire Prevention Inspector prior to the granting of final occupancy by the Building and Safety Office. Required fire protection facilities, such as public fire hydrants and vehicular access shall be provided and maintained throughout construction.

ANNIE C GEE
INSPECTOR

JANUARY 10, 2018
DATE



City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 317-1950 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

<u>Project Information</u>		Review Log #:	4070
Date:	October 17, 2017	Planning #:	APT 17-070
Site Address:	20238 Piedra Chica Road	BPC/GPC #:	
Lot/Tract/PM #:	n/a	Planner:	Brenda Magana
Applicant/Contact:	Daniel Allen, dan@sakahara-allen.com		
Contact Phone #:	323-739-6570	Fax #:	
Project Type:	Remodel and additions to a single-family residence, re-locate onsite wastewater treatment system (OWTS), replace landscaping		

<u>Submittal Information</u>	
Consultant(s) / Report Date(s):	Donald B. Kowalewsky (Cai, RCE 80352; Kowalewsky, CEG 1025): <i>(Current submittal(s) in Bold.)</i> 4-10-17 ; Ref: 12-20-07, 1-23-07, 9-22-06, 9-9-06, 7-13-06, 5-5-06, 9-5-05 EnSitu Engineering, Inc. (Yaroslaski, RCE 60149): 8-9-17 GeoConcepts, Inc. (Barrett, CEG 2088; Walter, GE 2476): 7-10-17
	Building plans prepared by Sakahara Allen Architects dated September 18, 2017. Grading plans prepared by P.C.C.E. Inc. dated September 18, 2017. Final OWTS Conformance Review plan prepared by EnSitu Engineering, Inc. dated August 9, 2017.
Previous Reviews:	None; Ref: Environmental Health Review Sheet dated 10-10-17; 11-3-06, 4-21-06, 11-22-05

<u>Review Findings</u>	
<u>Planning Review</u>	
<input checked="" type="checkbox"/>	The development project is APPROVED from a geotechnical perspective.
<input type="checkbox"/>	The development project is NOT APPROVED from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.
<u>Building Plan-Check Stage Review</u>	
<input checked="" type="checkbox"/>	<u>Awaiting Building plan check submittal.</u> 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.
<input type="checkbox"/>	APPROVED from a geotechnical perspective. Please review the attached 'Geotechnical Notes for Building Plan Check' and incorporate into Building Plan-Check submittals.
<input type="checkbox"/>	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 update geotechnical report, building plans, OWTS plan, OWTS design report, infiltration test report for the OWTS, and grading plans were reviewed by the City from a geotechnical perspective. Based on the submitted information, the proposed development includes the construction of a 770 square foot one-story addition to a 3,078 square foot one-story single-family residence and the re-location of a portion of the subsurface drip dispersal field for the OWTS. Retaining walls, landscaping and trees, and flatwork will be demolished. Grading consists of 40 yards of cut and 35 yards of fill under structure; 14 yards of fill non-exempt; 14 yards of import; and 5 yards of export. The OWTS will consist of a treatment tank system (existing), two subsurface drip dispersal fields totaling 2,282 square feet (existing), and one 1,493 square foot drip dispersal field (new, re-located). The design flow is 600 gpd and the design loading rate is 0.16 gpsfd. Landscaping and hardscape will be replaced.

The property is located in the active Big Rock Mesa Landslide.

The project falls under jurisdiction of Section 110.2.3.4 of the City of Malibu Building Code. An "Assumption of Risk and Release" for geotechnical hazards must be signed by the homeowners and recorded at the City of Malibu prior to permit issuance.

Review Comments:

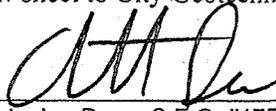
1. None.

Building Plan-Check Stage Review Comments:

1. Please submit a fee of \$957.00 to City geotechnical staff for building plan check review.
2. The homeowners must sign and record at the City of Malibu an "Assumption of Risk and Release" for geotechnical hazards prior to permit issuance.
3. Please include the following note on the plans: *"The Project Geotechnical Consultant shall prepare an as-built report documenting the installation of the pile foundation elements for review by City Geotechnical staff. The report shall include total depths of the piles, depth into the recommended bearing material, and a map depicting the locations of the piles."*
4. Section 7.4 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.
5. Two sets of final grading and remodel and addition 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 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:



10/17/17
Date

Christopher Dean, C.E.G. #1751, Exp. 9-30-18
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Geotechnical Engineering Review by:



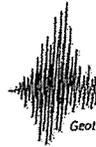
10/17/2017
Date

Franklin Fong, G.E. #315, Exp. 12-31-17
Geotechnical Engineering Reviewer
(909-860-7515)
Email: ffong@ffongge.com

This review sheet was prepared by representatives of Cotton, Shires and Associates, Inc. and GeoDynamics, Inc., contracted through Cotton, Shires and Associates, Inc., as an agent of the City of Malibu.



COTTON, SHIRES AND ASSOCIATES, INC.
CONSULTING ENGINEERS AND GEOLOGISTS



GeoDynamics, Inc.
Applied Earth Sciences
Geotechnical Engineering & Engineering Geology Consultants



City of Malibu

- GEOTECHNICAL -

NOTES FOR BUILDING PLAN-CHECK

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

1. One set of grading, shoring, and swimming pool/spa 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.
2. Show the name, address, and phone number of the Project Geotechnical Consultant(s) on the cover sheet of the Swimming pool and Grading Plans.
3. Include the following note on Grading and Foundation Plans: "*Subgrade soils shall be tested for Expansion Index prior to pouring footings or slabs; Foundation Plans shall be reviewed and revised by the Project Geotechnical Consultant, as appropriate.*"
4. Include the following note on the Foundation Plans: "*All foundation excavations must be observed and approved by the Project Geotechnical Consultant prior to placement of reinforcing steel.*"
5. The Foundation Plans for the proposed project shall clearly depict the embedment material and minimum depth of embedment for the foundations in accordance with the Project Geotechnical Consultant's recommendations.
6. Show the onsite wastewater treatment system on the Site Plan.
7. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
8. A comprehensive Site Drainage Plan, incorporating the Project Geotechnical Consultant's recommendations, shall be included in the Plans. Show all area drains, outlets, and non-erosive drainage devices on the Plans. Water shall not be allowed to flow uncontrolled over descending slopes.

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. 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.



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-7650

PUBLIC WORKS REVIEW REFERRAL SHEET

TO: Public Works Department

DATE: 9/20/2017

FROM: City of Malibu Planning Department

PROJECT NUMBER: APR 17-070

JOB ADDRESS: 20238 PIEDRA CHICA RD

APPLICANT / CONTACT: Daniel Allen

APPLICANT ADDRESS: 1010 Nordica Drive
Los Angeles, CA 90065

APPLICANT PHONE #: _____

APPLICANT FAX #: _____

APPLICANT EMAIL: dan@sakahara-allen.com

PROJECT DESCRIPTION: Remodeal and addition to ESFR, relocate OWTS,
replace landscaping

TO: Malibu Planning Department and/or Applicant

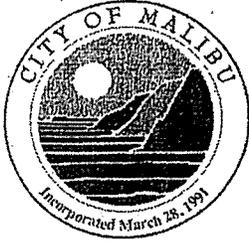
FROM: Public Works Department

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

DATE



City of Malibu

MEMORANDUM

To: Planning Department

From: Public Works Department
Jorge Rubalcava, Assist. Civil Engineer

Date: October 18, 2017

Re: Proposed Conditions of Approval for 20238 Piedra Chica APR 17-070

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. 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 the City's Local Implementation Plan (LIP), Section 8.3. **A note shall be placed on the project that addresses 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.

STORMWATER

3. A Local Storm Water Pollution Prevention Plan shall be submitted for review and approval to the City of Malibu's Public Works Department prior to start of construction (or prior to this issuance of permits). This plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but not limited to:

Erosion Controls	Scheduling
	Preservation of Existing Vegetation
Sediment Controls	Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.



MISCELLANEOUS

4. The Developers Consulting Engineer shall sign the final plans prior to the issuance of permits.
5. The discharge of swimming pool, spa and decorative fountain water and filter backwash, including water containing bacteria, detergents, wastes, alagecides or other chemicals is prohibited. Swimming pool, spa, and decorative fountain water may be used as landscape irrigation only if the following items are met:
 - The discharge water is dechlorinated, debrominated or if the water is disinfected using ozonation;
 - There are sufficient BMPs in place to prevent soil erosion; and
 - The discharge does not reach into the MS4 or to the ASBS (including tributaries)

Discharges not meeting the above-mentioned methods must be trucked to a Publicly Owned Wastewater Treatment Works.

The applicant shall also provide a construction note on the plans that directs the contractor to install a new sign stating **"It is illegal to discharge pool, spa or water feature waters to a street, drainage course or storm drain per MMC 13.04.060(D)(5)."** The new sign shall be posted in the filtration and/or pumping equipment area for the property. Prior to the issuance of any permits, the applicant shall indicate the method of disinfection and the method of discharging.

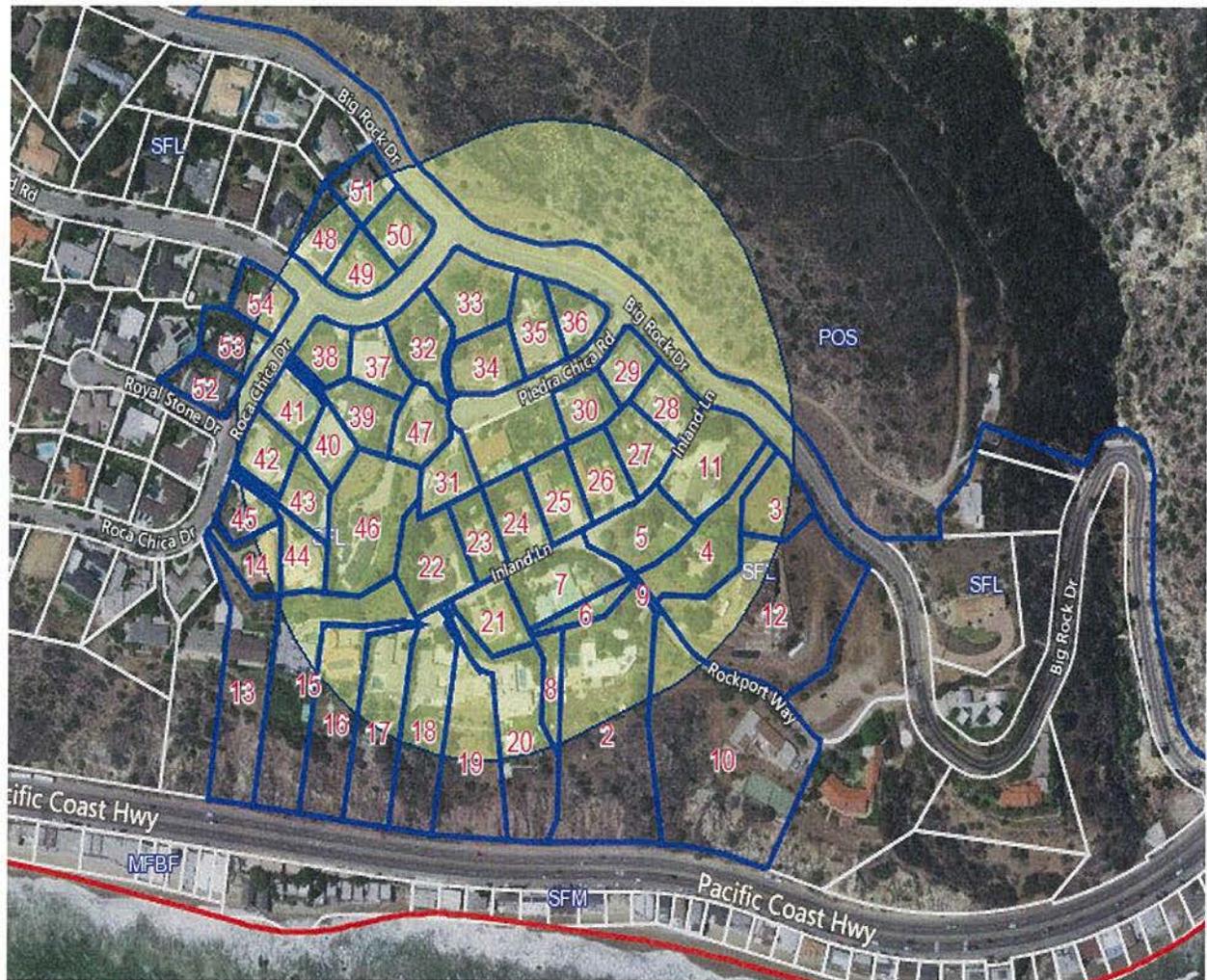


Table of Surrounding Properties Within 500 Feet

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor.

Building square footage is habitable area only, and does not include garages, covered patios and some other accessory structures.

Non-habitable areas has been deducted from the proposed project.



Source: GIS 2019

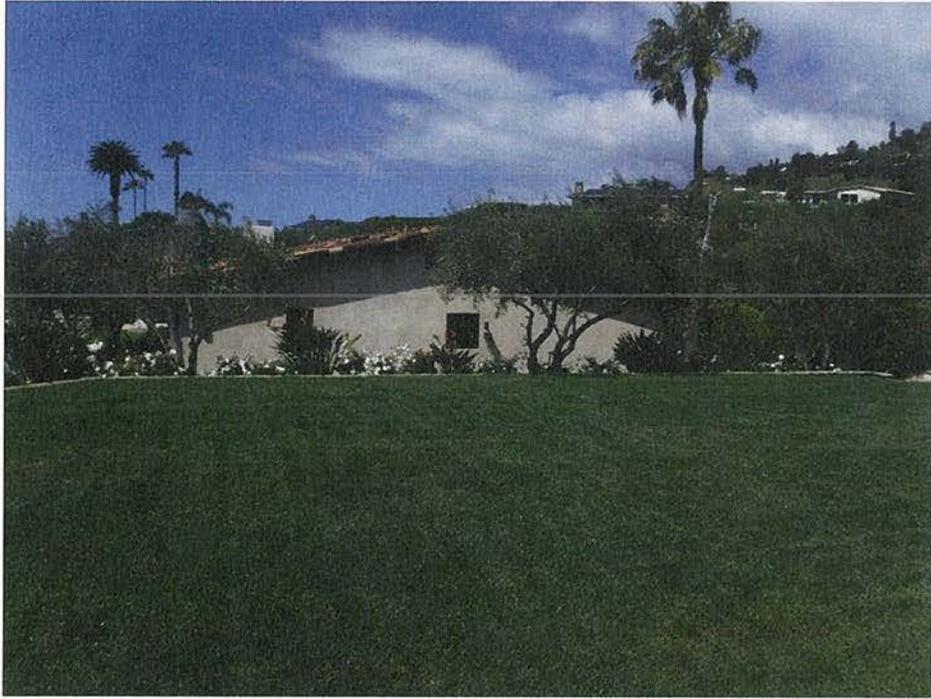
Nearby Residences – Habitable Area			
Address / APN	Habitable Area Only	Parcel Size	Year Built
20238 Pierda Chica Rd. (Proposed Project)	4,223 sq. ft. (Including Additions)	22,425 sq. ft.	
APN 4449-011-900	N/A	6,219,674 sq. ft.	N/A
20178 Rockport Way	4,845 sq. ft.	90,275 sq. ft.	1997
APN 4450-011-031	N/A	17,265	N/A
20220 Inland Ln.	1,761 sq. ft.	27,894 sq. ft.	1955
APN 4450-011-035	N/A	22,037 sq. ft.	N/A
20252 Inland Ln.	4,538	25,711 sq. ft.	1996
4450-011-038	N/A	8,742 sq. ft.	N/A
4450-011-040	N/A	1,564 sq. ft.	N/A
20130 Rockport Way	4,271 sq. ft.	111,694 sq. ft.	1978
20202 Inland Ln.	1,707 sq. ft.	29,516 sq. ft.	1957
4450-011-043	7,198 sq. ft.	84,394 sq. ft.	N/A
20450 Roca Chica Dr.	2,547 sq. ft.	43,768 sq. ft.	1966
20444 Roca Chica Dr.	2,732 sq. ft.	13,063 sq. ft.	1971
20279 Inland Ln.	3,072 sq. ft.	52,690 sq. ft.	1976

20283 Inland Ln.	2,757 sq. ft.	36,840 sq. ft.	1964
20282 Inland Ln.	2,618 sq. ft.	36,275 sq. ft.	1968
20276 Inland Ln.	2,862 sq. ft.	39,053 sq. ft.	1969
20272 Inland Ln.	N/A	40,833 sq. ft.	N/A
20270 Inland Ln.	3,619 sq. ft.	44,476 sq. ft.	1965
20260 Inland Ln.	2,676 sq. ft.	15,921 sq. ft.	1971
20269 Inland Ln.	2,246 sq. ft.	25,187 sq. ft.	1969
20259 Inland Ln.	2,493 sq. ft.	12,851 sq. ft.	1969
20249 Inland Ln.	2,939 sq. ft.	16,345 sq. ft.	1965
20239 Inland Ln.	3,043 sq. ft.	15,870 sq. ft.	1969
20229 Inland Ln.	2,852 sq. ft.	16,046 sq. ft.	1968
20219 Inland Ln.	2,729 sq. ft.	15,459 sq. ft.	1969
20205 Inland Ln.	2,373 sq. ft.	13,060 sq. ft.	1973
20206 Pierda Chica Rd.	3,578 sq. ft.	10,951 sq. ft.	10,951
20218 Pierda Chica Rd	2,915 sq. ft.	12,239 sq. ft.	1965
20246 Pierda Chica Rd	2,512 sq. ft.	12,955 sq. ft.	1966
20243 Pierda Chica Rd	2,619 sq. ft.	18,402 sq. ft.	1966

20241 Pierda Chica Rd.	2,575 sq. ft.	22,961 sq. ft.	1965
20235 Pierda Chica Rd.	2,620 sq. ft.	16,669 sq. ft.	1965
20223 Pierda Chica Rd.	2,935 sq. ft.	16,729 sq. ft.	1965
20207 Pierda Chica Rd.	2,846 sq. ft.	11,103 sq. ft.	1965
20324 Seaboard Rd.	2,648 sq. ft.	13,211 sq. ft.	1965
20404 Roca Chica Dr.	2,612 sq. ft.	11,302 sq. ft.	1964
20412 Roca Chica Dr.	2,443 sq. ft.	15,564 sq. ft.	1966
20414 Roca Chica Dr.	2,864 sq. ft.	11,670 sq. ft.	1967
20418 Roca Chica Dr.	2,413 sq. ft.	11,963 sq. ft.	1970
20426 Roca Chica Dr.	2,758 sq. ft.	13,045 sq. ft.	1966
20434 Roca Chica Dr.	2,544 sq. ft.	12,682 sq. ft.	1966
20436 Roca Chica Dr.	2,522 sq. ft.	13,467 sq. ft.	1966
20440 Roca Chica Dr.	2,129 sq. ft.	10,132 sq. ft.	1965
20247 Roca Chica Dr.	3,278 sq. ft.	41,389 sq. ft.	1952
20245 Pierda Chica Dr.	2,489 sq. ft.	14,812 sq. ft.	1949
20345 Seaboard Rd.	2,787 sq. ft.	14,061 sq. ft.	1973
20325 Seaboard Rd.	2,788 sq. ft.	12,141 sq. ft.	1965
20309 Seaboard Rd.	3,130 sq. ft.	12,179 sq. ft.	1965
20290 Big Rock Dr.	3,349 sq. ft.	12,356 sq. ft.	1966
20425 Roca Chica Dr.	2,792 sq. ft.	11,926 sq. ft.	1965

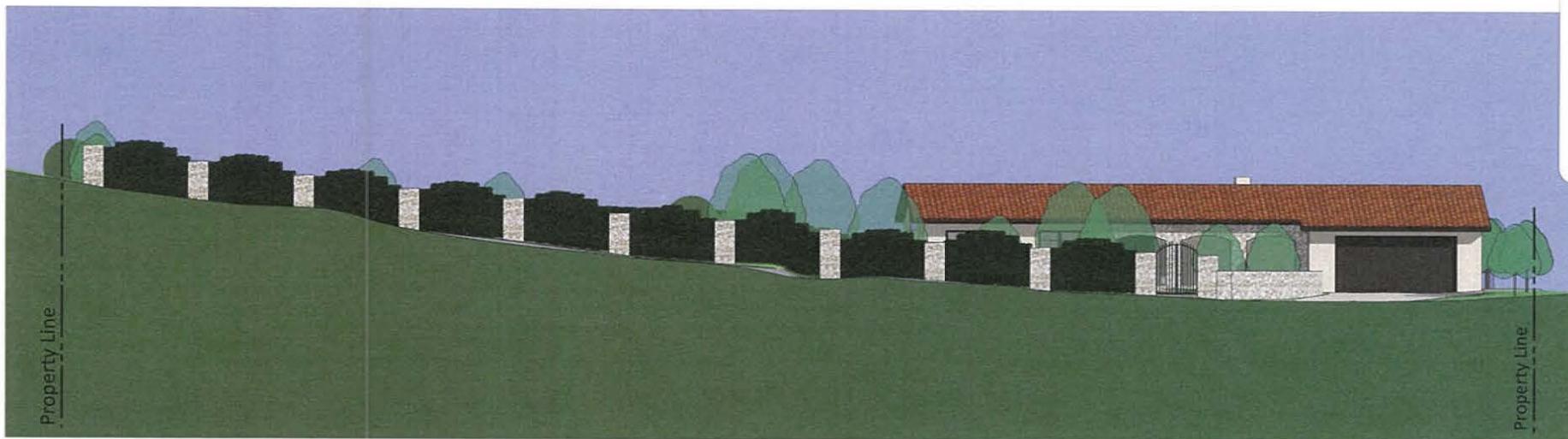
20413 Roca Chica Dr.	2,713 sq. ft.	13,229 sq.ft.	1965
20405 Roca Chica Dr.	2,786 sq. ft.	12,140 sq. ft.	1965

SITE PHOTOGRAPHS

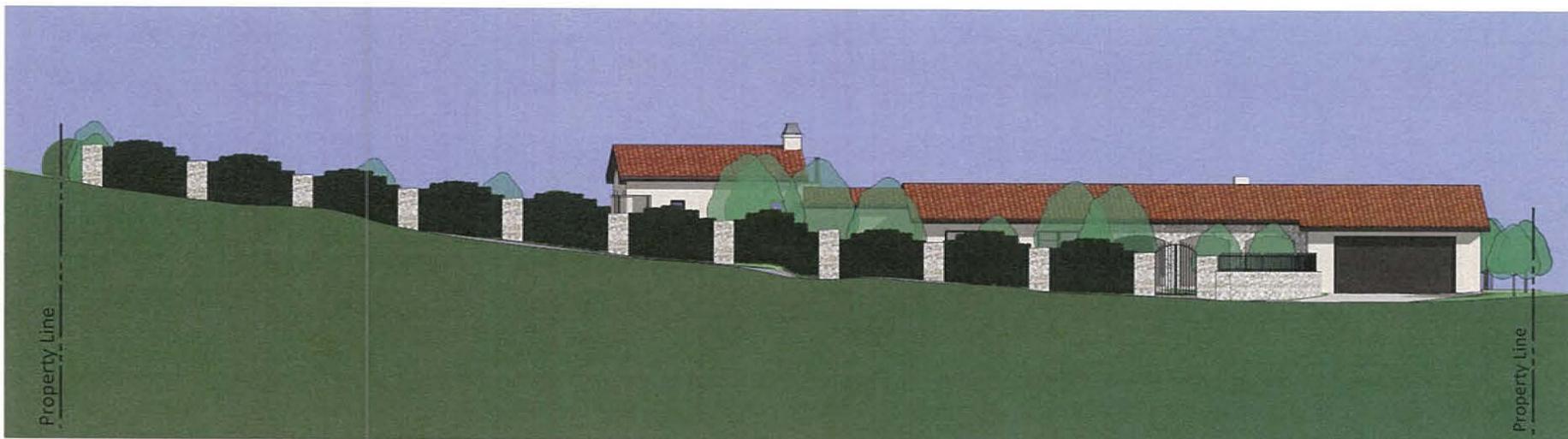








Street View - Existing



Street View - With Proposed Addition

about our homes above and below? This house might not slide but what about the rest of us, especially the ones below where the additional water pumped through and out of this property is just sitting on top of the ground and flowing down to other properties. Many a page of your approvals indicate the active landslide yet nothing seems to address this.

2. New drain lines vs existing - our CC&R's say there is NO interfering with existing drainage on properties

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'That each owner of a lot in said tract shall not in any way interfere with the established drainage in and over any lot in said tract.'

3. Adding TWO extra full bathrooms and laundry, yet proposes a smaller and new location of the EXISTING septic system installed, but huge existing leach field removed - this affects the drainage negatively in our tract also within CC&Rs and should be within your codes A2.2 - no one has ever been allowed to add bathrooms in Big Rock due not being on City water. The water dept are putting in two meters - this is only ONE LOT - how is this allowed? Where is the water and septic being pumped to?

4. Prior owner, Gus Spoliansky, put the leach field in the second lot because the land couldn't perk, why the sudden change? Please pull all of the previous plans for the property and go back to why the land could never perk and put this in the files and please give us this information. Nothing has changed; if anything the land has become more unstable with the recent movement and it is still flooding.

5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have CC&R's in place re: landscaping:

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'No fences, trees, plants, shrubs, or hedges shall be erected, planted or permitted on any lot.....over six (6) feet high...'

6. Heights are above existing structure and above 18 ft - existing CC&R's limits this structure and any additions to 15ft

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions 'No building shall be erected, altered, placed or permitted to remain on (said lot)...inclusive of the above tract other than ONE detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.'

7. No roof decks allowed re: CC&Rs nuisance category and again roofline can't be above 15 ft and actually NO structure can be built that will obstruct ocean views of adjacent lots. **'In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.'**

8. Stairways interior and exterior indicate second story not allowed in CC&Rs A3.2 A2.1 - see #6 re: CC&Rs

9. View preservations in place and people's views and privacy in jeopardy - against CC&Rs again of Tract 2

10. Any major digging, grading and construction, trucks coming in and out in our active landslide area should be carefully assessed and addressed given the latest changes in FUGRO report. This project is much bigger than a remodel. How will the residents move around or park with all of the construction trucks and equipment? What are the rules for this?

11. Increased flood risk and groundwater risk causing instability to the hill - one el nino spells disaster for surrounding homes and structures

12. Steps make structure higher than existing grade on original lot

13. No second structure would normally be allowed on the second lot that was merged. Covered breezeway is some kind of loophole that should be addressed? Master should be attached to existing at its original ground level as per the law that allowed the merge of the lots, this is also in our CC&R's

14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7

15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots occurred it was intended not to allow a second structure it was to be attached at the lower grade only

16. Added laundry in proposed addition increasing grey water or yet worse more septic concerns a3.3 - why do they need two laundry? They won't be taking out the original. Again why are there two water meters? Two air conditioners, etc?

17. How is a new fireplace allowed in a high intensity fire zone? A2.1 fire hazard

18. The addition is a whole new house treatment not a master bedroom. What do the separated lines mean in the master bedroom?

19. Existing floor plan has changed the DINING area used to be a family room - very large for a dining room. Breakfast room is existing dining room, etc.

20. This was a 3 bedroom home but the existing says 2 bedroom now?

21. A1.1 What is the existing water overflow of the septic? Risk of removing these retaining walls?

22. There is no 'courtyard' as specified on plans that allowed the breezeway to be

approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.

23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

We are taking this to the Association this evening. I will also make this public if this goes through so people know what is happening in Malibu. I will also inquire to the state and county to investigate this for us if it goes past planning commission and proceed with CC&R enforcement. I am happy to talk to the Nabavis if they would like to make some drastic changes to their plans and comply with our CC&Rs.

Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

Jo & Colin Drummond
on behalf of Piedra Chica Rd.

From: [Jo Drummond](#)
To: [Chris Dean](#); [Jessica Thompson](#); [Bonnie Blue](#); [Reva Feldman](#); [Craig George](#)
Cc: [Lou La Monte](#)
Subject: 20238 Piedra Chica Road - Nabavi proposed project
Date: Wednesday, July 25, 2018 4:44:08 PM

Hi all...

One of my neighbors just talked to someone at the City - I have no idea who it is - who told her the Nabavi project that we have recently discussed at length has been approved by Planning. My neighbor wanted to let me know.

How could this be true? Are only the plans approved? Does it not still have to go through Building and Safety? I can't even get a cabana door approved! All of our homes in Big Rock are in jeopardy should caissons be put on a lot that was always unbuildable for reasons of our hill's safety. If someone can say otherwise I would like them to let me know in writing. I keep getting different stories from your departments. I do believe it still has to go to the Planning Commission. Has a date been set for this yet? I was told we would be given 10 days notice of this at least. I would prefer to have several months notice as I am still going over this file in detail. How can he be allowed to start building without any foundation or real geological plans? Can the neighbors request an independent geological report?

The Nabavis to date have not come to any of the neighbors in opposition or the Association to inform anyone of the details or make any modifications to their plans. The only communication I have received from them is one hostile letter from their attorney. I hope I am still living in a free country that I can express my opinion and worries for my house and family's stability here in Big Rock. The Nabavis, as all members and residents, are welcome to any BRMPOA Board Meeting to discuss their issues with ample notice.

Thank you and please advise on my questions above,

Jo Drummond

From: Ellen Relles
To: Jessica Thompson; Chris Dean; Bonnie Blue; Reva Feldman; Craig George; Lou La Monte
Cc: Ellen Relles
Subject: 20238 Piedra Chica Road - Nabavi proposed project
Date: Thursday, July 26, 2018 1:21:29 PM
Attachments: CC&Rs Tract 2.pdf

Hello

I am a Malibu resident who has lived on Seaboard Rd on Big Rock since 1973.

I am emailing to express my deep concern about the proposed plans you are reviewing for the property at 20238 Piedra Chica.

I know from an association meeting I attended that you have received other objections in specific detail to this development request.

I agree with these concerns so please add my name to the list of opposing residents.

Also, I would like you to clarify the City's position regarding CC&Rs & proposed development needing new permits.

I know the City indicates it does not get involved in enforcing code violations as they occur in neighborhoods on an ongoing basis.

However, if the City is informed before approving plans & issuing permits that the proposed plans are in opposition to existing CC&Rs on the property in question don't you have an obligation during this process not to knowingly approve City permits in violation of any existing CC&Rs?

Below is a section of your view preservation code that specifically addresses this type of concern for foliage growth. I've highlighted the pertinent sentence.

I assume the reasoning behind this statement would also apply to CC&Rs covering other issues like height, drainage, use of property etc. all of which are included in the CC&Rs for this tract.

Hopefully, City personnel would not approve items that they know would immediately trigger CC&R violations.

Chapter 17.45 CITYWIDE VIEW PRESERVATION AND RESTORATION

17.45.010 Title.

This chapter shall be known as "Citywide View Preservation and Restoration." (Ord. 378 § 3, 2014)

17.45.020 Purpose.

It is also not the intent or purpose of this chapter for the city to supplant any private covenants, conditions, and restrictions (CC&Rs) which may place more restrictive controls on the growth or placement of foliage.

Below are the specific CC&Rs that apply to this property.

I thank you in advance for your consideration of my concerns.

Ellen Relles

██████████

To City of Malibu Planning Dept:
Re: 20238 Piedra Chica Rd. Proposed addition

Relevant History of Big Rock Landslide –Groundwater Issues

"About 30,000 years ago when a section of sea cliff just west of what now is called Piedra Gorda Canyon started landsliding seaward. Eventually, a series of progressively larger slides occurred working upslope and westward until the feature now called *Big Rock Mesa* was formed. A mesa is a relatively large, broad, isolated flat-topped hill. It is an erosional remnant. Big Rock Mesa is not a mesa; it is a kind of terrace, one formed by landsliding. It wasn't so clear that the terrace was due to landsliding, but it was obvious that there was a potential landslide problem due to the injection of effluent from some two hundred or so proposed septic systems.

After Art Jones bought "Big Rock" from Hurst, he kept the lower part of the mesa, i.e., the terrace area, as his own ranch. Cattle grazed here and watered at a lake/pond (right where the "unbuildable lot" on Piedra Chica. evidence of lack of "percolation" problems even then).

Jones sold to the Cave Club, a group that wanted to a subdivision of residential lots. In those days, it wasn't so clear that the terrace was due to landsliding, but it was obvious that there was a potential landslide problem due to the injection of effluent from some two hundred or so proposed septic systems.

As a consequence, I suggested that along with subdivision, an off-site sewage treatment plant would be a good idea. In support, based on rather wild assumptions, I calculated that if septic systems were to be used, landsliding would begin to occur about seven years after substantial residential development.

The sliding began almost seven years to the day after my report to the Cave Club.

Excerpted and edited from a report by E.D. Michael August 12, 2009

Pertinent facts to note:

Ground water caused the slide, wells, drains and other measures to keep water from entering the ground have helped to slow/stop the landslide that **effects 206 families and a major highway** as per this Case Study:

2007 GSA Denver Annual Meeting (28-31 October 2007)

Paper No. 73-12

Presentation Time: 11:00 AM-11:15 AM

THE BIG ROCK MESA LANDSLIDE, MALIBU, CALIFORNIA, A CASE HISTORY

RIEDEL, Kathleen Ehlig and **SPENCER, Alexis**, Fugro West Inc, 4820 McGrath Street, Suite100, Ventura, CA 93003-7778, kriedel@fugro.com

The Big Rock Mesa is located in Malibu, California, on the south flank of the Santa Monica Mountains, and bordered on the south by the Pacific Ocean. The Big Rock Mesa area includes about 190 acres of which approximately **136 acres are involved in landsliding**. The Big Rock Mesa landslide is composed of faulted blocks and deep-seated landslides that have undergone different movement histories. There are **206 developed parcels and a major transportation/utility corridor(Pacific Coast Highway)within the landslide**.

Deformation was documented in late 1971 to early 1972 following exceptionally-heavy precipitation during the winter 1968 to spring 1969. The average annual rainfall totals for the period July through June of 1968 to 2006 is approximately 16.3 inches. During the winter of **1977-1978 the area received about 34 inches of precipitation over a 4-month period**. By spring of 1980, four areas of distress had been identified. By about September 1983, movement of the main portion of the Big Rock Mesa Landslide was widely recognized.

There is a strong correlation between the rate of landslide movement and groundwater levels. Dewatering wells were installed between 1971 and 1974, with additional wells installed in 1983 and later. Survey data from seven monuments indicate that the rate of landslide movement between September 1983 and July 1984 ranged from 1.6 to 4.3 feet per year. The rate of landslide movement between July 1984 and July 1985 ranged from 0.10 to 1.12 feet per year, indicating a reduction in the rate of landslide movement following installation and operation of the second round of dewatering wells. Based on inclinometer data, the headscarp region of the landslide experienced 0.22 inches of displacement, and the Central Mesa Region experienced 0.10 inches of displacement during 2005-2006 monitoring year.

The City of Malibu currently operates 22 dewatering wells and 34 hydraugers on behalf of the homeowners as part of an assessment district. Since 1983, the facility's 12-month average discharge has ranged from a low of 58,226 gallons per day (gpd) in 1991-92 to a high of 215,808 gpd in 1984-85. Discharge varies due to climatic conditions (rainfall), domestic water usage, and the interception of groundwater pockets. The effectiveness of the dewatering system is dependant upon the landslide structure, material properties, proximity to other dewatering installations.

2007 GSA Denver Annual Meeting (28 October - 31 October 2007)
General Information for this Meeting

Session No. 73

Forensic and Engineering Geology Case Studies: A Tribute to James E. Slosson

Colorado Convention Center: 404

8:00 AM-12:20 PM, Monday, 29 October 2007

Geological Society of America *Abstracts with Programs*, Vol. 39, No. 6, p. 200

January 04, 1989 | KENNETH J. GARCIA
Los Angeles Times
Big Rock Landslide info.

The settlement was reached after 4 1/2 years of litigation over who was responsible for the damage from the Big Rock Mesa landslide, one of the worst in state history, in which **250 Malibu homes collapsed, cracked or slid off their foundations. About 30 homes were condemned by the county as unsafe and the value of the others, many priced at more than \$1 million, plummeted.**

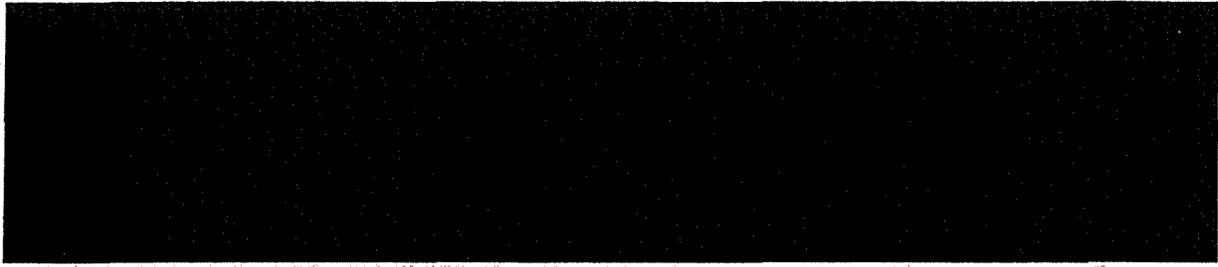
Los Angeles County will pay \$35 million to the Malibu homeowners, Caltrans will pay \$40 million and the insurance companies will contribute the remaining \$22 million.

Conclusions.

We should not be adding development that will add more water to the fragile water table balance that now exists. Each new bathroom, laundry room at each new addition or re-build adds to that increase in water level. We are doing ok at the current level, but we must be vigilant to be sure we do not incrementally add more and more water until we are landsliding once again.

A note of caution to the City of Malibu: be very careful as to what you approve as you will be held responsible just as LA County, Caltrans were. Over two hundred homeowners are counting on you to make the right and prudent choice in considering the remodel at 20238 Piedra Chica Rd.

Thank you for your attention to this matter.
Emily Cable



From: Dan Allen [REDACTED]
Sent: Thursday, August 30, 2018 3:29 PM
To: Jessica Thompson <jthompson@malibucity.org>
Subject: RE: 20238 Piedra Chica - Planning Commission Hearing

Jessica,

As discussed in today's phone call, please send copies of new neighbor correspondence since you sent #1, 2, & 3 on 7/18/18.

Also please send story pole guidelines, particularly how the project is evaluated, so that I may discuss with the owner and assist with their decision on whether to install story poles.

Thank you,

Dan Allen
Sakahara Allen Architects

From: Rosemarie Ihde
To: Dr. Reza Nabavi
Cc: Jessica Thompson; Chris Dean; BRMPOA; Bonnie Blue; Craig George
Subject: Fwd: Opposition to your proposed project at 20238 Piedra Chica Road
Date: Thursday, August 2, 2018 11:30:43 AM

Dear Mr. and Mrs. Nabavi,

As you well know we are opposed to your proposed project if you are willing to hear your neighbors concerns. Gerhard and I have a number of them.

1. Geology, there is no drainage on that lot and the drainage where your house sits has never been good. When Gus Spoliansky planned to remodel 6 yrs ago, he informed us about his intentions and shared the septic system plans. Water flows down from yours to our home below your lot/lots. We've had our share of water and drainage issues over the 50 plus years my husband has been living here at the bottom of the hill. I have lived here 43 years. We do not want to relive these experiences. We see many pump trucks come to your site to pump the septic system more often than other neighbors. It is not as efficient as it looks on paper.

2. Landslide area: It was disclosed when you purchased the 3 bedroom house 3 years ago. The Big Rock Mesa Landslide Assessment District operates 22 pumps and 34 hydraugers. The landslide situation is real, we do not know when we will have another El Nino year/s. Since you have owned the property we have had no wet years only dry. We residents are constantly encouraged to be water wise. It does not appear you have taken this into consideration.

3. Since the development of the lower Mesa and over the last 50 years neither Los Angeles County nor City of Malibu have ever issued a building permit for the property (vacant lot) and we wonder what did change that all of sudden a structure/addition can be built. Gus Spoliansky was denied a permit. He was also denied a building permit for the adjacent lot and only approved for a garage as I understand it.

4. There is underground water below the lot. Some years the water level is high (rain) and some years it is low. We have seen water below your house. During El Niño years is when your lot really shows its inability to drain. We are well aware that you have a sump pump under your existing home.

5. We are very concerned that our own septic system will fail with all the water going into your property and pouring onto ours. Eventually it always ends up below us. Then what do we do? Without a system our house will lose value or even be worthless!? Do you care about any of the homes that were here before you and yours?

6. Your proposed project violates much of our mutual CC&Rs and already you have let your hedges, shrubs etc grow above 6 ft, but expect your neighbors below you to cut for your own view. You even planted more shrubs for privacy which are above the height limit. The proposed landscape plan does not follow normal fuel modification protocol.

You are doing more garden work in your plans to allow your own septic to work given there is no drainage and we all fear they will grow in violation of height restrictions like your current foliage which disregards CC&Rs completely.

7. Character and standards of our neighborhood: the adjacent lot where your current home sits was graded for a single family house. It's sits almost six feet below the addition. Your planned addition will take away the view for many of our neighbors. It will also be one long rising compound and nothing like the traditional homes surrounding. Most likely you will make sure you have more privacy for the new structure and the view deck and that means higher hedges, shrubs etc. as you have again not kept anything within regulation. If you live below some one there is no privacy unless you block their view.

On the investment factor another neighbor did already state that it makes no sense to spend so much on this construction. Why does a family of four need to have 5 bedroom, more laundry facilities, a large parking lot, a sundeck, which essentially makes a two story house in an ocean view neighborhood which is not allowed in our CC&Rs! All of this on a lot with zero seepage.

I, Rosemarie, was surprised at your comments in your letter to the neighbors about how you were hurt and disappointed and that I supposedly discouraged you to attend the last Board Meeting. I don't ask you if I need to attend important meetings so you need not ask me. This is your own responsibility. Your personal follow up phone call was very unpleasant and unwanted. I did not hang up, you did. This is disrespectful and rude frankly.

We are seniors. We are trying to live out the last stage of our life in peace, harmony and quiet and you move in and are bent on trying and destroy everything we have. Having lived next door to 20238 Piedra Chica, which has seen more owners and tenants than we have fingers to count it has been at times very upsetting and disruptive for us. Countless remodels with noise, dirt, trucks, workers yelling, blocked driveway, no street parking and on and on. Put yourself into our situation. Your project would be beyond anything we've ever seen or heard.

The three bedroom house you bought 3 years ago was remodeled fully 6 years ago which is the most recent renovation on this street.

Sincerely,

Rosemarie and Gerhard Ihde

August 8, 2018

Christopher W. Cunningham

Attn: Ms. Reva Feldman, City Manager
City of Malibu Management & Administration Department
23825 Stuart Ranch Road
Malibu, CA 90265
Email: rfeldman@malibucity.org

Re: Notice of Opposition to proposed project at 20238 Piedra Chica Road, Malibu

Dear Ms. Feldman:

I have been a resident of the Big Rock Mesa community in Malibu for 18 years, and I have recently become aware of the development project proposed at 20238 Piedra Chica Road, Malibu, CA 90265 (the "Project"). The purpose of this letter is to provide you formal written notice of my opposition to this Project as well as to point out the concerns, potential liabilities and potential dangerous effects with respect to this Project.

The current, available plans apparently show that the Project involves joining the owner's 2743 square ft 4 bedroom, 3 bathroom home to a second lot that is 6 feet higher than the current home's original footprint to create a 5+ bedroom, 5 bathroom home. This Project will substantially increase the current house in frontage length, height and size, and would violate a number of the community's CC&Rs (as set forth below). The currently vacant lot for the proposed addition has never been developed due to the likelihood of geological issues resulting from any development on the lot and real estate agents representing past sellers of the property have disclosed this to potential buyers of the property.

This Project would break ground on a known active landslide and in a known flood zone. The property has never percolated due to the elevated groundwater levels below this particular section of land, and the lot does not drain well. Any kind of development on this lot puts the community at risk for groundwater level increases which have, in the past, caused costly landslides in Big Rock Mesa. With every addition or remodel in Big Rock that requires an increase in septic tank size, a septic upgrade and/or increases the number of bathrooms, more water is introduced into the ground. Of particular concern is this Project's proposed addition of more bathrooms and the relocation of the septic system and leachfield to the property's slope down to Inland Lane which will add more groundwater and wastewater to the hillside and increase the chances of ground destabilization and landsliding which could greatly impact the neighboring homes (particularly those that are downhill). The many new plantings adjacent to the home (due to the upgraded septic system) and the additional landscaping on the property will also inevitably add to already increasing groundwater levels.

As you may know, groundwater levels and landslides are positively correlated. The Big Rock community has made substantial investment in a drainage system to control groundwater levels and residents have had to cover the costs via homeowner assessment. So, we are not open to developments like this Project that can undermine the purpose of such system or our considerable financial investment. The disruption of this land with the installation of caissons and the introduction of more groundwater could cause destabilization of the land and trigger a landslide potentially damaging neighboring properties and homes and severely impacting home values. Homes in Big Rock are not insured for landslide activity. During the last landslide homes lost over 50% of their value for a period of over 10 years.

Several neighbors have made Primary View Determinations with the City and maintain that the height and width of the Project's new structure will encroach and/or completely or partially block their primary view. Approving this Project sets a bad precedent for the rest of Big Rock where developers can build residences that violate primary view restrictions and community CC&Rs, block ocean views and drastically cut home values. The City's approval of this Project would signal a willful disregard for the preservation of these residents' primary views and for our community's CC&Rs.

A project of this size and magnitude under normal circumstances would take 1-2 years to build, yet with the proposed installation of caissons and other structural/geological considerations, this Project could take much longer. The "mansionization" of this property is not in keeping with the scale of the neighboring homes on the street. The Project property is located on a small, quiet, cul de sac street of only 11 homes with a very small turnaround. Several seniors live on the street and an on-going project of this magnitude would restrict not only residents' own access in and out of their properties, but also access for emergency vehicles. The extreme noise from construction and installation of caissons (with the echo on the Mesa), dust, debris and constant stream of workers, containers and trucks in and out of this small road would severely disrupt the peace, health and happiness of Big Rock residents.

All potential residents when purchasing homes in Big Rock Mesa agree to abide by the Big Rock Mesa Property Owners Association's (BRMPOA's) current Covenants, Conditions and Restrictions (CC&Rs) to protect homeowners and home values. This Project's proposed new structure and development violates several of the CC&Rs including without limitation:

- no approvals through BRMPOA
- height restrictions (15 ft) based on a common foundation
- view restrictions
- foliage height restrictions
- drainage
- steps lead up to a second story loft where only a single story is allowed
- non-conformity and harmony of the exterior design with the existing structures in the tract
- no noxious trade or activity shall be carried on that may be or may become a nuisance to the neighborhood

With this written notice (and likely notices from other Big Rock residents), the City is now aware of the potential negative impacts of this Project and the vehement opposition to it. So, knowing this, should the City continue to approve this Project and allow it to move forward, and if, as a result, our homes and/or home values are negatively affected, we will not hesitate to pursue all legal remedies available to us to hold the City and the developer/owner liable, including without limitation the pursuit of compensatory and punitive damages. I strongly request that the City

take the necessary actions to preserve the stability of land and the primary views of homes in Big Rock Mesa and not approve this Project. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'C.W. Cunningham', written in a cursive style.

Christopher W. Cunningham

Cc:

Bonnie Blue, Planning Director, City of Malibu

Jessica Thompson, Assistant Planner, City of Malibu

From: Judy Shockley
To: Jessica Thompson
Subject: Opposition to Mansionization Development for the Safety of Big Rock
Date: Friday, August 10, 2018 6:48:03 PM

City of Malibu Planning Department

Attention: Jessica Thompson

The purpose of this email is to formally oppose the proposed project at 20238 Piedra Chica Road.

We are residents of Big Rock and have lived here over 40 years.

This project would break ground on a known active landslide and the lot sits on a flood zone. The property has never percolated due to the water that sits under this particular section of land and it does not drain. This will increase the risk of flooding to residents below. Adding bathrooms and laundry facilities will add more water to our already precarious groundwater situation. Every time there is an addition or remodel in Big Rock more water is introduced to the system. As we all know groundwater and landslide are correlated. Homes here are not insured for landslide activity or flood. During the last landslide homes lost over 50% of their value for a period of over 10 years. Should the City allow such a project to go forth and our homes are affected negatively, we will look to the City of Malibu for damages reimbursement.

The septic system will be moved towards the slope and will add more ground and waste water. More planting and vegetation will also add groundwater.

Several neighbors have made Primary View Determinations with the City and maintain that this proposal will violate views. Many neighbors will lose their primary ocean view with this new addition/structure where there has never been any building on this lot before. This would set a bad precedent for the rest of Big Rock where anyone can come in and build to block our precious views and drastically cut our home values. This would also make any View Determinations filed with the City meaningless.

A project of this size and magnitude under normal circumstances (these are not normal) would take 1-2 years to build. The street is a small cul de sac of only 11 homes with a very small turnaround. Several seniors live on the street and it would restrict access inside and out plus access for emergency vehicles. The extreme noise, dust, debris and constant stream of workers, containers and trucks in and out of this tiny road would make it impossible to have security, peace, health and happiness for everyone.

Big Rock residents through the Property Owners Association (BRMPOA) have Covenants and Regulations in place (CC&Rs) to protect the homeowners that are agreed upon with every home sale. The proposal for this new build violates several of the CC&RS including:

- height restrictions (15 ft) based on a common foundation
- view restrictions
- foliage height restrictions - current foliage is in violation
- drainage
- steps lead up to a second story where only a single story is allowed
- non-conformity and harmony of exterior design with the existing structures in the tract
- no noxious trade or activity shall be carried on that may be or may become a nuisance to the neighborhood
- no approvals through BRMPOA

I hope the City can respond very seriously and put an end to this project and preserve the value as well as the stability of our land and homes in Big Rock.

Thank you,

Roger & Judy Shockley

From: Ed and Georganne Bartylak
To: Jessica Thompson
Subject: Opposition to Nabavi project/20238 Piedra Chica Rd - Malibu
Date: Tuesday, July 31, 2018 5:26:26 PM

Dear Ms. Thompson -

Would you please review these articles detailing the **extensive landslide history of the Big Rock Mesa area** (where our home and the proposed Nabavi project at 20238 Piedra Chica Rd are located)

and add them to the "Opposition paperwork re: 20238 Piedra Chica Rd proposed addition/ remodel" ?

For the record - again - we are 100% opposed to this project for the reasons detailed in a previous email to yourself and several others in the Planning Dept.

Sincerely, Ed and Georganne Bartylak - homeowners
at 20243 Piedra Chica Rd (and members of the BRMPOA association)

https://gsa.confex.com/gsa/2007AM/finalprogram/abstract_128287.htm

This is an article by the geologist I mentioned:

<http://www.malibugeology.com/brm.html>

From: Ed and Georganne Bartylak
To: Nabavi Dr. Reza
Cc: Jessica Thompson; BigRockHomeowners; Chris Dean; Bonnie Blue; Craig George
Subject: Opposition to your proposed project at 20238 Piedra Chica Rd.
Date: Monday, July 30, 2018 11:02:51 AM

Dear Mr. and Mrs. Navabi,

Thank you for your letter about your plans to rebuild/add to your home located at 20238 Piedra Chica Rd. in Malibu. I had previously expressed my opposition to your plan to the City of Malibu, and unfortunately your letter did not change my mind about my opposition to your proposed project. My work schedule has me traveling frequently, that is why I am not meeting with you in person. I would note the following problems I have with your plan:

1. Multiple violations of Big Rock tract CC&R's. Contrary to what you claim in your letter to us, your plans are not in compliance with our stated neighborhood rules and regulations which we all abide by. As a matter of fact your property as it stands NOW is not in compliance as you have allowed your shrubs and trees to grow to an excessive height blocking neighbors views and violating CC&R standards. A letter I wrote to you about this issue some time ago and placed in your mailbox was never responded to. The fact that you choose to blatantly disregard our communities CC&R's is a problem for me. Also it sets a very disturbing precedent if our neighborhood rules and regulations can be completely dismissed and ignored. Every family in Big Rock could ultimately be impacted by such a precedent.
2. Your proposed addition would absolutely obstruct neighborhood views in violation of the Malibu view ordinance, adversely affecting residents views and negatively impacting their property values. For most of us, the value in our home is the bulk of our wealth... for you to negatively impact this should not be allowed.
3. The long, and well documented, unstable nature of the geology in the Big Rock area, and specifically on the lot you wish to build on, is a very serious problem. Big Rock sits in a known landslide area. Millions of dollars (probably tens of millions) in loss has occurred due to land movement in this area. In my 11 years on Piedra Chica, I have seen the lot you propose to build on fill with water and create a small lake that does not drain. That lot was originally used as a watering pond for cattle when this area was a ranch. I repeat, it does not drain. **I fear that any drilling and/or disruption of this lot could trigger land movement in the area. This is not a gamble any of us should be willing to take, nor one that the City of Malibu should allow, as NO ONE CAN GUARANTEE THE STABILITY OF THE GEOLOGY OF THAT LOT.** There is a good reason that a flat, ocean view lot, in an established area of Malibu has NEVER been built on... It is unsafe. **There have been other cases of construction in Malibu triggering land movement resulting in major loss and litigation, I do not wish (nor do I wish my neighborhood) to meet the same fate.**
4. The size and costs of the project does not fit with the neighborhood character and standards. I can only wonder why you would pour so much money into a property that would not have a re-sale value commensurate with the amount of money you would be investing...
5. Piedra Chica Rd. is a very short, narrow cul-de-sac. Only 3-4 houses long with a very small turn-around area. Major construction could completely disable access for residents, not

to mention emergency vehicle access in the event of a brush fire or medical emergency. The noise and disruption from the construction would be untenable for some residents, as we have multiple elderly residents who have been here for over 50 years and who's health is not the best.

Please know that my opposition comes from no animus toward you or your family. You have been good, quiet neighbors in your time here. I simply oppose your project for the above reasons.

Thank you, Ed and Georganne Bartylak

From: [Frank Albino](#)
To: [Bonnie Blue](#)
Cc: [Reva Feldman](#); [Jessica Thompson](#); [Kathleen Stecko](#)
Subject: Proposed Project at 20238 Piedra Chica Road
Date: Thursday, August 9, 2018 7:55:23 AM

Ms. Blue:

I am a resident of Big Rock Mesas in Malibu and am contacting you today to express my opposition to the proposed residential development project at 20238 Piedra Chica Road.

This project would break ground on a known active landslide in a flood zone. I have been informed that the property has never percolated due to the water that sits under this particular section of land and that it does not drain. This project would increase the risk of flooding to residents below. Adding bathrooms and laundry facilities will add more water to our already precarious groundwater situation. Every time there is an addition or remodel in Big Rock, more water is introduced to the system. As we all know, groundwater and landslide are correlated. Homes here are not insured for landslide activity or flood. During the last landslide, homes lost over 50% of their value for a period of over 10 years. Should the City allow such a project to go forth and our homes are affected negatively, the City could face liability to the homeowners, as the County did after the landslide.

The septic system for this project would add more ground and waste water. More plantings and vegetation would also add groundwater.

Several neighbors have filed Primary View Determinations with the City and maintain that this project would violate their primary views. I am informed that many neighbors would lose their primary ocean view with this new addition/structure on property where there has never been any building before. This would set a bad precedent for the rest of Big Rock where anyone can come in and build to block our precious views and drastically cut our home values. This would also make any View Determinations filed with the City meaningless.

A project of this size and magnitude under normal circumstances (these are not normal) would take 1-2 years to build. The street is a small cul de sac of only 11 homes with a very small turnaround. Several seniors live on the street and it would restrict access inside and out, plus access for emergency vehicles. The extreme noise, dust, debris and constant stream of workers, containers and trucks in and out of this tiny road would make it impossible to have security, peace, health and happiness for everyone.

I have been told that this project would also violate several provisions of the applicable covenants, conditions and restrictions, including:

- height restrictions (15 ft) based on a common foundation
- view restrictions
- foliage height restrictions - current foliage is in violation
- drainage

- steps lead up to a second story where only a single story is allowed
- non-conformity and harmony of exterior design with the existing structures in the tract
- no noxious trade or activity shall be carried on that may be or may become a nuisance to the neighborhood
- Big Rock Mesas Property Owners' Association design review

I urge the Planning Department to reject this project and preserve the stability of our land and homes in Big Rock.

Thank you,

Frank Albino

Jessica Thompson

Subject: FW: 20238 Piedra Chica Road:OPPOSITION

RECEIVED

AUG - 9 2018

PLANNING DEPT.

From: jeff grier

Sent: Thursday, August 9, 2018 9:07 AM

To: Jessica Thompson <jthompson@malibucity.org>; Kathleen Stecko <kstecko@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>

Subject: 20238 Piedra Chica Road:OPPOSE...

I have lived at 20330 Big Rock Drive for about five years.

I am writing you today to express my opposition to the proposed project at 20238 Piedra Chica Road.

I am a bit surprised that I am even needing to write this letter as I have elected Malibu council members to preserve and protect the fragile environment in which we live.

I feel confident that each of you are aware of the landslide potential in our neighborhood. (If not, why not?)

This project would aggravate our already tenuous groundwater situation..

I have also been informed that the height of the project will compromise views .

I thought regulation of these types of issues was what a 'planning department' was there for.

So, bottom line, please STOP THIS PROJECT...

Thank you for your consideration

Jeff Grier

From: Ed and Georganne Bartylak
To: Chris Dean; Jonathan Pichardo; Matthew Janousek; Jessica Thompson; Carlos Contreras; Nicole Benvamin
Cc: Reva Feldman; Bonnie Blue
Subject: Proposed rebuilding project at 20238 Piedra Chica Rd. / Owners Nabavi/Akbar
Date: Wednesday, July 18, 2018 6:05:25 PM

As 11 year residents of Big Rock (living at 20243 Piedra Chica Rd.), **We wish to inform you and all staff involved with the vetting of this project that we are 100% opposed to it.** Our neighbor and Association President, Jo Drummond, enumerated many reasons why this project should not be allowed. I agree completely with her and all her concerns (which she has very meticulously pointed out). Let me add my voice...

The view corridor on several properties will be blocked and/or negatively affected. **This is unacceptable and would severely impact not only our quality of life but our property values as well.**

This project is a massive undertaking, way out of line with the character and standards of the neighborhood. We are a small cul-de-sac and this street could not withstand the amount of construction noise, equipment, vehicle travel, workmen, and overall disruption that this project would cause for a significant amount of time.

This project violates multiple CC&R's in our neighborhood association. I realize that the City does not enforce these, but **when a project blatantly disregards rules and conditions we all abide by as residents, it should be a factor considered by the City.**

We are all residents of Malibu, and we look to the City to have our best interests at heart... **This project is not in the best interest of the residents of Big Rock, and specifically the residents living on Piedra Chica Road.**

This lot has always had percolation problems. In years of heavy rain a literal "lake" would form on the property and just sit there. How is the drainage to be addressed, and what about the homeowners downslope of this run-off? Are you willing to give multiple homes water and drainage issues just to please 1 owner? This seems wrong and unfair.

Finally, and most importantly, **the lot where the proposed building would take place on has never been built on.** It was deemed "unbuildable" by the *original builder of this tract* for geological reasons. Yes, I know technically that no lot is "unbuildable," but there is a reason that this piece of property has never had a structure on it. There are percolation problems and possibly a major underground water flow on the property. As the City well knows, the geology in Big Rock is problematic at best. **By allowing this lot to be built on I feel would risk the safety and structural integrity of the entire area. Drilling for caissons on that piece of property could potentially destabilize our street, or the entire region. Landslides and/or significant earth movement could be triggered by this development... we just really don't know. Is the City ready to put its name and approval on a project that could potentially destabilize the street, the area, or all of Big Rock? All of our properties could be lost or adversely affected by this. The lawsuits would flow like water, no pun intended. Is the City of Malibu ready to risk that?**

I certainly hope that clear heads will prevail and this project will be unconditionally denied. The risks are too great.

Ed (and Georganne) Bartylak

From: Jo Drummond
To: Craig George
Cc: Chris Dean; Jonathan Pichardo; Matthew Janousek; Jessica Thompson; Carlos Contreras; Nicole Benvamin; Reva Feldman; Bonnie Blue; Brad Dunn; Ed & Georanne Bartyiak; [REDACTED]; Bob Brader; Rob Duboux; Pam Feosier; [REDACTED]; Brian Lonck; Ellen Kelles; Colin Drummond; Sadia Stelzner; Eric Sosa (Neighbor); Joy Wilcox; Dean Wilcox (Neighbor); Ellen Kawana; Michael Sims; Paul Berning; Judy Shockley; Jewel Simpson (Neighbor); David Kelmenson; Linda Ellrod; Tony Ellrod; Jeff Runvan; Hak Wong; lucylawr@yahoo.com; Lou La Monte; Jefferson Wagner; Bob & Rosie Strickland
Subject: Re: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project
Date: Thursday, July 19, 2018 3:24:20 PM

Thanks for your response Craig.

Yes I met with Chris and he kindly went over what we could in detail on the Geotechnical review sheet for the proposed project however, he did confirm (unless I've misunderstood) that no detailed plans regarding foundation, grading or drainage have been submitted as of yet which all would still have to be reviewed. These of course are allowed no changes under our Tract 2 CC&Rs that both the applicant and my homes are located within. He did say the septic was all approved.

We will surely exercise our rights, voice our concerns and check in regularly on the project.

As I understand it is indefinitely postponed.

Thanks so much, Jo

On Jul 19, 2018, at 2:55 PM, Craig George <cgeorge@malibucity.org> wrote:

Jo,

As promised, I held an internal review on the issues you have raised. I am also aware that you spoke with the Geology staff today. I am confident that each department provided a thorough and unbiased review of the project as presented to the City. There were no discretionary reviews or decisions given to the project. All approvals were ministerial meaning the project complied with the code standards they were being held to and no deviation or variances were granted. This included the Municipal Code, the Local Coastal Program, the Building Code, the City Geotechnical Guidelines, Environmental Guidelines, and Public Works review. I do understand the sensitivity of the geotechnical concerns and drainage concerns given where the project is located, however those concerns have been addressed by the applicant and reviewed for approval by the City.

Many of the concerns you have raised are issues outside the jurisdiction of the City such as CC&R's, and the alleged use of the residence. I strongly urge you and any other interested party to exercise your rights and voice your concerns first to the Planning Commission when the project is eventually heard, and second to the City Council if the project is appealed. We will do our best to monitor the property within the context provided the City to insure no unanticipated issues are created on the property in the future.

Sincerely,

Craig George
Environmental Sustainability Director
Building Official
(310) 456-2489, extension 229
www.malibucity.org

From: Jo Drummond [<mailto:jyotidrummond@yahoo.com>]

Sent: Wednesday, July 18, 2018 4:03 PM

To: Chris Dean <cdean@malibucity.org>; Jonathan Pichardo <jpichardo@malibucity.org>; Matthew Janousek <mjanousek@malibucity.org>; Jessica Thompson <jthompson@malibucity.org>; Carlos Contreras <ccontreras@malibucity.org>; Nicole Benyamin <nbenyamin@malibucity.org>; Craig George <cgeorge@malibucity.org>

Cc: Reva Feldman <rfeldman@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Brad Dunn

[REDACTED]; Ed & Georganne Bartylak <[REDACTED]>

[REDACTED]

[REDACTED] Bob Brager <bbrager@malibucity.org>; Rob Duboux

<rduboux@malibucity.org>; Pam Feldsted <[REDACTED]>

[REDACTED] Megan Lorick <[REDACTED]>; Ellen Relles

[REDACTED]; Colin Drummond <[REDACTED]>; Sadiqa Stelzner

[REDACTED]; Eric Sosa (Neighbor) <[REDACTED]>; Joy Wilcox

[REDACTED]; Dean Wilcox (Neighbor) <[REDACTED]>; Ellen

Kawana <[REDACTED]>; Michael Sims <[REDACTED]>; Paul Berning

[REDACTED]; Judy Shockley <[REDACTED]> Jewel Simpson

(Neighbor) <[REDACTED]>; David Kelmenson <[REDACTED]>; Linda

Ellrod <[REDACTED]>; Tony Ellrod <[REDACTED]> Jeff Runyan

[REDACTED]; Hak Wong <[REDACTED]> Lou La

Monte <llamonte@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Bob & Rosie

Strickland <[REDACTED]>

Subject: Re: RE: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project

I appreciate the quick response, Craig.

Honestly, speaking as a concerned resident, on behalf of the many residents that I have already discussed this with who all have serious reservations about this proposed project, I hope you can bring our faith back in the City after a very frustrating conclusion, without concessions, to the Congdon project on 20272 Inland Lane, given the geo and landslide issues.

Thus we would like to see the results of the overall review you are planning tomorrow. Am I being invited to attend?

And how can any of these departments review or approve anything without one inspection or independent geological drill?

Are there not also violations of Neighborhood Standards? I can tell you now there is not one home like this one proposed on our street of Piedra Chica Rd let alone all of Big Rock.

Given the 'many aspects of the project, reviews by at least 5 City Departments, and other complexities' as per your words I respectfully ask for a continuance to go through this tidal wave of information. I must get organized, look at all of the issues, contact the entire neighborhood as it affects all, go through former planning applications, code compliance, all current plans, reports, contacting utility companies, hiring our own administrative and expert help, etc. etc. I only just received this yellow card in the mail this past Saturday on a very busy weekend with not a word from our lovely neighbor and owners of the above property about their plans ever. Plus as many of you know I hold two jobs - one being the mother of 3 plus volunteering on the Board as President of BRMPOA, some other personal family issues we can discuss when I see you and still awaiting several other meetings with various departments at the City. And although some information can be received very quickly from the City others can take several weeks, sometimes months. Also many neighbors are on holiday and won't be here on the August 6 date of the hearing. So I hope the City can be considerate and grant a continuance in this matter.

Thank you and please let me know if any neighbors can attend your internal review tomorrow or when we can go over everything with you and in turn hopefully have this continued to a date much later in the future than July 31 or August 6, 2018. Or much preferred categorically disapprove this project and deny the Nabavis a permit at this stage with their current plan.

I will be in tomorrow morning at the Planning Desk to see if there is anyone willing to meet with me.

Thank you,

Jo Drummond

On Wednesday, July 18, 2018, 1:02:53 PM PDT, Craig George <cgeorge@malibucity.org> wrote:

Jo;

We are going to have an internal review of the project, scheduled for tomorrow. There are many aspects to this projects, reviews by at least 5 City Departments, and other complexities we need to review to respond to your concerns. I do understand that this is a contentious project. I believe we have been diligent in our reviews and approvals, however we will review internally as stated and I will respond to you directly. You are welcome to reach out to the individuals you mentioned, however I believe a unified response is a more efficient use of time and resources.

Sincerely,

Craig George

Environmental Sustainability Director

Building Official

(310) 456-2489, extension 229

www.malibucity.org

<image001.jpg>

<image002.jpg>

On Tuesday, July 17, 2018, 6:53:44 PM PDT, Jo Drummond [REDACTED] > wrote:

Attn: Chris Deah, Jonathon Pichardo, Nicole Benyamin, & Matt Janousek & Malibu Planning Dept,

We are writing on suggestion of the Planning Dept's Carlos Contreras & Jessica Thompson re: your approvals regarding the above property awaiting Planning Commission approval on August 6th, 2018.

There are several view violations as well as Big Rock Tract 2 CC&R violations. And our greatest concern (other than the possible future use of this property as a business) is the lot that was merged with this property could never 'perk' and was unbuildable due to major drainage and landslide area issues. The plans are vague regarding foundation and drainage and it is sitting on a known flood zone where there are known drainage issues. **I'll repeat no structure ever sat on this lot.** The proposed plans sit right in the middle of known land movement of over one inch over the past two years in our DRYEST season (latest FUGRO report). With concerned residents ranging from 1- 40+ years living on this street and nearby, frankly, we have more information than you with regards to the property and land and hope you will take our counsel very seriously, ask for some huge modifications and some disapprovals for this project. As noted, there is supposed to be a site visit to the property and from what we understand none have been made prior to ALL of these approvals. This is not only an addition but a rebuild. We are familiar with the interior of the existing house and much appears different in the existing plans. And the application calls for demolition. What exactly is being demolished? I have quoted current CC&R's below for your information.

Could we please meet with you tomorrow sometime or Thursday during counter hours? Given we have only just received this Application for permit yellow card and the deadline for everyone's input is July 31, 2018 we are in a hurry. We also plan on bringing as many concerned neighbors as possible to the Planning Commission decision meeting on August 6 at 6:30 pm at City Hall.

Here are just some concerns below with only a quick look at the files and there is so much more to address:

1. Foundation and stem wall of only 8 inches on the addition with no written plan - everything on the lower Mesa is on built on slab foundation including the existing structure but this addition proposes at least a dozen casons, presumably because the land can't perk - it's being treated like a beach house in Big Rock! S2.1, A3.3 What about our homes above and below? This house might not slide but what about the rest of us, especially the ones below where the additional water pumped through and out of this property is just sitting on top of the ground and flowing down to other properties. Many a page of your approvals indicate the active landslide yet nothing seems to address this.

2. New drain lines vs existing - our CC&R's say there is NO interfering with existing drainage on properties

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'That each owner of a lot in said tract shall not in any way interfere with the established drainage in and over any lot in said tract.'

3. Adding TWO extra full bathrooms and laundry, yet proposes a smaller and new location of the EXISTING septic system installed, but huge existing leach field removed - this affects the drainage negatively in our tract also within CC&Rs and should be within your codes A2.2 - no one has ever been allowed to add bathrooms in Big Rock due not being on City water. The water dept are putting in two meters - this is only ONE LOT - how is this allowed? Where is the water and septic being pumped to?

4. Prior owner, Gus Spoliansky, put the leach field in the second lot because the land couldn't perk, why the sudden change? Please pull all of the previous plans for the property and go back to why the land could never perk and put this in the files and please give us this information. Nothing has changed; if anything the land has become more unstable with the recent movement and it is still flooding.

5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have CC&R's in place re: landscaping:

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'No fences, trees, plants, shrubs, or hedges shall be erected, planted or permitted on any lot.....over six (6) feet high...'

6. Heights are above existing structure and above 18 ft some parts to 23 ft- existing CC&R's limits this structure and any additions to 15ft

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions 'No building shall be erected, altered, placed or permitted to remain on (said lot)...inclusive of the above tract other than ONE detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.'

7. No roof decks allowed re: CC&Rs nuisance category and again roofline can't be above 15 ft and actually NO

structure can be built that will obstruct ocean views of adjacent lots. *'In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.'*

8. Stairways interior and exterior indicate second story not allowed in CC&Rs A3.2 A2.1 - see #6 re: CC&Rs

9. View preservations in place and people's views and privacy in jeopardy - against CC&Rs again of Tract 2

10. Any major digging, grading and construction, trucks coming in and out in our active landslide area should be carefully assessed and addressed given the latest changes in FUGRO report. This project is much bigger than a remodel. How will the residents move around or park with all of the construction trucks and equipment? What are the rules for this?

11. Increased flood risk and groundwater risk causing instability to the hill - one el nino spells disaster for surrounding homes and structures

12. Steps make structure higher than existing grade on original lot

13. No second structure would normally be allowed on the second lot that was merged. Covered breezeway is some kind of loophole that should be addressed? Master should be attached to existing at its original ground level as per the law that allowed the merge of the lots, this is also in our CC&R's

14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7

15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots occurred it was intended not to allow a second structure it was to be attached at the lower grade only

16. Added laundry in proposed addition increasing grey water or yet worse more septic concerns a3.3 - why do they need two laundry? They won't be taking out the original. Again why are there two water meters? Two air conditioners, etc?

17. How is a new fireplace allowed in a high intensity fire zone? A2.1 fire hazard

18. The addition is a whole new house treatment not a master bedroom. What do the separated lines mean in the

master bedroom?

19. Existing floor plan has changed the DINING area used to be a family room - very large for a dining room. Breakfast room is existing dining room, etc.

20. This was a 3 bedroom home but the existing says 2 bedroom now?

21. A1.1 What is the existing water overflow of the septic? Risk of removing these retaining walls?

22. There is no 'courtyard' as specified on plans that allowed the breezeway to be approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.

23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

We are taking this to the Association this evening. I will also make this public if this goes through so people know what is happening in Malibu. I will also inquire to the state and county to investigate this for us if it goes past planning commission and proceed with CC&R enforcement. I am happy to talk to the Nabavis if they would like to make some drastic changes to their plans and comply with our CC&Rs.

Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

Jo & Colin Drummond

on behalf of Piedra Chica Rd.

From: Craig George
To: Jo Drummond
Cc: Chris Dean; Jonathan Pichardo; Matthew Janousek; Jessica Thompson; Carlos Contreras; Nicole Benyamin; Reva Feldman; Bonnie Blue; Brad Dunn; Ed & Georganne Bartylak; [REDACTED]; Bob Brager; Rob Duboux; Pam Feldsted; [REDACTED]; Megan Lorick; Ellen Relles; Colin Drummond; Sadiqa Stelzner; Eric Sosa (Neighbor); Joy Wilcox; Dean Wilcox (Neighbor); Ellen Kawana; Michael Sims; Paul Berning; Judy Shockley; Jewel Simpson (Neighbor); David Kelmenson; Linda Ellrod; Tony Ellrod; Jeff Runyan; Hak Wong; Lou La Monte; Jefferson Wagner; Bob & Rosie Strickland; [REDACTED]
Subject: RE: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project
Date: Thursday, July 19, 2018 3:29:30 PM

Jo,

Just to clarify, there are two levels of review prior to the issuance of any construction permit for any project, including this one. The first is a Planning level review for feasibility. That is where this project currently is. The second level is the building plan check level where actual construction and engineered plans are reviewed. That is what Chris was referring to and will come later. This also includes all departments.

Sincerely,

Craig George
Environmental Sustainability Director
Building Official
(310) 456-2489, extension 229
www.malibucity.org

From: Jo Drummond [mailto:jyotidrummond@yahoo.com]
Sent: Thursday, July 19, 2018 3:24 PM
To: Craig George <cgeorge@malibucity.org>
Cc: Chris Dean <cdean@malibucity.org>; Jonathan Pichardo <jpichardo@malibucity.org>; Matthew Janousek <mjanousek@malibucity.org>; Jessica Thompson <jthompson@malibucity.org>; Carlos Contreras <ccontreras@malibucity.org>; Nicole Benyamin <nbenyamin@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Brad Dunn [REDACTED]; Ed & Georganne Bartylak [REDACTED]; [REDACTED]; Bob Brager <bbrager@malibucity.org>; Rob Duboux <rduboux@malibucity.org>; Pam Feldsted [REDACTED]; [REDACTED]; Megan Lorick [REDACTED]; Ellen Relles [REDACTED]; [REDACTED]; Colin Drummond <[REDACTED]>; Sadiqa Stelzner [REDACTED]; [REDACTED]; Eric Sosa (Neighbor) [REDACTED]; Joy Wilcox [REDACTED]; [REDACTED]; Dean Wilcox (Neighbor) <[REDACTED]>; Ellen Kawana <[REDACTED]>; Michael Sims <[REDACTED]>; Paul Berning [REDACTED]; [REDACTED]; Judy Shockley <[REDACTED]>; Jewel Simpson (Neighbor) <[REDACTED]>; David Kelmenson <[REDACTED]>; Linda Ellrod <[REDACTED]>; Tony Ellrod <[REDACTED]>; Jeff Runyan [REDACTED]; [REDACTED]; Hak Wong <[REDACTED]>; [REDACTED]; Lou La

Monte <llamonte@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Bob & Rosie Strickland <[REDACTED]>

Subject: Re: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project

Thanks for your response Craig.

Yes I met with Chris and he kindly went over what we could in detail on the Geotechnical review sheet for the proposed project however, he did confirm (unless I've misunderstood) that no detailed plans regarding foundation, grading or drainage have been submitted as of yet which all would still have to be reviewed. These of course are allowed no changes under our Tract 2 CC&Rs that both the applicant and my homes are located within. He did say the septic was all approved.

We will surely exercise our rights, voice our concerns and check in regularly on the project.

As I understand it is indefinitely postponed.

Thanks so much, Jo

On Jul 19, 2018, at 2:55 PM, Craig George <cgeorge@malibucity.org> wrote:

Jo,

As promised, I held an internal review on the issues you have raised. I am also aware that you spoke with the Geology staff today. I am confident that each department provided a thorough and unbiased review of the project as presented to the City. There were no discretionary reviews or decisions given to the project. All approvals were ministerial meaning the project complied with the code standards they were being held to and no deviation or variances were granted. This included the Municipal Code, the Local Coastal Program, the Building Code, the City Geotechnical Guidelines, Environmental Guidelines, and Public Works review. I do understand the sensitivity of the geotechnical concerns and drainage concerns given where the project is located, however those concerns have been addressed by the applicant and reviewed for approval by the City.

Many of the concerns you have raised are issues outside the jurisdiction of the City such as CC&R's, and the alleged use of the residence. I strongly urge you and any other interested party to exercise your rights and voice your concerns first to the Planning Commission when the project is eventually heard, and second to the City Council if the project is appealed. We will do our best to monitor the property within the context provided the City to insure no unanticipated issues are created on the property in the future.

Sincerely,

Craig George
Environmental Sustainability Director
Building Official
(310) 456-2489, extension 229

www.malibucity.org

From: Jo Drummond [mailto: [REDACTED]]
Sent: Wednesday, July 18, 2018 4:03 PM
To: Chris Dean <cdean@malibucity.org>; Jonathan Pichardo <jpichardo@malibucity.org>; Matthew Janousek <mjanousek@malibucity.org>; Jessica Thompson <jthompson@malibucity.org>; Carlos Contreras <ccontreras@malibucity.org>; Nicole Benyamin <nbenyamin@malibucity.org>; Craig George <cgeorge@malibucity.org>
Cc: Reva Feldman <rfeldman@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Brad Dunn <bradley_dunn@yahoo.com>; Ed & Georganne Bartylak < [REDACTED] >; [REDACTED]; [REDACTED]; Bob Brager <bbrager@malibucity.org>; Rob Duboux <rduboux@malibucity.org>; Pam Feldsted < [REDACTED] >; [REDACTED]; Megan Lorick < [REDACTED] > Ellen Relles < [REDACTED] > Colin Drummond < [REDACTED] > Sadiqa Stelzner < [REDACTED] >; Eric Sosa (Neighbor) < [REDACTED] > Joy Wilcox < [REDACTED] >; Dean Wilcox (Neighbor) < [REDACTED] > Ellen Kawana < [REDACTED] > Michael Sims < [REDACTED] >; Paul Berning < [REDACTED] > Judy Shockley < [REDACTED] >; Jewel Simpson (Neighbor) < [REDACTED] > David Kelmenson < [REDACTED] >; Linda Ellrod < [REDACTED] >; Tony Ellrod < [REDACTED] > Jeff Runyan < [REDACTED] >; [REDACTED]; Hak Wong < [REDACTED] >; [REDACTED]; Lou La Monte <llamonte@malibucity.org>; Jefferson Wagner <jwagner@malibucity.org>; Bob & Rosie Strickland < [REDACTED] >
Subject: Re: RE: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project

I appreciate the quick response, Craig.

Honestly, speaking as a concerned resident, on behalf of the many residents that I have already discussed this with who all have serious reservations about this proposed project, I hope you can bring our faith back in the City after a very frustrating conclusion, without concessions, to the Congdon project on 20272 Inland Lane, given the geo and landslide issues.

Thus we would like to see the results of the overall review you are planning tomorrow. Am I being invited to attend?

And how can any of these departments review or approve anything without one inspection or independent geological drill?

Are there not also violations of Neighborhood Standards? I can tell you now there is not one home like this one proposed on our street of Piedra Chica Rd let alone all of Big Rock.

Given the 'many aspects of the project, reviews by at least 5 City Departments, and other complexities' as per your words I respectfully ask for a continuance to go through this tidal wave of information. I must get organized, look at all of the issues, contact the entire neighborhood as it affects all, go through former planning applications, code compliance, all

current plans, reports, contacting utility companies, hiring our own administrative and expert help, etc. etc. I only just received this yellow card in the mail this past Saturday on a very busy weekend with not a word from our lovely neighbor and owners of the above property about their plans ever. Plus as many of you know I hold two jobs - one being the mother of 3 plus volunteering on the Board as President of BRMPOA, some other personal family issues we can discuss when I see you and still awaiting several other meetings with various departments at the City. And although some information can be received very quickly from the City others can take several weeks, sometimes months. Also many neighbors are on holiday and won't be here on the August 6 date of the hearing. So I hope the City can be considerate and grant a continuance in this matter.

Thank you and please let me know if any neighbors can attend your internal review tomorrow or when we can go over everything with you and in turn hopefully have this continued to a date much later in the future than July 31 or August 6, 2018. Or much preferred categorically disapprove this project and deny the Nabavis a permit at this stage with their current plan.

I will be in tomorrow morning at the Planning Desk to see if there is anyone willing to meet with me.

Thank you,

Jo Drummond

On Wednesday, July 18, 2018, 1:02:53 PM PDT, Craig George <cgeorge@malibucity.org> wrote:

Jo;

We are going to have an internal review of the project, scheduled for tomorrow. There are many aspects to this projects, reviews by at least 5 City Departments, and other complexities we need to review to respond to your concerns. I do understand that this is a contentious project. I believe we have been diligent in our reviews and approvals, however we will review internally as stated and I will respond to you directly. You are welcome to reach out to the individuals you mentioned, however I believe a unified response is a more efficient use of time and resources.

Sincerely,

Craig George

Environmental Sustainability Director

Building Official

(310) 456-2489, extension 229

www.malibucity.org

<image001.jpg>

<image002.jpg>

On Tuesday, July 17, 2018, 6:53:44 PM PDT, Jo Drummond [REDACTED] wrote:

Attn: Chris Dean, Jonathon Pichardo, Nicole Benyamin, & Matt Janousek & Malibu Planning Dept,

We are writing on suggestion of the Planning Dept's Carlos Contreras & Jessica Thompson re: your approvals regarding the above property awaiting Planning Commission approval on August 6th, 2018.

There are several view violations as well as Big Rock Tract 2 CC&R violations. And our greatest concern (other than the possible future use of this property as a business) is the lot that was merged with this property could never 'perk' and was unbuildable due to major drainage and landslide area issues. The plans are vague regarding foundation and drainage and it is sitting on a known flood zone where there are known drainage issues. **I'll repeat no structure ever sat on this lot.** The proposed plans sit right in the middle of known land movement of over one inch over the past two years in our DRYEST season (latest FUGRO report). With concerned residents ranging from 1- 40+ years living on this street and nearby, frankly, we have more information than you with regards to the property and land and hope you will take our counsel very seriously, ask for some huge modifications and some disapprovals for this project. As noted, there is supposed to be a site visit to the property and from what we understand none have been made prior to ALL of these approvals. This is not only an addition but a rebuild. We are familiar with the interior of the existing house and much appears different in the existing plans. And the application calls for demolition. What exactly is being demolished? I have quoted current CC&R's below for your information.

Could we please meet with you tomorrow sometime or Thursday during counter hours? Given we have only just received this Application for permit yellow card and the deadline for everyone's input is July 31, 2018 we are in a hurry. We also plan on bringing as many concerned neighbors as possible to the Planning Commission decision meeting on August 6 at 6:30 pm at City Hall.

Here are just some concerns below with only a quick look at the files and there is so much more to address:

1. Foundation and stem wall of only 8 inches on the addition with no written plan - everything on the lower Mesa is

on built on slab foundation including the existing structure but this addition proposes at least a dozen casons, presumably because the land can't perk - it's being treated like a beach house in Big Rock! S2.1, A3.3 What about our homes above and below? This house might not slide but what about the rest of us, especially the ones below where the additional water pumped through and out of this property is just sitting on top of the ground and flowing down to other properties. Many a page of your approvals indicate the active landslide yet nothing seems to address this.

2. New drain lines vs existing - our CC&R's say there is NO interfering with existing drainage on properties

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'That each owner of a lot in said tract shall not in any way interfere with the established drainage in and over any lot in said tract.'

3. Adding TWO extra full bathrooms and laundry, yet proposes a smaller and new location of the EXISTING septic system installed, but huge existing leach field removed - this affects the drainage negatively in our tract also within CC&Rs and should be within your codes A2.2 - no one has ever been allowed to add bathrooms in Big Rock due not being on City water. The water dept are putting in two meters - this is only ONE LOT - how is this allowed? Where is the water and septic being pumped to?

4. Prior owner, Gus Spoliansky, put the leach field in the second lot because the land couldn't perk, why the sudden change? Please pull all of the previous plans for the property and go back to why the land could never perk and put this in the files and please give us this information. Nothing has changed; if anything the land has become more unstable with the recent movement and it is still flooding.

5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have CC&R's in place re: landscaping:

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'No fences, trees, plants, shrubs, or hedges shall be erected, planted or permitted on any lot.....over six (6) feet high...'

6. Heights are above existing structure and above 18 ft some parts to 23 ft- existing CC&R's limits this structure and any additions to 15ft

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions 'No building shall be erected, altered, placed or permitted to remain on (said lot)...inclusive of the above tract other than ONE detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.'

7. No roof decks allowed re: CC&Rs nuisance category and again roofline can't be above 15 ft and actually NO structure can be built that will obstruct ocean views of adjacent lots. *'In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.'*

8. Stairways interior and exterior indicate second story not allowed in CC&Rs A3.2 A2.1 - see #6 re: CC&Rs

9. View preservations in place and people's views and privacy in jeopardy - against CC&Rs again of Tract 2

10. Any major digging, grading and construction, trucks coming in and out in our active landslide area should be carefully assessed and addressed given the latest changes in FUGRO report. This project is much bigger than a remodel. How will the residents move around or park with all of the construction trucks and equipment? What are the rules for this?

11. Increased flood risk and groundwater risk causing instability to the hill - one el nino spells disaster for surrounding homes and structures

12. Steps make structure higher than existing grade on original lot

13. No second structure would normally be allowed on the second lot that was merged. Covered breezeway is some kind of loophole that should be addressed? Master should be attached to existing at its original ground level as per the law that allowed the merge of the lots, this is also in our CC&R's

14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7

15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots occurred it was intended not to allow a second structure it was to be attached at the lower grade only

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21. A1:1 What is the existing water overflow of the septic? Risk of removing these retaining walls?

22. There is no 'courtyard' as specified on plans that allowed the breezeway to be approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.

23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

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Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

Jo & Colin Drummond

on behalf of Piedra Chica Rd.

From: Jo Drummond
To: Chris Dean; Jonathan Pichardo; Matthew Janousek; Jessica Thompson; Carlos Contreras; Nicole Benjamin
Cc: Reva Feldman; Bonnie Blue; Craig George; Brad Dunn; Ed & Georganne Bartylak; rosemarie.lhde@gmail.com; marilyncook@verizon.net; malibublondes@aol.com; malibucables@gmail.com; tedvail@aol.com; Bob Brauer; Rob Duboux; Pam Feldsted; hooshangvahedi63@gmail.com; Megan Lorick; Ellen Relles; Colin Drummond; Sadiga Stelzner; Eric Sosa (Neighbor); Joy Wilcox; Dean Wilcox (Neighbor); Ellen Kawana; Michael Sims; Paul Berning; Judy Shockley; Jewel Simpson (Neighbor); David Kelmenson
Subject: Re: 20238 Piedra Chica Rd.- Akbar/Nabavi Property - Agency Approvals for project
Date: Tuesday, July 17, 2018 10:39:41 PM

I am now writing as President of our Big Rock Mesas Property Owners Association.

Please note in your files that this project at 20238 Piedra Chica Road and concerns opposing this project were brought to tonight's BRMPOA Board Meeting.

BRMPOA actively supports the rights of our members in tracts with clearly defined CC&Rs on this issue.

From my discussion with your Planning Department today (Jessica & Carlos) and perusal of the documents over several hours I did not see any due diligence completed by the City of Malibu or detailed reports or plans available to be able to approve this project. We will require more than 10 days notice if there have been any normal procedures omitted.

I will be calling tomorrow to arrange a time to go over the reports with you all as a concerned resident of Big Rock and the lower Mesa. You can also reach me at 3055067874/3109673922 since there are so many of you to meet with.

I also hope and expect that every email/letter you receive in opposition of this project is considered. I have talked to almost every neighbor or representative on Piedra Chica Rd and not one person or family is in support of this project as it is proposed right now.

Thank you,

Jo Drummond

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 18-002, AND DEMOLITION PERMIT NO. 18-011 - An application for an interior and exterior remodel to an existing single-family residence including a 770 square foot addition and the relocation of the dispersal field for an existing onsite wastewater treatment system (OWTS) and the removal and replacement of existing landscaping

LOCATION / APN / ZONING: 20238 Piedra Chica Road / 4450-013-084 / SFL
APPLICANT: Daniel Allen
OWNERS: Reza Nabavi and Maryam Akbar
APPEALABLE TO: City Council
APPLICATION FILED: September 20, 2017
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301, 15302(c), and 15303(d)
CASE PLANNER: Jessica Thompson, Assistant Planner, jthompson@malibucity.org
(310) 456-2489, ext. 280

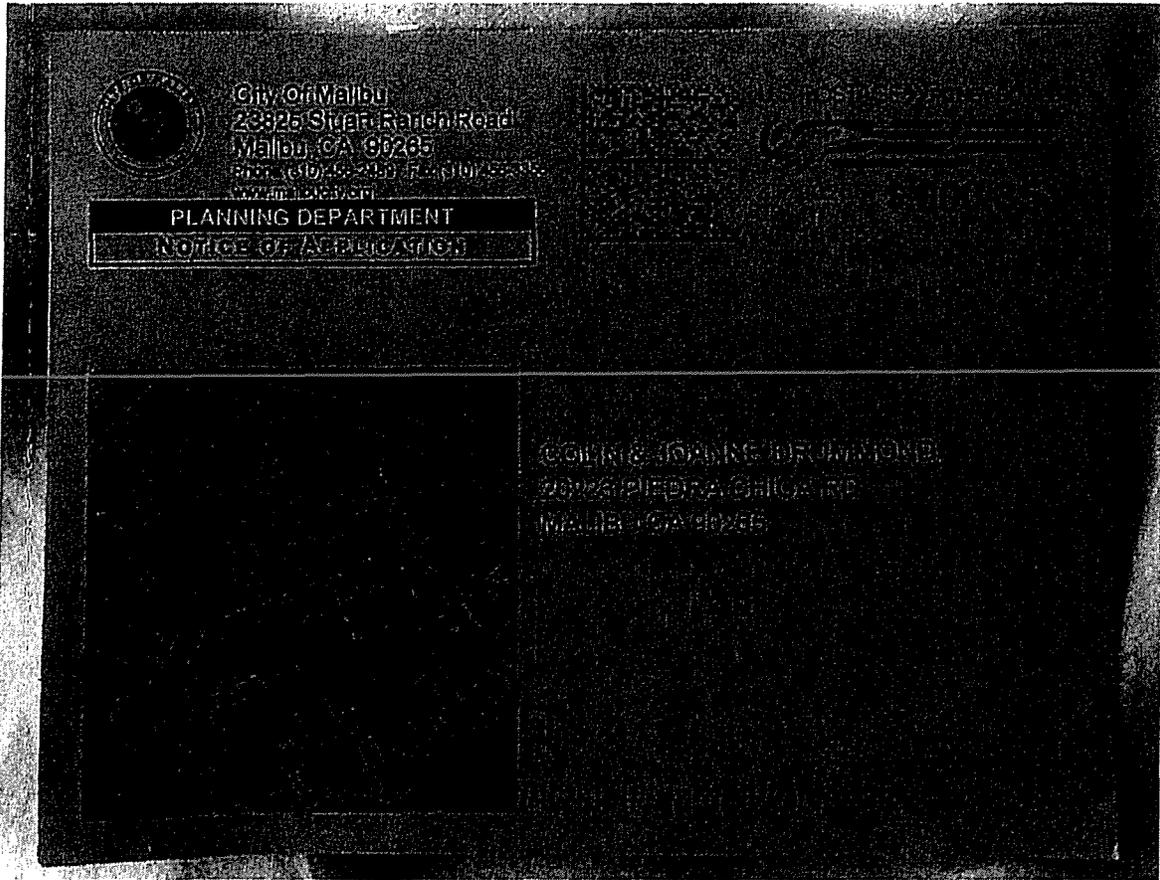
PUBLIC COMMENT PERIOD - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after July 31, 2018 the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on July 31, 2018, the appeal period would expire on Friday, August 10, 2018 at 4:30 p.m.

REPORTING - The Planning Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on August 6, 2018. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: <http://www.malibucity.org/agendacenter>. An approved permit shall not become effective until completion of the Planning Commission reporting.

BONNIE BLUE, Planning Director

Publish Date: July 12, 2018



On Tuesday, July 17, 2018, 6:53:44 PM PDT, Jo Drummond [REDACTED] wrote:

Attn: Chris Dean, Jonathon Pichardo, Nicole Benyamin, & Matt Janousek & Malibu Planning Dept,

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There are several view violations as well as Big Rock Tract 2 CC&R violations. And our greatest concern (other than the possible future use of this property as a business) is the lot that was merged with this property could never 'perk' and was unbuildable due to major drainage and landslide area issues. The plans are vague regarding foundation and drainage and it is sitting on a known flood zone where there are known drainage issues. **I'll repeat no structure ever sat on this lot.** The proposed plans sit right in the middle of known land movement of over one inch over the past two years in our DRYEST season (latest FUGRO report). With concerned residents ranging from 1- 40+ years living on this street and nearby, frankly, we have more information than you with regards to the property and land and hope you will take our counsel very seriously, ask for some huge modifications and some disapprovals for this project. As noted, there is supposed to be a site visit to the

property and from what we understand none have been made prior to ALL of these approvals. This is not only an addition but a rebuild. We are familiar with the interior of the existing house and much appears different in the existing plans. And the application calls for demolition. What exactly is being demolished? I have quoted current CC&R's below for your information.

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5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have

CC&R's in place re: landscaping:

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14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7

15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots occurred it was intended not to allow a second structure it was to be attached at the lower grade only

16. Added laundry in proposed addition increasing grey water or yet worse more septic concerns a3.3 - why do they need two laundry? They won't be taking out the original. Again why are there two water meters? Two air conditioners, etc?
17. How is a new fireplace allowed in a high intensity fire zone? A2.1 fire hazard
18. The addition is a whole new house treatment not a master bedroom. What do the separated lines mean in the master bedroom?
19. Existing floor plan has changed the DINING area used to be a family room - very large for a dining room. Breakfast room is existing dining room, etc.
20. This was a 3 bedroom home but the existing says 2 bedroom now?
21. A1.1 What is the existing water overflow of the septic? Risk of removing these retaining walls?
22. There is no 'courtyard' as specified on plans that allowed the breezeway to be approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.
23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

We are taking this to the Association this evening. I will also make this public if this goes through so people know what is happening in Malibu. I will also inquire to the state and county to investigate this for us if it goes past planning commission and proceed with CC&R enforcement. I am happy to talk to the Nabavis if they would like to make some drastic changes to their plans and comply with our CC&Rs.

Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

From: [Emily Cable](#)
To: [Jessica Thompson](#); [Bonnie Blue](#); [Carlos Contreras](#); [Craig George](#)
Subject: Re: property at 20238 Piedra Chica Rd.
Date: Wednesday, August 1, 2018 3:37:22 PM
Attachments: [Big Rock landslide history.docx](#)

As an addition to my earlier letter this reminder of our long and painful history of land movement here in Big Rock, it's causes and our desire to hold on to our fragile stability and ensure that it does not move again.

Please see attached:

To City of Malibu Planning Dept:
Re: 20238 Piedra Chica Rd. Proposed addition

Relevant History of Big Rock Landslide –Groundwater Issues

“About 30,000 years ago when a section of sea cliff just west of what now is called Piedra Gorda Canyon started landsliding seaward. Eventually, a series of progressively larger slides occurred working upslope and westward until the feature now called *Big Rock Mesa* was formed. A mesa is a relatively large, broad, isolated flat-topped hill. It is an erosional remnant. Big Rock Mesa is not a mesa; it is a kind of terrace, one formed by landsliding. It wasn't so clear that the terrace was due to landsliding, but **it was obvious that there was a potential landslide problem due to the injection of effluent from some two hundred or so proposed septic systems.**

After Art Jones bought “Big Rock” from Hurst, he kept the lower part of the mesa, i.e., the terrace area, as his own ranch. Cattle grazed here and watered at a **lake/pond (right where the “unbuildable lot” on Piedra Chica, evidence of lack of “percolation” problems even then).**

Jones sold to the Cave Club, a group that wanted to a subdivision of residential lots. In those days, it wasn't so clear that the terrace was due to landsliding, but it was obvious that there was a potential landslide problem due to the injection of effluent from some two hundred or so proposed septic systems.

As a consequence, I suggested that along with subdivision, an off-site sewage treatment plant would be a good idea. In support, based on rather wild assumptions, I calculated that if septic systems were to be used, landsliding would begin to occur about seven years after substantial residential development.

The sliding began almost seven years to the day after my report to the Cave Club.

Excerpted and edited from a report by E.D. Michael August 12, 2009

Pertinent facts to note:

Ground water caused the slide, wells, drains and other measures to keep water from entering the ground have helped to slow/stop the landslide that **effects 206 families and a major highway** as per this Case Study:

2007 GSA Denver Annual Meeting (28-31 October 2007)

Paper No. 73-12

Presentation Time: 11:00 AM-11:15 AM

THE BIG ROCK MESA LANDSLIDE, MALIBU, CALIFORNIA, A CASE HISTORY

RIEDEL, Kathleen Ehlig and SPENCER, Alexis, Fugro West Inc, 4820 McGrath Street, Suite100, Ventura, CA 93003-7778, kriedel@fugro.com

The Big Rock Mesa is located in Malibu, California, on the south flank of the Santa Monica Mountains, and bordered on the south by the Pacific Ocean. The Big Rock Mesa area includes about 190 acres of which approximately **136 acres are involved in landsliding.** The Big Rock Mesa landslide is composed of faulted blocks and deep-seated landslides that have undergone different movement histories. There are **206 developed parcels and a major transportation/utility corridor(Pacific Coast Highway)within the landslide.**

Deformation was documented in late 1971 to early 1972 following exceptionally-heavy precipitation during the winter 1968 to spring 1969. The average annual rainfall totals for the period July through June of 1968 to 2006 is approximately 16.3 inches. During the winter of **1977-1978 the area received about 34 inches of precipitation over a 4-month period.** By spring of 1980, four areas of distress had been identified. By about September 1983, movement of the main portion of the Big Rock Mesa Landslide was widely recognized.

There is a strong correlation between the rate of landslide movement and groundwater levels. Dewatering wells were installed between 1971 and 1974, with additional wells installed in 1983 and later. Survey data from seven monuments indicate that the **rate of landslide movement between September 1983 and July 1984 ranged from 1.6 to 4.3 feet per year.** The rate of landslide movement between July 1984 and July 1985 ranged from 0.10 to 1.12 feet per year, indicating a reduction in the rate of landslide movement following installation and operation of the second round of dewatering wells. Based on inclinometer data, the headscarp region of the landslide experienced 0.22 inches of displacement, and the Central Mesa Region experienced 0.10 inches of displacement during 2005-2006 monitoring year.

The City of Malibu currently operates **22 dewatering wells and 34 hydraugers on behalf of the homeowners as part of an assessment district. Since 1983, the facility's 12-month average discharge has ranged from a low of 58,226 gallons per day (gpd) in 1991-92 to a high of 215,808 gpd in 1984-85.** Discharge varies due to climatic conditions (rainfall), domestic water usage, and the interception of groundwater pockets. The effectiveness of the dewatering system is dependant upon the landslide structure, material properties, proximity to other dewatering installations.

2007 GSA Denver Annual Meeting (28-31 October 2007)
General Information for this Meeting

Session No. 73
Forensic and Engineering Geology Case Studies: A Tribute to James E. Slosson
Colorado Convention Center: 404
8:00 AM-12:20 PM, Monday, 29 October 2007

Geological Society of America *Abstracts with Programs*, Vol. 39, No. 6, p. 200

January 04, 1989 | KENNETH J. GARCIA
Los Angeles Times
Big Rock Landslide info.

The settlement was reached after 4 1/2 years of litigation over who was responsible for the damage from the Big Rock Mesa landslide, one of the worst in state history, in which **250 Malibu homes collapsed, cracked or slid off their foundations. About 30 homes were condemned by the county as unsafe and the value of the others, many priced at more than \$1 million, plummeted.**

Los Angeles County will pay \$35 million to the Malibu homeowners, Caltrans will pay \$40 million and the insurance companies will contribute the remaining \$22 million.

My own Conclusions.

We should not be adding development that will add more water to the fragile water table balance that now exists. Each new bathroom, laundry room at each new addition or re-build adds to that increase in water level. We are doing ok at the current level, but we must be vigilant to be sure we do not incrementally add more and more water until we are landsliding once again.

A note of caution to the City of Malibu: be very careful as to what you approve as you will be held responsible just as LA County, Caltrans were. Over two hundred homeowners are counting on you to make the right and prudent choice in considering the remodel at 20238 Piedra Chica Rd.

Thank you for your attention to this matter.

Emily Cable

20241 Piedra Chica Rd., Malibu, CA. 90265

From: [Jo Drummond](#)
To: [Jessica Thompson](#)
Cc: [Chris Dean](#); [Bonnie Blue](#); [Reva Feldman](#); [Craig George](#); [Lou La Monte](#)
Subject: Re: 20238 Piedra Chica Road - Nabavi proposed project
Date: Wednesday, July 25, 2018 5:44:56 PM

Ok thank you so much as you can tell I nearly had a heart attack. I'll try and take things I hear from now on as likely false until we hear from you. Jo

Sent from my iPhone

On Jul 25, 2018, at 4:56 PM, Jessica Thompson <jthompson@malibucity.org> wrote:

Good afternoon Ms. Drummond,

I understand your concern, however, the project as discussed, has not been approved by Planning nor has a Planning Commission hearing date been confirmed. I have verified you are within the project's interested parties list, and will receive public notices associated with the aforementioned project, this includes notice of a Planning Commission hearing date.

Should you decide to hire a Geologist and have them prepare a report, City staff would be glad to review that report. Please let me know if you have any additional questions or concerns.

Regards,

Jessica Thompson
Assistant Planner
City of Malibu | Planning Department
Phone: (310) 456-2489, ext. 280

From: Jo Drummond [REDACTED]
Sent: Wednesday, July 25, 2018 4:44 PM
To: Chris Dean <cdean@malibucity.org>; Jessica Thompson <jthompson@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; Craig George <cgeorge@malibucity.org>
Cc: Lou La Monte <llamonte@malibucity.org>
Subject: 20238 Piedra Chica Road - Nabavi proposed project

Hi all...

One of my neighbors just talked to someone at the City - I have no idea who it is - who told her the Nabavi project that we have recently discussed at length has been approved by Planning. My neighbor wanted to let me know.

How could this be true? Are only the plans approved? Does it not still have to go through Building and Safety? I can't even get a cabana door approved! All of our homes in Big Rock are in jeopardy should caissons be put on a lot that was always unbuildable for reasons of our hill's safety. If someone can say otherwise I would like

them to let me know in writing. I keep getting different stories from your departments. I do believe it still has to go to the Planning Commission. Has a date been set for this yet? I was told we would be given 10 days notice of this at least. I would prefer to have several months notice as I am still going over this file in detail. How can he be allowed to start building without any foundation or real geological plans? Can the neighbors request an independent geological report?

The Nabavis to date have not come to any of the neighbors in opposition or the Association to inform anyone of the details or make any modifications to their plans. The only communication I have received from them is one hostile letter from their attorney. I hope I am still living in a free country that I can express my opinion and worries for my house and family's stability here in Big Rock. The Nabavis, as all members and residents, are welcome to any BRMPOA Board Meeting to discuss their issues with ample notice.

Thank you and please advise on my questions above,

Jo Drummond

From: Jo Drummond
To: Nazanin Barouti; Dr. Reza Nabavi
Subject: Re: City of Malibu & Big Rock Residents 20238 Piedra Chica
Date: Wednesday, July 25, 2018 12:39:26 PM

I have no intention of defaming ny neighbor and he should have come to me regarding his plans rather than using a lawyer which is very sad.

I have sent my opinion on the project to the City as a resident within 500 feet which is my right. I have told my neighbors who have come to me that this is a CC&Rs & land stability issue nothing more that I can help with. Someone mentioned that it was the Nabavi's intention in the long run to possibly start a rehab I did not create this idea. However, I will not make any public assumptions on the project from now on no worries.

It does seem very odd to have plans where it would cost over \$1.5 million dollars to make a bedroom addition though now that you mention it. To each his own.

I will do as you wish but not stop with my efforts to enforce our rights, safety & CC&Rs as a concerned neighbor. I hope you will not continue to threaten me as I exercise my rights as a resident and citizen.

I have always liked as respected the Nabavi family so it's unfortunate this has happened.

Jo Drummond

On Jul 25, 2018, at 11:41 AM, Nazanin Barouti <nbarouti@baroutilaw.com> wrote:

Dear Ms. Drummond,

My office has been retained by Dr. Reza and Maryam Nabavi. Enclosed please find correspondence of today's date. Hard copy to follow.

Thank you.

Best Regards,
Nazanin Barouti
Attorney at Law

Barouti Law Corporation
11661 San Vicente Blvd Suite 414
Los Angeles, CA 90049
Office (424) 465-9003
Fax (424) 465-9004
www.baroutilaw.com

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<Nabavi Drummond July 25.pdf>

From: Jo Drummond
To: Chris Dean; Jonathan Pichardo; Matthew Janousek; Jessica Thompson; Carlos Contreras; Nicole Benjamin; Craig George
Cc: Reva Feldman; Bonnie Blue; Brad Dunn; Ed & Georganne Bartylak; [REDACTED]; [REDACTED]; Bob Brader; Rob Duboux; Pam Reiseder; [REDACTED]; Megan Lorkk; Ellen Reites; Colin Drummond; Sadia Stelzner; Eric Sosa (Neighbor); Joy Wilcox; Dean Wilcox (Neighbor); Ellen Kawana; Michael Sims; Paul Bering; Judy Shockley; Jewel Simpson (Neighbor); David Kelmenson; Linda Ellrod; Tony Ellrod; Jeff Runyan; Hak Wong; [REDACTED]; Lou La Monte; Jefferson Wagner; Bob & Rosie Strickland; [REDACTED]
Subject: Re: RE: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project
Date: Wednesday, July 18, 2018 4:11:02 PM

I appreciate the quick response, Craig.

Honestly, speaking as a concerned resident, on behalf of the many residents that I have already discussed this with who all have serious reservations about this proposed project, I hope you can bring our faith back in the City after a very frustrating conclusion, without concessions, to the Congdon project on 20272 Inland Lane, given the geo and landslide issues.

Thus we would like to see the results of the overall review you are planning tomorrow. Am I being invited to attend?

And how can any of these departments review or approve anything without one inspection or independent geological drill?

Are there not also violations of Neighborhood Standards? I can tell you now there is not one home like this one proposed on our street of Piedra Chica Rd let alone all of Big Rock.

Given the 'many aspects of the project, reviews by at least 5 City Departments, and other complexities' as per your words I respectfully ask for a continuance to go through this tidal wave of information. I must get organized, look at all of the issues, contact the entire neighborhood as it affects all, go through former planning applications, code compliance, all current plans, reports, contacting utility companies, hiring our own administrative and expert help, etc. etc. I only just received this yellow card in the mail this past Saturday on a very busy weekend with not a word from our lovely neighbor and owners of the above property about their plans ever. Plus as many of you know I hold two jobs - one being the mother of 3 plus volunteering on the Board as President of BRMPOA, some other personal family issues we can discuss when I see you and still awaiting several other meetings with various departments at the City. And although some information can be received very quickly from the City others can take several weeks, sometimes months. Also many neighbors are on holiday and won't be here on the August 6 date of the hearing. So I hope the City can be considerate and grant a continuance in this matter.

Thank you and please let me know if any neighbors can attend your internal review tomorrow or when we can go over everything with you and in turn hopefully have this continued to a date much later in the future than July 31 or August 6, 2018. Or much preferred categorically disapprove this project and deny the Nabavis a permit at this

stage with their current plan.

I will be in tomorrow morning at the Planning Desk to see if there is anyone willing to meet with me.

Thank you,

Jo Drummond

On Wednesday, July 18, 2018, 1:02:53 PM PDT, Craig George <cgeorge@malibucity.org> wrote:

Jo;

We are going to have an internal review of the project, scheduled for tomorrow. There are many aspects to this projects, reviews by at least 5 City Departments, and other complexities we need to review to respond to your concerns. I do understand that this is a contentious project. I believe we have been diligent in our reviews and approvals, however we will review internally as stated and I will respond to you directly. You are welcome to reach out to the individuals you mentioned, however I believe a unified response is a more efficient use of time and resources.

Sincerely,

Craig George

Environmental Sustainability Director

Building Official

(310) 456-2489, extension 229

www.malibucity.org

NOTICE OF APPLICATION

NOTICE IS HEREBY GIVEN that the City of Malibu has received an application for the project described below:

ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT NO. 18-002, AND DEMOLITION PERMIT NO. 18-011 - An application for an interior and exterior remodel to an existing single-family residence including a 770 square foot addition and the relocation of the dispersal field for an existing onsite wastewater treatment system (OWTS) and the removal and replacement of existing landscaping.

LOCATION / APN / ZONING: 20238 Piedra Chica Road / 4450-013-084 / SFL
APPLICANT: Daniel Allen
OWNERS: Reza Nabavi and Maryam Akbar
APPEALABLE TO: City Council
APPLICATION FILED: September 20, 2017
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301, 15302(c), and 15303(d)
CASE PLANNER: Jessica Thompson, Assistant Planner, jthompson@malibucity.org
(310) 458-2489, ext. 280

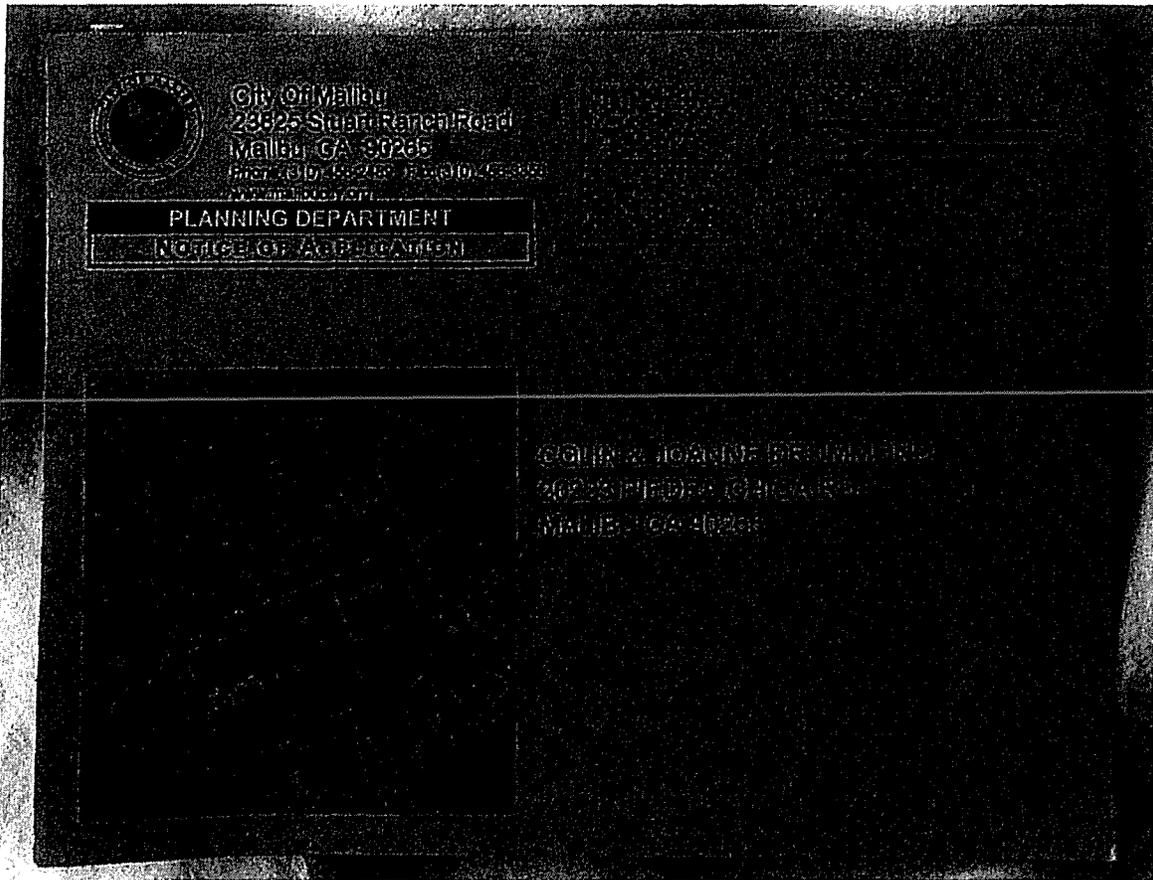
PUBLIC COMMENT PERIOD - Related documents are available for review at City Hall during regular business hours. Written comments, concerns, or questions may be presented to the Planning Department at any time prior to the issuance of a decision. On or after July 31, 2018 the Planning Director may issue a decision on the permit application. A Notice of Decision will be mailed to owners and residents within 500 feet of the perimeter of the subject property and to those who request such notification in writing prior to issuance of the decision.

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan Section 13.20.1 a decision or any portion of the decision made by the Planning Director may be appealed to the Planning Commission. Should a decision be issued on July 31, 2018, the appeal period would expire on Friday, August 10, 2018 at 4:30 p.m.

REPORTING - The Planning Director's decision on this permit application is tentatively scheduled to be reported to the Planning Commission at its regular meeting on August 6, 2018. Copies of the agenda report, including the approved or denied permit, will be available at or before the meeting, typically 10 days before the meeting in the Agenda Center: <http://www.malibucity.org/agendacenter>. An approved permit shall not become effective until completion of the Planning Commission reporting.

BONNIE BLUE, Planning Director

Publish Date: July 12, 2018



On Tuesday, July 17, 2018, 6:53:44 PM PDT, Jo Drummond [REDACTED] > wrote:

Attn: Chris Dean, Jonathon Pichardo, Nicole Benyamin, & Matt Janousek & Malibu Planning Dept,

We are writing on suggestion of the Planning Dept's Carlos Contreras & Jessica Thompson re: your approvals regarding the above property awaiting Planning Commission approval on August 6th, 2018.

There are several view violations as well as Big Rock Tract 2 CC&R violations. And our greatest concern (other than the possible future use of this property as a business) is the lot that was merged with this property could never 'perk' and was unbuildable due to major drainage and landslide area issues. The plans are vague regarding foundation and drainage and it is sitting on a known flood zone where there are known drainage issues. I'll **repeat no structure ever sat on this lot**. The proposed plans sit right in the middle of known land movement of over one inch over the past two years in our DRYEST season (latest FUGRO report). With concerned residents ranging from 1- 40+ years living on this street and nearby, frankly, we have more information than you with regards to the property and land and hope you will take our counsel very seriously, ask for some huge modifications and some disapprovals for this project. As noted, there is supposed to be a site visit to the property and from what we understand none have been made prior to ALL of these approvals. This is not only an addition

but a rebuild. We are familiar with the interior of the existing house and much appears different in the existing plans. And the application calls for demolition. What exactly is being demolished? I have quoted current CC&R's below for your information.

Could we please meet with you tomorrow sometime or Thursday during counter hours? Given we have only just received this Application for permit yellow card and the deadline for everyone's input is July 31, 2018 we are in a hurry. We also plan on bringing as many concerned neighbors as possible to the Planning Commission decision meeting on August 6 at 6:30 pm at City Hall.

Here are just some concerns below with only a quick look at the files and there is so much more to address:

1. Foundation and stem wall of only 8 inches on the addition with no written plan - everything on the lower Mesa is on built on slab foundation including the existing structure but this addition proposes at least a dozen casons, presumably because the land can't perk - it's being treated like a beach house in Big Rock! S2.1, A3.3 What about our homes above and below? This house might not slide but what about the rest of us, especially the ones below where the additional water pumped through and out of this property is just sitting on top of the ground and flowing down to other properties. Many a page of your approvals indicate the active landslide yet nothing seems to address this.

2. New drain lines vs existing - our CC&R's say there is NO interfering with existing drainage on properties

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'That each owner of a lot in said tract shall not in any way interfere with the established drainage in and over any lot in said tract.'

3. Adding TWO extra full bathrooms and laundry, yet proposes a smaller and new location of the EXISTING septic system installed, but huge existing leach field removed - this affects the drainage negatively in our tract also within CC&Rs and should be within your codes A2.2 - no one has ever been allowed to add bathrooms in Big Rock due not being on City water. The water dept are putting in two meters - this is only ONE LOT - how is this allowed? Where is the water and septic being pumped to?

4. Prior owner, Gus Spoliansky, put the leach field in the second lot because the land couldn't perk, why the sudden change? Please pull all of the previous plans for the property and go back to why the land could never perk and put this in the files and please give us this information. Nothing has changed; if anything the land has become more unstable with the recent movement and it is still flooding.

5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have CC&R's in place re: landscaping:

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'No fences, trees, plants, shrubs, or hedges shall be erected, planted or permitted on any lot.....over six (6)

feet high...'

6. Heights are above existing structure and above 18 ft some parts to 23 ft- existing CC&R's limits this structure and any additions to 15ft

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions 'No building shall be erected, altered, placed or permitted to remain on (said lot)...inclusive of the above tract other than ONE detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.

7. No roof decks allowed re: CC&Rs nuisance category and again roofline can't be above 15 ft and actually **NO** structure can be built that will obstruct ocean views of adjacent lots. ***'In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.'***

8. Stairways interior and exterior indicate second story not allowed in CC&Rs A3.2 A2.1 - see #6 re: CC&Rs

9. View preservations in place and people's views and privacy in jeopardy - against CC&Rs again of Tract 2

10. Any major digging, grading and construction, trucks coming in and out in our active landslide area should be carefully assessed and addressed given the latest changes in FUGRO report. This project is much bigger than a remodel. How will the residents move around or park with all of the construction trucks and equipment? What are the rules for this?

11. Increased flood risk and groundwater risk causing instability to the hill - one el nino spells disaster for surrounding homes and structures

12. Steps make structure higher than existing grade on original lot

13. No second structure would normally be allowed on the second lot that was merged. Covered breezeway is some kind of loophole that should be addressed? Master should be attached to existing at its original ground level as per the law that allowed the merge of the lots, this is also in our CC&R's

14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7

15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots

occurred it was intended not to allow a second structure it was to be attached at the lower grade only

16. Added laundry in proposed addition increasing grey water or yet worse more septic concerns a3.3 - why do they need two laundry? They won't be taking out the original. Again why are there two water meters? Two air conditioners, etc?

17. How is a new fireplace allowed in a high intensity fire zone? A2.1 fire hazard

18. The addition is a whole new house treatment not a master bedroom. What do the separated lines mean in the master bedroom?

19. Existing floor plan has changed the DINING area used to be a family room - very large for a dining room. Breakfast room is existing dining room, etc.

20. This was a 3 bedroom home but the existing says 2 bedroom now?

21. A1.1 What is the existing water overflow of the septic? Risk of removing these retaining walls?

22. There is no 'courtyard' as specified on plans that allowed the breezeway to be approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.

23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

We are taking this to the Association this evening. I will also make this public if this goes through so people know what is happening in Malibu. I will also inquire to the state and county to investigate this for us if it goes past planning commission and proceed with CC&R enforcement. I am happy to talk to the Nabavis if they would like to make some drastic changes to their plans and comply with our CC&Rs.

Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

Jo & Colin Drummond

on behalf of Piedra Chica Rd.

From: [Jo Drummond](#)
To: [Jessica Thompson](#)
Cc: [Reva Feldman](#); [Bonnie Blue](#); [Carlos Contreras](#); [Craig George](#)
Subject: Re: RE: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project
Date: Wednesday, July 18, 2018 5:50:16 PM

Hi Jessica,

I just sent a correspondence reply to Craig George so wondering if you saw this yet.

So is everything postponed including the July 31 and Aug 6 deadlines?

As I stated prior this issue was brought to the BRMPOA (Big Rock Property Owners Association/HOA) meeting last night and I am the current President. I saw all of the plans and am very familiar with our CC&Rs and brought the plans' description (as much as I could last minute) to the meeting that was attended by about 25 residents (almost 10% of big Rock) who were all very surprised and opposed to the project as it is proposed now. There are also another dozen or so residents who have contacted me with their disapproval of the project. And there are still more I have to contact. The Board confirmed that they support the rights of their members in tracts with clearly defined CC&Rs as in this case. None of the plans or drawings have ever been brought to the Association by the applicants/homeowners for approval.

Yes I am aware that all of my concerns and correspondences will be made public and I hope they will be addressed.

Thanks and let me know...Jo

On Wednesday, July 18, 2018, 4:58:45 PM PDT, Jessica Thompson <jthompson@malibucity.org> wrote:

Good afternoon,

Thank you for submitting correspondence, I understand your concerns regarding the proposed project at 20238 Pierda Chica. I want to articulate that City's task is to review projects for conformance with the Malibu Municipal Code and Local Coastal Program. The City does not enforce CC&R's because they are not included in the City's Municipal Code or Local Coastal Program. However, we encourage owners to first review their designs with the HOA prior to submitting the project to the City. The Planning Commission will want to have input from the HOA, so I encourage you to share this project with your HOA. In addition, the Planning Commission has also requested that the applicant work with the HOA to resolve any CC&R issues.

Staff's role with all projects is to advise the Planning Commission, and to ensure transparency, your email correspondence will be made public and shared with the Planning Commission as correspondence. The City encourages neighbors to attend the meeting and to speak at the Planning

Commission meeting in order to help communicate the neighborhood concerns which maybe outside the scope of the City's codes. Approval of the project will be at the discretion of the Planning Commission.

At this time, due to neighborhood concerns, the applicant has requested a postponement of the meeting. A future meeting date has not been confirmed, however, it will be noticed prior to the meeting and I have added you to the interested parties list for the project. As part of the interested parties list, you will receive copies of any required public notices. Please let me know if you have any additional questions in the meantime.

Regards,

Jessica Thompson

Assistant Planner

City of Malibu | Planning Department

Phone: (310) 456-2489, ext. 280

From: Jo Drummond [mailto:joyotidrummond@yahoo.com]

Sent: Tuesday, July 17, 2018 6:54 PM

To: Chris Dean <cdean@malibucity.org>; Jonathan Pichardo <jpichardo@malibucity.org>; Matthew Janousek <mjanousek@malibucity.org>; Jessica Thompson <jthompson@malibucity.org>; Carlos Contreras <ccontreras@malibucity.org>; nbenyamin@mailibucity.org

Cc: Reva Feldman <rfeldman@malibucity.org>; Bonnie Blue <bblue@malibucity.org>; Craig George <cgeorge@malibucity.org>; Brad Dunn <[REDACTED]>; Ed &

Subject: 20238 Piedra Chica Rd - Akbar/Nabavi Property - Agency Approvals for project

Attn: Chris Dean, Jonathon Pichardo, Nicole Benjamin, & Matt Janousek & Malibu Planning Dept,

We are writing on suggestion of the Planning's Carlos Contreras & Jessica Thompson re: your approvals regarding the above property awaiting Planning Commission approval on August 6th, 2018.

There are several view violations as well as Big Rock Tract 2 CC&R violations. And our greatest concern (other than the possible future use of this property as a business) is the lot that was merged with this property could never 'perk' and was unbuildable due to major drainage and landslide area issues. The plans are vague regarding foundation and drainage and it is sitting on a known flood zone where there are known drainage issues. **I'll repeat no structure ever sat on this lot.** The proposed plans sit right in the middle of known land movement of over one inch over the past two years in our DRYEST season (latest FUGRO report). With concerned residents ranging from 1- 40+ years living on this street and nearby, frankly, we have more information than you with regards to the property and land and hope you will take our counsel very seriously, ask for some huge modifications and some disapprovals for this project. As noted, there is supposed to be a site visit to the property and from what we understand none have been made prior to ALL of these approvals. This is not only an addition but a rebuild. We are familiar with the interior of the existing house and much appears different in the existing plans. And the application calls for demolition. What exactly is being demolished? I have quoted current CC&R's below for your information.

Could we please meet with you tomorrow sometime or Thursday during counter hours? Given we have only just received this Application for permit yellow card and the deadline for everyone's input is July 31, 2018 we are in a hurry. We also plan on bringing as many concerned neighbors as possible to the Planning Commission decision meeting on August 6 at 6:30 pm at City Hall.

Here are just some concerns below with only a quick look at the files and there is so much more to address:

1. Foundation and stem wall of only 8 inches on the addition with no written plan - everything on the lower Mesa is on built on slab foundation including the existing structure but this addition proposes at least a dozen casons, presumably because the land can't perk - it's being treated like a beach house in Big Rock! S2.1, A3.3 What about our homes above and below? This house might not slide but what about the rest of us, especially the ones below where the additional water pumped through and out of this property is just sitting on top of the ground and flowing down to other properties. Many a page of your approvals indicate the active landslide yet nothing seems to address this.

2. New drain lines vs existing - our CC&R's say there is NO interfering with existing drainage on properties

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'That each owner of a lot in said tract shall not in any way interfere with the established drainage in and over any lot in said tract.'

3. Adding TWO extra full bathrooms and laundry, yet proposes a smaller and new location of the EXISTING septic system installed, but huge existing leach field removed - this affects the drainage

negatively in our tract also within CC&Rs and should be within your codes A2.2 - no one has ever been allowed to add bathrooms in Big Rock due not being on City water. The water dept are putting in two meters - this is only ONE LOT - how is this allowed? Where is the water and septic being pumped to?

4. Prior owner, Gus Spoliansky, put the leach field in the second lot because the land couldn't perk, why the sudden change? Please pull all of the previous plans for the property and go back to why the land could never perk and put this in the files and please give us this information. Nothing has changed; if anything the land has become more unstable with the recent movement and it is still flooding.

5. No new trees or hedges can be put in a project this size with fuel modification state and county laws L1.1 - it is more than just a 25% change this is a remodel, tear down and addition of more than 50% materials on the property - fire hazard. We also have CC&R's in place re: landscaping:

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions, 'No fences, trees, plants, shrubs, or hedges shall be erected, planted or permitted on any lot.....over six (6) feet high...'

6. Heights are above existing structure and above 18 ft - existing CC&R's limits this structure and any additions to **15ft**

Tract 2 5397 Declaration of Establishment of Covenants, Conditions & Restrictions 'No building shall be erected, altered, placed or permitted to remain on (said lot)...inclusive of the above tract other than ONE detached single family dwelling of not more than one story in height and not exceeding fifteen (15) feet in height from the ground level of such dwelling to the highest point of the roof thereof, and a private garage.'

7. No roof decks allowed re: CC&Rs nuisance category and again roofline can't be above 15 ft and actually **NO** structure can be built that will obstruct ocean views of adjacent lots. **'In no event shall any fence, tree, plant, hedge, shrub or any other structure or device be placed on any lot or any part thereof if the placing thereon will interfere with the ocean view enjoyed by adjacent lots in said tract.'**

8. Stairways interior and exterior indicate second story not allowed in CC&Rs A3.2 A2.1 - see #6 re: CC&Rs

9. View preservations in place and people's views and privacy in jeopardy - against CC&Rs again of Tract 2

10. Any major digging, grading and construction, trucks coming in and out in our active landslide area should be carefully assessed and addressed given the latest changes in FUGRO report. This project is much bigger than a remodel. How will the residents move around or park with all of the construction trucks and equipment? What are the rules for this?

11. Increased flood risk and groundwater risk causing instability to the hill - one el nino spells disaster for surrounding homes and structures
12. Steps make structure higher than existing grade on original lot
13. No second structure would normally be allowed on the second lot that was merged. Covered breezeway is some kind of loophole that should be addressed? Master should be attached to existing at its original ground level as per the law that allowed the merge of the lots, this is also in our CC&R's
14. Roof deck on existing structure exceeds height and view limitations and causes nuisance and privacy issues see #7
15. The weight of this addition cannot be held by this porous flood zone - when the merge of the lots occurred it was intended not to allow a second structure it was to be attached at the lower grade only
16. Added laundry in proposed addition increasing grey water or yet worse more septic concerns a3.3 - why do they need two laundry? They won't be taking out the original. Again why are there two water meters? Two air conditioners, etc?
17. How is a new fireplace allowed in a high intensity fire zone? A2.1 fire hazard
18. The addition is a whole new house treatment not a master bedroom. What do the separated lines mean in the master bedroom?
19. Existing floor plan has changed the DINING area used to be a family room - very large for a dining room. Breakfast room is existing dining room, etc.
20. This was a 3 bedroom home but the existing says 2 bedroom now?
21. A1.1 What is the existing water overflow of the septic? Risk of removing these retaining walls?
22. There is no 'courtyard' as specified on plans that allowed the breezeway to be approved according to Carlos and Jessica. It is simply a side walk that all of us have beside our homes. This needs to be inspected if this is the foundation of your approvals.
23. There is a paved area of 366 square feet behind the proposed addition. And some kind of double

gate that enters there. What is the purpose of all of this? A0 etc Seems a perfect future parking lot.

This is hardly a small remodel and addition. All you need to do is tour the existing structure and you will see this clearly. This is preparing for something very big. We don't want it to end up like the one that never finished on Rockport Way. This is not in any way architecturally like the homes in the street. This also goes against our CC&Rs. It will be an eyesore and looks more like a hotel or business. Could it be the next Resolutions Rehab in Big Rock with its one giant master, two bedrooms, and separate luxury structure with double bedroom and bathroom capabilities and two separate dining facilities? Pls google Dr. Nabavi, Resolutions in Santa Monica.

We are taking this to the Association this evening. I will also make this public if this goes through so people know what is happening in Malibu. I will also inquire to the state and county to investigate this for us if it goes past planning commission and proceed with CC&R enforcement. I am happy to talk to the Nabavis if they would like to make some drastic changes to their plans and comply with our CC&Rs.

Let me know if tomorrow or Thursday would work to go over these concerns etc.

Thank you very much,

Jo & Colin Drummond

on behalf of Piedra Chica Rd.

From: Quint Morris
To: [Jessica Thompson](#); karen
Subject: Re: Interested Party List
Date: Tuesday, July 31, 2018 5:44:08 PM

Hi Jessica,

Not a problem. I really appreciated your help yesterday. I felt you were very forthcoming, patient and knowledgeable with our questions and concerns. Personally, I appreciate your kindness and understanding. I look forward to seeing you again.

Thanks, again,
Quint

From: Jessica Thompson <jthompson@malibucity.org>
Sent: Monday, July 30, 2018 12:22 PM
To: kareniba4@gmail.com; Quint Morris
Subject: FW: Interested Party List

I apologize I mistyped Quint's email. Please see below.

From: Jessica Thompson
Sent: Monday, July 30, 2018 12:21 PM
To: [REDACTED]
Subject: Interested Party List

Good afternoon,

I have added you to the interested parties list for the proposed project at 20238 Pierda Chica Road. Please let me know if you have any additional questions. Thank you!

Regards,

Jessica Thompson
Assistant Planner
City of Malibu | Planning Department
Phone: (310) 456-2489, ext. 280

From: [Rosemarie Ihde](#)
To: [Jessica Thompson](#)
Subject: Re: Primary View determination
Date: Monday, July 23, 2018 2:29:14 PM

Hi Jessica,
Gerhard and Rosemarie Ihde, 20246 Piedra Chica Road, Malibu, CA 90265
will go on record to oppose project Nabavi, 20238 Piedra Chica Road.
More information to follow
Sincerely
Rosemarie and Gerhard Ihde
[REDACTED]

On Wed, Jul 18, 2018 at 3:47 PM, Rosemarie Ihde <[REDACTED]> wrote:

Hi Jessica,
Would you please forward the primary view determination for 20246
Piedra Chica Road, Malibu.

Thanks so much and also for assisting us yesterday.
Sincerely
Rosemarie Ihde

From: The Bartylaks
To: Jessica Thompson
Subject: The Bartylaks reply letter to the Nabavis in Opposition to their proposed building project at 20238 Piedra Chica
Date: Wednesday, August 22, 2018 3:29:14 PM

Ms Thompson - please see my reply letter to Reza Nabavi with my comments concerning his letter to ME vis a Vis his proposed construction at 20238 Piedra Chica Rd.

I copied you and several people at the City but the postmaster emailed back seeming to show that while my letter to Mr. Nabavi went thru the people I CC'ed at the City (including you) did NOT go thru....

Would you please:

#1 let me know you received this and read my response to Mr. Nabavi (below)?

#2 - Forward my letter to everyone at the City that I CC'ed originally.?

Thank you - Ed Bartylak

Begin forwarded message:

From: Ed and Georganne Bartylak <[REDACTED]>
Date: August 22, 2018 at 2:41:18 PM PDT
To: "Dr. Reza Nabavi" <[REDACTED]>
Cc: "jthompson@malibucity.org" <jthompson@malibucity.org>, BigRockHomeowners <[REDACTED]>, "cdean@malibucity.org" <cdean@malibucity.org>, "bbblue@malibucity.org" <bblue@malibucity.org>, cgeorge@malibucity.org, Dan Allen <[REDACTED]>, Robin Sakahara <[REDACTED]>
Subject: Re: Opposition to your proposed project at 20238 Piedra Chica Rd.

Mr. Nabavi,

Your project violates multiple CC&R's that govern our tract.

Your project negatively impacts multiple homes view corridors.

The lot you propose building on has significant drainage issue which I believe could destabilize our street and/or neighborhood.

Your trees and shrubbery and shrubbery are too high and are already impacting views. If you would, please trim them in accordance with our neighborhood regulations.

Your project could potentially negatively impact all our property values if you activate any type of earth movement by drilling into a lot that for 50 years has been deemed "unbuildable" by several parties. This area is a known slide zone with a significant history of earth movement and instability.

Again, none of this is personal to you or your family, I welcome a dialogue about this project at the next homeowners association meeting. Instead of threatening neighbors with legal action, perhaps you should **attend** the next meeting and answer some questions / concerns we all have... as well as explaining your plans to the board and detailing how they (as you contend) are in accordance with current CC&R's.

Thank you,

Ed and Georganne Bartylak

On Aug 1

7, 2018, at 7:10 PM, Dr. Reza Nabavi <[REDACTED]>
wrote:

Dear Mr. and Mrs. Bartylak,

Thank you for your email. Unfortunately, we have never received a letter from you regarding view blockage. We have always been gladly responsive to any neighbor who has asked us to trim any of our trees, at our own expense, although we pay for our neighbors to trim their trees. We wish you had followed up with us via email or simply a knock on our door. If you currently have any concerns about any of our trees blocking your views, please let us know. We do not believe we are violating any rules or laws by our expansion, nor are we requesting any exceptions. However, we have relayed your specific concerns to our project manager to be reviewed and addressed.

We have had many experts out evaluating our lot over the past two year and advising us on what we may or may not do to our land and all of our plans are based on all of the experts who have been here and done evaluations. We do not claim to be experts on soil and land and that is why there is a team hired by us looking at these issues as well as a team of experts at the City of Malibu. We respect our neighborhood and community, and the safety of our family and our community is of utmost importance.

We are not sure if the cost of our project should be a concern for anyone other than us. We love our home and we are willing to spend the money to expand it as we see fit for our family's need for space. We are not concerned about the re-sale value as we are not interested in selling our home; This is our forever home.

As for your concerns about the size of our street and any disturbance

caused by construction- We do understand that any construction will have some inconveniences but we certainly are not the first or the last people who will have construction on this street. We do hope that we can start and finish our project in as little time as possible as we have two small children and we ourselves would like for our family to get back into a normal routine as quickly and safely as we can. We do consider our neighbors and have loved living here and frankly were very shocked and saddened by some of our neighbors when this project was announced. We appreciate your email and have passed on your concerns to our project manager in order to be sure that all the points you have brought up are being considered carefully.

Thank you,
Maryam and Reza Nabavi

On Jul 30, 2018, at 11:02 AM, Ed and Georganne Bartylak <[REDACTED]> wrote:

Dear Mr. and Mrs. Navabi,

Thank you for your letter about your plans to rebuild/add to your home located at 20238 Piedra Chica Rd. in Malibu. I had previously expressed my opposition to your plan to the City of Malibu, and unfortunately your letter did not change my mind about my opposition to your proposed project. My work schedule has me traveling frequently, that is why I am not meeting with you in person. I would note the following problems I have with your plan:

1. Multiple violations of Big Rock tract CC&R's. Contrary to what you claim in your letter to us, your plans are not in compliance with our stated neighborhood rules and regulations which we all abide by. As a matter of fact your property as it stands NOW is not in compliance as you have allowed your shrubs and trees to grow to an excessive height blocking neighbors views and violating CC&R standards. A letter I wrote to you about this issue some time ago and placed in your mailbox was never responded to. The fact that you choose to blatantly disregard our communities CC&R's is a problem for me. Also it sets a very disturbing precedent if our neighborhood rules and regulations can be completely dismissed and ignored. Every family in Big Rock could ultimately be impacted by such a precedent.
2. Your proposed addition would absolutely obstruct

neighborhood views in violation of the Malibu view ordinance, adversely affecting residents views and negatively impacting their property values. For most of us, the value in our home is the bulk of our wealth... for you to negatively impact this should not be allowed.

3. The long, and well documented, unstable nature of the geology in the Big Rock area, and specifically on the lot you wish to build on, is a very serious problem. Big Rock sits in a known landslide area. Millions of dollars (probably tens of millions) in loss has occurred due to land movement in this area. In my 11 years on Piedra Chica, I have seen the lot you propose to build on fill with water and create a small lake that does not drain. That lot was originally used as a watering pond for cattle when this area was a ranch. I repeat, it does not drain. **I fear that any drilling and/or disruption of this lot could trigger land movement in the area. This is not a gamble any of us should be willing to take, nor one that the City of Malibu should allow, as NO ONE CAN GUARANTEE THE STABILITY OF THE GEOLOGY OF THAT LOT.** There is a good reason that a flat, ocean view lot, in an established area of Malibu has NEVER been built on... It is unsafe. **There have been other cases of construction in Malibu triggering land movement resulting in major loss and litigation, I do not wish (nor do I wish my neighborhood) to meet the same fate.**

4. The size and costs of the project does not fit with the neighborhood character and standards. I can only wonder why you would pour so much money into a property that would **not** have a re-sale value commensurate with the amount of money you would be investing...

5. Piedra Chica Rd. is a very short, narrow cul-de-sac. Only 3-4 houses long with a very small turn-around area. Major construction could completely disable access for residents, not to mention emergency vehicle access in the event of a brush fire or medical emergency. The noise and disruption from the construction would be untenable for some residents, as we have multiple elderly residents who have been here for over 50 years and who's health is not the best.

Please know that my opposition comes from no animus toward you or your family. You have been good, quiet neighbors in your time here. I simply oppose your project for the above reasons.

Thank you, Ed and Georganne Bartylak

BIG ROCK MESAS
PROPERTY OWNERS ASSOCIATION
ESTABLISHED 1947
P.O. BOX 1146, MALIBU, CALIFORNIA 90265

January 16, 2019

Malibu City Council – Jefferson Wagner, Rick Mullen, Skylar Peak, Mikke Pierson, Karen Farrer
Malibu City Manager, Reva Feldman
Malibu City Attorney, Christi Hogan
Malibu Director of Public Works, Rob DuBoux
Building & Safety Supervisor, Craig George
Malibu City Engineer, Bob Brager
Malibu City Geologist, Chris Dean
Supervisor Sheila Kuehl's Office – Maria Chong-Castillo, Deputy for Public Works; Tessa Charnofsky, District Director

To All Concerned:

Attached please find a Geologic Aspects of Redevelopment Big Rock Mesa Landslide Area Review and Abstract. The report was prepared by E.D. Michael, Consulting Geologist. This report was not commissioned by the Big Rock Mesas Property Owners Association Board but rather by a group of residents in Big Rock in reference to a proposed project located at 20238 Piedra Chica Road. It was then presented to the Board when the findings caused great alarm as they ultimately relate to the entirety of Big Rock Mesas.

Please review the attached document which covers the history of residential development in Big Rock, stabilization and dewatering, landslides, Assessment Districts 2629 & 98-1, current conditions of the dewatering equipment, concerns and recommendations. Once you have reviewed the document, we would like to meet with Representatives from the City Council as well as all other parties to whom this is addressed.

Our community recognizes the dangers of unaddressed water issues as we recognize the need for fire preparation. We are doing our due diligence in both arenas and we ask you to do yours and meet with us at your earliest opportunity.

Thank you for your prompt attention to this matter.

Sincerely,
Terry Davis
President, Big Rock Mesas Property Owners Association

From: [REDACTED]
To: [Jessica Thompson](#)
Cc: [REDACTED]; [Bonnie Blue](#); [Reva Feldman](#)
Subject: Nabavi - 20238 Piedra Chica Rd.
Date: Thursday, January 24, 2019 12:03:41 PM

Hi Jessica...hope you are well.

Can you tell me the latest status of the Nabavi planning case?

The Board of the Property Owner's Association here in Big Rock, BRMPOA, recently sent the head City of Malibu officials and all Council members plus Sheila Keuhl's office the results of a major geological report completed for the lower Mesa and an abstract for the entirety of Big Rock stating: 1. the incredible state of disrepair of our dewatering system and the need to lower the safety factor for permits and issue a water ration warning to residents (BRMPOA has sent their own notices to every home) 2. that there will be another major landslide if nothing is done and continued ignorance of our sensitive geology and highest water table in decades (even during a drought) with the continued issuance of new building and septic permits in an already oversaturated area.

Please advise thanks very much,

Jo Drummond

From: [redacted]
To: Jessica Thompson <jthompson@malibucity.org>, Bonnie Blue <bblue@malibucity.org>, Reva Feldman <rfeldman@malibucity.org>
Subject: Please postpone or cancel Planning Commission hearing on April 1 for 20238 Piedra Chica Rd project
Date: Thursday, March 21, 2019 1:28:35 PM

Sending without attachments please see Bonnie blue and Reva Feldman for copy of Don Michael's Nov 20, 2018 report. I will drop a card copy to you Jessica in the am.

Jo Drummond

Sent from my iPhone

Begin forwarded message:

From: Jo Drummond [redacted]
Date: March 21, 2019 at 9:46:51 AM PDT
To: Jessica Thompson <jthompson@malibucity.org>, Reva Feldman <rfeldman@malibucity.org>, Bonnie Blue <bblue@malibucity.org>
Cc: Terry Davis <tdavis@malibucity.org>, The Bartylaks <[redacted]>, Rosemarie Hyde <[redacted]>, Eric Sosa <[redacted]>, Colin Drummond <[redacted]>, Hooshang Vahedi <[redacted]>
Subject: Please postpone or cancel Planning Commission hearing on April 1 for 20238 Piedra Chica Rd project

Dear Jessica, Bonnie and Reva,

Our family is EXTREMELY worried. As well as a majority of the residents on our street and community. We hope you can help us.

We have a credible geological report from (EO (Don) Michael) that says our community is in danger. As you may recall, he correctly predicted the last BRM landslide of 1983 and oversaw the design and installation of our dewatering system. I've attached his report again below.

I only heard today in writing that Chris Dean has not read the report, which clearly indicates that the Nabavi project and the deteriorated state of our dewatering equipment here in Big Rock will cause irreparable damage and that the landslide is 'imminent' or 'reactivated'. Chris Dean was one of the people who approved the project to go through after a review led by Craig George last July.

Have you been able to read the report submitted by our BRMPOA Board on January 18, 2018, to all City head of departments? A copy was sent to you both Bonnie and Reva by current President Terry Davis, BRMPOA two months ago and she confirmed receipt. I personally asked that all departments involved in the Nabavi case to review this report on March 7 via email, directly to Bonnie and copying Chris Dean, Rob Duboux and Craig George. Reading it would likely overturn the original decision or delay any approvals until the City's own investigation is complete.

We are deeply concerned about our community as Don Michael states that the hill is in danger and that this project will only exacerbate the dire situation. Adjacent homes like ours and immediate neighbors are already negatively impacted by this property and the state of the mesa.

Given the gravity of this report, I beg you all on behalf of our community to stay this Planning Commission meeting and stop the project at 20238 Piedra Chica Rd. until this report is properly reviewed, evaluated and our hill and its imminent landslide risk is properly investigated by your City experts, including a licensed geologist with experience of the area. I'm sure if the Nabavi's saw the report they would also agree for the sake of their own property value.

The Board has been trying to negotiate with the City to have the maintenance that has not been completed in possibly more than a decade in our Assessment District dealt with which has now caused major capital improvements necessary to reduce our vastly increased risk.

The Public Works Commission was shocked when we brought this matter to their attention on February 27, but nothing has been done about it. I will attach Don Michael's presentation to the Commission.

Don Michael has recommended an immediate reduction in the safety factor for Big Rock and a warning from the City to all BRM residents to reduce their water usage. Neither of these recommendations has been followed.

Much of the focus of the City has been on the devastating fires but at least there is some fire insurance for those who suffer. There is NO landslide insurance. What will happen to our community if this landslide happens in the next few months or later? What will happen if this build causes the landslide as indicated in Don Michael's report and findings? Our dewatering equipment, according to Fugro's past 5 years of reports, are working inefficiently and at the lowest capacity ever despite the record rainfall. Attached are photos from the Fugro presentation from Feb 27 that shows the added risk factors Big Rock is under that no one at the City seems to be monitoring?

Who will pay for the damage to our homes when this landslide happens? The City is responsible for our Assessment District and we are asking you for help. No one listened back then until it was too late and it led to a \$300 million lawsuit that was won by residents with much pain and suffering. Big Rock home values would not recover from a second landslide.

Any digging in this flood zone could cause disaster for all of Big Rock. Please do everything you can to protect the residents of this community. Please let me know if you need any further information. Our community is counting on you all.

Please confirm receipt of these reports and if you have read or submitted to the file for review.

Thank you,

Jo Drummond
20223 Piedra Chica Rd.

February 25, 2019 Fugro BRM Meeting Notes

City of Malibu

E.D. Michael

CG 270, EG 167, HG 574

1. Not quite 35 years ago, I designed and supervised installation of the dewatering system that resulted in stabilization of the Big Rock Mea landslide. The record of that work is contained in the 1986 report of D.A. Evans followed by and expanded upon by the report of Bing Yen and Associates.

2. Based on recent observations, I have written a report dated November 20, 2018 for members of the BRMPOA acting independently. It is quite detailed and generally indicates my concern for conditions that appear to indicate either imminent or actual reactivation of the BRM slide.

3. The report is complex and cannot be rationally evaluated in the confines and structure of the typical public hearing process. Such evaluation can only be accomplished through review and technical discussion among the principal parties involved: Fugro, Malibu Department of Public Works technical representatives, and me. As a fact-finding procedure, a public hearing such as this is ineffective and misleading – giving the hearing body discretion to rule in a manner inconsistent with the facts.

4. The importation of water during the period of my investigation – about three months – had increased to about 170 percent of that period when the slide was stabilized in 1984. I attribute this to a much greater spread of irrigated vegetation now than there was at that time. It is to be noted that not only the total importation, but also the rate of importation is of concern with regard to slope stability. Comparing periods of recent usage, the annual total importation for several years prior to 2015 compared to that same period, ranged from 18 to 26 percent greater than that of the 1984-85 base period. On the other hand, according to Fugro's reports for 2015-16, and 2016-17, the importation has been almost the same as for that base period.

Reference: DAE, Volume III, Table III-F.

5. Of the 23 dewatering wells Fugro monitors, three wells produce about 30 – 40 percent of the annual total well dewatering volume. The total rate of production is about

22 gallons per minute. The original well dewatering system produced at least 1,000 gpm to the best of my recollection. Presumably, the wells are on timers water-level sensors; otherwise the power costs would be extremely excessive. As with the hydroaugers, low production probably is due to screen incrustation.

6. The scope of the Fugro work is limited to a description of site conditions. In each of its annual reports, Fugro explicitly disavows any interpretation of the data it presents as indicative of any evaluation of the stability of the BRM landslide. Consequently, in view of the annually reported continuing deterioration of the dewatering system, the role of the City in managing the BRM assessment district I considered to be gravely in question.

E. D. Michael

February 26, 2019

Jessica Thompson

Subject: FW: Malibu Planning Commission Regular Meeting Agenda and Reports - Monday, April 1, 2019/ Inadequate Notice Regarding Item for 20238 Piedra Chica Application

RECEIVED

MAR 27 2019

PLANNING DEPT.

----- Forwarded Message -----

From: Lynda Cook

To: steveuhring@yahoo.com <steveuhring@yahoo.com>; chrismalibupc@gmail.com <chrismalibupc@gmail.com>; Res02iqz@gte.net; jdjenningslaw@gmail.com <jdjenningslaw@gmail.com>; kraig.malibu@gmail.com <kraig.malibu@gmail.com>

Cc: Jo Drummond >; Kathleen Stecko <kstecko@malibucity.org>

Sent: Friday, March 22, 2019, 03:53:51 PM PDT

Subject: Malibu Planning Commission Regular Meeting Agenda and Reports - Monday, April 1, 2019/ Inadequate Notice Regarding Item for 20238 Piedra Chica Application

Dear Chair Uhring and Members of the Planning Commission, I am writing to you with regard to a matter that appears on your April 1 Agenda just circulated. All of the planning items on that Agenda include a narrative explaining the planner's determination, except one. The last item on the Agenda, Coastal Development Permit No. 18-002 regarding 20238 Piedra Chica Rd, contains only the phrase "DISCUSSION: This item will be distributed under separate cover."

This Agenda item is the subject of much discussion in the Big Rock Mesa area and many people with sincere concerns plan to attend the meeting. Preparations are ongoing to provide you with data that the neighbors and their consultants find compelling. The lack of any prepared narrative from the City Planner indicating the assistant planner's/geologist's reasons for approving the project at 20238 Piedra Chica makes it difficult—nay impossible-- to properly prepare for the meeting.

Today, upon receipt of the Agenda, I immediately contacted Kathleen Stecko regarding the issue. She said the narrative was withdrawn from publication with the Agenda by the planner because of last minute concerns and potential new information. She said it is likely being rewritten. I told her if the City is not able to give interested parties the narrative along with the Agenda, especially when the time frame for notice is only 10 days, then the matter is clearly not ready to be on the April 1 agenda and should be deferred to a later meeting. She advised if the neighbors were concerned about the item then the neighbors need to show up April 1 and be ready to discuss the matter because the planner's revised report could end up being ready in time for the meeting and the Agenda once published cannot be changed. I called Reva Feldman to discuss the matter and left a message with her assistant but have not had the courtesy of a call back. Kathleen Stecko suggested I email you.

Basic fairness should allow the neighbors access to the narrative with a full 10 days to prepare their comments. Again, if the narrative is not ready to be distributed with the 10 day notice and Agenda, then the matter needs to come off the Agenda or the Commission needs to assure all interested parties in some binding fashion that the matter will in fact be deferred.

As it stands now the neighbors of 20238 Piedra Chica get no narrative, no 10 day review, no chance to prepare a meaningful response with their advisors and have no idea if the matter will still proceed April 1 using a "stealth" narrative provided to the Commission sometime between now and the end of the 10 day period (which period already contains two weekends--limiting neighbors' access to their advisors).

I cannot believe this process is consistent with the spirit or intent of the Commission's goal to listen to citizens and provide a fair forum for them to speak out on planning issues that affect them.

Please do what you can to address this matter and provide basic equity to the neighbors of 20238 Piedra Chica.

Respectfully,

Lynda Cook

Jessica Thompson

From: Chris Dean
Sent: Tuesday, June 4, 2019 12:59 PM
To: Terry Davis
Cc: Jeff Grier; Jessica Thompson; Bonnie Blue; Rob Duboux; Dan Allen;
Subject: RE: Response to Big Rock Fugro report

Terry et al-

Thanks for your patience..

Response to the E. D. Michael report, "Geologic Aspects of Redevelopment, Big Rock Mesa Landslide Area, with special reference to 20838 Piedra Chica Road", dated November 20, 2018.

City geotechnical staff (Chris Dean, Consulting Engineering Geologist) has reviewed Mr. Michael's report as it relates to the development project proposed at 20238 Piedra Chica Road in the Eastern Mesa region of the active Big Rock Mesa Landslide.

Mr. Michael addresses the general geologic and hydrogeologic conditions of the Big Rock Mesa Landslide and discusses the Assessment District established to dewater and monitor the landslide to lower groundwater levels and enhance the stability of the landslide complex. Fugro (the City's geotechnical consultant) monitors and maintains the dewatering wells, hydraugers, slope inclinometers, and groundwater monitoring wells throughout the year and provides yearly reports summarizing the data and recommending maintenance and improvements to the facilities. Fugro has provided a separate response to Mr. Michael's report regarding the Assessment District.

The previous owner submitted a development project to the City in 2005, consisting of a lot merger (with the vacant property to the east) and a 763 square foot addition and remodel to the existing 3,051 square foot residence, including a 2-car garage. Since the site lies within the active Big Rock Mesa Landslide, the project falls under jurisdiction of Section 110.2.3.4 of the Malibu Building Code (adopted from the County of Los Angeles Building Code, for projects located in geotechnically hazardous areas). That section of the Code limits additions to 25% of the permitted square footage of the residence, including the garage. An enlargement of the Onsite Wastewater Treatment System (OWTS) was not permitted since the site lies within the BRM Landslide, and was a condition of approval. The OWTS was converted from a seepage pit system (deep percolation of effluent into the ground) to an alternative OWTS consisting of a treatment tank system and a GeoFlow evapotranspiration system that disperses treated effluent into shallow drip zones totaling 2,282 square feet. The dosing rate was 0.19 gallons per square foot per day (gpsfd). The project met the requirements of Section 110.2.3.4 of the Building Code, and City geotechnical staff issued an approval letter for the CDP in November 2005. The project was approved by the Planning Commission, and was submitted to plan check in 2006 but never constructed, except for the new alternative OWTS which was installed, and the permit finalled by the City in 2008. The current owner re-submitted the development project in 2017 which was similar to that submitted in 2005, consisting of a 770 square foot addition to the 3,078 square foot residence and the re-location of a portion of the drip dispersal field for the OWTS. The existing treatment tank system will be utilized, and a 1,493 square foot zone of drip dispersal was added to the existing two zones of drip dispersal at a loading rate of 0.16 gpsfd. The amount of treated effluent calculates to approximately 20 ounces of water dispersed per square foot per day, significantly reducing the volume of effluent infiltrating into the deeper subsurface compared to a standard seepage pit OWTS. Much of the effluent will be utilized to irrigate vegetation and evapotranspire into the atmosphere. The project was approved by City geotechnical staff in a review letter dated October 17, 2017.

The Project Geotechnical Consultant (PGC) (Don Kowalewsky) states in his report dated April 10, 2017 that, "Based on our findings, a tertiary treatment, geoflow, shallow drip irrigation system was approved by the City and installed. That

system was designed to accommodate the same number of bedrooms as currently proposed. Therefore, no changes to the size of the existing system are needed. A portion of the distribution field will be moved. The new area is immediately adjacent to and west of the other portion of the existing field. That location should function in the same manner as the existing field and its location is acceptable to this office."

The PGC did not encounter any water in his exploratory excavations on the property to a depth of 12' below grade. Mr. Michael's discussions regarding seepage at the base of the slope on Lot 2 in the early 1970's does not necessarily indicate a perched groundwater condition. A source/cause of the seepage was not determined. Perched water encountered on slopes, in excavations, etc. could be due to recent rainfall, over-irrigation, broken irrigation/water lines, etc. It should be noted that, based on Fugro's monitoring data, the standpipe closest to the site, PC-1, has had consistent groundwater elevations measured in the well between 132' and 145' from 1998 to 2018. The elevation at the well surface is at 250'. The static groundwater level is from 105' to 120' below the ground surface under the site. In addition, as discussed above, the alternative OWTS system on the property reduces the volume of effluent percolating into the deep subsurface, compared to the standard seepage pit OWTS in service throughout the Mesa. City geotechnical staff has encouraged applicants proposing development projects in Big Rock Mesa (under Section 110.2.3.4 of the Building Code) to utilize these alternative OWTS for that reason.

In summary, Mr. Michael has not provided any data to justify his conclusion that the proposed project should be denied. The applicant and his consultants have met the minimum requirements of the City's geotechnical Guidelines as they pertain to Section 110.2.3.4 of the Building Code. City geotechnical staff will review the Building Plans, Structural Plans, Grading Plans, and OWTS as part of the building plan check review to verify that the PGC's recommendations have been implemented on the plans and all our conditions have been met.

-----Original Message-----

From: Terry Davis [mailto:terry.davis821@gmail.com]

Sent: Tuesday, June 4, 2019 7:46 AM

To: Chris Dean <cdean@malibucity.org>

Cc: Jeff Grier <grierj@live.com>; Jessica Thompson <jthompson@malibucity.org>; Bonnie Blue <bblue@malibucity.org>;

Rob Duboux <rduboux@malibucity.org>

Subject: Re: Response to Big Rock Fugro report

Good morning, Chris!

A gentle reminder regarding your response to Michael's concerns in Big Rock. The community is anxious to address these issues and remedy any conditions as needed. We intend to meet with you, Rob and all concerned parties after receipt and review of your response.

Thank you in advance for your attention to this matter.

Terry

> On May 28, 2019, at 10:36 AM, Chris Dean <cdean@malibucity.org> wrote:

>

> Yes Terry-

>

> I will respond to Don's report as it relates to the new project on Piedra Chica this week. Fugro has responded to his report with regard to the Assessment District. Thanks for your patience.

>

> Chris

>

> -----Original Message-----

> From: Terry Davis [mailto:terry.davis821@gmail.com]

> Sent: Tuesday, May 28, 2019 8:57 AM

> To: Chris Dean <cdean@malibucity.org>

> Cc: Jeff Grier [REDACTED]

> Subject: Response to Big Rock Fugro report

>

>

> Good morning, Chris.

>

> We received Rob DuBoux's response to the Fugro report last Thursday the 23rd. We hope that your response to the concerns that Fugro directed to you will be forthcoming. We are waiting to review your conclusions before we respond and would like to act on all responses quickly.

>

> Thank you for your prompt attention to this matter.

>

> Respectfully,

> Terry Davis

> Big Rock Mesas POA

>

> Thank

> Sent from my iPhone

Jessica Thompson

Subject: FW: 20238 Piedra Chica

From: Dan Allen]

Sent: Tuesday, September 10, 2019 1:16 PM

To: Jessica Thompson <jthompson@malibucity.org>

Subject: RE: 20238 Piedra Chica

Jessica,

As we discussed today, I am requesting postponement of our Planning Commission hearing because our consulting geologist, Don Kowalewsky, is unavailable due to a previously scheduled commitment with the State Board of Registration for geologists assisting licensure testing. I have confirmed he is available for the October 21st hearing date.

Thank you,

Dan Allen
Sakahara Allen Architects
1010 Nordica Drive
Los Angeles, CA 90065
323.739.6570

RADIUS MAP 500'

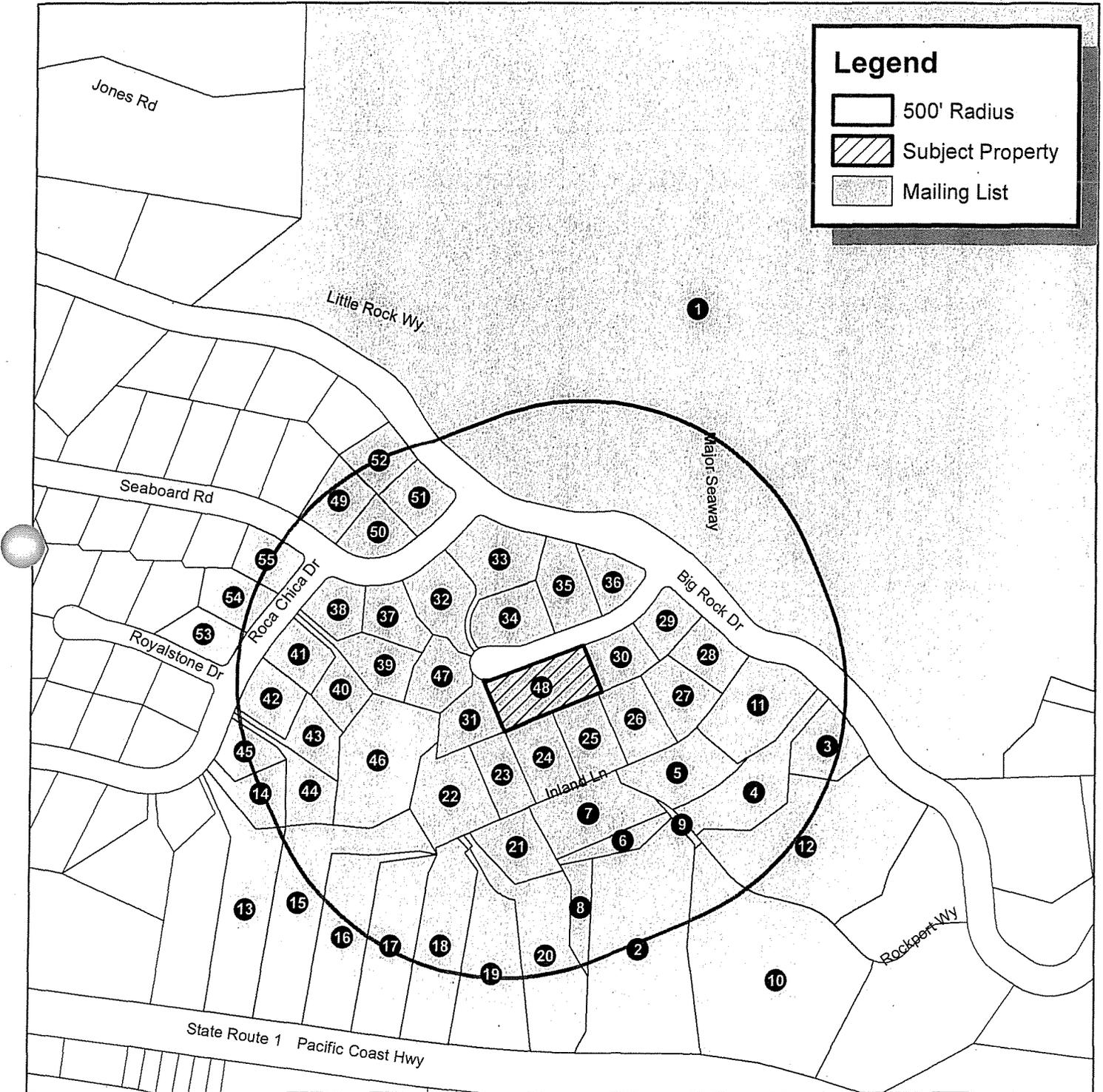
Map Date: 1/18/2019

SUBJECT PROPERTY

ADDRESS: 20238 PIEDRA CHICA RD., MALIBU, CA 90265
APN: 4450-013-084

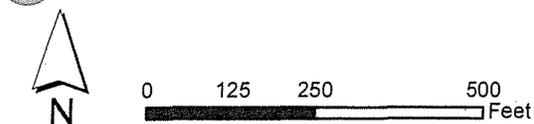
Graphic Data Source

Los Angeles County Geographic Information System
Base Parcel Database (Derived from APN Maps)
Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
Datum: North American 1983



Latest equalized assessment rolls obtained from the Los Angeles County Assessor's Office through ParcelQuest, vendor service on 1/18/2019

ORDER NO. 2019-06



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City Of Malibu
 23825 Stuart Ranch Road
 Malibu, CA 90265
 Phone (310) 456-2489
 www.malibucity.org

**PLANNING DEPARTMENT
 NOTICE OF PUBLIC HEARING**



NOTICE OF PUBLIC HEARING

The Malibu Planning Commission will hold a public hearing on **Monday, September 16, 2019, 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. 18-002 - An application for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping

LOCATION / APN / ZONING: 20238 Piedra Chica Road / 4450-013-084 / Single-family Low Density (SFL)
APPLICANT / OWNER(S): Sakahara Allen Architects / Reza Nabavi and Maryam Akbar
APPEALABLE TO: City Council
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Sections 15301(a) & (e) & 15303(d)
APPLICATION FILED: September 20, 2017
CASE PLANNER: Jessica Thompson, Associate Planner, jthompson@malibucity.org
 (310) 456-2489, ext. 280

A written staff report will be available at or before the hearing for the project, typically 10 days before the hearing in the Agenda Center: <http://www.malibucity.org/agendacenter>. Related documents are available for review at City Hall during regular business hours. You will have an opportunity to testify at the public hearing; written comments which shall be considered public record, may be submitted any time prior to the beginning of the public hearing. If the City's action is challenged in court, testimony may be limited to issues raised before or at 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 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/planningforms or in person at City Hall, or by calling (310) 456-2489, extension 245.

BONNIE BLUE, Planning Director Date: September 5, 2019

Abstract

(For: "Initial Review – Geologic Aspects of Redevelopment – Big Rock Mesa Landslide Area," E.D. Michael, November 20, 2018)

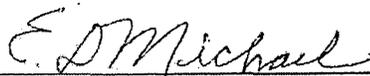
Earlier residential development in the Big Rock Mesa area, and particularly a series of four-lot subdivisions in the upper BRM area - later to be included in some uncertain manner as Tract 13562 in 1947 - were served partly with well water and partly with imported water. Modern development began in 1959 with grading for Tentative Tracts 26263 and 27463 in the lower BRM area, with the entire area to be served with water supplied by Los Angeles County Waterworks District 29 which already was serving beach front properties along Pacific Coast Highway. Like most of Malibu the BRM area utilizes on-site waste-water disposal systems.

Concern regarding the possibility of slope instability in the coastal bluff below Tracts 26263 and 27463 resulted in County Department of Public Works grading approval conditioned partly on the installation of four hydraugers at the base of the coastal slope along PCH and the organization of the Malibu Mutual Drainage Company to be supported by fees as a condition of title to Tract 26263 lots, construction of which began in 1964.

About 1968, or perhaps somewhat earlier, local failures of septic systems and the development of springs high in the coastal slope below Inland Lane resulted in MMDC reactivating one of the original water wells and the installation of three dewatering wells, two of which, one in Inland Lane *cul-de-sac* and the other in Piedra Chica Road *cul-de-sac*, both produced about 50 gallons per minute. Further concern led to a survey of street pavement cracks throughout the lower BRM area particularly noticeable along Piera Chica Road.

Rather than employing an expert to monitor the wells, MMDC relied on a MMDC member to do so. Because of continuing high ground-water levels, MMDC approached the County Department of Public Works for advice on forming an improvement district for dewatering in the BRM area. In response, DPW suggested formation of such a district to be initially funded for \$110,000 with facilities to be completed in about two years. However, MMDC did not act on this proposal, probably because of growing dissatisfaction with some members who regarded high ground-water levels as local Tract 26263 problem. Eventually, this led to the dissolution of MMDC about 1976, and soon thereafter, the dewatering wells were not operating, and whatever maintenance of the hydraugers there may have been, ceased. Ground-water levels continued to rise and in 1983, DWP announced that a landslide affecting much of the upper BRM area and practically all of the lower area as well as the adjacent stretch of PCH was in progress.

Immediately, a local group of homeowners formed an ad hoc group, the Concerned Citizens for Water Control, seeking independent professional advice. As a result, two of the MMDC wells were reactivated, contracts for several others were issued,



E.D. Michael, CG, 270, EG 157, HG 574

January 16, 2019

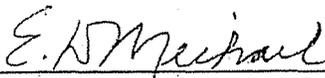
and work by a company specializing in hydrauger installation was begun. In addition, the geotechnical engineering firm of D.A. Evans and Associates was hired to study the slide. Eventually, in addition to reactivating three of the MMDC wells, fifteen additional wells and thirty-three hydraugers were installed during the latter half of 1983 as part of the DAE study, and in April, 1984, on the basis of slope-indicator data, DAE announced stabilization of the slide.

Sometime during preparation of the DAE County Improvement 2629R was formed, and soon after submission of the DAE report in March, 1986, the firm of Bing Yen and Associates was hired to analyze the BRM slide and continue dewatering activities as the need became apparent. As a result, BYA produced in 1992 a voluminous study evaluating the BRM slide. In it, an existing safety factor of 1.2 and the possibility of increasing it to 1.4 as dewatering continued were postulated. Thereafter, in 1992, BYA undertook the work of monitoring and maintaining the dewatering system and the network of slope indicators under C.I. 2629R and its antecedents. In 1991 when Malibu was incorporated, the monitoring and maintenance work became referred to as Assessment District 98-1, and at some uncertain date, the work of BYA was taken over by Fugro, a geotechnical engineering firm with offices in Ventura County.

Preliminary review of the Fugro annual BRM reports for the past five years indicates a progressive deterioration of the dewatering system. The latest of these reports indicates that only one dewatering well now has any significant production, and further that at least for the past five years, and probably much longer, hydrauger production has declined significantly in the absence of any flushing or any other effort at rehabilitation. It is especially to be noted that Fugro reports routinely and specifically make it clear that the reported maintenance and monitoring observations and all other reported data are not to be taken as inferring any opinion or evidence of either existing or continued stability of the BRM landslide debris mass.

Since incorporation in 1991, Malibu has had the responsibility of managing the original Improvement District 2629R presumably differing only by referring to it as Assessment District 98-1. Casual examination of the AD 98-1 accounting reports by David Taussig & Associates, annually issued in tandem with the Fugro reports, indicates that total assessments range from somewhat more than \$150,000 to somewhat more than \$250,000 per year. Specific allocations of funds are carefully specified, but the basis for such allocations - presumably the responsibility of the City - is not obvious in the record thus far reviewed.

There appears to be no qualification or comment in the record so far reviewed which specifically evaluates, questions, or otherwise addresses the dynamic character of the BRM slide area or the effectiveness of the dewatering effort, or the basis upon which AD 98-1 funds are allocated - all obviously the responsibility of the City of Malibu. It is clear from the Fugro it is to be noted that the consumption of water for upper and

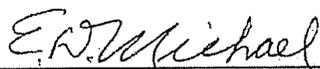

E.D. Michael, CG, 270, EG 157, HG 574
January 16, 2019

lower BRM is currently about 170 percent of that at the time the DAE report was completed. There is reason to believe that this is to a significant extent due to what amounts the phenomenon referred to elsewhere as "mansionization" now officially recognized as a legitimate element of planning in the City of Los Angeles, but as yet of uncertain status in Malibu. The latest effort at such a proto-mansionization effort in the BRM area is that of a property on Piedra Chica Road, where there exists a special problem associated with AD 98-1 that needs to be independently addressed.

The dynamic character of the BRM landslide area requires continued evaluation far beyond the superficial observations of street conditions dictated by the original 2629R and carried on by AD 98-1. It is suggested here that 1913 Act upon which 2629R was based provides for street and highway maintenance projects and similar work of a static character, whereas landsliding, generally, and specific stabilization work in particular, is inherently dynamic, because of the manner in which ground water – the cause of most landsliding – occurs.

While proto-mansionization progresses in the BRM area - and probably also elsewhere in Malibu- the safety factor of the BRM landslide debris mass declines and various efforts to reduce the cause - excessive ground-water infiltration - are ignored. Excessive irrigation is practiced throughout much of the BRM area, and possibilities of improving dewatering by investigating the effects of rehabilitating existing wells, locating additional wells along PCH, and locating one or more Piedra Gorda Canyon, seem beyond the comprehension of those who have responsibility for managing AD 98-1.

While such proactive measures have been ignored, evidence of reasonably indicating slide reactivation at least locally is apparent. Ruptures in street pavements close to or actually along the original slide contact sections constitute evidence sufficient to postulate a current safety factor of close to 1.0. In such circumstances, reactivation is imminent, and in the event of especially high intensity rain, such movement could be catastrophic. - **END**



E.D. Michael, CG, 270, EG 157, HG 574
January 16, 2019

Initial Review
GEOLOGIC ASPECTS OF REDEVELOPMENT
BIG ROCK MESA LANDSLIDE AREA
with special reference to
20238 Piedra Chica Road

for

BIG ROCK MESA PROPERTY OWNER'S ASSOCIATION
c/o Luan Phan, Esq.
PB Law Group
1901 Avenue of the Stars, Suite 277
Los Angeles, CA 90067

by

E.D. MICHAEL, Consulting Geologist
CG 270, EG 157, HG 574
edm@malibuonline.com

November 20, 2018

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Initial Review
GEOLOGIC ASPECTS OF REDEVELOPMENT -
BIG ROCK MESA LANDSLIDE AREA

With special reference to
20238 Piedra Chica Road

E.D. Michael
November 20, 2018

INTRODUCTION

This report has been prepared at the request of members of the Big Rock Mesa Property Owners Association (BRMPOA), and it is directed to the attention of Lu-an Phan, Esq. for initial review. It is preliminary in character based primarily on: [i] certain documents generated during early occupancy of the Big Rock Mesa (BRM) area, particularly concerning a water supply; [ii] field reconnaissance involving examinations of sites that were indicative of the landslide movement during 1983-1986; [iii] review of reports by DAE Staff (1986) and BYA Staff (1992); [iv] review of the certain of the operation and maintenance reports required by formation of County Improvement District 2629R2 (Big Rock Mesa Area), commonly C.I. No. 2629R2, or Assessment District (AD 98-1), and [v] the contingent assessment of BRM properties as annually presented in the latest report by Taussig (2016). Coupled with this is the review of several documents regarding the presently proposed redevelopment of 20238 Piedra Chica Road (20238).

PURPOSE

The purpose of this review is bifurcated. First, it is to consider the extent to which it currently appears that AD 98-1 is effective in its basic purpose of maintaining a sufficiently high safety factor for the historic¹ BRM landslide. Left for another day is any detailed discussion of pre-historic conditions that caused the original BRM landslide and those that followed in pre-historic time, all extending back thousands

¹ By "historic" is meant prior to any written or other human record.

of years. Second, it is to discuss what seems at this time and to be a proper course of action concerning redevelopment of 20238 as an example of how it and similar projects may - in the context of current geological conditions relating to AD 98-1- adversely affect slope stability. It is important to consider the cumulative effect of similar projects on the stability of the BRM landslide mass, *per se*.

SCOPE

The scope of this review is limited to a contractual limit of 20 hours. For reasons to be explained, the intent is to consider, generally, certain conditions in what herein is conveniently referred to as “lower Big Rock Mesa” as shown in Figure 1. However, conditions at two localities higher in the area, and also one along Pacific Coast Highway (PCH), have been found relevant.



Figure 1. Lower Big Rock Mesa.

Included are Tract 26263, 27463 and 28878, and RS 1748..

For present purposes, individual properties simply have been observed from streets as generally indicative of certain local conditions. Discussion of such conditions in specific properties where access has been invited is avoided as statistically meaningless and premature except those in the immediate vicinity of 20238. To fairly evaluate such conditions, it would be necessary to examine both the grounds

and interiors of each property - a task well beyond this scope of this review. Alternatively, certain localities have been revisited - localities which, based on original examinations made during my consultation with DAE Staff (1986) - I consider reasonably indicative of present conditions.

It is to be understood that failure to consider herein concerns expressed by local property owners regarding specific conditions or characteristics - particularly structural imperfections - of individual properties, does not mean they are considered unimportant. They may be, but to discuss such features individually is simply beyond the scope of this review.

* * *

PART I - BRM PHYSICAL CONDITIONS

The BRM landslide is a complex matter. A properly informative description of current physical conditions requires some discussion of the cultural history of the development. Beyond that, reference to local geologic and ground-water conditions as presented in either the original emergency report by D.A. Evans, Inc. (DAE Staff, 1986) or the immediately following geotechnical evaluation by Bing Yen & Associates, Inc. (BYA Staff, 1992), or has now become relevant, is considered necessary.

1.0 RESIDENTIAL DEVELOPMENT

The lower BRM area at the time Tracts 26263 and 27463 were developed was owned by the Cave Corporation, Inc., also referred to in later correspondence as Hadley-Cherry, Inc. In 1959, I was hired by the Jennings Engineering Company to prepare an engineering geology report of the lower BRM area. At the time, the requirement for such reports and related building-code standards primarily concerned with grading, had been in force in Los Angeles County since about 1957. At that time, and for the next few years, the effectiveness of the engineering geologist with regard to the manner in which grading should be accomplished was generally superficial (Scullin, 1983, pp. 14-16) and that was the case in 1959 when extensive residential development of the BRM area began.

1.1 HISTORY

My files concerning the development of the Big Rock Mesa area, and particularly those relating to the period during which Tract 26263 and 27463 were developed, were far too voluminous to review in detail. Nevertheless, some familiarity with the history of what has transpired is necessary to fully appreciate current conditions that in turn should be basis for addressing the manner of grading and similar proceedings in the BRM area in the future.

1.1.1 Early Hydrologic Conditions

It is as yet undetermined when the properties in the BRM area, then part of the Rindge Ranch, first began to be sold off to private parties, or subdivided for sale by the Rindge interests. It may have been in the 1940s that the BRM area became zoned for residential development. Aerial photographs indicate that in 1945 there were about eight houses in the lower BRM area, but whether they were residences on subdivided lots is uncertain. On October 29, 1947 Tract No. 13562, part of the upper BRM area was recorded.

As many as twenty wells had been installed over the years. As a matter of speculation, shallower wells of the Big Rock Beach Water Company were taken over by the Ocean Mutual Water Company and deeper wells were added to the system. The record reviewed does not indicate the extent to which these water companies supplied the upper BRM area. As a matter of speculation, most of the Wells were in the lower BRM area because the equilibrium levels there were close to the surface – in some reported cases at depths of 20 – 30 feet.

In May of 1959, the Ocean Mutual Water Company served the BRM area. At that time, the system consisted of ten wells, one of which was a stand-by well located in Piedra Gorda Canyon. Locally, probably beginning in June, 1944, the Los Angeles County Flood Control District (LACFCD) began keeping records of water wells in the BRM area. In June, 1959 four wells of the five LACFCD wells, designated 2386A, 2386B, 2386D, and 2386E remained in the LACFCD system.

Grading for Tract 26263 covered 2386A and 2386B. Well 2386D may still be open for water-level measurements. Well 2386E is located in the southern corner of Lot 15, Tract 27463 at 22495 Inland Lane. The casing is covered with a manhole and can be opened for inspection. Although equilibrium ground-water levels in the lower area were at some locations at depths of as little as 20-30 feet,

and well yields initially quite high, aquifer storage was low. In fact, it is now obvious that storage is almost entirely in slide debris derived from the Sespe and Topanga formations neither of which has a very high hydraulic conductivity.

1.1.2 Subdivision - Tract 26263 and Tract 27463

Exactly when the lower area became the property of the Cave Club, a private corporation, is uncertain. However, beginning about 1959 the initial steps required to subdivide the lower BRM area were in progress. Preliminary engineering geology reports I prepared as a consultant to the Cave Club in 1959 - 1960, expressed concern regarding the use of septic systems, and except for briefly consulting for Moore and Taber, my connection with the development thereafter ended. Moore and Taber, soils engineers, thereafter became the geology consultant for the Cave Club in its plan for developing the lower BRM area primarily to prepare slope stability analyses to be used by the Amco Engineering Company that would actually provide the soils engineering necessary to develop the grading plan which, as I recall, were actually prepared by Mr. Luis Manzano.

Prior to grading, LACFCD 2386E, had been producing with a pumping level at about 103 feet mean sea level (msl). Similarly, LACFCD 2385D located in what was to become the northern corner of Lot 36, Tract 26263 at 20491 Royalstone Drive, had been producing with a pumping level below elevation 10 msl. Based on LACFCD records, Eagen and Brown (1972, Attach.) plotted the recovery levels of both 2386D and 2386E which indicate the former had been shut down some time before June, 1958, and the latter about December 15, 1961.

Probably prior to grading, County and Cave Club representatives met and agreed that four hydraugers would be installed along PCH in view of concern that septic system effluent would result in an undesirable rise in the natural groundwater level. This was accomplished, and thereafter Moore and Taber monitored

production as part of their geotechnical work for the Cave Club. Apparently after completion of whatever geotechnical reports were issued by Moore and Taber, in a letter dated May 22, 1962 to the County Planning Director, County Engineer John A. Lambie, stated that Tract 26263 had been approved "from a geological viewpoint," probably meaning engineering approval of the grading plan and therefore, with Planning Department approval, grading could begin.

However, Lambie's approval was conditioned on the formation of a private company having as required membership Tract 26263 homeowners to maintain the four hydroaugers that had been installed. Apparently included in the Department of Planning approval, these conditions were accepted, and grading began and on April 17, 1963, Cave Club representatives filed for recording both Tract 26263 and 27463. The immediately available record does not contain any reference to the ensuing grading operations. However, in a letter to Hadley-Cherry, Inc., of the Cave Club, Inc., dated August 4, 1964, Araujo (1964) of Amco Engineering announced the completion of grading for Tracts 26263 and 27463.

1.1.3 Initial BRM Dewatering

The record indicates that the period of 1971 – 1974 was characterized by: [i] MMDC management's growing awareness and concern regarding rising groundwater levels, and [ii] growing dissatisfaction with the manner in which MMDC was being managed. The earliest residential construction in Tracts 26263 and 27464 probably had started late in 1963 at about which time the Malibu Mutual Drainage Company (MMDC) was formed in accordance with the aforesaid County conditions for geological approval.

Although the sequence of events is still to some extent uncertain and only sketchily documented, there apparently began to develop complaints, possibly as early as 1969, regarding malfunctioning septic systems in Tracts 26263 and 27463

and concerns about spring development in the Seacliff below sections of Inland Lane and Roca Chica Drive.

As early as February, 1972, MMDC had approached the County through the office of the County Engineer, concerning the possibility of forming a “drainage management” district. MMDC also had sought the technical advice of Moore and Taber. Eagen and Brown (1972) of Moore and Taber responded, and in letter to MMDC dated March 30, 1972, they discussed the seriousness of the situation. They reported the very minor production from the four initial hydraugers, referred to as Drains #1, #2, #3, and #4, producing 0.8, 0.2, 9.2, and 3.2 gallons per minute (gpm), respectively. They also installed a pump in 2386E which, after producing approximately 57,000 gallons per day, in a recovery test, in seven days had returned to within 15 feet of its equilibrium level at the start of production thereby indicating a relatively small dewatered volume and hence a low specific yield. They also included graphs of recovery levels for both 2386D and 2386E.¹

In conclusion, they warned of additional slide movement and septic systems becoming inoperative if the ground-water levels were not reduced. Generally, they were of the opinion that the four hydraugers and 2386E were incapable of this task. Therefore, they recommended the installation of five dewatering wells, including, incidentally, one to be located in Lot 8, Tract 26263.

In a letter to County Engineer Harvey T. Brandt dated February 20, 1973, MMDC Director W.C. Reynolds submitted a petition,

“... requesting that the County Engineer undertake a study to determine the feasibility of creating an improvement, or a maintenance district, or both, to control subsurface ground water problems in the area.”

¹ Those data are of particular interest when considering natural recharge to the local area.

Because of this, and presumably continuing complaints to the County Engineer, County Principal Engineering Geologist Richard Ramirez was assigned the task of examining the local conditions. Ramirez confirmed the problem of rising groundwater levels, and in a report dated April 13, 1973 he recommended certain observation wells be converted to pumping wells, renewed operation of the existing wells then off-line, and the installation of some 5 - 10 additional hydraugers along PCH. A month later, in a letter to MMDC dated May 16, 1973; County Engineer Harvey T. Brandt generally endorsed Ramirez's recommendations and suggested specific remedial work having a total estimated cost of approximately \$110,000. He further stated that as an alternative, an assessment district could be formed the work of which would require approximately two years to complete. The offer either as simply acted upon or, rejected or, upon a poll of local homeowners, it was found that those in favor were less than the requisite number necessary for district formation.

Based on the Ramirez (*op. cit.*) report, County Engineer Harvey T. Brandt on the following May 6 issued a memorandum to MMDC recommending an extensive increase in the BRM dewatering system including five additional hydraugers, reactivation of water wells, and the installation of six new observation wells, the latter apparently taken to mean wells that could be converted to production wells if necessary. Brandt's cost estimate of \$110,000 and two years for completion apparently was met with strong objections from a local group calling itself the Malibu Estates Committee of Homeowners regarding the legal authority of MMDC to raise the required funds from the shareholders and recommending the formation of a drainage district. Brandt further suggested that if rather than MMDC management, and assessment district could be formed and require approximately two years to complete the project, and finally if that were to be considered, the petition for

the formation of such a district would require obtaining within 60 days, the assent of greater than 60 percent of the property owners within the proposed district boundaries.

In any event, in a June 18, 1973, MMDC notice to shareholders, Board chairman Jaime Schloss asked for opinions regarding what action should be taken in the matter and, so far as the record shows receiving no direction, the Board voted to install the dewatering wells originally recommended by Eagen and Brown (*op. cit.*). However, based in part on an examination of local conditions by Merifield (1972) followed by a crack survey Merifield (1973a), and an inconsequential Lot 8 pump test (Merifield, 1973b), Merifield (1973c) modified the recommended well locations of Eagen and Brown (*op. cit.*). As a result, MMDC well W-1 was installed adjacent to Inland Lane cul-de-sac, W-3 adjacent to Piedra Chica Road cul-de-sac, and W-4 on the roadway verge adjacent to the western corner of 20440 Roca Chica Drive. Ocean Mutual Water Company Well BRB-15 (LACFCD Well 2386E) was assigned number W-2, but was not activated. By October 17, 1973, both W-1 and W-4 had been completed. W-1 initially produced 50 gallons per minute, but production from W-4 was so low it was never brought online. By November 5, work on W-3 was still in progress, and was not completed until November 5, 1973. For reasons as yet uncertain it was not immediately brought on line - possibly because a pump had not yet been obtained. Eventually, W-3 was brought on line and by the end of 1973, the BRM dewatering system consisted of W-1, W-2, and W-3, and the four original hydraugers.

On September 10, 1973, drilling well W-1 began under the supervision of hydrogeologist E.D. Michael, recommended by Merifield. W-1 was located adjacent to Inland Lane *cul-de-sac* rather than the alternative of deepening nearby 2386E. On October 17, 1973, Michael reported that W-1 had been completed and

after trouble with the first pump installed, was producing about 50 gpm, that W-4 on the roadway verge at 20440 Roca Chica Drive was completed and temporarily serving as an observation well, and W-3 adjacent to Piedra Chica Road *cul-de-sac* was nearing completion. Thereafter, matters were left in the hands of MMDC, and Reynolds, a registered mechanical engineer took on the uncompensated duties of maintaining the system.²

1.1.4 The Disastrous Decade

In the following ten-year period, ground-water levels continued to rise, and reports of local ground movement initially ascribed to local conditions increased. It is of passing interest to note that the text of Lambie memo sent to the County Director of Planning referred only to Tract 26263, yet the intention must have been to apply to all property owners in the lower BRM area including those of Tracts 27463 and 28878. If such membership actually applied to the owners of these latter two tracts, it presumably would have been specified in deed conditions, covenants and restrictions. Also of some interest is that Tract 28878, which includes twenty lots in the westernmost part of the lower BRM area, was not recorded until January 13, 1965. Nothing in the record reviewed makes any mention of Tract 28878, and the procedure by which it came within the ambit, if it did, of the MMDC.

Records for the period consist primarily of Reynold's notes. Much of them are handwritten and commonly undated. From that record, it is clear that dewatering through 1974 and 1975 was primarily limited to moderate production from W-3 at Piedra Chica Road *cul-de-sac*, and low production from W-1 and W-2 in the vicinity of Inland Lane *cul-de-sac*. At no time has W-4 on Roca Chica Drive been operable, probably because of the failure to clear the bore of drilling mud which, it has been suggested, jams the casing at a shallow depth. Throughout the period, the

² The record thereafter in this regard is replete with entries by Reynolds whose notes memorializing his otherwise industrious efforts are of limited usefulness because they commonly lack dates.

original four hydraugers continued to produce, characteristically with Drain #3 ranging from about 6 – 10 gpm, and the others a few tenths gpm at most.

1.1.4.1 Ineffective Dewatering

Although production from the wells apparently was metered, Reynolds' observations seem to have been based on tape or electric probe soundings of pumping levels – a good way to lose the equipment. In some instances, recovery levels were measured, and estimates of production offered, but the simply too sketchy to form any more than a rough idea of dewatering being accomplished. It is apparent, however, that the Inland Lane wells had drawn pumping levels down to the pump intakes – a condition certainly due part to their locations near the sea cliff which limited the area of influence to about half of what it otherwise would be. Measurements of equilibrium levels in one of the Lockwood borings in Lot 8, about 200 feet from W-3 indicated that it was within that well's area of influence.³ On the other hand, similar measurements in 2386D on Royalstone Drive at no time varied much from the 60-foot depth observed prior to dewatering – a condition that Reynolds incorrectly ascribed to a lack of hydraulic continuity with W-3. That Reynolds did not record level changes in 2386D was simply because the area of influence of W-3 was never that extensive.

1.1.4.2 MMDC Dissolution

In the years following completion of grading and the beginning of occupancy, MMDC authority was challenged by a local group that came to be known as the Malibu Estate Committee of Homeowners (MECH) dissatisfied with the fees of shareholder membership generally and – it seems quite likely – a conviction that high ground-water conditions in the general area of Inland Lane was an entirely local problem and consequently of no physical concern to properties farther away.

³ "Area of influence" is preferable to "cone of depression" which geometrically seems applicable to aquifers with more or less fixed hydraulic characteristics lacking in bedrock aquifers..

Seeking legal advice, MECH was advised that indeed, as a quasi-public utility, MMDC might not have the authority to bill MMDC shareholders with anything more than costs for maintaining the original four hydraugers. In any event, disagreement about dewatering and probably in anticipation of some sort of assessment district - possibly about 1976 – MMDC was dissolved. However “legal” the matter, the fact remains that thereafter, the effort at dewatering became a rudderless exercise by former the MMDC shareholders convinced that dewatering continued to be necessary.

1.1.4.3 Landslide Development

A landslide is generally defined as the downward and outward movement of a mass of earth material in response to gravity. Growing evidence of earth movement, initially considered in many instances to local minor grading defects in individual sites, but a particularly a ruptured section ruptures along PCH and at one locality along big Rock Drive, about August 15, 1983 led to the County notifying BRM residents that a landslide affect much of the area was in progress.

1.2 STABILIZATION

A slope of earth materials is stable if the force tending to cause it to move, commonly the “driving force,” is equal to the force opposing the driving force, commonly the “resisting force.” The slope “safety factor,” which applies only to landslides of the shear⁴ type, is defined as the ratio of the maximum resisting force the existing slope is capable of mobilizing, to the existing driving force. Arbitrarily, a safety factor of 1.5 commonly is required by public agencies for purposes of acceptable grading design.

⁴ See *infra*.

1.2.1 Concerned Citizens for Water Control

With the MMDC pot still boiling, a group of residents - owners of properties in Tracts 26263 and 27463 formed, almost overnight, an *ad hoc* committee calling itself Concerned Citizens for Water Control (CCWC). Asked for my help, I recommended first, activation of the MMDC wells, and second hiring D.A. Evans, Inc. (DAE) to study the extent of the landslide. Within a fairly short period, responsibility for the funding the dewatering program and Evan work was transferred to the hastily formed County Assessment District 2929 (Big t Rock Mesa) and the rest is history - sort of.

1.2.2 DAE Emergency Study

With the a final total of 18 dewatering wells and 33 hydraugers installed ruing the DAE study, the BRM landslide was reported stabilized based on the responses of slope indicators earlier reported installed under his direction. The DAE study (DAE Staff, 1986) is reported in seven volumes. Some years ago, a copy was contained in the files of the City Geology Section.

Due to circumstances that are not entirely clear, payment by the County to DAE was initially refused, and DAE was forced into bankruptcy. Whether that situation was affected by the fact that Dennis Evans had been the Chief Engineering Geologist and geotechnical engineer for the County Department of Public Works for some years before leaving to open his consulting firm is uncertain.⁵

1.2.3 BYA Investigative Study

It appears that within a few months at most after issuance of the DAE report, Bing Yen & Associates was hired by County Improvement District 2629R (Big Rock Mesa) to expand the findings of the DAE emergency study and otherwise consider means to assure slope stabilization. The results of that work, involving some six

⁵ Kenneth R. Chiate, Esq., a BRM resident now as well as at the time of the BRM landslide, may have some information in this matter.

years of effort, was issued BYA Staff (1992). cursory examination indicates it is remarkably comprehensive and generally very well done, lacking only in specific consideration of conditions that have become apparent in the 26-year period that has followed.

The BYA study is in a sense tentative. By no means does it indicate that final stabilization of the BRM landslide has been achieved. A summary section (BYA Staff, Sec. 9.0, Mitigation Options) reflects the conviction that only a stage of “transient equilibrium” (*ibid.*, Sec. 9.1) of the BRM landslide debris mass had been reached by 1992. Given as I am to aphorisms, it seems fair to say that the underlying message of the BYA report is: “so far, so good.”

1.2.4 Assessment District 98-1

According to Taussig (2009, pp. 1 - 2) in referring to County Improvement District No. 2629R2 (Big Rock Mesa Area) (“C.I. 2629R2”):

“On March 10, 1992, having determined that the improvements were substantially complete, the County notified the City that as of July 1, 1992, the County relinquished its jurisdiction over CI No. 2629R2 to the City of Malibu for the purpose of levying assessments to maintain repair and improve the Improvements pursuant to Section 10100.8 of the 1913 Act.⁶ The county is still responsible for the levying of annual assessments to repay bonds sold on behalf of CI No. 2629R2.”

It probably was at this time, that 2629R2 became known under City management as Assessment District No. 98-1 (AD 98-1). A fair reading of California Streets and Highways Code §10100.8, subject to attorney interpretation, appears to give the procedures necessary to provide special assessment for the maintenance, repair, and improvement of the works, systems, or facilities, and that such funds be placed in a separate City fund to be used for no other purpose. Whether there has been any such assessment “... for the maintenance, repair, and improvement of the

⁶ My footnote: by Act is meant Division 12, Streets and Highways Code, §10000, et seq.

works, systems, or facilities⁷ ..." of AD 98-1 during the previous 26 years of the City's tenure of responsibility is uncertain. Certainly, this is to be considered with reference to the series of monitoring and maintenance (m&m) reports for the BRM area beginning in 1992 and continuing at least as late as 1998 initially by BYA and continuing later, as early as by 2005, by Fugro West, Inc.

1.2.5 Fugro Monitoring and Maintenance

To date, the substance of the Fugro monitoring and maintenance reports have included, essentially: [i] monitoring and reporting in detail such as data included in tables or graphs the functioning of the BRM landslide dewatering system, including both dewatering wells and hydraugers; [ii] performing certain limited system maintenance work; [iii] periodically operating slope indicator equipment from which landslide movement may be inferred; [iv] preparation of a report issued annually describing in general terms the technical significance of such data and general recommendations for maintenance repairs. In addition, energy costs and ground crack observations are reported and lastly, water samples are submitted to a subcontractor for analysis consistent with National Pollution Discharge Elimination System permit compliance.

At least as early as 2005, Fugro m&m reports have alluded to the fact that the dewatering system facilities - *i.e.*, the dewatering wells and hydraugers - are subject over the years to deterioration and may require replacement. In this regard, however, two apparent omissions detract from Fugro's generally well conducted and excellently reported m&m activities.

1.3 CRITICISM

Strictly from the record reviewed to date, management of AD 98-1 is subject to criticism for two reasons. First, the dewatering system has been allowed to de-

⁷ Cal. SHC §10100.8(a).

teriorate and its rehabilitation ignored. Second, the scope of the authorized maintenance is too limited to allow studies that would indicate how recharge to the debris mass could be reduced.

1.3.1 Lack of Dewatering Facility Rehabilitation

Although repeatedly recommended by Fugro in their annual m&m reports that “... (D)ewatering wells should be reviewed on an individual basis and redeveloped, repaired, or replaced, as necessary - *e.g.*, Fugro Staff (2012-2013, p. 13; 2013-2014, p. 12; 2014-2015, p. 14; 2015-2016, p. 15; 2016-2017, p. 16), such warnings routinely have gone unheeded. Of twenty-two wells in the system, only four currently are producing and of those only one is producing significantly. It appears that neither dewatering well rehabilitation nor hydrauger flushing has been undertaken for years. This is especially of concern in view of the advent of a wet cycle which - as shown by Troxell and Hofman (1954) - if not exactly predictable - is certain to occur every 10 - 15 years.

1.3.2 Limited Scope of Maintenance Activity

It is difficult to rationalize maintenance of a dewatering system when attention is necessarily limited by minor funding only sufficient for minor repairs. The proper maintenance of a dewatering system would seem to include means to improve matters - figuratively speaking - beyond use of an electric meter, a screwdriver, and a pair of pliers.

For example, according to BYA Staff (1992, Fig. 6-1.1), in 1992 only about half the BRM area properties were properly fitted to control rain-runoff, a condition that apparently has never been corrected. Similarly, failing to document the improper manner in which the domestic vegetation is irrigated certainly loads the dewatering system and hence burdens its maintenance. That the current m&m contract may not include a direct requirement to reduce irrigation to proper levels of

consumptive use and hence lessen that load on the maintenance system should not mean that the problem can be ignored. An aphorism seems appropriate - in this case likening the current AD 98-1 meaning of system maintenance to rearranging deck chairs on the Titanic.

* * *

2.0 GEOLOGIC CONTEXT

The detailed stratigraphy and structure given in the geologic cross-sections of BYA (1992, Fig. 4-1.2) is especially noteworthy. However, the general geologic character of the BRM landslide in the context of the local Santa Monica Mountains coastal slopes is best understood with reference to the work of Yerkes and Campbell (1980).

2.1 TECTONISM

Tectonism, *i.e.*, mountain-building, in the vicinity of the BRM area currently is in progress as a result of rotational movement of California's Transverse Ranges tectonic plate. As a result, the Santa Monica Mountains constitute a crustal block that is being thrust upward obliquely to the west along what is commonly referred to as the Raymond Hill – Santa Cruz Island (RH/SCI) fault zone along the northern boundary of which lies the trace of the Malibu coast fault. At least the western part of the Santa Monica mountain block is known to be rising at the present time.

In the vicinity of Big Rock Mesa, the Malibu Coast fault trace is considered to be located perhaps a thousand feet offshore. Seismic activity demonstrates that the RH/SCI fault zone, if not the Malibu Coast fault specifically, is active. The “potentially active” category of periodic fault movement is politically inspired language of the Alquist-Priolo Special Studies Zone. Insufficient data are available to statistically predict the onset of a major seismic event. The dictum of geologist Bailey Willis remains applicable: “the longer it's been since that last earthquake, the sooner it is to the next.”

2.2 GEOLOGIC FORMATIONS

A geologic formation is defined as any mappable unit of earth material. Consequently, the BRM landslide mass is a geologic formation. As more commonly understood, however, the segment of coastal slope in which the BRM landslide occurs is underlain by a section of reddish thickly-bedded, cliff-forming, resistant

sandstones and conglomerates of the continental Oligocene Sespe Formation which locally, in one small area at the easternmost part of the BRM area, may be in fault contact with a section of the siltstones and finer-grained fine-grained sandstones of its Piuma Member as mapped by Yerkes and Campbell (*op. cit.*) in its type section along Pauma Road, a few hundred feet east of its intersection with Saddle Perak Road at the crest of the range. Higher in the slope, at Big Rock Mesa, the Sespe is in fault contact with the marine Topanga Canyon Formation and the sandstones and siltstones of the Vaqueros Formation (Yerkes and Campbell, *op. cit.*).

2.3 LANDSLIDING

A landslide is generally defined as a downward and outward movement of a mass of earth material in response to gravity. Two basic types of landslides are recognized. One is a “shear” failure⁸ which fails by sliding along a discrete surface as the result of a loss of shear strength. The other is a “flow” in which failure occurs as a result of a loss of shear strength more or less throughout the mass. Of both, there are recognized sub-types based primarily on the structural character of the mass that has moved and the lithological type of earth material involved.

2.3.1 Shear Landslide Nomenclature

Shear⁹ landslides are subdivided primarily according to the shape of the surface along which shearing has occurred and the degree of rupturing that has taken place. A landslide with a distinctly curved basal shear surface is regarded as “rotational.” If the slide surface is planar, the landslide is referred to as “translational.” However, this nomenclature does not apply to the BRN landslide, the base of which is elongated but distinctly curved. Rather, it has been described as “bowl-

⁸ Use of the word “slide” to describe flowage is somewhat misleading because sliding implies shearing, whereas except locally in some instances, flowage does not involve shearing.

⁹ The term “shear” refers to the type of movement where one mass moves by rubbing against another along an essentially discrete surface.

shaped as indicated in geologic cross-sections of both DAE Staff (1986, Pl. 2-3) - and BYA Staff (1992).

The contact of the slide mass farthest from the uppermost contact of the slide mass is referred to as the “toe.” As described by Sowers and Sowers (1961, p. 319) and shown in Figure 2.1, “slope,” “toe,” and “base” failures are distinguished, and for present purposes, such distinctions apply equally well to the BRM landslide mass. Based on data from slope indicators initially installed as part of the DAE investigation, and particularly SI-6, - 7 - 8, it is clear that the BRM landslide is a base failure because the lowest segment of the basal surface is well below sea level. From the lowest point on the basal slide surface, the rise of the basal contact to the surface is quite abrupt and commonly described as “skiing up” by way of analogy to a snow ski.

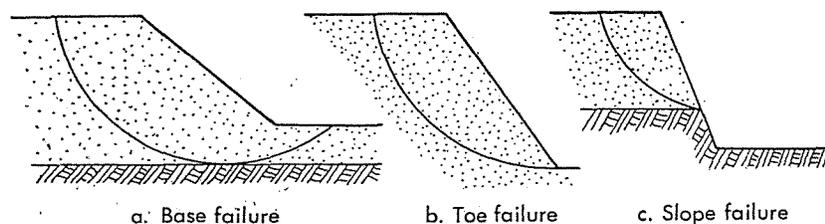


Figure 2-1. Types of Circular Arc Failures.

For present purposes, only the manner in which the slide surface meets the ground surface at the slide base is significant (Sowers and Sowers, (1961, p. 319).

2.3.2 Landslide Mechanics

The BRM landslide is clearly a shear slide that includes several masses of earlier slide debris which, with the possible exception of one massive debris flow with southeast-movement, also appear to be shear slides. The BRM landslide began with a slight clockwise rotational movement that progressed from its easternmost point near the mouth of Piedra Gorda Canyon upslope to the northwest in succes-

sive movements that incorporated the earlier debris masses. The following observations are most cogent for present purposes.

2.3.2.1 Effective Stress Principle

Almost all landslides of economic significance are due to the presence of ground water. Ground water in a slope acts in either of two ways to cause a slope failure, either by reducing the shear strength or reducing the cohesive strength of the slope material. Ground water acts to reduce shear strength by introducing a buoyant force which reduces the normal stress on a potential surface of shear and hence its resistance to shear force. In materials the shear strength of which is due to a cohesive strength afforded by the attraction of the bi-polar character of the water molecule to the clay lattice, the presence of excessive water causes water molecules to “wander” thereby eliminating the cohesion. Another type of cohesion of course, is that due to chemical precipitants some of which dissolve in water.

2.3.2.2 Progressive Shear Landslide Movement

Contrary to commonly applied slope stability models which assume instantaneous failure along computer-generated surfaces of postulated shear, failure does not occur instantaneously along such surfaces but sequentially. Failure of a slope begins lower in it and translates upward as adjacent section having lost support failure sequentially upward, and although this can occur almost instantaneously, failure would not occur unless failure lower in the slope first occurs. To predict how a failure might occur, actual field conditions must be considered. At Big Rock Mesa, the stability of existing debris mass depends initially on the strength of the section along the slope base below the level of Pacific Coast Highway.

2.3.3 Recent BRM Landslide Movements

When a mass as large and geologically complex as that of the BRM landslide debris moves, internal rupturing is certain to occur. As a result, new stress regimes are established, and the evidence most commonly noticed is the develop-

ment of cracks in pavements and structures. Such features may be the result of movement of the debris mass more or less as a unit along its “primary” or “basal” surface of shear, commonly referred to “creep.”¹⁰ Alternatively, if isolated within relatively small areas, it might reasonably be ascribed to stress redistributions within the debris mass. Such shifting of stress is to be expected as recently fractured materials respond to subsurface changes in ground-water conditions or transient seismic loads. The following observations illustrate the matter.

2.3.3.1 Original Hansch Property

The Hansch property, formerly 20600 Rockcroft Drive and the highest property in the BRM landslide mass, was so extensively damaged in 1983 due primarily to tensional faults that the house was rendered uninhabitable, and the tennis court slab deeply fractured. According to a nearby owner,¹¹ about 1991, the court was repaired. The original cracks were so wide, the court slab probably was entirely replaced. The new cracks along which the dashed red lines are added have developed, as shown in Photo 2.1, have developed since then and apparently exactly along the traces of the original ruptures. Figure 2-2 indicates the approximate position of these cracks shown in Photo 2.1.

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¹⁰ “Creep” probably first referred to periodic downslope movement associated with a soil section having a clay binder moving downslope slightly in response to excessive moisture causing a reduction in cohesive such as is experienced during the storm season; in the context of landsliding, it appears to involve incremental movement when the safety factor momentarily slightly exceeded at the cessation of which a significant increment of stability redevelops for whatever reason as a positive safety factor redevelops. The distinction is admittedly somewhat esoteric.

¹¹ Kenneth R. Chiate, Esq., pers. comm.

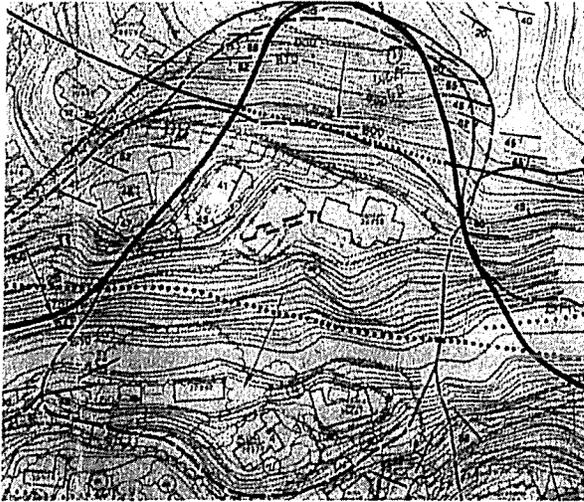


Figure 2-2. Hansch Slide Vicinity
Red lines added. (BYA, 1992, Pl. 4-1.2).

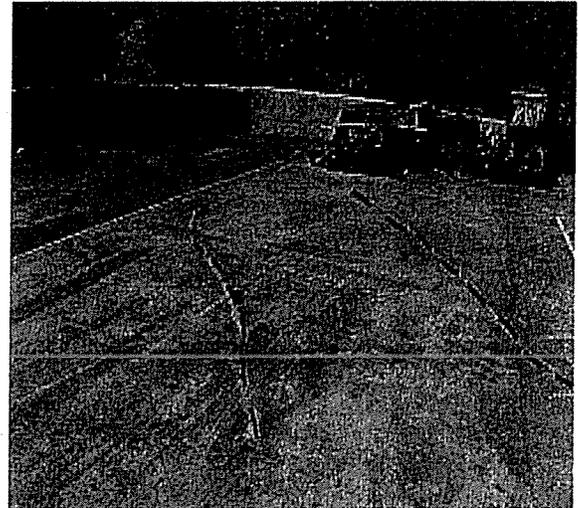


Photo 2-1. Hansch Tennis Court,
Red lines added; photo: EDM 09/08/18.

2.3.3.2 Pinnacle Way

A well-defined northeast-trending fault first shown in DAE Staff (1986, Pl. II-2) and confirmed by BYA Staff (1992, Pl. 4-1.2), is indicated in Figure 2-2 where it crosses Pinnacle Way close to the *cul-de-sac*. Photo 2-2 shows cracks in the pavement of the resurfaced roadway as they now appear directly along the trace of the fault shown in DAE Staff (1986, Pl. II-2) and confirmed by BYA Staff (1992, 4-1.2).

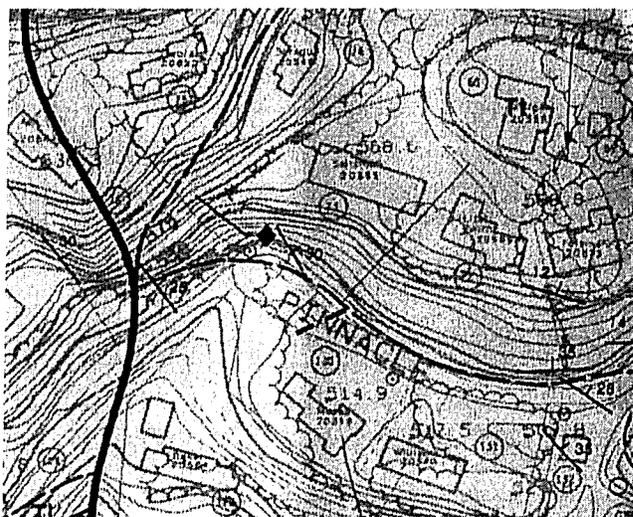


Figure 2-3. Pinnacle Way Area
(BYA, 1992, Pl. 4-1.2)

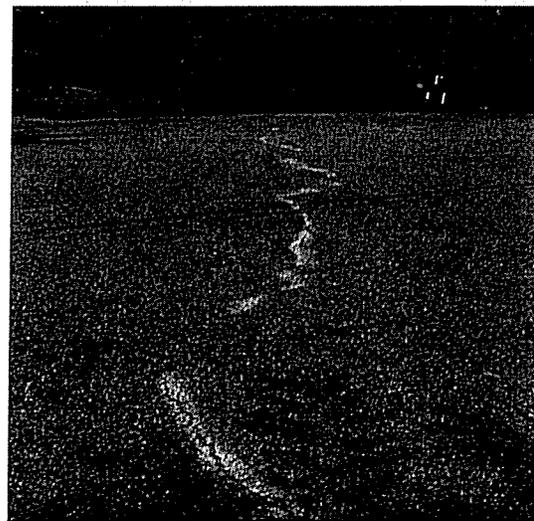


Photo 2-2 - Pinnacle Way Fractures
View SW. Photo : EDM (09/08/18).

2.3.3.3 Lower Big Rock Drive

Cracks in roadway pavements of Big Rock Drive just southeast of its intersection with Rockport Way are shown Photo 2-3. Those along Big Rock Drive are shown in Photo 2.3 and those in PCH in Photo 2-4 and 2.5. The compound-sealed depression the highway pavement and the cracks indicated by the red dashed lines are directly over the slide contact mapped by DAE Staff (1983, Pl. II-4) and confirmed BYA (Staff, 1992, Fig. 4-1.2). The structure with the light exterior is 20010 PCH. The cracks in the PCH pavement which stem from either side of the depression have not been marked with spray paint because of the traffic at the time. Figure 2-4 shows the locations of both the cracks in Photos 2-3 and 2-4



Photo 2-3 Lower Big Rock Drive .
View NW. Photo: EDM 09/08/18



Photo 2-4. PCH toward 20010.
View WSW. Photo: EDM 09/05/18

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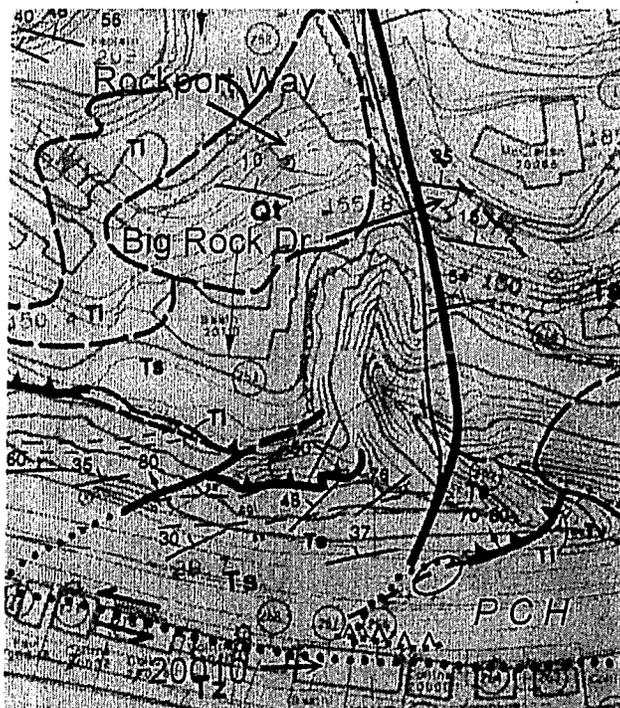


Figure 2-4. BYA, 1992, Pl. 4-1.2).
Dashed lines on Big Rock Drive shown in Photo 2-3.
Dashed line on PCH at Photo 2-4. Thrust contact shown in Photo 2-5.

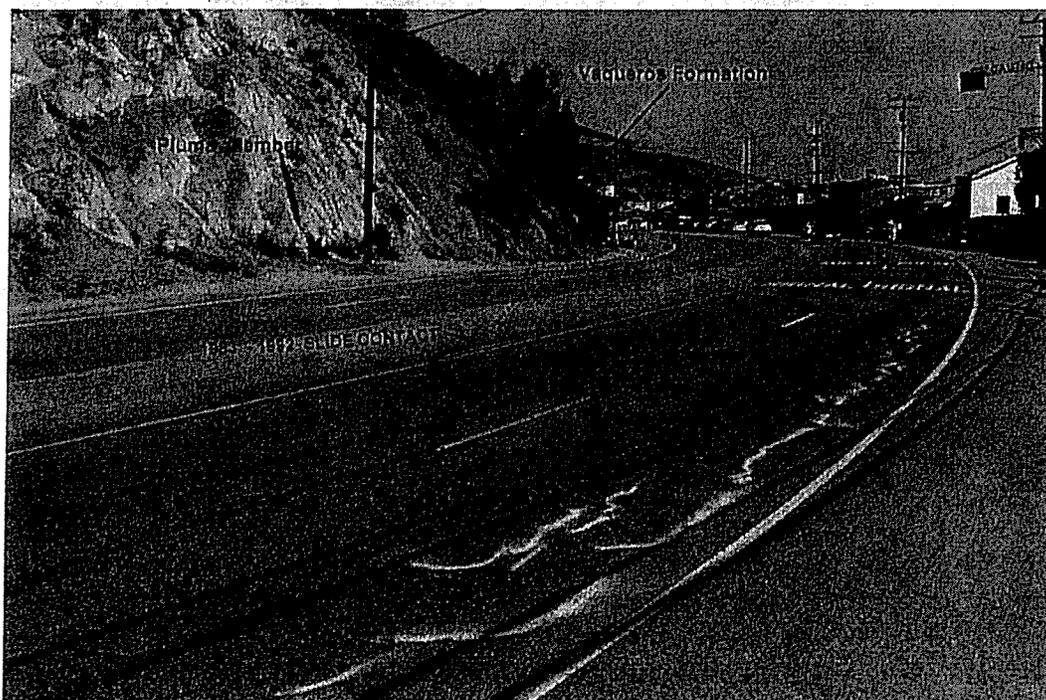


Photo 2-5. PCH at 2010.
Ovate depression shown in Photo 2-4 is dark area opposite power pole, upper left.
View is east in front of 2008 - 2010 PCH. Photo: EDM, 10/12/18

2.3.4 BRM Landslide Type

The BRM landslide is perhaps best described as a translational base failure (Sec. 2.3.1, Fig. 2.1). Table 2-1 gives the relevant data and Figure 2-5 sketches the contours defining the base of the debris near the slide toe.

Table 2-1. Selected Slope Indicator Data
(DAE Staff, 1986, Vol. V)

SP No.	Site Elev. ft. msl	Offset* Depth ft. msl	Min. Offset in.	Base Elev. ft.	Observation Period	Location
1*	24.9	32.5	2.4	-7.6	11/18/83 - 11/30/83	S side PCH opp. 20054
3	212.0	200.0	8.0	12.0	11/30/83-01/23/84	E of 20178 Inland Ln.
5	27.5	77.5	3.9	-50.0	10/29/83 - 12/05/83	N side PCH opp.20044
6	27.7	60.0	6.4	-32.3	10/26/83 - 12/05/83	S side PCH opp. 20214
7	26.1	60.0	4.0	-33.9	10/28/83 - 11/21/83	N side PCH opp. 20314
8	25.9	89.0	5.0	-63.1	10/03/83 - 12/05/83	N side PCH opp. 20448
10*	290.0	130.0	1.6	160.0	Start < 04/09/84	E of 20542 Seaboard Rd.
11	22.0	23.5	1.5	-1.5	04/03/84 - 04/18/85	S side PCH opp.20120
12	27.0	55.0		-28.0	01/23/84 - 02/15/84	S side PCH ENE of 20308
14	29.9	none	None	-	04/24/84-11/13/85	S side PCH op.20452
16*	285.0	327.0	0.8	-42.0	01/17/84-02/15/84	Royal Stone Rd. cul-de-sac
17	540.0	215.0	4.1	325.0	01/17/84-02/15/84	BR Dr. & LR Wy.
18	745.0	37.0	9.0	708.0	09/06/83-	Hansch property
24	370.0	65.0	1.0	305.0	03-13-84-04-18-85	20520 W. Seaboard Rd.
27A*	26.0	33.0	3.25	-7.0	05/23/84-12/20/85	S side PCH opp. 20214
28*	278.0	275?	1.0	-2.0	08/29/84-11/14/85	20522 Roca Chica
29*	22.52	?-	?	≤144.5	09/06/84-12/20/85	N side PCH opp. 20356
30	27.8	?	?	≤132.2	04/04/85-11/20/85	N side PCH opp. 20288
32*	205	255	0.5	-50.0	05/22/85-01/84/86	20430/20432 Roca Chia Dr.
33*	230	265	0.5	-35.0	07/25/85-08/07/85	20270 Inland Lane
34	27.0	60.0	05.	-33.0	12/13/84-04/24/86	N side PCH NE of 20212

* Notes:

SP-1 - Stable after 05/02/84.

SP-10 - multiple offset above 275-foot depth; site elevation: 312 ft. msl.

SP-16 - bulging above 300-foot depth, but no definite offset; site elevation: 285 ft. msl.

SP-27A - Installed 05/17/84 at which time movement occurring at 30-foot depth; movement continuing from offset at 30-foot depth to 3.25 in. on 04/18/85; new base on 04/25/85; no movement thereafter to 12/29/85. Best evidence of stabilization?

SP-28 - multiple small offsets beginning at 275-foot depth and higher. Movement 9/19 - 9/26, 1984 began between 9/19 and 9/26, 1984 as slight bulge at 275-foot depth, developed multiple below 50-foot depth with 1.0 inch maximum offset at 250-foot depth by 04/17/85; new data base 04/24/85. Thereafter, increasing bulging to surface with 3 or 4 crimps to a total offset of 1.0 inch at surface by 11/14/85. Bulging offset above 305-foot depth to surface increasing to 0.7 in. on 07/23/85 and possibly continuing after that time.

SP-29 - because of offsets and depths in nearby facilities, it is assumed an offset was no recorded because the unit was not installed deeply enough.

SP-30 - see SP-14.

SP-32 - close to stabilization by stabilized by 01/04/85.

SP-33 - bulging from 305-foot depth to 0.5 in. offset at 205-foot depth; crimps at 25 - 75 feet maybe local fill contact shift.

Despite the generally excellent work of DAE Staff (1986) and BYA Staff (1992) in analyzing the character of the BRM landslide, neither considers ramifications of the fact that that the BRM landslide is a base failure as shown initially in the DAE study cross-sections (DAE Staff, 1986 Pl. II-3). The basal surface at the toe of the BRM landslide is well below sea level. From along its syncline-like axis of the curvilinear base, some 100 – 300 feet north of PCH, it “skis up” to the surface generally to “daylight” near the shoreline. As a result, there exists a volume of the debris mass with a base dipping landward.

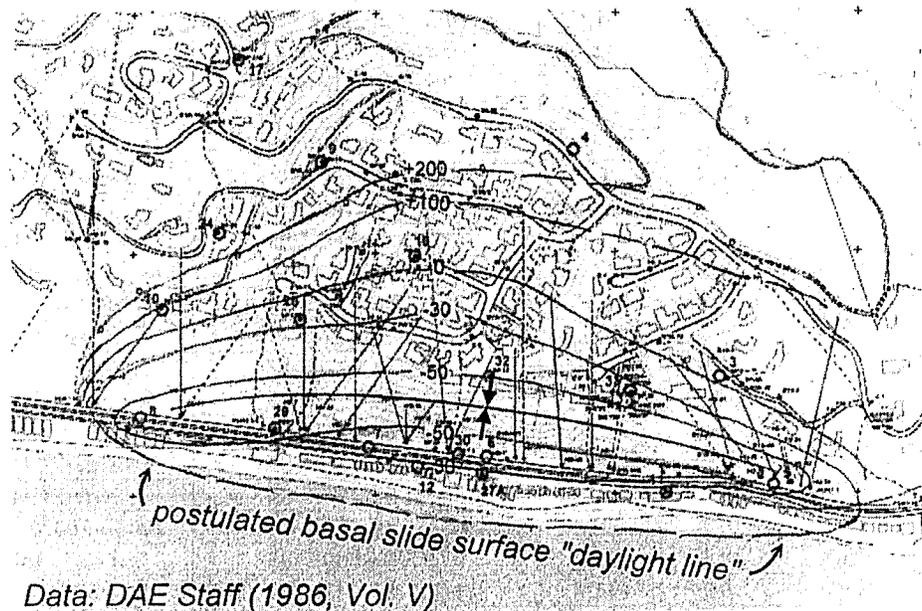


Figure 2-5. BRM Landslide Basal Surface Contours.
Base: Curtis and Dean (2014, Pl. 2).

According to Peacock (1963, App. I, Pl. 13), the bottom offshore from Big Rock Mesa is quite shallow and fairly regular with a gradient of about 0.04 for the first 1,000 feet or so seaward. Since the bottom is underlain locally by Zuma Volcanics, it is conceivable that offsets of 6 inches or so, or perhaps even more, might be recognizable unless covered with bottom sediment.

* * *

3.0 LOCAL GROUND WATER REGIMEN

The manner in which ground water occurs in and adjacent to the BRM landslide debris mass area is indirectly indicative of the advent of its instability. Only rudimentary aspects of the ground-water occurrence in the BRM area can be presented here. However, it is important to understand how the presence of ground water could induce additional movement of the BRM landslide mass.

3.1 INITIAL DEWATERING

The total production from wells installed during the period of the DAE study is unknown. By December 31, 1988, six of the original eighteen wells in operation for various periods during that study were still operating. As a rough idea, Table 2-2 shows the total production from the wells still in operation at the time indicated (EDM pers. files).

Table 2-2. Early Dewatering Well Production

DAE Well No.	Metered Production gal.	Date
W-2	6,902,829.3	10/30/88
W-8	12,717,184.8	12/10/88
W-13	14,606,308.0	12/10/88
W-15	9,493,502.7	12/06/88
W-16	16,032,905.1	12/06/88
W-17	1,771,641.6	12/06/88
W-18	13,746,824.1	12/31/88
Total	75,271,196.0	

3.2 RECHARGE

“Recharge,” a term most commonly used to describe the rate at which water is supplied to an aquifer, is also useful in considering dewatering. The recognized sources of recharge to groundwater storage in the vicinity of the BRM area are rain, septic systems, and irrigation. Whether any is received from whatever saturated zone may exist upslope is uncertain. However, it seems highly unlikely that there has been a sufficient development of fault gouge along the basal surface as to render it impermeable and hence a barrier to subsurface inflow from upslope.

So far as is known, the Waterworks District No 29 master water meter at the intersection of Big Rock Drive and Rockport Way records the total imported volume for the BRM area. During July, 2011- June, 2017, as reported by (Fugro), the average daily use ranged from 141,500 - 190,000 gallons. From such data, use in the lower BRM area can be roughly estimated based on the number of served individuals there compared to the total of those in the entire BRM area. Far more preferable, however, is direct recorded use in the lower area determined from monthly water company billing records, samples of which can be provided without concern for invasion of privacy. Recharge is then a function of per capita use and vegetative consumptive use determinations.

3.2.1 Infiltrated Rain

The extent to which rain directly recharges the saturated zone is particularly important. Aside from streets and other paved areas, the control of roof runoff is an efficient way to reduce rain infiltration. According to BYA Staff (1992, Fig. 6-1.1) about half of the BRM area had houses with eave gutters and downspouts presumably thereby enabling collection and safe disposal of a substantial volume of rain runoff for disposal in street gutters. Whether any correction of this condition has ever been undertaken is uncertain. In any event, even casual examination indicates that some houses have gutters and downspouts that simply feed to yard areas.

3.2.2 Domestic Use

Among the data provided by David Tausig and Associates Inc. is the list of assessed properties given in terms of their Tax Assessor parcel numbers. Based on County Tax Assessor parcel maps, AD 98-1 includes 326 assessed units, of which 89 are situated along Pacific Coast Highway. Consequently, 237 units, all of which except those of the Promises establishment, are presumed to be single-family residences. Simply counting from available maps indicates that there are

104 residences in the lower BRM area. Some residences may not be occupied or are occupied only occasionally, and there are no data by which the number of individuals actually served can be closely approximated. However, for present purposes, simply an estimated range of individuals per unit and daily per capita consumption should suffice to present a fairly representative exposition of current conditions.

3.2.2 Household Use

Almost all household water use becomes septic-system recharge. The serious nature concerning this type of recharge is well illustrated by repeated reference in BYA Staff (1992) - especially Section 9.2.2.2, but also elsewhere in the section 9.0 to a "sewage collector system," meaning a public sewer, and by implication, the only means to permanently stabilize the BRM landslide. Sewer systems not being a shelf item, however, a consumptive use¹² determination for the lower BRM area is highly desirable.

A brief tour of the web suggests that a reasonable range of urban residential area domestic use should be about 80 - 100 gallons per capita per day (gpcd). One authority indicates that for California the average is 125 gallons per capita per day (gpcd). To play this game, assuming the average number of individuals per residence in the range of 1.75 - 3.25, and ignoring the Promises multi-use occupancy, the total number of individuals served in the lower BRM area should be in the range of 182 - 390. Consequently, the total daily usage should be in the range of 14,560 - 33,800 gallons. Similarly, for the entire BRM area, assuming 237 units and ignoring the multi-use unit, the total domestic daily usage should be in the range of 33,180 - 77,025 gallons. To a first approximation then, these volumes should be the daily domestic recharge to the saturated zone.

¹² Vegetation consumptive use is the amount of water a species utilizes for evaporation and transpiration for healthy growth dependent on the species physiochemical character and climatic conditions.

3.2.3 Irrigation Through-flow

One is struck by the lush character of vegetation throughout much of the BRM area. However, although aesthetically admirable, it is a clear signal that over-irrigation is practiced. It is inconceivable that the exact amount of water is being applied to meet the consumptive uses of the various species demand, and therefore it is practically certain that over-irrigation is practiced throughout the area.

Through the processes of transpiration and evaporation, vegetation removes ground water at a fixed rate depending on the species, temperature, and certain other climatic variables. This rate is referred to as the “consumptive use.” Aside from that retained as pellicular water, application of water in excess of the consumptive use “percolates” downward to the saturated zone.¹³ Of the slide debris mass in the lower BRM area, depending on lithologic and structural conditions - including whether or not the basal slide surface is permeable - ground water produces certain specific mechanical effects. Modeling these effects to determine if instability is induced is quite straightforward in theory.

Because of seasonal variations, monthly consumptive use determinations for the various lower-BRM area species are especially desirable. As a point of departure, an indirect method for estimating consumptive use such as that of Blaney and Criddle (1962) could conveniently be utilized essentially as a means to consider the dimensions of the study required. Beyond that, experimentation using lysimeters, wilting coefficient observations, and similar approaches by specialists would be required.

In any event, the problem of the excessive use of water in the lower BRM area needs careful analysis. As an example, a water bill for one residence in the lower BRM area having two adult occupants, forever nameless, and relatively little

¹³ The “saturated zone” is the volume of the subsurface that yields ground water to wells or springs under the influence of gravity.

vegetation, indicated a use of 675 gallons per day. Such data suggest the need for shorter showers and other draconian measures to curtail excessive use is probably common, if not rampant, throughout the BRM area.

3.2.4 Subsurface Inflow

Whether there is subsurface inflow, *i.e.*, ground water entering the debris mass from higher in the mountain slope, is uncertain. Three possibilities exist assuming an equilibrium ground-water level upslope, *i.e.*, north, of mass: [i] the base of the mass is permeable in which case ground-water recharge to it is increased, possibly significantly over that of rain infiltration and imported water recharge; [ii] the basal contact is locally permeable in which case ground-water inflow from higher in the mountain slope is limited to some extent but nevertheless mechanically adverse and possibly significantly so; [iii] the base of the debris mass is essentially impermeable in which case, subsurface inflow is negligible, but the condition nevertheless also mechanically adverse. In a word, ground-water inflow from the adjacent mountain mass can be dangerous and therefore highly desirable to quantify.

A hydrologic balance type of analysis to determine a ground-water “budget” or “balance” of total inflow and outflow may be estimated, but to be useful it requires a reasonably accurate estimate of sub-surface inflow is necessary.

3.3 SEA-WATER INTRUSION

Along ocean coasts such as that of Malibu, sea water intrudes inland as a more or less distinct zone underlying less saline “fresh” terrestrial ground water. Because of the limited rate of ground-water flow in permeable materials generally, the sea water does not readily diffuse with the less saline terrestrial ground water. However, there is no question that sea-water intrusion occurs along the BRM shore may diffuse to some extent within the lowest section of slide debris the toe of which, as

indicated, has the configuration of a base failure. To confirm this diffusion is quite a simple matter.

Using an electric probe, sounding in one of the slope indicators along the south side of the highway will first produce a signal when reaching the saturated zone. Continued lowering the probe perhaps about 10 - 15 feet will result in a marked increase in current flow, as indicated by the probe ammeter, because of the higher electrical conductivity of the more saline water in the zone of diffusion.¹⁴

3.3.1 Ghijben-Herzberg Static Model

Working separately, two researchers, W. Badon Ghijben and Baurat Herzberg, during the last decade of the 19th Century in northern Europe, published papers reporting that along oceanic shorelines less saline, or "fresh" terrestrial ground water at depth below sea level does not readily mix with more saline ocean ground water. The Ghijben-Herzberg model postulates static conditions having distinct surface, or "interface," separating saline water from fresh saline water. Under such a condition, and postulating saline water with a density 1.025 that of fresh water, at any vertical section inland, the ratio of the height of the fresh water column above sea level to the height of the fresh water column – say in a well - between the interface and sea level is 1:40.

In other words, at a point inland of the shoreline at sea level, the depth to the interface from sea level is forty times the distance of the fresh water column there above sea level. For example, a measurement of the ground water level at some point inland 0 feet above mean sea level would indicate a depth to the interface from sea level at that location of 400 feet. This follows from the fact that under the

¹⁴ A laboratory test of the probe ammeter prior to such observations is advisable in order to observe the response of the ammeter to the degree of laboratory saline mixtures using common table salt. For some probes a more sensitive ammeter may be required.

conditions postulated at any point on the interface, the pressure due to the sea water is equal to the pressure due to the fresh water.

3.3.2 Diffusion Zone

Cooper (1964) has shown the extent to which such saline diffusion can develop along the interface. In certain circumstances, that zone of diffusion is so narrow as to be regarded, effectively as an "interface." Assuming densities of 1.00 and 1.025 for the terrestrial and ocean waters, respectively, and static conditions, the Ghyben-Herzberg relation is exact. Actually however, diffusion develops and results in a zone that is gradually less saline upward. For a free ground-water surface in the direction normal to the shoreline, the interface slopes downward generally as shown in Figure 3-1.

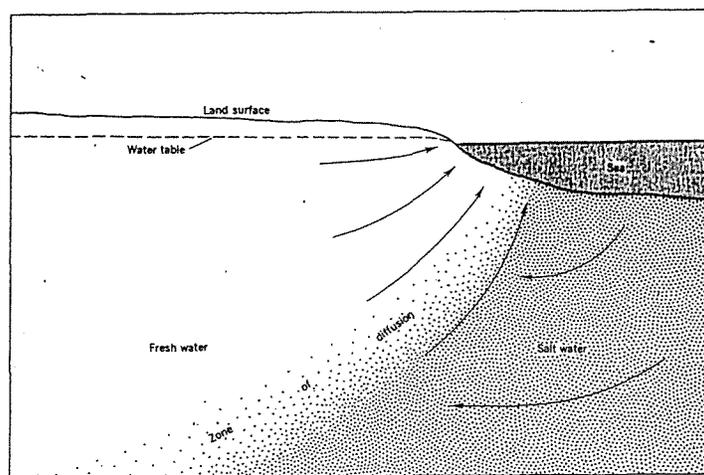


Figure 3-1 Generalized Sea-water Intrusion Diagram (Cooper, 1964, p. C-3)

3.3.3 Hubbert Dynamic Model

Hubbert (1940, pp. 924-926) has noted that because of the flow of the fresh terrestrial ground water seaward along the interface in response to hydraulic head of the fresh water above sea level, the position of equipotential flow lines are normal to the flow direction and as a result, the interface is somewhat deeper at a given point than that indicated by the Ghyben-Herzberg relation. More to the point for present

purposes, however, as a result of the fresh-water flow upward and seaward along the interface, near the shore it is forced to mix directly with the ocean water through a narrow gap between the ocean surface and where the interface meets the ocean bottom. In terms of dewatering, the effect of such a constraining gap is important to consider because it limits subsurface outflow.

As shown in Figure 3-2, Glover (1964) has demonstrated theoretically that the width of the ocean bottom along the shore through which the fresh water above the interface escapes to mix with the ocean water is a function of the total fresh-water flow, the excess of sea water density over than of the fresh water, and the permeability of the materials through which the flow is occurring. Moreover, he states (*op. cit.*, p. C35):

“In times of drought, the fresh-water body is conserved because the seaward flow is diminished. Thus, once established, the fresh does not quickly waste away.”

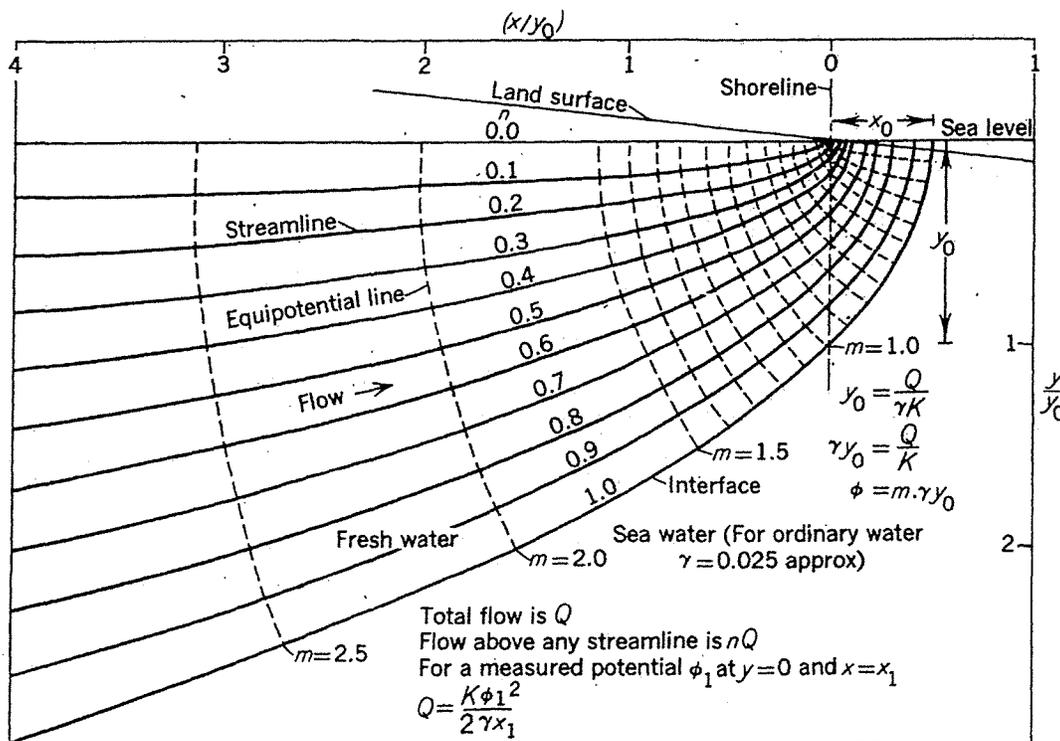


Figure 3-2. Model Coastal Fresh-water Outflow.
Glover, 1964, pp. C-32 - C35.

In addition to the manner in which subsurface outflow is limited as the result of sea-water intrusion, the effect of the tidal cycle also is significant. According to de Sieyes, *et al.* (2008, p. 1441) regarding tests conducted at Stinson Beach, California, the effects of the tidal cycle on fresh-water outflow from a coastal aquifer, it was determined that the rate of outflow during spring tides is much greater than during neap tides. For spring tides, the fresh-water outflow rate in liters per minute per meter of shore line was in the range of 0.1 - 0.5, and 1.2 - 4.7 during neap tides.

Whatever rate of outflow may be determined then, in considering the effect of sea-water intrusion and averaging all the data, they suggest that half the time the outflow rate is about twelve percent of what it is during the other half of the time. Clearly, such data are not directly applicable to shorelines generally nor to that along the BRN shore, nevertheless, whatever analysis might be undertaken to estimate the manner in which outflow from the BRM landslide debris mass is affected by sea-water intrusion, the tidal effect may be significant.

* * *

PART II - BRM RESIDENTIAL IMPROVEMENT

Structures deteriorate with time, and the need to remodel or rehabilitate in some way is to be expected. It is useful to distinguish between two kinds of such residential improvement: [i] house "remodeling" that does not significantly enlarge the existing structure nor increase the number of occupants - normally a "family" - however, statistically and politically determined; and [ii] "redevelopment" that would significantly change the design of the original structure, or replace it with a new one, designed to house substantially more individuals than anticipated in the original planning analysis.

Under normal conditions in urban flatlands served by a public sewer system, family size is strictly a politico-sociological subject, but in hillside areas served by septic system, the paramount question is primarily slope safety - initially a matter of mechanics to be considered by departments of building and safety, and secondarily a matter of sociology to be considered by departments of planning.

4.0 BRM WATER-NEUTRAL USE PRINCIPLE

The continued stability of the BRM landslide involves a sort of water-neutral principle, meaning that the use of water must be balanced with its adverse effects. The problem of the BRM landslide has not been "solved" in the sense of permanently stabilizing it under foreseeable circumstances. It developed because of the effect of too much ground water. Emergency dewatering accompanying the DAE study stopped the movement simply by increasing the rate of ground water outflow so that even with inflow a safety factor perhaps 1.2 developed. As part of the BYA study, several additional dewatering wells and hydraugers were added to the system with the overall result justifying the conclusion that so long as dewatering removed a certain fraction of the ground water received, a safety factor 1.25 could be maintained and perhaps increased to as much as 1.4 (BYA Staff, 1992, Table 7-1).

4.1 CURRENT BRM AREA WATER USE

The Evans report (DAE Staff, 1986, Table III-f) gives water importation data for the period of June 20, 1984 - August 29, 1985, as recorded from the BRM Waterworks District No. 29 master water meter. A comparison of those data with master meter observations for the same most recent period indicates that usage currently is about 170 percent of that in used in the three-month period after the BRM landslide was considered to have stabilized sometime between February 15 and March 24, 1984 slightly less than a year after its movement was officially announced.

4.2 CREEPING MANSIONIZATION

“Mansionization,” a term arising from certain practices on the nation’s eastern seaboard, originally referred to the practice of maximizing living space at the expense of other desirable property attributes by erecting homes as large as local planning and zoning codes allow. The City of Los Angeles now officially recognizes mansionization as an element of planning.

Whether redevelopment of the mansionization type, permitted or not, or even officially recognized in the BRM area, is uncertain. But aside from issues of diminished privacy, increased traffic and noise, and loss of a generally desirable neighborhood ambience - all hallmarks of mansionization - there remains the issue peculiar to the BRM area concerning the increased water importation and therefore the increased ground-water recharge that accompanies it.

As I understand matters, mansionization in Malibu is unofficial and not widely recognized if considered at all. Nevertheless, insofar as the BRM area is concerned, it appears to have been in operation, effectively, since about 1995. There, where the original development of Tracts 26263 and 27463 generally involved single-family residences having floor areas between about 1,500 - 2,500 square feet, two or three bedrooms, and 1-½ or 2-½ bathrooms, these criteria no longer apply.

Arbitrarily, for purposes of illustration only - defining redevelopment involving a total floor area of 3,000 square feet or more as potentially one of mansionization - results for the BRM area in the data shown in Table 4-1. Entries highlighted in gray are deemed to apply to the period when knowledge of the BRM landslide was reasonably attributable to City officials.

Such increases in redevelopment suggests that it has been simply inferred that the existence of AD 98-1 has eliminated further concern for BRM landslide reactivation, and therefore the implied increased water usage is not a matter of concern. The issuance of redevelopment permits as well as management of AD 98-1 are both, obviously, the responsibility of the City. However, without knowing more, those City principles concerning redevelopment and those concerning administration of AD 98-1 appear to have been functioning at cross-purposes for the past twenty years or so.

It is to be noted that the "Latest Record Date" of Table 4-1 may not be indicative of true conditions. As elsewhere, bootlegging¹ is not unknown in Malibu. Perhaps more to the point, mere room labeling on plans is not necessarily indicative of the number of bedrooms that actually will be utilized as such, nor is the number of fixtures indicative of the number of individuals that will use them.

With due respect for the City's awareness of environmental problems both generally and locally, the threshold issue that mansionization in the BRM area would seem to suggest for the City attorney to consider is whether its environmental impact on slope stability is such as to bring it within the ambit of the California Environmental Quality Act in terms of the cumulative risk it presents to the questionably safe conditions existing there at the present time.

¹ Development activities requiring conformance to a code standard with permit.

Table 4-1. Postulated BRM Mansionization
(Source: Los Angeles County Tax Assessor records.)

Floor Area sq. ft.	Bed / Bath Ratio	Latest Record Date*
3088	3/3	1998
3109	3/3	1995
3234	3/3	1965
3273	3/4	1995
3278	3/3	2000
3323	3/3	1996
3425	4/3	1969
3434	3/3	1965
3464	3/2	1997
3619	5/7	2001
3906	4/4	1979
4000	4/3	1980
4070	4/3	1996
4271	7/3	1978
4358	4/5	1996
4444	5/4	1995
4735	3/2	1985
4845	4/4	1997
5071	4/4	2001
5506	3/4	1978
6079	4/5	1996
6143	5/7	2001
6170	5/7	2001
7198	6/7	2002

* Dates are questionable. Whether routine assessment considers dates of improvement is uncertain but seems unlikely.

4.3 ILLUSTRATIVE PROBLEM - LOT 8, TRACT 26263

Lot 8 of Tract 26263 located at 20238 Piedra Chica Road presents a particularly complex example of implementing the water-neutral principle for the BRM area. Within a few years after build-out in the lower BRM area, rising ground-water lev-

els began interfering with some seepage pits and causing seepage in the sea cliff slope below Inland Lane *cul-de-sac*. Similarly, a complaint of seepage from the 15-foot high slope in the rear of Lot 2, Tract 26263, 20239 Inland Lane, directly below Lot 8, led MMDC to hire Lamar-Merifield, Geologist and Geophysicists to examine the local area. In discussing the resulting report by Dr. Paul Merifield, Schloss (1972) noted that MMDC had voted to obtain legal counsel as to whether MMDC "... should undertake actions to cure the perched water table resulting primarily from seepage pits."

4.3.1 Lot 8 Ground-water Occurrence

It is unclear whether as early as 1972, it had been determined that seepage pit-disposal specifically had been found insufficient for the residential development of Lot 8. Probably late in February or early March, 1973, MMDC hired Lockwood & Singh to investigate ground-water conditions in that lot. Geologist Bruce Lockwood consulted with Merifield and then undertook to test the site for permeability. In a report dated March 7, 1973, Lockwood discussed two test borings. Boring 1 (B-1) was located in Lot 8 close to its common boundary with Lot 2, and Boring 2 (B-2) was located near the Lot 8 northern corner. Apparently, a rotary-wash drilling rig was used suggesting a boring diameter of a foot or so.

Unfortunately, Lockwood's description of his testing is somewhat ambiguous, and only two pages of his report have been found. The "initial" depth to water in B-1 after reaching a depth of 60 feet was 30 feet and therefore about 15 feet lower than the base of the slope in adjacent Lot 2. Twenty days later, it had risen to a depth of about 29 feet. Two days after that, the level had not changed indicating a condition of equilibrium² probably had been reached.

² Equilibrium here refers to either a static condition or a dynamic condition in which the flow at particular point along a flow path is constant.

After the lapse of an uncertain period, B-2 was drilled. The "initial" depth to water in B-2 was 30 feet twenty days after drilling. The boring was then bailed "by hand" for about three hours at which time the water level was at a depth of about 35 feet. Two days later, it had risen to a depth of 25 feet, which Lockwood attributed to the flushing of drilling mud from the boring wall.

Although certain variables are not addressed, these results from two such closely spaced boring are perhaps best explained as due to differing formation conditions such as effective hydraulic conductivity, fracturing, porosity, and specific yield. The question these data present is whether they are in any way relevant to conditions reported in Lot 2 immediately adjacent to the southeast.

According to Merifield (1973a), Mrs. Muth of Lot 2, 20239 Inland Lane, asserted that prior to July 9, 1973, "... (S)eepage has been essentially constant for the past year ..." apparently near the base of the slope in the rear yard of that property. Since the elevation of the slope base there is about 15 higher than the 30-foot levels reported by Lockwood, the inconsistency of these data is obvious. They appear to demonstrate a lack of hydraulic continuity between the seepage-yielding section in Lot 2 and the demonstrated equilibrium depth of 29-30 feet in Lot 8.

Furthermore, as noted by Merifield (*op. cit.*), a pump test performed probably in B-2 of Lot 8 three months after the Lockwood tests produced a "static" level of 26.3 feet, consistent with Lockwood's observations.

4.3.2 Perched Ground-water

To account for all this, it is first to be noted that two historically high-intensity storms occurred over much of southern California during the period of January 18 - 26, 1969 causing extensive damage and record runoffs. The total rain depth along the Malibu coast was in the range of about 11.5 - 12.5 inches (Brown, *et al.*, 1969, Table 2). Probably due simply to orographic lifting, approximately a total depth of

14.2 inches during those storms was recorded for the BRM area as reported most recently by Thornhill and Berry (2018, Pl. 3).

As a result, rain infiltration would have induced higher ground-water levels throughout the local area as well as the perched or semi-perched conditions certain to exist at the bases of the fill masses along Piedra Chica Road. The record therefore suggests that depending on local conditions, ground water flowing into the Lot 8 fill was at a greater rate than the underlying fractured slide mass could transmit, thus developing a semi-perched zone in a basal section of the fill. As a result, perched ground water flowed along the base of the fill into Lot 2 where it emerged at the unconformable trace of the fill-slide debris contact - in some quarters referred to as the "daylight line" - exposed in the Lot 2 rear yard slope consistent with Merrifield's interpretation.

To argue that because of its fractured character, no perched condition should develop along the fill/slide mass contact in Lot 8 is without technical merit. The boring in Lot 8 would not have detected the perched zone, but rather drilled through it with no indication of its presence. In any event, nothing more than speculation can be offered regarding the permeability of the slide mass which must have a very low effective hydraulic conductivity, testing for which would be meaningless.³

As a consequence, there is no way short of direct testing to predict the extent to which ground water resulting from on-site waste-water Treatment system (OWTS) effluent spreading in Lot 8 will specifically affect conditions in Lot 2, or other nearby lots. The evidence simply demonstrates that seepage observed in Lot 2 must have its source in Lot 8 and since in 1973 such seepage occurred while the saturated zone locally was some 10-15 feet below the elevation of the slope base in

³ The entire basis of ground-water movement analysis in response to pumping is predicated on the Theis (1935) formula which does not apply to bedrock aquifers.

Lot 2, the source of that seepage such must be a perched zone in Lot 8 as originally asserted by Merifield (*op. cit.*) at the time.

4.4 REDEVOPMENT - 20238 PIEDRA CHICA ROAD

The currently proposed redevelopment of 20238 Piedra Chica Road - initially Lot 9 of Tract 26263 and now joined with Lot 8 - arguably constitutes mansionization as defined herein. As such, its hydrologic character *vis-à-vis* that of the BRM landslide mass is relevant to: [i] City concerns in terms of its managerial responsibility regarding AD 98-1, and [ii] its effect regarding local conditions with reference to the City's general concern about on-site waste-water treatment systems (OWTS) as most recently expressed in the "City of Malibu Onsite Wastewater Treatment Systems Manual" of July 23, 2018. These aspects of the matter, as well as the fact that the immediately available record, however incomplete, indicates that an OWTS was installed in Lot 8 in 2006 and another of larger capacity is now under consideration, all emphasize the relevancy concerning the BRM water-neutral principle.

4.4.1 Lot 8 Geologic Formations and Grading

It is generally agreed that Lot 8 as well as those adjacent are underlain at shallow depths by a thick section of slide debris derived from the Sespe and Topanga Canyon formations. Furthermore, considering the successively higher slide scarps relating to slide movements thousands of years ago, fracturing in the debris mass must be extensive. Overlying the mass of slide debris is artificial fill placed as part of the original tract grading. The extent of the fill in the vicinity of Lot 8 is shown by a comparison of in Photos 4-1 and 4-2.

Grading along Piedra Chica Road - particularly that in Lots 6, 7, 14, and 15 - took advantage of the slight slope below Big Rock Drive to raise building sites and step them downward to afford southerly views. Like others there, Lot 8 was graded by placing a compacted mass of fill over a surface that probably had been

prepared at most by removal of vegetation and perhaps a thin section of soil. Photo 4-1 shows the vicinity of Inland Lane and Piedra Chica Road as it appeared about 1958, and Photo 4-2 shows the essentially completed grading not long after which house construction began. From a comparison of the two, it is clear that building sites along Piedra Chica Road are underlain by fill sections up to about 20 feet thick based scaling using the observations by Kowalewsky and Taso (2005) that the thickness in Lot 8 is about 9 feet.



Photo 4-1. Lower BRM Area ca. 1958

Photo: undetermined

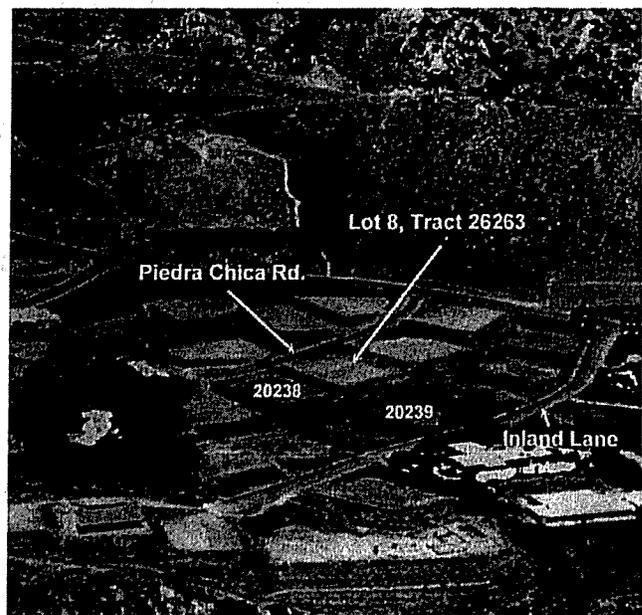


Photo 4-2. Lower BRM Area, ca. 1964

Photo: EDM ca. 1964

With regard to the site itself, because "... poor quality earth materials were encountered in the upper 9 feet of the upper pad ..." (*op. cit.*, p. 6) by which apparently is meant the original Lot 8 fill, a proposed new structure was to utilize foundations extended through the fill into underlying slide debris. Figure 4-1 suggests, generally, the character of the fill installed along Piedra Chica Road.

Although comments by Kowalewsky and Tsao (*op.cit.* p. 5) to wit:

"...Due to the quality of these materials it is unlikely that they represent earth fill placed during site grading, however, the quality of the earth materials appeared to become significantly better below an approximate depth of 9 feet where

firm dark gray soils were encountered consisting of pebbles in a clayey matrix
....”
are perfectly justified in terms of modern grading practice, such was not the case in the early 1960s when this fill was placed. As is shown by a comparison of Photos II-1 and II-2, the building sites along Piedra Chica Road are well above the surface prior to grading. Consequently, the configurations shown in Photo 4-2 can only be due to the placement of fill.

4.4.2 Spoliansky Redevelopment

Whether the data developed either by Lockwood, or Merifield were sufficient to discourage others in attempting to develop Lot 8 is uncertain. But in any event, as title passed in the following thirty years or so, it is understood the annual district assessments were paid. It probably was in 2005, or a few years before, that Lots 8 and 9 were joined as a single property having the 20238 address. The record suggests that beginning November, 2005, an effort was begun to redevelop 20238 by the owner at that time, Gustavo Spoliansky. This involved demolishing the existing garage and adding a 685-square foot addition in Lot 8 adjacent to the northeastern side of the Lot 9 house, and also utilizing part of Lot 8 for an OWTS disposal area.

4.4.2.1 Geotechnical Investigation

A report by and Kowalewsky and Tsao (*op. cit.*) in support of the Spoliansky redevelopment offers data relevant to foundation and retaining wall designs, and seismic risk. They also briefly discuss certain aspects of the BRM landslide and essentially adopt the findings the BYA Staff (1992) that - aside from an especially high magnitude earthquake - so long as an adequate dewatering system is maintained, the BRM landslide debris mass should remain stable or at most be subjected to minor creep movement.

The geologic map and cross-sections accompanying that report are not included in the record obtained from the City Planning Department. However, as an

added submission, Kowalewsky (2005) presents sketched sections though Lot 8. The differing descriptions of the surficial materials in these the latter two reports are somewhat difficult to rationalize. Kowalewky and Tsao (*op. cit.*, p. 5) indicate that the “quality” of the surficial materials becomes “... significantly better below an approximate depth of 9 feet ...,” whereas the geologic sections Kowalewsky (*op. cit.*, Plate 2) show about two feet of fill over “loose landslide debris” in turn overlying “firm slide debris.” The “significantly better material” to which he refers is pre-historic slide debris excavated as part of grading for the tract obtained from elsewhere in the local area.

However, as indicated by comparing Photos 4-1 and 4-2, the overlying 9-foot section in Lot 8 has certainly been placed as fill however inappropriate its texture according to modern grading code standards. Referring again to Kowalewsky and Tsao (*ibid.*) the section in Lot 8 is best regarded lithologically as 3.5 feet of compacted “moderately dense” blanket fill⁴, placed over poorly compacted fill that includes “... loose boulders and cobbles in a clayey sand matrix ...” that was “... found to be wet ...below 7 feet.” From this, it is clear that this boulder material is reworked slide debris and the wet section was due to semi-perched ground water over a section of slide debris of locally relatively low permeability.

Furthermore, it seems likely from Figure 4-1 that grading for Tract 26263 in the vicinity of Piedra Chica Road involved placing fill over a thin section of pebbly soil that had been part of the surface soil prior to grading. It is to be noted that since the height of the slope in the rear yard of adjacent Lot 2 is about 15 feet, the base of the section shown in Figure 4-1 is about 6 feet above the surface of the Lot 2 rear yard.

In a City Geotechnical Review Sheet, rather the same view of BRM land-

⁴ “Blanket fill” is fill the contractor places over the relatively rough graded surface of an underlying section of fill to provide for landscaping , playing areas, driveways, walkways, and similar uses requiring a level surface..

slide stability was expressed by Dean and Doyel (2005, p. 2) who, as a condition of Building Plan-Check approval, required simply: [i] that any existing evidence of distress in the property that would require special mitigation measures must be addressed, and [ii] assurance that the proposed redevelopment would not involve “enlargement” of the existing OWTS system which is “NOT permitted.”

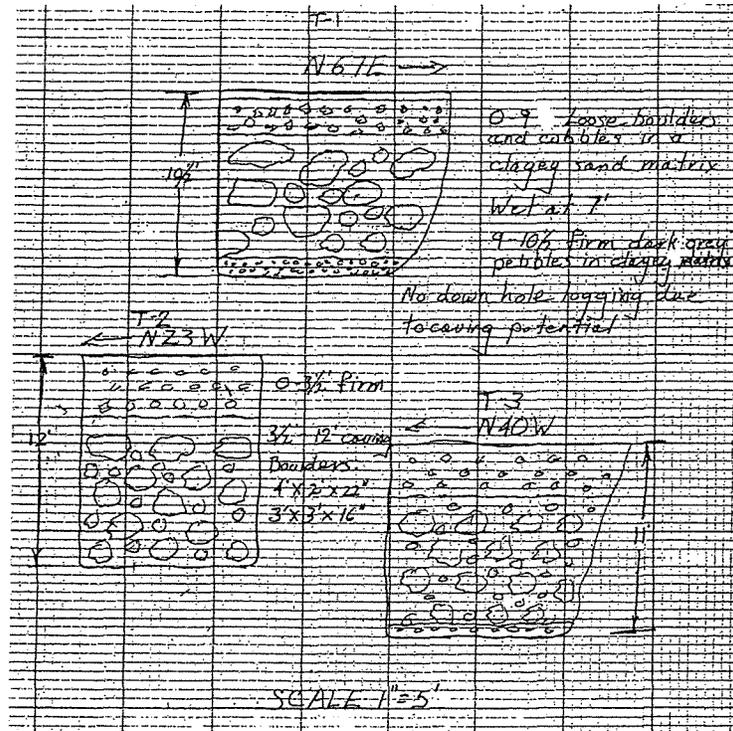


Figure 4-1. Graphic Trench Logs, Lot 8 (Kowalewski and Tsao (2005))

It seems fair to say that in the absence of any practical way to directly investigate the stability of the BRM landslide debris mass, the City, like that of the County before it, has adopted a policy allowing continued occupancy and redevelopment in reliance, generally, on the findings of BYA Staff (1992, p. 7-9, Tables 7-1, 7-2) to wit:

“... The prevailing safety factor of the primary slide surface of the main BRM landslide is 1.25. The factor of safety will decrease if ground water levels are allowed to due to in part or all of the existing dewatering system becoming inoperative, or increased recharge as a result of successive wet years or increases in irrigation/sewage infiltration”

with the expectation that the dewatering system will be maintained.

4.4.2.2 OWTS System Installation

Slutske (2006) conducted an investigation to determine the suitability of the “upper pad area” of Lot 8 for the disposal of effluent from an OWTS facility. From six test trenches (*op. cit.*, 3rd and 4th unnumbered pages) reasonably well located so as to assume typical conditions, the two least permeable samples were submitted to Liston and Katibah (2006) for grain size analysis. The samples were determined to be Soil Type II of the Unified Soil Classification System and hence rated “GOOD” with an assigned soils absorption capacity of 4 gallons per square foot per day.

Apparently, a drain field of so far undetermined dimensions was installed and according to Kowalewsky and Cai (2017, p. 5) now receives effluent from a MicroSepTec Model E-6 tertiary treatment tank with a capacity of 600 gallons per day (gpd) as recommended (*op. cit.*, 2nd unnumbered page). Presumably, as shown in Sakahara - Allen plans (Allen, 2018, Sheet 2), the E-6 unit is installed in the 20238 driveway and connected to the Slutske (*op. cit.*) drain field in Lot 8 by lines running along the northwestern side of Lot 9.

4.4.3 Akbar-Navabi Redevelopment Proposal

Following installation of the spreading system in Lot 8, a period of some twelve years elapsed before additional redevelopment of 20238 was proposed by the Akbar/Navabi interests. According to Sakahara - Allen Architects (*op. cit.*, Sheet A0.0), the redeveloped 20238 floor area would be increased thirty seven percent - from 3,078 to 4,223 square feet, by adding a separate structure at approximately the same location as that shown in the Spoliansky plan. Although the Sakahara - Allen plans supplied may not be complete, it is understood that there would be no increase in the number of bedrooms or fixtures. Further, from Sheet 2 (*op. cit.*), the location of the Model E-6 - left unclear from the data supplied for the Spoliansky effort - is in the 20238 driveway.

4.4.3.1 Geology

In support of the currently proposed redevelopment of 20238 Piedra Chica Road, Kowalewsky and Cai (2017) expand somewhat on the discussion of seismic conditions by Kowalewsky and Tsao (2005). Generally, they simply accept the tentative findings by BYA Staff (*ibid.*), asserting that,

“...(A)lthough minor creep rate movement is occurring, that was anticipated in the Bing Yen report. In spite of the creep rate movement, Bing Yen calculated that east mesa to have a safety factor of 1.2”

It is to be noted that during this investigation, Lot 2 was up for sale and unoccupied, and the grounds are physically well secured against casual entry. Therefore, the condition of the rear yard slope with regard to seepage has not been observed as part of this review.

4.4.3.2 Lot 8 OWTS Redesign

Although the Spoliansky redevelopment was never accomplished, the OWTS system that was to serve it was installed and has been in use for the past 12 years. The currently proposed redevelopment, although similar to that considered by Spoliansky, also specifically indicates that the number of bedrooms and fixtures will not be increased. Nevertheless, a substantial part of the redevelopment now being considered by the Navabi-Akbar interests is that of increasing the capacity of the existing OWTS.

Apparently in anticipation, GeoConcepts, Inc. was asked by the Navabi-Akbar interests to retest Lot 8 for infiltration capacity. In a report by Barratt and Walter (2017) he recommendation for a more sophisticated percolation test system was based on a “squirt height” method to support a more efficient use of drain field area using pressurized laterals. Whether the results are the basis for recommending connection to the Slutske laterals or replacing them is unclear. Most relevant for present purposes, Barrett and Walter found no ground water to a depth of six feet

and are of the opinion seasonal high ground water would not adversely affect the proposed dispersal field (*op. cit.*, p. 3). Further, (*op.cit.*, p. 5) based upon their subsurface data, they state:

“... the proposed anticipated effluent from the proposed subsurface drip areas will not cause instability to the site and will be safe from landslide, settlement or slip-page, and will not adversely affect adjacent property provided this corporation’s recommendations and those of the City of Malibu and Uniform Building Code are followed and maintained.”

Based on the data the foregoing data, as well as the Sakahara-Allen plans, Nabavi-Akbar requested ENSITU Engineering to review the 20238 OWTS. In response, Yaroslaski (2017) prepared a detailed report clarifying the anticipated usage for both a design capacity for three bedrooms and 55 fixture units and four bedrooms and a maximum capacity of 60 fixture units. In supplemental data sheets dated August 9, 2017, 3,775 square feet of subsurface drip dispersal and a design capacity of 2,502 gpd were determined to be appropriate (*op. cit.* p. 4) all keyed to Sakahara – Allen plan Sheet A2.1 dated July 26, 2017. Accordingly, the existing MicroSepTec ES6 unit was deemed suitable (Yaroslaski (2017, p. 6; attached Design Summary Table, August 9, 2017 data sheet). However, for reasons not appearing in the record so far reviewed, Yaroslaski (2018) later expressed concern that the existing MicroSepTec E06 might not have an adequate tank size and therefore might require replacement. In the following discussion, reference to Photo 4-3 may be found helpful.

4.4.4 OWTS Analysis Limitation

The entire analysis regarding the existing and proposed OWTS for 20238 so far reviewed, while adequate in a site-specific sense, does not address the fundamental problem presented by Lot 8, that of a perched condition which unquestionably limits the extent to which it may be useful for spreading OWTS effluent without either ground-water “mounding” or otherwise flowing in response to the gradient gener-

ally southeast from Lot 2. It is fair to say that although the most direct recharge to the fill in which the entire spreading system in Lot 8 is from Lot 9, a certain amount also move into Lot 8 from Lot 7 and conceivably also from beneath Piedra Chica Road.



Photo 4-3. Vicinity of Akbar/Nabavi Property, Tract 26263

A - Footprint of proposed addition; P - patio; OS - original septic system. Lot 2, and parts of Lots 1 and 3 are as estimated 12 -20 feet lower in elevation as Lot 8. Short arrows indicate postulated seepage vectors roughly at the fill-slide debris contact or "daylight line." Photo: Google Earth Pro modified.

To quantify such a phenomenon, a series of piezometers set directly at the bases of fills along Piedra Chica Road as well as in several bordering lots is probably the only practical means to quantify the perched condition. Conceivably, a central collection system based on such observations could be installed as a type of

dewatering system to keep the perched condition at a safe elevation and flow direction. However, until more is determined regarding the perched condition in Lots 8, 9, and 10 - where its presence is undeniable - any modification of an OWTS such as that now under consideration regarding 20238 should remain under consideration.

* * *

PART III - CONCLUSIONS

The field data developed for this review, although only of a reconnaissance character, justify the conclusion that the evidence most reasonably implies renewed movement of the slide debris mass as a unit, rather than simply indicative of localized internal readjustments of stress, although both conditions could be occurring simultaneously. Certain fractures apparent today in repaired pavements laid ten years or more after initial stabilization of the BRM landslide, *i.e.*, those shown in Photos 2-1, 2-3, and 2-4, even if conceivably due simply to internal stress adjustments, are considered to indicate incipient movement of BRM landslide debris mass *per se*, because they occur exactly along or very close to those of the originally mapped peripheral contact.

The badly deteriorated condition of the BRM dewatering system - carefully documented in the annual Fugro monitoring and management reports over the past five years, if not longer - is to be regarded without more as symptomatic of a single overriding defect of the way in which AD 98-1 has been managed, *i.e.*, a failure to rehabilitate. Furthermore, not nearly enough is done to limit the extent to which ground water saturates the subsurface both in the slide debris mass and almost certainly in a section underlying the mass as well.

The proposed redevelopment of 20238 Piedra Chica Road is a case in point. Throughout the BRM area, enlarging developments accompanied by a departmental policy of Public Health, or Public Works, or both, that simply forbids increased water usage of a redevelopment over that which applied originally - apparently a sort of honor system - which while perhaps politically or sociologically acceptable elsewhere in Malibu, certainly has no place in the BRM area where only pious assurances are acceptable to the City while ignoring the necessity to increase the water demand due to the occupancy of those four bunk beds in the room labeled on the plan: "Library," or some such similar ploy.

The fact that water currently imported to the BRM system is well in excess of that when the BRM landslide occurred, should be taken as a warning that slide reactivation is imminent. The force that caused the failure in 1983 may have been far more than that now sufficient to reactivate the main slide debris mass. It is to be presumed that a basal surface now exists that has significantly less shear strength than that which was overcome in 1983.

5.0 SLOPE STABILITY CONCERNS

The dewatering system now produces a fraction of the volume it did originally. While that was the huge volume of ground water that was originally readily available when dewatering began, there is no assurance that with the currently increasing recharge rise in recharge the slide mass would respond as it did originally, *i.e.*, in the original slide-inducing ground-water conditions of that time. . In fact, it is virtually certain that it would not, because the force now necessary to renew massive movement - which conceivably might be catastrophic – could be less, and possibly far less, than that which induced the movement of the now well defined slide debris mass that may have begun as early as the late 1970s.

5.1 APPLICABLE FAILURE MODELS

There are essentially two mechanical models of the manner in which the 1983 BRM landslide occurred. Model 1 postulates the 1983 movement to have occurred along a series of previously existing and more or less coalescing shear surfaces the strengths of which was effectively a function of a relatively low “average” coefficient of friction and very little cohesive strength. Model 2 postulates the 1983 movement to have occurred partly along those previously existing shear surfaces to the east, but also along one or more surfaces a surface higher in the slope to the northwest where coherent sections of bedrock had both a high coefficient of friction as well as a high cohesive strength.

The problem then is obvious. If Model 1 applies, the matter is less serious because the ground water condition now sufficient to reactivate the mass should be about the same as in 1983, and now that condition no longer applies because of the millions of gallons that were drained during the initial dewatering. However, if Model 2 applies, the matter is very serious because the amount of ground water to activate the mass now is far less than that which caused the failure in 1983.

The stability of a slope failing as a shear landslide such as that which has occurred in the BRM area is a difficult matter to analyze because of the various types of lithologic materials that are involved. In fact, the standard determination of the safety factor which depends of the Coulomb expression for shear strength and its effective stress modification by Terzaghi - as better rationalized by Hubbert and Rubey (1959) - are to be considered, but they may not even apply. Local conditions are such that the safety factor can only be approximated for the mass. It is not a criterion upon which to rely in deciding AD 98-1 management issues.

5.2 REDUCED SAFETY FACTOR

Whereas the force that originally was necessary to initiate the BRM landslide may have had to overcome the relatively high shear strengths of various bedrock sections, that necessary to reactivate movement along the newly formed basal surface of shear could be far less in accordance with Model 1 (Sec. 5.1, *supra*). The safety factor of the BRM landslide mass has never been accurately determined, and probably cannot be without a major investigative effort that almost certainly would simply verify that which is now apparent, *i.e.*, the dewatering effort is insufficient to assure stability. Only opinions have been expressed concerning what safety factor might be achieved as a result of dewatering sufficiently. Furthermore, such determinations probably are unnecessary. Rather, costs should be directed to rehabil-

itating the existing dewatering system sufficiently to meet sudden conditions such as a radical increase in rainfall intensity of which the area is known to be capable.

Current evidence strongly suggests that the safety factor of the BRM landslide debris mass is close to unity. Whereas evidence of movement such as that observed on Pinnacle Way, or in some residential structures, or in some surrounding grounds, may represent simple local stress readjustments within fill or locally in the slide debris mass, those close to or along perceived contacts of the original slide mass indicate that the mass is responding at least to a localized decrease in shear strength along the basal slide surface.

5.3 BASE FAILURE SIGNIFICANCE

It has been clearly established that the BRM landslide is a base failure (Sec. 2.3.4.1, *supra*). It is unfortunate that neither the DAE emergency study nor the BYA analysis considers the fact that this presents a special opportunity to employ a means of stabilization other than simply reducing the driving force by dewatering. Because shear landslides fail progressively upslope rather than instantaneously, if a lowermost section of a potential slide mass can offer a sufficiently high resisting force, the force tending to induce failure might not be great enough to overcome it.

Specifically, with regard to the BRM landslide, buttressing the seaward-sloping main slide mass by increasing the slide-resisting force that the lowermost landward sloping section of the mass exerts should increase the safety factor significantly. Figure 5-2 illustrates the concept. From the figure, the force tending to induce failure exerted by Mass D must overcome the resisting force of Mass R for sliding to occur. Consequently, a means to increase the resisting force R conceivably might serve to stabilize the entire BRM slide by preventing movement along its basal surface at the toe, but if not, certainly increase the driving force necessary to cause movement. The possibility of increasing R was not considered by either

Whether the slide surface is actually that shown in the figure by the half-arrow, or along the red dashed line between S-S' which may be more likely, is less important than the fact that the existence of the cone of depression greatly increases the effective stress¹ along either. As shown in the figure, the cone of depression would decrease the degree of saturation and as a consequence increase the effective stress along the basal surface of failure.

In other words, lowering the saturated zone anywhere beneath PCH anywhere in the vicinity of the BRM slide mass increases the effective stress and hence its resistance to shear movement generally, and along the existing basal surface of shear in particular.

5.4 REGIONAL GROUND-WATER EFFECT

The effect of the regional ground-water zone of the Santa Monica Mountain mass on the BRM landslide has never been addressed.² The fact that bedrock aquifers of the Santa Monicas are relatively low producers is irrelevant when considering the effect of any saturated bedrock zone on the BRM landslide mass. It is the buoyant force produced - not the permeability of the mass that is significant where slope stability is concerned of concern.

Nor is whether the basal slide surface of the BRM landslide is permeable or not of concern. If it is permeable, regional ground water adds as natural recharge to the saturated section of the existing debris mass debris thereby making dewatering more difficult to accomplish; on the other hand, if the basal surface is impermeable, the regional zone acts by hydrostatic pressure to reduce the frictional resistance of the mass upon which the basal surface rests thereby, as the result of the

¹ The principle of effective stress, a modification of the Coulomb expression for shear strength, is best demonstrated by Hubbert and Rubey (1959) who show that shear strength is reduced by the presence of groundwater in permeable mass due to buoyancy that reduces the normal stress and hence the frictional shear strength of the saturated mass.

² It is to be noted that of the nine water wells of the Ocean Mutual Water company supplying the BRM area in the 1950s, one was in Piedra Gorda Canyon and probably hence not far from the lower BRM area.

effective stress principle, decreasing the frictional strength along the basal surface. In fact, it was probably the effect of an unusually well-developed saturated zone in the mountain mass adjacent to the shore that initiated the original and subsequent episodes of pre-historic landsliding that preceded the historic BRM failure.

* * *

6.0 ASSESSMENT DISTRICT CONCERNS

Assessment District 98-1 effectively an organism and should be understood as such. It encompasses three distinctly different physical, and by analogy, political, areas: the upper BRM area, the lower BRM area, and the coastal area. By way of further analogy, the AD 98-1 document as it specifically applies to the 1913 Act, can be advantageously regarded as a constitution, with the City of Malibu the head of government. Like all organisms, AD 98-1 functions in different ways, and technically with regard to dewatering it has malfunctioned for at least the past ten year or so, and probably earlier than that. Lacking any close connection or recent technical experience in the BRM area, the following conclusions seem technically relevant and justified although clearly subject to revision as more data becomes available.

6.1 FUNDAMENTAL MANAGERIAL PROBLEM

The fundamental problem that AD 98-1 appears to present is an apparent lack of meaningful communication between: [i] BRM property owners; [ii] boots-on-the-ground Fugro monitoring and maintenance staff; [iii] City entities charged with AD 98-1 managerial responsibility. From the point of view of an outsider who knows very little about the political terrain of City government, but quite a bit about landslides, it seems fair to say that the City is not managing AD 98-1 effectively, and if that continues, the BRM landslide will reactivate, possibly soon and conceivably catastrophically.

This state of affairs is perhaps best explained by the assumption that as a result of the BYA study and detailed report, the BRM landslide problem was deemed to have been solved. But even a cursory examination of the record demonstrates that even with its excellent approach, the tentative character of the BYA analysis is quite clear - and with good reason: conditions change. The following is worth re-

peating (BYA Staff, *op. cit.*, p. 9-1):

The low currently prevailing factors of safety in the BRM area, the above described potential effects of rising groundwater levels and the potential accumulation of groundwater within existing cracks are a constant reminder to the citizens of the BRM area of the shared responsibility to minimize groundwater recharge by reducing effluent recharge, filling cracks, improving surface drainage to reduce surface water infiltration and diligently maintaining the existing wells and hydrangers.

To reiterate, the data indicate that current water importation, ostensibly about 170 percent of what it was when the BRM landslide occurred. The overriding issue is: why, in the face of annually repeated Fugro warnings that the dewatering system is badly deteriorated, has the Malibu City Council, as the agency ultimately responsible for management of AD 98-1, failed to take the necessary remedial steps authorizing rehabilitation of the dewatering system?

In view of the annual mantra-like notifications by Fugro of the need for extensive rehabilitation of the BRM landslide dewatering system, the City has yet to authorize dewatering system rehabilitation despite its AD 98-1 managerial responsibility. The reason for its continued failure to do so despite repeated warnings challenges the imagination.

6.2 DETERIORATED DEWATERING SYSTEM

It is clear from the Fugro annual monitoring and maintenance reports that the BRM dewatering system is extensively deteriorated. A quantification of the level of such deterioration is for present purposes unnecessary. Of the four operating wells, it is reported that currently only one dewatering well produces most of the flow. Reasons certain wells are no longer functioning are not specifically indicated. Figure 5-1 compares contours based on a limited number of observations from monitoring and maintenance data for 1989 and 2017.

During that period, dewatering has resulted in the 50-foot contour of the saturated zone in the lower part of the slide mass to have moved somewhat landward,

the 200-foot contour in about the middle part of the mass to have changed little seeming to fluctuate about a mean, and the 500-foot contour high in the mass to have remained at the same elevation. Such a plot showing the distribution of the 50-, 200-, and 500-foot contours, for example, compared with annual dewatering and imported water volumes, might be especially informative, but such an effort is well beyond the scope of this review. For present purposes, it suffices to say that dewatering system appears to have reached a condition of maximum capacity

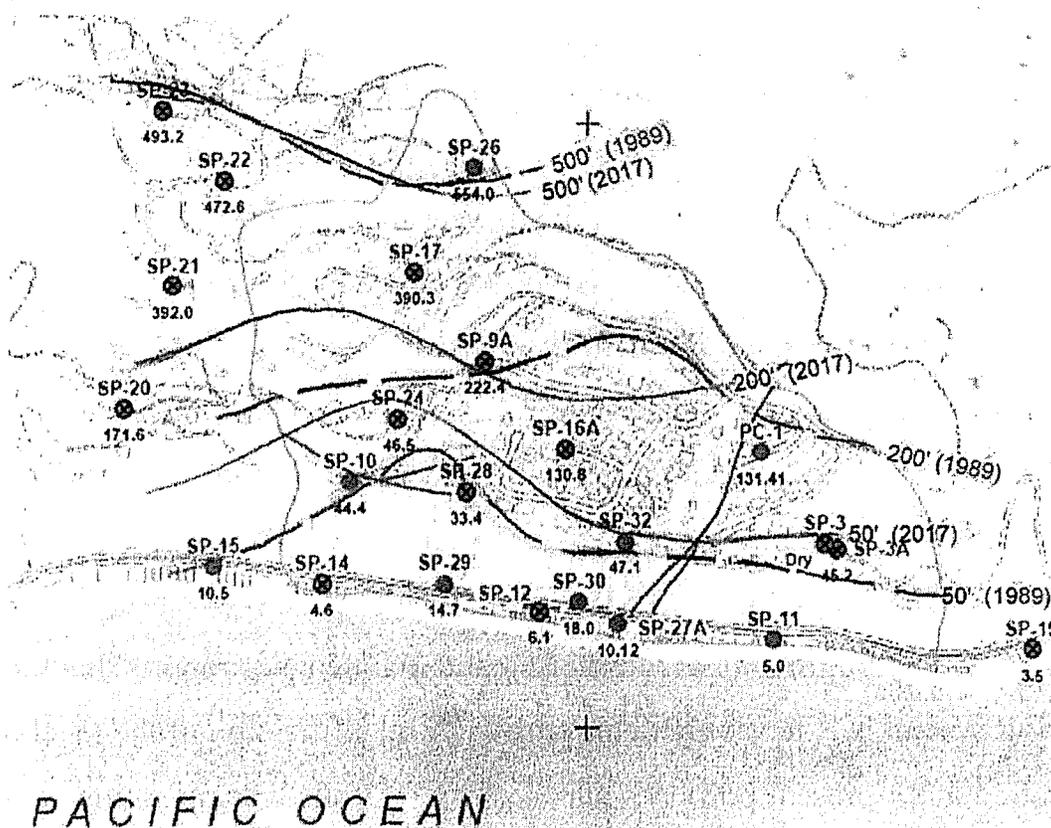


Figure 5-1. Walter Level Change 1989 - 2017.

Furthermore, there is very little production from the hydraugers which, so far as is the immediately available record indicates, in the past eight or nine years may have once were once “cleaned,” whatever that means (Taussig, 2012, Ex. A, III. I.), but probably never been flushed and swedged although professional opin-

ions regarding the desirable frequency of such renovation is in the range of about three to five years, further depending of course on the formations penetrated.

6.3 LIMITED SCOPE OF FUGRO REPORTS

Fugro is performing well, but its scope of work is limited to the monitoring and maintenance of a specified list of facilities. Nothing in Fugro's contractual duties calls for analysis of its observations, and Fugro makes it quite clear that from its annual monitoring and maintenance reports, under its AD 98-1 contract with the City, nothing is to be inferred regarding the continued stability of the BRM landslide debris mass specifically nor the BRM area generally. And for those who may wonder, that is not dodging professional responsibility, but simply good business; responsibility for the proper functioning of AD 98-1 lies strictly with the City of Malibu according to its terms consistent with the 1913 Act, as amended.

6.4 LACK OF FACILITY CONDITION SPECIFICITY

Although quite detailed in certain respects, comprehension by the average assessment district member would be increased if the conditions of the various dewatering facilities were described in somewhat greater more detail in the Fugro reports. For example, a more detailed description of the manner in which each dewatering well performs, or fails to perform, seems highly desirable. Such information would be very helpful in discussions assessment district member's discussions with City AD 98-1 representative reasonably to be charged with the duty of knowing something more than simply which dewatering wells are not functioning.

Similarly, if the record as I understand it from DTA fiscal year data, the hydraugers are long overdue for inspection and rehabilitation. At the very least, probing or borehole camera runs could indicate which hydraugers should be flushed and perhaps swedged to scrape away sections blocked by mineral deposits together so as to provide a basis for estimating costs.

6.5 REVISED AD 98-1 FUNCTION SPECIFICATIONS

The threshold issue is whether the manner in which the AD 98-1 functions is serving its ostensible purpose to *keep* the BRM area safe from renewed landsliding simply by operating and maintaining the deteriorating dewatering system. That this is apparently was the sole purpose of County Improvement District 2629R2 (Big Rock Mesa Area) and now AD 98-1. Yet, the conditions are such that the purpose of AD 98-1 is not fully realized. Four entities are involved that must function together if the stability of the BRM area is to be maintained. They are: [i] the City hierarchy both in its AD 98-1 managerial duties and developmental authority over the BRM area; [ii] Fugro in its monitoring and maintenance responsibilities; [iii] the BRMPOA in its role as funder as well as the entity in best position to independently observe, report, and investigate local conditions that arise because of the dynamic character of the area to be considered beyond the strictly limited function of Fugro; and [iv] independent review of AD 98-1 accounting analysis to see that funds are being allocated consistent with the special dynamic demands of the BRM area.

6.6 QUESTIONABLE BRM PROPERTY IMPROVEMENT POLICY

Routinely it appears, judging from data such as that simply plucked in an hour or so from the immediately available record and shown in Table 4-1, the City's policy regarding property improvement in the BRM area does not take into account the special need to keep water usage there within prudent bounds. Such a facility as Promises, the presence of which in a residential community is questionable in the first place, cannot explain the increased use of water which now is approaching twice that imported when the BRM landslide occurred. The present conditions appear serious enough as to consider temporary water rationing.

* * *

7.0 LOT 8 EFFLUENT SPREADING CONCERNS

The physical circumstances in Lot 8 of Tract 26263, so far as is known, are unique in the BRM area in that it has been found unsuitable for development because the underlying slide mass has insufficient permeability for a seepage pit to function properly. Nevertheless, it is understood that all successive owners of Lot 8 have maintained assessment fee payments, to date. The current use of the property since 2006 as an OWTS effluent disposal field presents two issues of concern for the local area. One is that it serves potentially as an example of unchecked man- sionization that has been developing for some years in the BRM area and cumula- tively must be having an adverse effect on the dewatering system. The other con- cerns the fact that a perched ground-water condition in the property – a condition that in fact probably exists elsewhere along Piedra Chica Road - has the potential to adversely affect conditions in neighboring properties to a greater extent than it has at any time in the past.

7.1 NON-CONFORMING USE

Use of Lot 8 for a drain field lacking the normally-required one hundred percent expansion area alternative area amounts to a non-conforming use that in normal circumstances would be impermissible. On the other hand, it is understood that the present and previous owners have paid the annual assessments for both CI 2629R and AD 98-1. Consequently, it would seem to justify such use in this particular case so long as it does not result in measureable adverse effects on neighboring properties. The inability to examine the rear yard of Lot 2 as part of this review leaves this particular aspect of the matter conjectural.

7.2 INCREASED RATE OF EFFLUENT SPREADING

It appears that the seepage pit of the original Lot 9 septic system malfunctioned to such an extent that special conditions were required to control seepage from Lot 9

into Lot 10, Whether that condition has been ameliorated by abandoning the Lot 9 seepage pit as part of the transfer of the Lot 9 w OWTS to Lot 8 is uncertain, and an attempt to determine this from the City offices was met with a requirement of formally requesting information that has been regarded as too time-consuming for present purposes to pursue.

7.3 PERCHED GROUND-WATER CONDITION

There is little question that a perched ground-water condition exists in the vicinity of Piedra Chica Road. It certainly is possible, if not likely, that much of the septic system effluent generated there becomes perched when underlying sections of low-permeability slide debris fail to transmit downward at a sufficiently high rate. In such circumstances, ground-water equilibrium levels raise high enough to saturate the lowermost sections of the fills that underlie all of the lots along that road. When enough of the fill at its base becomes saturated, not only does the water flow in response to the local gradient – in this case generally southward – but under certain circumstances it also can cause the fill to compact somewhat resulting in surface settlement.

Such compaction occurs where the presence of clay, which in the unsaturated state acts as a cementing agent due to the bi-polar character of water molecules attracted to clay lattices. When saturation occurs, this cementing phenomenon is lost thereby eliminating the cohesive strength that opposes the loads of overlying structures as well as that of the fill itself. It is quite possible that particularly noticeable cracks in street curbs and other structures locally are a result of such settlement.

Apparently, this perched condition is especially noticeable in Lots 2 and 10 because the basal contact of the fill is exposed in adjacent slopes. The circum-

stances are such that an investigation to determine whether a community facility to collect and dispose of perched ground is feasible should be seriously considered.

7.4 LOT 8 EFFLUENT DISPOSAL VOLUMES

The question of why an increase in the size of the MicroSepTec E06 tank now in use in for 20238 Piedra Chica Road is being considered as reported by Yaroslask (2018) needs to be explained. Although considering the relatively high quality of the effluent from the MicroSepTec E06, the rate at which it now is being spread in Lot 8, such use does not appear to present an issue either of slope stability or health hazard, although the matter of trespass certainly needs to be considered, preferably based on the opinions of consultants working with attorneys for the respective parties as well as the opinions of experts.

However, as a point of departure, it needs to be understood that if one considers only Lot 8, the opinions expressed by Barrett and Walter (2017, p. 5) as to the safety of the site in terms of stability, such opinions are irrelevant with respect to the effects the proposed spreading may have on adjacent properties. In a word, opinions regarding how stability would be affected by spreading in Lot 8 are not probative of how such spreading would affect stability in adjacent properties.

* * *

PART IV - RECOMMENDATIONS

The bifurcated character of the BRMPOA's current concern having hopefully been made clear remains to suggest a proper course of action. Although the issues related to AD 98-1 management can only be considered at the City Council level, whereas that of the proposed 20238 redevelopment is a matter to be addressed - initially at least - at the departmental level, *i.e.*, Health, Planning, and Public Works, sooner or later a meeting of the minds of all will be necessary. For now, it should be the role of the BRMPOA to become informed at least enough to reach a consensus regarding: [i] the membership's awareness of conditions, and [ii] the manner in which the City is to be approached.

8.0 ASSESSMENT DISTRICT RECOMMENDATIONS

The circumstances are such that the relationship of the City *per se* to its duties under the 1913 Act needs clarification. Once again, the threshold issue to be clarified is: why, in the face of Fugro warning that the dewatering system is badly deteriorated, has there not been rehabilitation, especially when coupled with evidence on the ground that the safety factor is dangerously low? It is to be firmly understood that those of current authority in Malibu's government are inheritors of today's situation. They, as much as the AD-1 membership, need clarification.

8.1 AD 98-1 MANAGEMENT ANALYSIS

The specific language of AD 98-1 is almost certainly no longer relevant to the conditions of the BRM area. Prepared under the impression that properly administered it would thereafter assure stability of the BRM landslide debris mass, such an assumption appears to have been ill-founded if for no other reason that changes in economic conditions.

8.1.1 Local Planning Meeting

BRMPOA - on advice of Luan Phan, Kenneth Chiate, John Cadarette and perhaps other attorneys associated with the BRM area - needs an agenda for addressing

Mesa to at last set the stage for addressing the BRMPOA membership at large. Basic issues need to be established and formalized. In pursuing this, obtaining initial advice from one or more geotechnical professionals regarding the substance of the Initial Review would not be out of order.

8.1.2 Informal City Meeting

The City's position needs to be understood, especially since there is, if not accusation, at least a whiff of malfeasance. In such circumstances, initial, informal discussions with City officials at the appropriate levels seem advisable. Take notes.

8.1.3 Research

A browse through the 1913 Act and some Shepardizing - or whatever it's called these days - seems highly advisable. The more arrows in the quiver, the better.

8.1.4 AD 98-1 Funding

"Follow the money" is always good advice. A look over David Taussig's shoulder might be profitable as well as technically informative as even a glance at Exhibit A of Taussig (2018) would demonstrate. Zero dollars to rehabilitate the dewatering wells and hydraugers and \$100,000 to replace an inclinometer brings to mind a fiddling Nero.

8.1.5 Residential Improvement Policy

At least until the dewatering system is repaired, redevelopment permits inviting excessive use of household water with the preposterous paper limitation that the redevelopment should have the same number of bedrooms or fixtures should be eliminated. Consider informal water rationing to be demonstrated by voluntary distribution of water bills.

8.2 EXPANDED ASSESSMENT DISTRICT SCOPE OF AUTHORITY

Just as the DAE study was conducted on an emergency basis funded by an assessment district formed almost overnight, with what is known now, expansion of the AD 98-1 scope of authority should be possible with little effort. The 1913 Act, as

amended, describes the manner in which assessments are increased. Answers to the *how much* question are foremost to be established if the City is to act under its AD 98-1 managerial responsibilities.

8.3 BRMPOA COMMITTEES

It may be a stretch, but current conditions suggest that the BRMPOA is successor to the ill-fated MMDC which, in other circumstances, particularly *sans* MECH, might have prevented the BRM landslide, because it probably was MECH members which prevented the necessary the plus 60% vote that would have created the Lambie-suggested assessment district in 1971. The demise of MMUDC, should not be taken as an indication that such a technically undesirable or legally insignificant. In fact, the deed CCRs that resulted in the MMDC probably may still have relevance – a matter for the BRMPOA's counsel to consider.

In any event, community involvement is the best way to keep aware of AD 98-1 circumstance, and the best way to accomplish that is through committees. The BRMPOA needs committees to keep abreast of all matters concerning slope stabilization. Committees to review Fugro monitoring and maintenance reports and Taussig accounting reports come immediately to mind. Also a committee to keep the upper BRM area, the lower BRM area, and the coastal BRM area in touch seems like a good idea both to address interrelated technical matters as well as to form a political bloc of which the City would be bound to take notice. Do it.

* * *

9.0 TECHNICAL RECOMMENDATIONS

The work carried out during the tenure of D.A. Evans, Inc. stopped the BRM landslide, and the work of Bing Yen & Associates improved matters assuring safety in what was at that time, the near future. As strongly suggested by the record, the City in its AD 98-1 managerial cloak seems now to be presiding, albeit unintentionally, over vitiating the good work they did.

9.1 AREA-WIDE CONCERNS

Much can be done to extend what amounts to an introduction in the DAE and BYA to the problem of the BRM landslide. In the 28 years since completion of the study by BYA Staff events and time for reflection indicate the need for additional and quite specific studies extremely desirable if not absolutely necessary to assure continued stability.

9.1.1 Voluntary Water Usage Reduction

But by far most important today – now, this instant - is a voluntary reduction in individual water usages – less frequent household activities and in yard watering, an immediate reduction to one-third of that commonly practiced. All plants, I am told, have something called a “wilting coefficient” if I heard correctly. A landscape consultant on-site tomorrow for advice on the matter is strongly recommended – at the grass-roots level so to speak – if not the first order of business. For now, the BRMPOA’s primary effort should focus on less water use. The garden hose bib and the household faucet in the hands of the 400 – 500 individuals who make the BRM area their home is a very strong dewatering device.

9.1.2 Dewatering System Rehabilitation

The City, on the advice of Public Works should undertake such procedures that AD 98-1 either mandates or provides, to increase the assessment or reallocate funds to meet the necessary rehabilitation costs the conditions now demand. For

example, a rough estimate of the cost to rehabilitate *all* wells is \$50,000 including pump replacements. But more to the point, the AD 98-1 Exhibit A Budget Summary for fiscal year 2017-2018 (DTA Staff, 2018) says it all - \$100,000 to replace an inclinometer, and zero for all other capital improvements including water well replacements and hydrauger "cleaning."

9.1.3 Piedra Gorda Canyon Exploratory Dewatering Well

The presence of water beneath the BRM landslide debris mass can be at least as dangerous as the water that percolates into the mass. In most circumstances, it is not the weight of ground water that affects the stability of either an unfailed slope or one, such as in the BRM area, in which a mass of slide debris is present. Only if the debris mass has an effectively impermeable basal shear surface does water weight become a design variable. The question to be addressed is whether the regional ground-water zone in the adjacent mountain mass - and make no mistake, such a zone exists - is at an elevation high enough near the coast to have significant hydraulic continuity with the BRM slide mass. To determine this, an exploratory boring capable of being converted to a dewatering well should be considered. Research to determine the location of the Ocean Mutual standby well reported to have been located in Piedra Gorda Canyon should be a first order of business. In fact, it may still exist.

9.1.4 Hydrologic Balance Study

Since the question of ground-water inflow to the BRM area has never been investigated, a hydrologic balance for the slide area such as that performed during the DAE investigation is essentially a matter of speculation. However, with reliable ground-water inflow and outflow data in hand, the degree to which irrigation water is wasted could be determined as a critical variable in stability analysis. It is to be

noted that while the hydrologic balance commonly is considered in terms of annual use, it also might provide a means to limit irrigation seasonally.

9.1.5 Recharge Study

Aside from ground-water inflow recharge, a consideration of surface recharge is necessary in order to limit it to the necessary level. That over-irrigation is a common practice is so well established as to require no specific confirmation. The study of BRM area recharge amounts to investigating the consumptive use of the vegetation and a means to determine allocations of water use for domestic purposes and landscaping, both readily capable of investigation, but also – and possibly determinative of the problem - ground-water inflow.

The effort starts with a review of water-meter data and the number of individuals the meters serves. Whether or not the privacy of one's home is an issue in such investigation, the question is pertinent only if one has a home. But beyond all that, it is quite possible that failing to keep ground-water inflow low, thereby assuring a dangerously low safety factor, may effectively render all dewatering efforts simply a matter of academic interest.

9.1.6 Coastal Well Field Investigation

The natural buttressing effect derived from the base-failure character of the BRM landslide as has been discussed (Sec. 2.3.1, *supra*) and its potential for increasing the safety factor needs to be investigated. Generally consistent with the "Deep Dewatering Well Mitigation Scheme" of BYA Staff (1992; Fig. 9-2.2) in the sense of better determining subsurface conditions, the feasibility of establishing a shallow dewatering well field along PCH should be investigated by installing a test well along the north side of PCH at some convenient drill site west of a SI-7 and preferably in the vicinity SI-29. Such a test, coupled with measurements of nearby ground-water levels to determine the cone of depression, is highly desirable in or-

der to: [i] estimate the landslide resisting force that such pumping would induce, and [ii] determine feasibility.

9.2 PIEDRA CHICA ROAD PERCHED GROUND WATER

The problem of perched ground that early became apparent in the Piedra Chica Road area -, as initially discussed by Eagen and Brown (1972, p. 3) and later elucidated by Merifield (1972; 1973a, b) - has now emerged as an example of how mansionization, or its equivalent, while perhaps due to infect Malibu generally in the near future, is especially objectionable in the BRM area because of the increased use of water it demands.

The question is not just one of fairness but also of the special BRN area conditions of that can't be easily shoe-horned into a code of health or building and safety standards. Simply put, so long as a certain minor degree of OWTS perched effluent seeps to the surface in Lot 2 and perhaps also neighboring Inland Lane properties without adverse health effect, the physical risk it presents should remain minimal. This is especially a matter to be recognized in view of the fact that such perched ground water most likely comes not just from Lot 8 but other properties along Piedra Chica Road as well.

Judging from the MMDC-sponsored survey by Merifield (1973a), cracks in curbs and streets that were apparent along Piedra Chica Road in the early 1970s were common throughout much of Tracts 26263 and 28463; however, along Piedra Chica Road they were more noticeable. Eagen and Brown (1972, p. 3), following up on Merifield's crack survey stated:

“The only significant areas of cracking that might be attributed to causes other than normal shrinkage or construction type cracks were observed on Piedra Chica in the vicinity of Lots 6, 7, 14, and 15 (Tract 26263) Separations and cracks in the curbing as much as one inch horizontal and one-half inch lateral displacement were observed.”

With perfect hindsight, the conditions along Piedra Chica Road, not just cracks in curbs, but also significant structural damage in at least one house and reported minor separations in another, are attributable to periodically high perched ground water that locally has caused basal fill consolidation and consequent surface settlement thus inducing local excessive stress in parts of some structures.

9.2.1 Lot 8 Emergency Warning

It would be a simple matter to install a warning signal if perched ground water in Lot 8 were to raise high enough to threaten the stability of the slope along the rear yards of Inland Lane Lots 1 – 3 (see Photo 4-3). A quite simple such device would be a 3/4-inch PVC pipe installed in Lot 8 near the upper edge of the slope in Lot 2 to the base of the fill at a depth of about 9 feet.

A battery-powered light or buzzer, connected to a small cable installed in the pipe at a particular depth, would signal when a dangerous condition was about to develop, at which point Lot 8 would temporarily reduce OWTS effluent production or, alternatively, actuate one or more pumps, the intakes of which have been placed strategically with respect to the slope. Because of reported boulders in the fill, attempting to install the pipe by jetting should be done by someone with a great deal of patience. A consultant with experience in dewatering and slope stability should recommend the signal actuating depth.

9.2.2 Community Perched Ground-water Disposal Facility

Unusual circumstances call for unusual measures. An effective way to reduce perched ground water along Piedra Chica Road would be to install a gravel drain, also referred to as a “French drain,” but fitted a slotted drain pipe laid at the elevation of the fill-slide debris contact along the trench invert. Gravity-driven perched ground water would enter the gravel and then the pipe in the gravel. The gradient in the pipe would lead to an underground collection and treatment facility located -

ideally but not necessarily - in Piedra Chica Road cul-de-sac. Putatively, a 0.20-inch half-slotted 6-inch diameter Schedule 80 pipe would be ideal with the pipe slots, incidentally, facing downward to avoid silting. One or more drain clean-outs would be advisable.

The feasibility and specific design of such an installation initially would depend on data from a series of exploratory borings along the roadway to determine the depth of the fill, the gradient of its base and, of course, the presence of a perched zone. Supervision of the job would best be by Fugro since subsequent to installation, it occasionally require inspection and maintenance.

E.D. Michael
CG 270, EG 157, HG 574.

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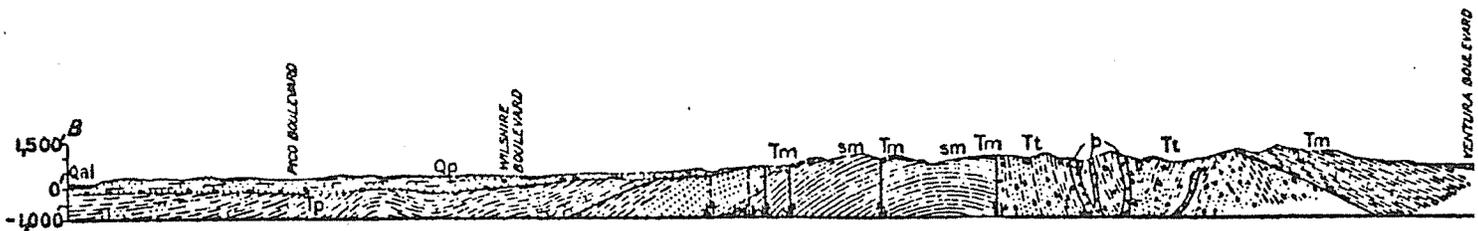
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* * *

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Donald B. Kowalewsky
ENVIRONMENTAL &
ENGINEERING GEOLOGY

April 10, 2017
 Job No. 15629J6.001

Resa Nabavi
 20238 Piedra Chica
 Malibu, CA 90265

SUBJECT: DESIGN LEVEL UPDATE TO: GEOTECHNICAL RECONNAISSANCE REPORT FOR PROPOSED ADDITIONS TO AN EXISTING SINGLE FAMILY DWELLING AT 20238 PIEDRA CHICA ROAD, LOTS 8 AND 9, TRACT 26263, MALIBU, CALIFORNIA.

INTRODUCTION

This office prepared a geotechnical report and addendum reports for a previous owner of the property. (See Appendix A, Site References). Those reports were reviewed by the City and accepted on 11/3/06 with the condition that final plans be reviewed, stamped, and signed by this office. The addition proposed at that time resulted in a house with three bedrooms, an office, and a new garage, but it was never constructed. New plans have been prepared for an addition to the single family residence which will result in a residence with a total of 3 bedrooms and an office. Since our previous reports were prepared, the City Geotechnical report guidelines and the Building Code have been modified. This document is intended to be an update to our former reports and is intended to address changes to both the guidelines and the Building Code.

The field exploration, and laboratory testing that was previously performed is sufficient for the currently proposed project. Therefore, no new field work was required other than recent observations of the site which indicated site conditions have not changed.

Our report dated 9/5/05 contained descriptions of the site physiography, drainage, earth materials, engineering properties of the earth materials, geologic structure, and geologic and seismic hazards. Except as updated herein, all of the previously described conditions remain the same. With the exception of Figures 1 through 4, and Plates 1 and 2, herein, all of our maps and figures remain the same, therefore, previous data and figures are not included herein. Our previous referenced reports should be considered as part of this document.

In order to avoid confusion and facilitate the use of this report, this document contains conclusions and recommendations which are dominantly the same as previously presented in our reports.

GEOLOGIC & SEISMIC HAZARDS

Mass Wasting

Our 9/22/06 addendum report provided a table to show the recorded movement in the 2004-2005 monitoring year in the slope inclinometers closest to the property. The following table (based on the November, 2015, Fugro Consultants, Inc. Big Rock Mesa monitoring report) shows recorded movement in inches in each of those same slope inclinometers since 2004.

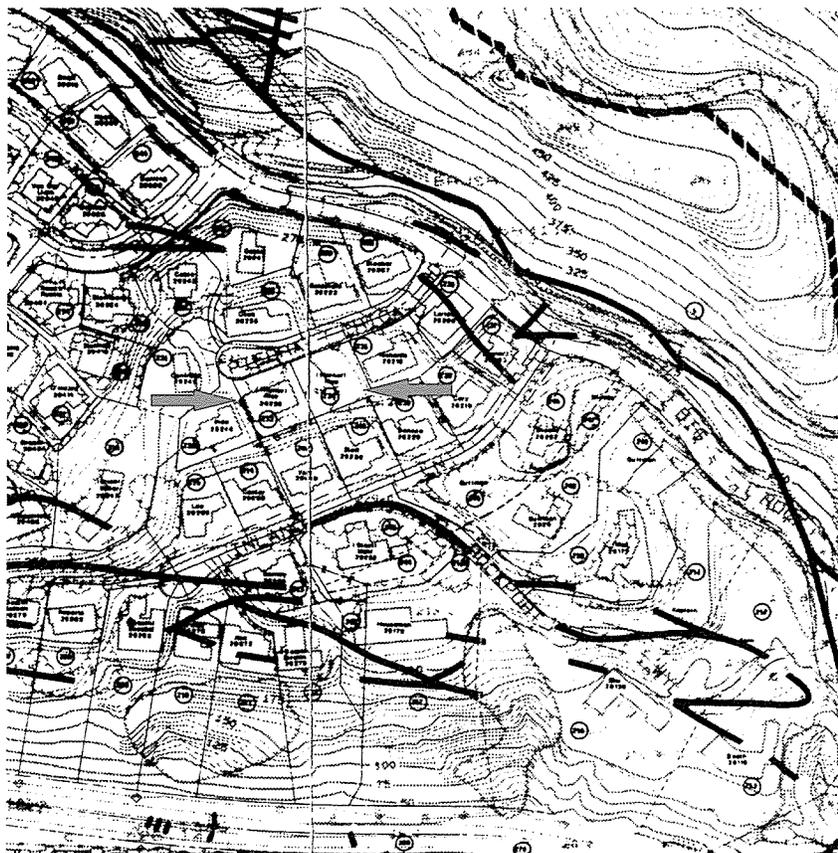
TABLE I

Inclinometer	Distance	Direction	Depth of movement
SP-33	425 feet	south	210 feet
SP-3A	500 feet	southeast	161 feet
SP-32	650 feet	southwest	162 feet
SP-16A	833 feet	west	170 feet

Year	Inclinometer #			
	SP-33	SP-3A	SP 32	SP-16A
2004-2005	0.06	0.1	0.02	0.06
2005-2006	0	0	0	0
2006-2007	0.1	0	0	0
2007-2008	0.1	0	0	0
2008-2009	0.1	0	0	0
2009-2010	<0.1	0	0	0
2010-2011	<0.1	0.2	<0.1	0
2011-2012	0.2	0.2	0.2	0
2012-2013	0.2	<0.1	<0.1	<0.1
2013-2014	0.2	<0.1	<0.1	<0.1
2014-2015	0.2	<0.1	<0.2	<0.1
Total	1.3"	0.65"	0.52"	0.2"

The maximum recorded movement for the 10 year time span was less than 1.5 inches at a depth of 210 feet. This amount of displacement, at depths over 160 feet, has not been represented as distinct ground displacement. There are no visible signs of geologically related distress in the existing residence, onsite pavements, or the adjacent street pavements that could be attributed to the 2005 to 2015 displacements recorded by the slope inclinometers.

During the same time frame, groundwater monitoring has show that ground water levels have remained essentially the same or dropped in the east mesa area. This suggests that the risk assessment provided by Bing Yen in their 1991 report has not changed. Although minor creep rate movement is occurring, that was anticipated in the Bing Yen report. In spite of the creep rate movement, Bing Yen calculated the east mesa to have a safety factor of 1.2. During strong earthquake shaking, total permanent displacement of the east mesa area was determined by Bing Yen to be on the order of ½ foot. Based on past movement in the Big Rock area, ground displacement would most likely be represented by the opening of ground cracks in the same areas as previously mapped (Figure 1).



Bold lines = Ground cracks
Site shown by arrows

Figure 1. Ground crack map
Bing Yen, 1991

Seismic Hazards

Since our 9/5/05 report was prepared, updated seismic design parameters have been generated. The effects of strong ground shaking on structures can be minimized by utilizing current Building Code design. In accordance with Chapter 16 of the California Building Code, 2016 edition, seismic factors for proposed construction were determined based on site specific and regional geologic conditions. Seismic factors presented in the following Table II and Appendix E-2 can be utilized by a structural engineer for seismic design. These parameters are based on ASCE 41-13 Retrofit Standard BSE-2N. Site class D is justified by comparing the rock type (sandstone in landslide debris) with S wave velocities provided by SCEC and USGS Professional Paper 1360.

TABLE II

<u>Seismic Factor</u>	<u>Value*</u>	Reference
Site Class	D	IBC Table 1613.5.2
Site Coefficient Fa	1.0	IBC Table 1613.5.3(1)
Site Coefficient Fv	1.5	IBC Table 1613.5.3(2)
Mapped Spectral Response Acceleration		
at 0.2 second Period (S _s)	2.238g	
at 1.0 second Period (S ₁)	0.819g	
Maximum Considered Spectral Response Acceleration		
at 0.2 second Period (S _{ms})	2.238g	
at 1.0 second Period (S _{m1})	1.229g	
Design Spectral Response Acceleration		
at 0.2 second Period (S _{DS})	1.492g	
at 1.0 second Period (S _{D1})	0.819g	
Seismic Design Category	E	IBC Sec. 1613.5.6
Site location	Latitude 34.0394, Longitude -118.6134	

*Acceleration values are from the “USGS.gov/hazards/design/buildings.php” calculator

A map showing the estimated ground accelerations that occurred in the area during the 1991 Northridge earthquake was prepared by Fugro Consultants and is presented herein (Figure 2). That map indicates the site underwent a ground acceleration of 0.35 g, significantly less than the ground accelerations presented in Table II.

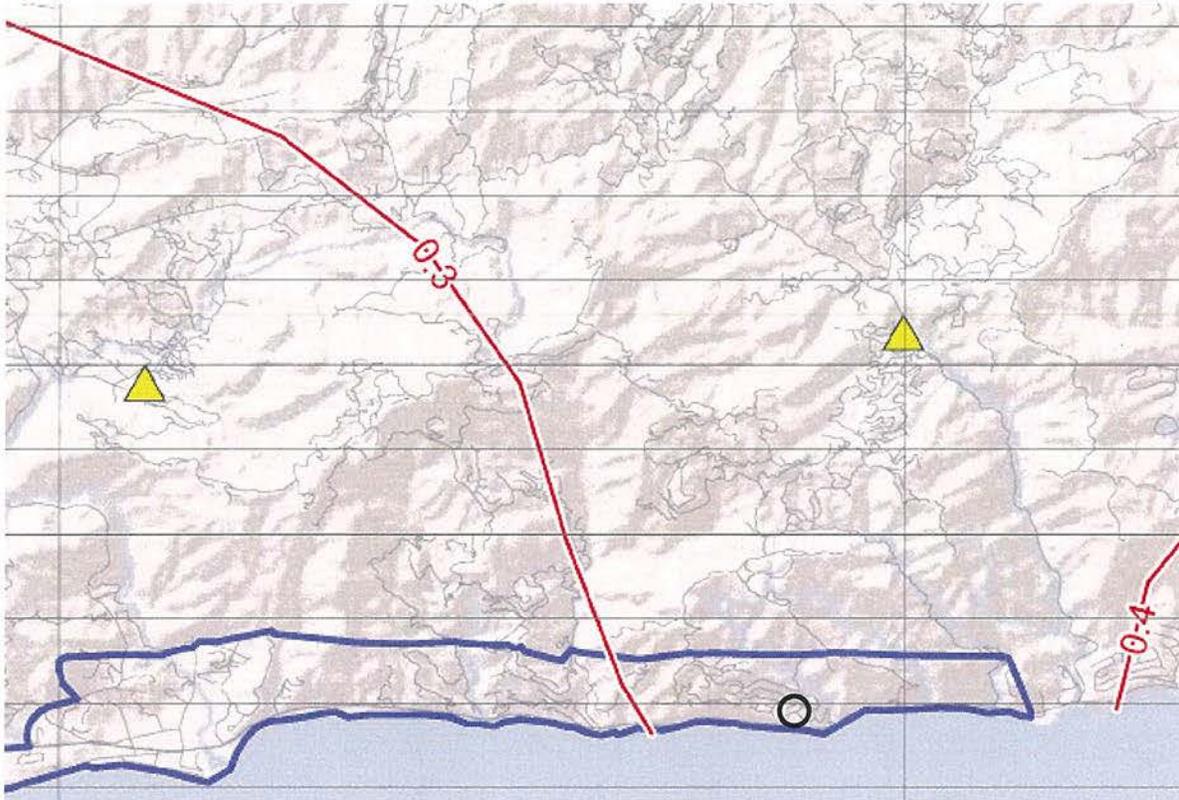


Figure 2. Map of ground accelerations caused in this area by the Northridge earthquake.
Fugro Consultants, 2013. **Site in circle**

ON-SITE WASTEWATER SYSTEM

Subsequent to the preparation of our 9/5/05 report, two geologic memoranda were prepared by this office to discuss changes to the previously existing system (dated 9/9/06 and 1/23/07). Based on our findings, a tertiary treatment, geoflow, shallow drip irrigation system was approved by the City and installed. That system was designed to accommodate the same number of bedrooms as currently proposed. Therefore, no changes to the size of the existing system are needed. A portion of the distribution field will be moved. The new area is immediately adjacent to and west of the other portion of the existing field. That location should function in the same manner as the existing field and its location is acceptable to this office.

CONCLUSIONS

This report was prepared with the understanding that the City will allow additions to existing single family residences in the Big Rock Mesa area without the necessity for site specific stability analyses or other mathematical calculations to demonstrate the site's stability. From an engineering geologic standpoint, proposed construction of an addition and retaining walls is considered feasible. As required by the City Building Code, it is the finding of this office that: provided the following recommendations are incorporated in the plans and implemented, the proposed construction will be reasonably safe from future damaging landslide movement with the possible exception of movement related to seismically induced permanent landslide displacement. In order to reduce the potential effects of earthquake shaking, the structure should be designed in accordance with current building codes and the values given in this report. Because the site does not have a slope stability safety factor equal to or greater than 1.5, the City previously required signing and recordation of a hazard waiver and it anticipated that a similar waiver will be required at this time.

Provided our recommendations are incorporated in design, proposed development will not adversely affect offsite property.

Because poor quality earth materials were encountered in the upper 9 feet of the upper pad, those earth materials should be penetrated with deepened foundations so that the proposed addition will not be subject to unacceptable differential settlement.

Onsite earth materials can be excavated by heavy duty grading equipment. A standard backhoe had difficulty with the large boulders encountered. Exploratory trenches could not be safely entered due to caving potential of the loose bouldery soils. Caving should be anticipated in these earth materials, with some over break in trenches or borings used to penetrate these materials with deepened foundations.

RECOMMENDATIONS

The following recommendations should be incorporated into development plans.

1. Minor grading will be needed to create the building pad. No cut or fill slopes are planned.

2. Structural support should be derived from the firm landslide debris located at a depth of 9 feet below the ground surface of the upper pad (Lot 8). Support can be achieved from friction piles designed in accordance with the following.

- a. Friction piles should have a minimum diameter of 24" and a minimum depth of 10 feet into firm landslide debris.
- b. An allowable skin friction of 300 psf can be used in pile design.
- c. Friction piles must be designed for a minimum lateral load equal to an equivalent fluid pressure of 43 pound per cubic foot over that portion exposed to loose soils, upper 9 feet. Any surcharge from structures or live loads must be considered by the structural engineer in addition to the above lateral load.
- d. For piles supported by firm landslide debris, a friction coefficient of 0.35 and a lateral passive earth pressure of 250 psf/ft, to a maximum value of 1500 pounds per square foot, may be used to resist lateral loads.
- e. For design of isolated piles with spacing (center to center) greater than 3 times the diameter of the pile, the allowable passive earth pressure may be increased by 100%. When combining friction and lateral passive earth pressures, the passive earth pressure component should be reduced by one-third.
- f. Piles should be tied together in a minimum of two directions with grade or tie beams.
- g. Piles may be assumed fixed at a depth of 2 feet into firm landslide debris which is approximately 11 feet below the existing ground surface.
- h. All pile excavations should be observed and approved by the project geologist prior to placing steel and pouring concrete. It is essential that the sidewalls of each boring are clean of drill cake (soils plastered on the sidewall by the drill bit).

3. Slabs on grade should be constructed as follows:

- a. Existing soils are considered to be compressible and should be removed beneath future slabs on grade. (Interior building slabs, decks, and walkways). Not removing these layers can result in future differential settling of slabs, walkways, and pavement due to increased pressures due to natural wetting of the soils.

- b. Slabs should be designed for a minimum 4 inch thickness, reinforced with a minimum of # 4 bars at 16" on center both ways, or approved equivalent.
 - c. Consideration should be given to thickening and reinforcing edges of patio slabs and walkways. Thickened edges should be a minimum of 12 inches deep.
 - d. Slab reinforcement should be properly supported to assure desired mid-height placement.
 - e. The subgrade should be pre-moistened to near optimum moisture content prior to pouring concrete.
 - f. Approximately 2 inches of wet sand should be placed over the subgrade.
 - g. It is recommended that a minimum 10 mil plastic vapor barrier be used for interior floor slabs. The vapor barrier should be placed on the sand.
 - h. Crack control joints should be created in exterior slabs and walkways.
4. Retaining walls should utilize the following in design.
- a. Footings should be continuous with a minimum depth of 24 inches into dense landslide debris.
 - b. Allowable vertical bearing pressures for foundations supported by dense landslide debris is 1500 pounds per square foot. These loads include dead and real live loads. The vertical bearing capacity can be increased by one-third when considering short duration wind or seismic loads.
 - c. For structural footings, the allowable vertical bearing capacity in item b. above can be increased by 300 pounds per square foot for each additional foot of footing width or embedment depth to a maximum of 3000 pounds per square foot.
 - d. For footings founded into dense landslide debris, a friction coefficient of 0.35 and a lateral bearing of 250 pounds per square foot per foot of depth into these earth materials, with a maximum of 1500 pounds per square foot can be utilized to resist lateral loads.

e. When combining passive earth pressure and frictional resistance, the passive earth pressure component should be reduced by one-third.

f. Earth pressures on walls retaining level, self drained, earth material or backfill can be designed using the following. Triangular distributed equivalent fluid pressure can be utilized in the design of non-restrained retaining walls. Retaining walls up to 6 feet high can be designed for a triangular-distributed equivalent fluid pressure of 45 pounds per square foot per foot of depth (psf/ft) for static loads. Seismic force can be resisted by using inverted triangular distributed EFP of 31 psf/ft. (See Appendix B). The illustration of triangular-distributed equivalent fluid pressure for static and seismic design are shown on Figure 3.

g. Any anticipated superimposed loading within a 45° (1H:1V) projected plane upward from the base of the wall shall be considered as surcharge and provided for in design.

h. All retaining walls shall have adequate back drainage. This shall consist of weep holes at the base of exterior walls or perforated pipe and gravel for walls which form an interior wall. All drainage shall be collected and diverted away from the proposed wall in non-erosive devices.

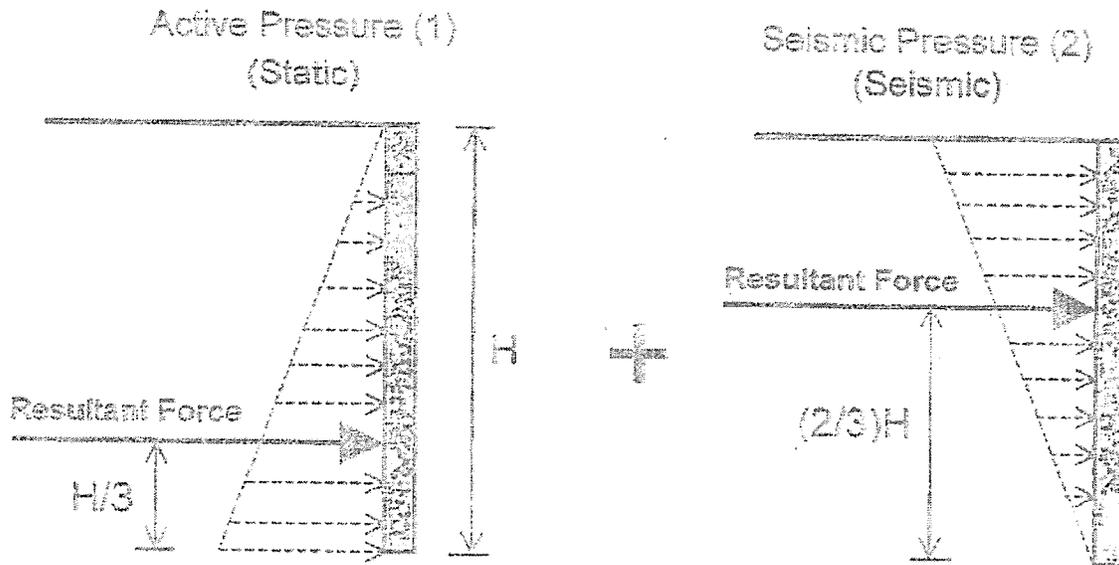
g. Backfill behind retaining walls shall be gravel to within 12 to 18 inches of the top of the wall. The upper 12 to 18 inches shall be a compacted soil of low permeability (Figure 4).

j. Excellent water proofing is recommended at the back of all retaining walls.

5. All surface drainage shall be carefully controlled to prevent ponding within the site. No water shall be allowed to flow uncontrolled down slopes. Yard drainage should be intercepted and conducted via non-erosive devices to the street. Drainage must conform to and be reviewed by Malibu City plan checkers. Specific recommendations and detailed plans should be provided by your civil engineer or a landscape architect. All underground plumbing should be absolutely leak free.

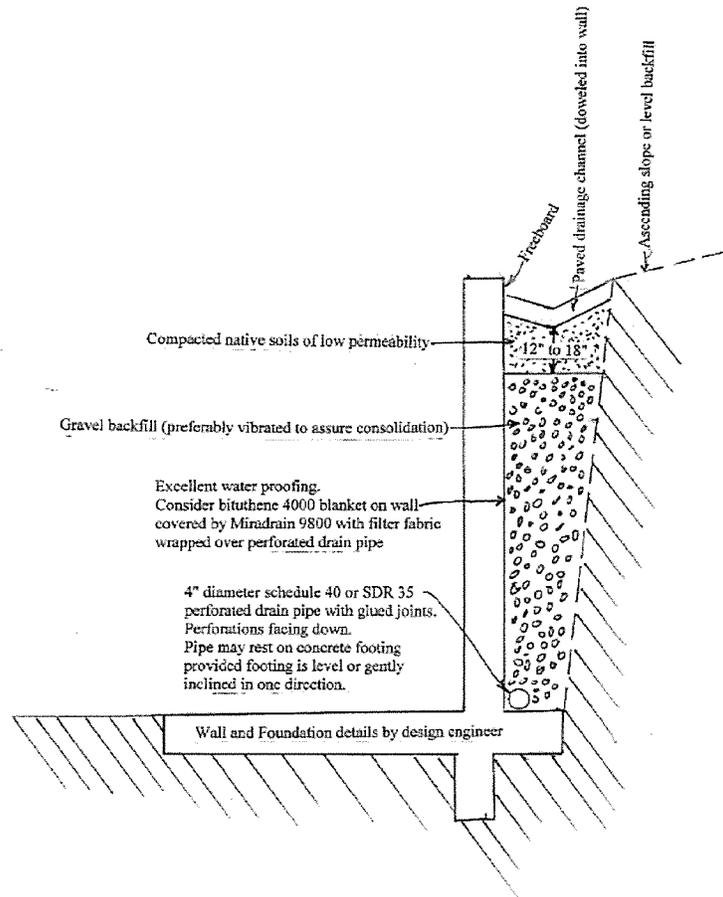
6. Caving was observed in the test pits. Particular care should be taken when excavating and working around excavations in the event of possible caving. All applicable criteria of OSHA and other industrial safety guidelines shall be followed.

NON-RESTRAINED WALL



- (1) Active Pressure = 45 psf per foot of depth
Point of Resultant Force is at $H/3$ from Base of Wall
- (2) Seismic Pressure = 31 psf per foot of depth (inverted)
Point of Resultant Force is at $(2/3)H$ from Base of Wall

FIGURE 3. Lateral force for non-restrained wall (static and seismic).



RETAINING WALL DRAINAGE DETAILS

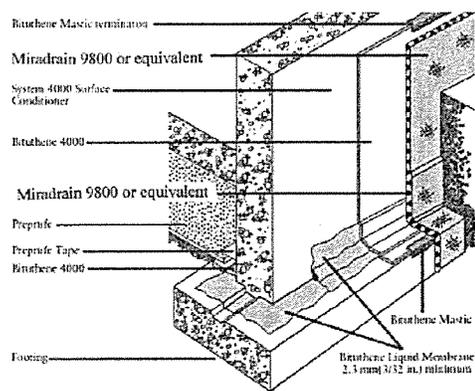


Figure 4. Retaining wall backfill and drainage details

7. Building plans should be reviewed by this firm prior to submitting to the City for plan check to assure that our recommendations have been properly shown on the plans.

8. As a requisite for use of this report, all foundation excavations shall be inspected by an engineering geologist from this firm to verify that recommendations in this report are complied with. If adverse conditions (which were not anticipated) are encountered, additional recommendations will be made at that time.

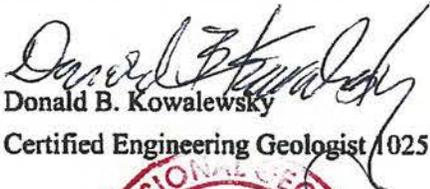
9. This firm should be notified a minimum of 2 days prior to the start of construction. A joint meeting between the client, contractor, architect, and geotechnical and geology consultants is recommended prior to the start of construction to review foundation and drainage plans, discuss specific procedures and scheduling.

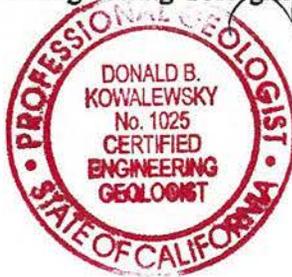
LIMITS AND LIABILITY

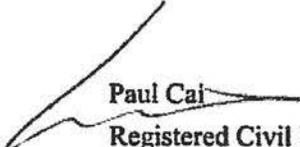
The conclusions and recommendations submitted in this report are based in part on our data/report review, subsurface exploration, and geologic evaluation. The nature and extent of variations in subsurface conditions may not become evident until construction. If variations then appear evident, it will be necessary to reevaluate the recommendations in this report. Please be aware that the fee for our services to prepare this report do not include additional work which may be required such as plan review, additional testing, footing excavation observations, etc. Where additional services are requested or required, you will be billed for any equipment costs and on an hourly basis for consultation and analysis.

In the event that any changes in the nature and design, or other developments are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report modified or verified in writing. This report is issued with the understanding that it is the responsibility of the owner, or his representatives to ensure that the information and recommendations contained herein are called to the attention of the architect and engineers for the project and incorporated into the plan and that the necessary steps are taken to see that the contractor carry out such recommendations in the field.

This report has been prepared for the exclusive use of Resa Nabavi and his authorized agents for construction of an addition to a single family residence at 20238 Piedra Chica, Malibu, California. This report has been prepared in accordance with generally accepted engineering geologic and soils engineering practices as practiced in the City of Malibu. No other warranties, either expressed or implied, are made as to the professional advice under the terms of this agreement.


Donald B. Kowalewsky
Certified Engineering Geologist 1025




Paul Cai
Registered Civil Engineer 80352



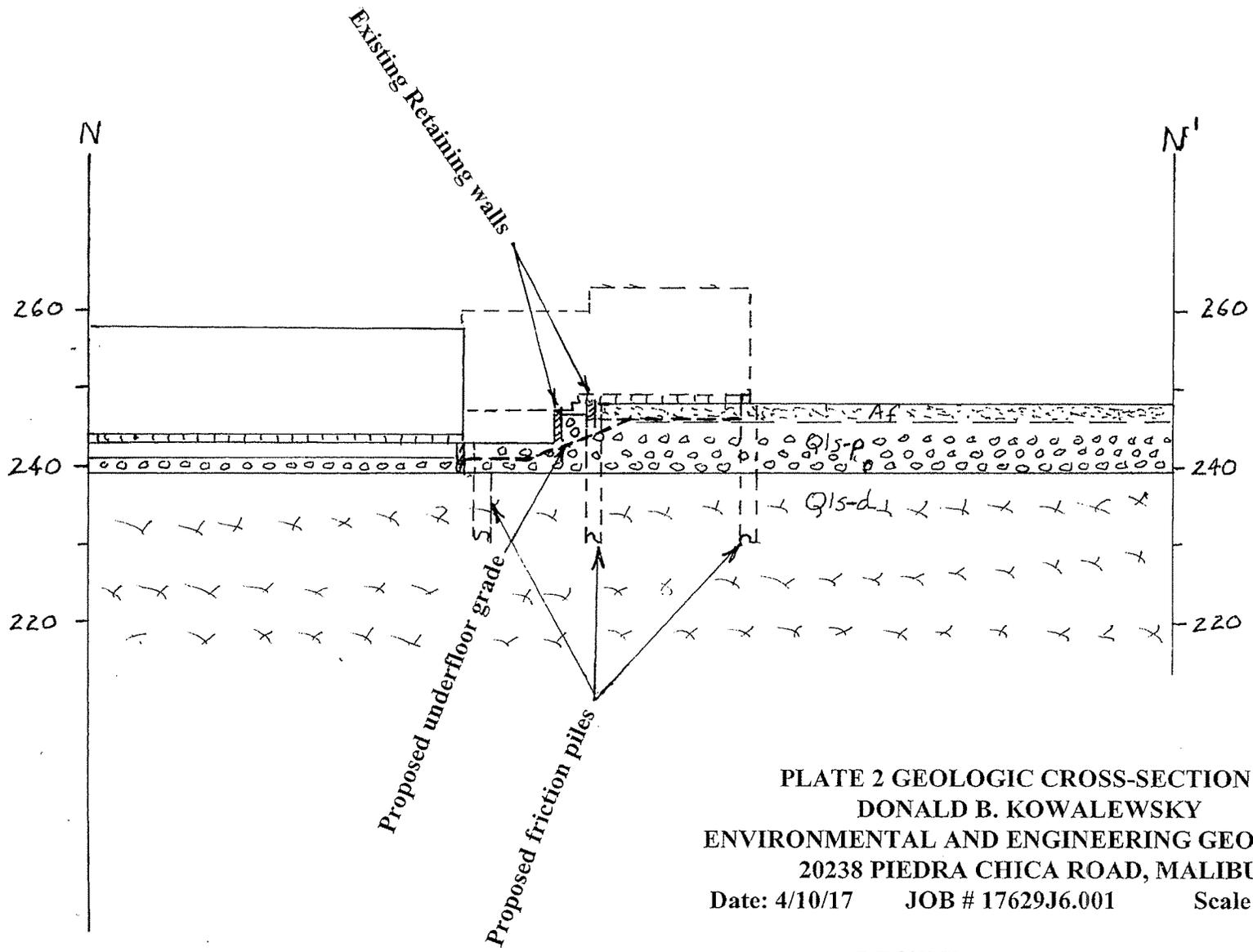


PLATE 2 GEOLOGIC CROSS-SECTION N-N'
 DONALD B. KOWALEWSKY
 ENVIRONMENTAL AND ENGINEERING GEOLOGY
 20238 PIEDRA CHICA ROAD, MALIBU
 Date: 4/10/17 JOB # 17629J6.001 Scale 1"=20'

- LEGEND**
- Af Earth Fill
 - Qls-p Landslide Debris-Poor quality
 - Qls-d Landslide Debris-Dense

Solid line = Existing dwelling
 Dashed line = Proposed addition

APPENDIX A

SITE REFERENCES

1. Donald B. Kowalewsky, 9/5/05, Geotechnical reconnaissance report for proposed additions to an existing single family dwelling at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California.
2. Donald B. Kowalewsky, 5/5/06, Addendum to: Geotechnical reconnaissance report for proposed additions to an existing single family dwelling at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California.
3. Donald B. Kowalewsky, 7/13/06, Memorandum concerning foundation construction at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California.
4. Donald B. Kowalewsky, 9/9/06, Memorandum concerning septic system location relative to garden walls at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California.
5. Donald B. Kowalewsky, 9/22/06, Addendum II: Response to City of Malibu review sheet dated April 21, 2006 regarding “Geotechnical reconnaissance report for proposed additions to an existing single family dwelling at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California”.
6. Donald B. Kowalewsky, 1/23/07, Memorandum concerning onsite wastewater disposal at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California.
7. Donald B. Kowalewsky, 12/20/07, Addendum to: Geotechnical reconnaissance report for proposed additions to an existing single family dwelling at 20238 Piedra Chica Road, Lots 8 and 9, Tract 26263, Malibu, California. Specifically for proposed spa on Lot 8.

Equivalent Fluid Pressure (Free Body Diagram Method)

Program Made by C. Y. Geotech, Inc. (Version 16.0)

Project Name:

CYG-17-8234 6 feet Retaining Wall / Level / Static (Soil)

GEOMETRY OF CRITICAL ACTIVE WEDGE:

Height of the Retaining Wall	=	6 feet
Slope Angle of Retained Slope	=	0 degree
Dip Angle of Critical Wedge	=	56 degree

SHEAR STRENGTH PARAMETERS:

Unit Weight	=	137 pcf
Cohesion	=	120 psf
Friction Angle	=	30.5 degree
Mobilized Cohesion	=	80 psf
Mobilized Friction Angle	=	21.4 degree

REQUIRED FACTOR OF SAFETY = 1.5

RESULTS

Dip Angle of Critical Slip Surface	=	56 degree
Total Weight of Active Wedge	=	1663 lbs
Frictional Resistance (Cm * L)	=	579 lbs
Required External Force for Wall	=	491 lbs
Required Equivalent Fluid Pressure	=	27.3 psf/ft

**** Rankine Wedge is not the most critical wedge ****

RECOMMENDED EFP VALUE:

Triangular-Distributed EFP	=	45 psf/ft
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Calculation to Determine EFP for Design of the Retaining Wall Under Seismic Condition

$$\begin{aligned}\text{Seismic Active Earth Pressure} &= 2 \times 3/8 \times \gamma \times K_h \\ &= 6/8 \times \gamma \times K_h = 0.75 \times \gamma \times K_h\end{aligned}$$

Where γ = unit weight of retained earth material
 H = retaining height of retaining wall
 K_h = seismic coefficient
 $EFP_{(seismic)}$ = Seismic Active Earth Pressure

In accordance with California Building Code K_h is $1/2 (Sds/2.5)$
 Sds is the Design Spectral Response Acceleration at 0.2 Second Period
 $K_h = 0.30$ When $Sds = 1.492$ $K_h = 1/2 (1.492 / 2.5) = 0.30$

When $\gamma = 134$ (soil) and $K_h = 0.30$
Seismic Active Earth Pressure = $0.75 \times 134 \times 0.30 = 30.2$ psf/ft say 31 psf/ft

The seismic force should be assumed acting at $0.6 H$ above the wall base. H is the retaining height of the retaining wall.



Planning Commission
11-04-19

**Item
3.A.1.**

Commission Agenda Report

To: Chair Uhring and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner *JT*

Approved by: Bonnie Blue, Planning Director *BB*

Date prepared: October 24, 2019 Meeting date: November 4, 2019

Subject: Coastal Development Permit No. 18-002 – An application for an interior and exterior remodel of a single-family residence and associated development (Continued from October 21, 2019)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone

APN: 4450-013-084

Owners: Reza Nebavi and Maryam Akbar

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 19-25 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system (OWTS), and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

DISCUSSION: On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission requested a clarification on the California Building Code Section 110.2.3.4. This section deals with additions to property in a historically active landslide area and limits additions to no more than 25 percent of the gross floor area of the structure. The Planning Commission directed staff to verify that the calculation of the allowable size of the project's addition was made correctly, and to return with a resolution to approve the project on the consent calendar.

The subject property is located in the Big Rock Mesa Landslide Assessment District. The question was whether the existing residence's attached garage should be included in the 25 percent calculation to determine the allowed size for an addition. In the project presented to the Commission, the garage was included in the calculation.

The issue is a difference in terminology between the City's zoning code and the building code. In the City's zoning code, the term gross floor area excludes areas used for parking and is applicable to commercial development. The building code does not distinguish between habitable and non-habitable areas (such as parking) with respect to calculating gross floor area.

Since the subject project is located within a landslide area, per the building code, the gross floor area – including the garage square footage – is the appropriate basis for calculating the 25 percent addition allowed.

The attached correspondence from the City's Environmental Sustainability Director/Building Official and City geotechnical staff confirm that staff's calculations for the subject project were performed correctly, including the garage.

The proposed resolution approving the project is attached.

ATTACHMENTS:

1. Planning Commission Resolution No. 19-25
2. Correspondence from City of Malibu Environmental Sustainability Director/Building Official, dated October 23, 2019
3. Correspondence from City geotechnical staff, dated October 23, 2019

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 19-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT NO. 18-002 TO ALLOW FOR AN INTERIOR AND EXTERIOR REMODEL AND 770 SQUARE FOOT ADDITION TO AN EXISTING 3,453 SQUARE FOOT SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A COURTYARD, BALCONY, EXTERIOR STAIRS, GROUND MOUNTED MECHANICAL EQUIPMENT, FENCING, PERMEABLE PAVERS, GRADING, RELOCATION OF THE DISPERSAL FIELD FOR AN EXISTING ONSITE WASTEWATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPING, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20238 PIEDRA CHICA ROAD (REZA NEBAVI AND MARYAM AKBAR)

The Planning Commission of the City of Malibu does hereby order and resolve as follows:

SECTION 1. Recitals.

A. On September 20, 2017, an application for Coastal Development Permit (CDP) No. 18-002, submitted to the Planning Department by applicant Sakahara Allen Architects, on behalf of the owners Reza Nebavi and Maryam Akbar. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.

B. On October 10, 2018, staff visited the site to view the story poles and the surrounding neighborhood.

C. On March 4, 2019, the project was deemed complete.

D. On March 13, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On March 21, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On March 25, 2019, prior to the Planning Commission meeting, the project was continued to a date uncertain. The project was continuance allowed for a geotechnical report prepared by E.D. Michael to be submitted by neighbors to be reviewed by City Geotechnical staff.

G. On June 4, 2019, City geotechnical staff determined that the report as it relates to the proposed development did not provide data to justify the report's conclusion that the proposed project should not be denied.

H. On September 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On September 10, 2019, the applicant requested the continuance of the subject item, to allow the project geotechnical engineer to be present on the date of the hearing.

J. On September 16, 2019, the Planning Commission Regular Meeting was adjourned to October 7, 2019.

K. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On October 7, 2019, The Planning Commission continued the item to the October 21, 2019, Planning Commission meeting.

M. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission directed staff to verify that the calculation of the allowable size of the project's addition was made correctly including the garage based on California Building Code Section 110.2.3.4 and to return with a resolution to approve the project on the consent calendar.

N. Subsequently, staff confirmed with the Environmental Sustainability Director/Building Official and City geotechnical staff that the calculation was made correctly, including the garage.

O. On November 4, 2019, the resolution was presented to the Planning Commission on the consent calendar for adoption.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) interior and exterior alterations, 15301 (e) additions to existing structures and 15303(d) - New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) local implementation plan (LIP) sections 13.7(b) and 13.9, the planning commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP no. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping; located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, 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)

1. The proposed project is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project, as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project is the least environmentally damaging environmental alternative.

D. Hazards (LIP Chapter 9)

1. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage, including the garage. City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9. An "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. 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 project will neither be the subject to nor increase the instability of the site or structural integrity from geologic, flood, fire or other hazard.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design. The project meets City requirements and standards.

3. The project, as conditioned, is the least environmentally damaging alternative, in that it maintains the existing structure and the addition complies with the requirements of both the MMC and LCP. Additionally, the associated development does not require any discretionary requests.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by City geotechnical staff, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on the site.

SECTION 4. Planning Commission Action

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-002 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. Remodel of the existing 3,453 square foot single-story single-family residence (including attached garage);
 - b. Demolition of seven percent of exterior walls (17.5 linear feet);
 - c. A 770 square foot addition up to 18 feet in height;
 - d. Total Development Square Footage (TDSF) 4,223 square feet;
 - e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
 - f. New balcony;
 - g. New exterior stairs;
 - h. New courtyard;

- i. Front yard fence (28 linear feet not to exceed 42 inches in height solid, up to six feet in height, view permeable);
 - j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);
 - k. 918 square feet of permeable paving; and
 - l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the OWTS, it can be permitted. New turf areas are not permitted.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **September 26, 2018**. 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/or 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 plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 1, 2019 Planning Commission 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 Sustainability Department for plan check.
7. This CDP shall expire 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 agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. 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 Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. 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, have been exhausted.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

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 MMC Section 17.54.040(D)(1)(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.

Site-Specific Conditions

15. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).
16. Exterior lighting must comply with the Dark Sky Ordinance and 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.
17. Night lighting for sports courts or other private recreational facilities shall be prohibited.
 18. 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 shall not produce an illumination level greater than one foot candle.
 19. 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.
 20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
 21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
 22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Demolition/Solid Waste

23. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
24. 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.
25. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
26. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
27. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a

six month period. Dust control measures must be in place if construction does not commence within 30 days.

28. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
29. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
30. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Biology/Landscaping

31. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace the existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" are NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc.)
32. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. 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).
35. No non-native plant species shall be approved greater than 50 feet from the residential structure.
36. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
37. Up-lighting of landscaping is prohibited.

Grading/Drainage/Hydrology (Geology/ Public Works)

38. 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:

- a. Public Works Department general notes;
 - b. 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);
 - c. 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;
 - d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
 - e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan as required by the City Biologist;
 - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for fill slopes; and
 - g. 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.
39. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. This plan shall include and Erosion and Sediment Control Plan (ESCP) that include, but not limited to:

Erosion Control Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Control Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

40. 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.
41. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
42. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Geology

43. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff 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 geotechnical staff prior to the issuance of a grading permit.
44. Final plans approved by the City geotechnical staff 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 (OWTS)

45. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
46. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).
47. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

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48. 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 on-site 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 OWTS 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;
 - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
 - e. Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
49. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

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50. The following note shall be added to the plan drawings included with the OWTS final design: "Prior to commencing work to abandon, remove, or replace the existing OWTS components, an 'OWTS Abandonment Permit' shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents."
51. 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 City Environmental Sustainability Department.
52. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
53. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
54. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
55. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

56. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Construction / Framing

57. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
58. 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.
59. 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 will be rinsed off prior to leaving the property.
60. 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.

Deed Restrictions

61. 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 landslide area 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 the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

62. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
63. 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.

Fixed Conditions

64. This coastal development permit shall run with the land and bind all future owners of the property.
65. 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. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 4th day of November 2019.

STEVE ULRING, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeals) 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-25 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 4th day of November 2019 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary



City of Malibu

MEMORANDUM

To: Jessica Thompson, Associate Planner

From: Yolanda Bundy, Environmental Sustainability Director/Building Official

Date: October 23, 2019

Re: California Building Code Section 110.2.3.4

It is the City's interpretation that as per amended code section 110.2.3.4 of the City of Malibu ordinance refers to the gross floor area of the structure. This gross area includes habitable and non-habitable spaces.



City of Malibu

MEMORANDUM

To: Jessica Thompson, Associate Planner
From: Christopher Dean, City geotechnical staff
Date: October 23, 2019
Re: California Building Code Section 110.2.3.4

Since the site lies within the active Big Rock Mesa Landslide, the project falls under jurisdiction of Section 110.2.3.4. of the Malibu Building Code (adopted from the County of Los Angeles Building Code, for projects located in geotechnically hazardous areas). That section of the Code limits additions to 25% of the permitted square footage of the residence, including the garage.



Planning Commission
12-02-19

**Item
3.A.1.**

Commission Agenda Report

To: Chair Jennings and Members of the Planning Commission

Prepared by: Jessica Thompson, Associate Planner *JT*

Approved by: Bonnie Blue, Planning Director *BM*

Date prepared: November 21, 2019 Meeting date: December 2, 2019

Subject: Coastal Development Permit No. 18-002 – An application for an interior and exterior remodel of a single-family residence and associated development (Continued from November 4, 2019)

Location: 20238 Piedra Chica Road, not within the appealable coastal zone

APN: 4450-013-084

Owners: Reza Nebavi and Maryam Akbar

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 19-25 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping for the single-family residence located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road (Reza Nebavi and Maryam Akbar).

DISCUSSION: On October 21, 2019, the Planning Commission held a public hearing on the subject application, and directed staff to verify that the calculation of the allowable size of the project's addition was made correctly, based on California Building Code Section 110.2.3.4, and to return with a resolution to approve on consent calendar.

On November 4, 2019, Planning staff and the Environmental Sustainability Director/Building Official presented evidence to demonstrate the project was compliant with California Building Code Section 110.2.3.4. The Planning Commission directed staff to provide further clarification regarding the total gross floor area of the residence that existed prior to July 6, 1968 and requested written verification of the verbal testimony given from the Environmental Sustainability Director/Building Official regarding the definition of "gross floor area."

The Environmental Sustainability Director/Building Official determination regarding how to determine the size of the subject residence is detailed in Attachment 2. The California Building Code defines **Gross Floor Area** as follows:

The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

Ca. Building Code Section 2.201

Building Code Section 110.2.3.4 (Attachment 3) utilizes the above definition of gross floor area in the determination of how large the proposed addition can be. To determine the size of the existing home, staff has utilized Los Angeles County Tax Assessor records, aerial photographs, building permits, and current project plans and site surveys. As shown in the photographs below, the footprint of the building does not appear to have changed between 1967, 1993, and 2019 (Figure 1).

Figure 1 Historic Aerial Photographs



September 10, 1967¹



November 1993²



October 21, 2019³

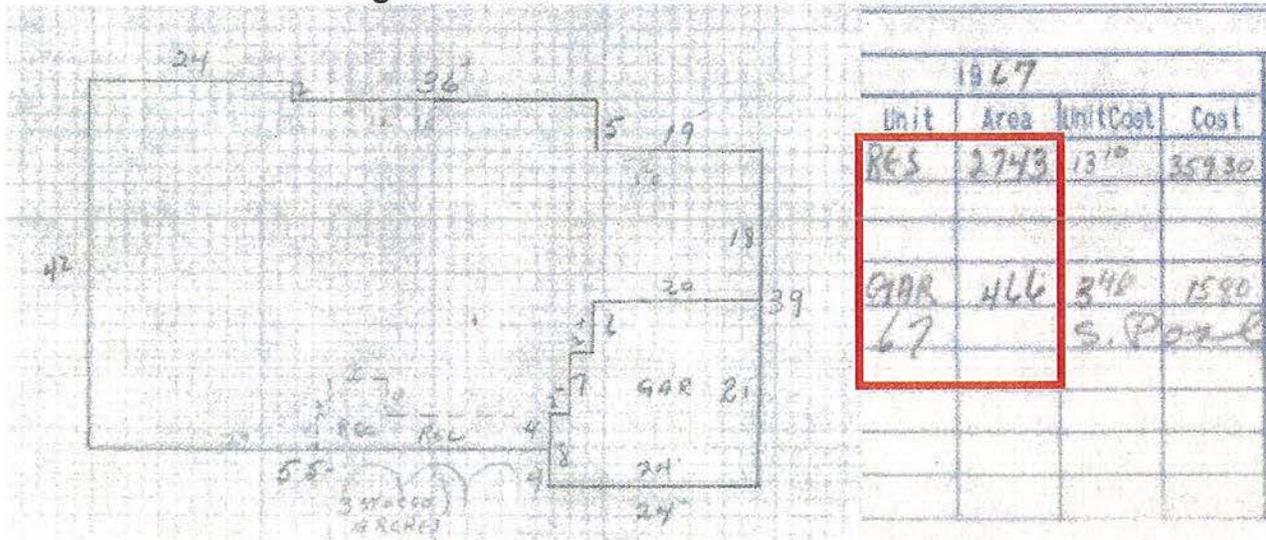
¹ Source: UC Santa Barbara Library http://mil.library.ucsb.edu/ap_images/ami-la-67/ami-la-67_1794.tif

² Source: City of Malibu 1993 Aerial Photographs

³ Source: Connect Explorer <https://explorer.pictometry.com/index.php>

In addition, the Los Angeles County Tax Assessor building footprint records corroborate both the size and footprint of the home in 1967. Figure 2, below, is a copy of the home's footprint and corresponding size from the 1967 assessment. The area in the red box is the Assessor's floor area determination.

Figure 2 1967 Tax Assessor's Information



Applying the California Building Code's definition of gross floor area, City Staff has determined the size of the subject residence as follows:

Per the wet-stamped November 2016 Site Survey (Attachment 4):

Home : 2,612⁴
 Garage: 466
 Total: 3,078
 Allowable addition: 769.5⁵

Per the Building Official, the allowable addition of 769.5 square feet is rounded up to 770 square feet. The proposed 769.6 square foot addition is less than the allowable 770 square foot addition.

⁴ The size of the home excludes the area of the porch and entry way shown in the 1967 Tax Assessor records.

⁵ 3,078 x 0.25 = 769.5

Table 1 demonstrates how Staff cross checked this size determination:

Table 1 Additional Home Size Information

Source	Home Size	Garage Size	Total
1966 Building Permit	2,568 sq.ft.	Not Specified	2,568 sq.ft. without garage
1967 Tax Assessor Records	2,743 sq.ft.	466 sq.ft.	3,209 sq.ft.
2005 Project Plans	2,517 sq.ft.	533 sq.ft.	3,050 sq.ft.

In summary, through the use of aerial photographs and the Los Angeles County Tax Collector information, Staff has determined that the footprint of the home has not changed and that both the habitable portion of the home and garage existed in 1967. In addition, the project architect excluded the porch and entry area shown in the 1967 Tax Assessor records from the gross floor area calculation. The current total gross floor area of the home is 3,078 square feet which is less than the Assessor's determination of 3,209 square feet. Staff is using the lower of the two numbers because the current gross floor area was determined through the use of a wet stamped survey of the home and property. The Los Angeles County Assessor's Office obtains their information from either a site visit or review of the stamped plans. Staff is not able to determine what method the Los Angeles County Assessor's Office utilized to make their floor size determination. The resolution approving the project is attached.

ATTACHMENTS:

1. Planning Commission Resolution No. 19-25
2. Correspondence from City of Malibu Environmental Sustainability Director/Building Official, dated November 19, 2019
3. California Building Code Section 110.2.3.4
4. Stamped Site Survey dated November 2016
5. Correspondence from Dan Allen "Justification for Current Existing Gross Floor Area of 3,078 SF" dated November 21, 2019
6. Existing foundation plan dated November 19, 2019
7. Aerial Photograph Analysis
8. Los Angeles County Building Permit dated 1966
9. Email correspondence dated November 20, 2019, from the property owner allowing the Tax Assessor records to be included in the staff report

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 19-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MALIBU, DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVING COASTAL DEVELOPMENT NO. 18-002 TO ALLOW FOR AN INTERIOR AND EXTERIOR REMODEL AND 770 SQUARE FOOT ADDITION TO AN EXISTING 3,453 SQUARE FOOT SINGLE-FAMILY RESIDENCE, INCLUDING CONSTRUCTION OF A COURTYARD, BALCONY, EXTERIOR STAIRS, GROUND MOUNTED MECHANICAL EQUIPMENT, FENCING, PERMEABLE PAVERS, GRADING, RELOCATION OF THE DISPERSAL FIELD FOR AN EXISTING ONSITE WASTEWATER TREATMENT SYSTEM, AND REPLACEMENT OF EXISTING LANDSCAPING, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20238 PIEDRA CHICA ROAD (REZA NEBAVI AND MARYAM AKBAR)

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

SECTION 1. Recitals.

A. On September 20, 2017, an application for Coastal Development Permit (CDP) No. 18-002, submitted to the Planning Department by applicant Sakahara Allen Architects, on behalf of the owners Reza Nebavi and Maryam Akbar. The application was routed to the City Biologist, City Environmental Health Administrator, City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department (LACFD) for review.

B. On October 10, 2018, staff visited the site to view the story poles and the surrounding neighborhood.

C. On March 4, 2019, the project was deemed complete.

D. On March 2, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

E. On March 21, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

F. On March 25, 2019, prior to the Planning Commission meeting, the project was continued to a date uncertain. The project was continuance allowed for a geotechnical report prepared by E.D. Michael to be submitted by neighbors to be reviewed by City Geotechnical staff.

G. On June 4, 2019, City geotechnical staff determined that the report as it relates to the proposed development did not provide data to justify the report's conclusion that the proposed project should not be denied.

H. On September 5, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

I. On September 10, 2019, the applicant requested the continuance of the subject item, to allow the project geotechnical engineer to be present on the date of the hearing.

J. On September 16, 2019, the Planning Commission Regular Meeting was adjourned to October 7, 2019.

K. On September 26, 2019, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and a Notice of Planning Commission Public Hearing was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On October 7, 2019, The Planning Commission continued the item to the October 21, 2019, Planning Commission meeting.

M. On October 21, 2019, the Planning Commission held a duly noticed public hearing on the subject application, reviewed and considered the staff report, reviewed and considered written reports, public testimony, and other information in the record. The Planning Commission directed staff to verify that the calculation of the allowable size of the project's addition was made correctly including the garage based on California Building Code Section 110.2.3.4 and to return with a resolution to approve the project on the consent calendar.

N. On November 4, 2019, the Planning Commission directed staff to verify the total gross floor area of the residence prior to July 6, 1968 in relation to the calculation of the allowable size of the project's addition based on California Building Code Section 110.2.3.4.

O. On December 1, 2019, the resolution was presented to the Planning Commission on the consent calendar for adoption.

SECTION 2. Environmental Review.

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the proposed project. The Planning Commission found that this project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Sections 15301 (a) interior and exterior alterations, 15301 (e) additions to existing structures and 15303(d) - New Construction. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit Findings.

Based on substantial evidence contained within the record and pursuant to Local Coastal Program (LCP) local implementation plan (LIP) sections 13.7(b) and 13.9, the planning commission adopts the analysis in the agenda report, incorporated herein, the findings of fact below, and approves CDP no. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping; located in the Single-Family Low Density (SFL) zoning district at 20238 Piedra Chica Road.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. The project, as conditioned, 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)

1. The proposed project is located in the SFL residential zoning district, an area designated for residential uses. The proposed project has been reviewed for conformance with the LCP and Malibu Municipal Code (MMC) by the Planning Department, City Biologist, City Environmental Health Administrator, City Public Works Department, City geotechnical staff, and LACFD. As discussed herein, based on submitted reports, project plans, visual analysis and site investigation, the proposed project as conditioned, conforms to the LCP and MMC in that it meets all applicable residential development standards.

2. Evidence in the record demonstrates that as conditioned, the project will not result in adverse biological or visual impacts and has been designed to minimize grading. There is no evidence that an alternative project would substantially lessen any potential significant adverse impacts of the development on the environment. The proposed project is the least environmentally damaging environmental alternative.

D. Hazards (LIP Chapter 9)

1. It has been determined that the project is located within an extreme fire hazard zone and within the active Big Rock Mesa Landslide. Evidence in the record demonstrates that the project will neither be subject to nor increase the instability of the site from geologic, flood, or fire hazards. The subject property is located in the Big Rock Mesa Landslide Assessment District and as such is limited by the California Building Code Section 110.2.3.4 to an addition that will not exceed 25 percent of the existing residence's square footage, including the garage. City geotechnical staff, the City Public Works Department, and the Los Angeles County Fire Department have reviewed the project for conformance with this requirement as well as the requirements of the LCP, and have deemed the project consistent with relevant policies and standards in LIP Chapter 9. An "Assumption of Risk and Release" for geotechnical hazards will need to be signed by the homeowners prior to permit issuance. 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 project will neither be the subject to nor increase the instability of the site or structural integrity from geologic, flood, fire or other hazard.

2. The project, as designed, conditioned, and approved by the City geotechnical staff and the City Public Works Department, does not have any significant adverse impacts on the site stability or structural integrity from geologic or fire hazards due to the project design. The project meets City requirements and standards.

3. The project, as conditioned, is the least environmentally damaging alternative, in that it maintains the existing structure and the addition complies with the requirements of both the MMC and LCP. Additionally, the associated development does not require any discretionary requests.

4. The proposed development has been analyzed for the hazards listed in LIP Chapter 9 by City geotechnical staff, City Public Works Department, and LACFD. These specialists and agency determined that the proposed project does not adversely impact site stability or structural integrity. There are no feasible alternatives to the proposed development that would result in less site disturbance.

5. The proposed project, as designed and conditioned, will not have adverse impacts on sensitive coastal resources, as none are present on the site.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 18-002 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. Remodel of the existing 3,453 square foot single-story single-family residence (including attached garage);
 - b. Demolition of seven percent of exterior walls (17.5 linear feet);
 - c. A 770 square foot addition up to 18 feet in height;
 - d. Total Development Square Footage (TDSF) 4,223 square feet;
 - e. Relocation of the dispersal field for the existing OWTS to the northern portion of the property;
 - f. New balcony;
 - g. New exterior stairs;
 - h. New courtyard;

- i. Front yard fence (28 linear feet not to exceed 42 inches in height solid, up to six feet in height, view permeable);
 - j. New ground mounted air conditioning unit and associated screening (measuring four feet in height);
 - k. 918 square feet of permeable paving; and
 - l. Replacement of 2,480 square feet of existing landscape. Since the landscape replacement is less than 2,500 square feet, the project is exempt from the Landscape Water Conservation Ordinance (LAWCO) (MMC Chapter 9.22). Additionally, since the replacement of the existing lawn is a result of moving the OWTS, it can be permitted. New turf areas are not permitted.
3. Subsequent submittals for this project shall be in substantial compliance with plans on-file with the Planning Department, date-stamped **September 20, 2018**. 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 plan check and again prior to the issuance of any building or development permits.
6. This resolution, signed Acceptance of Conditions Affidavit and all Department Review Sheets attached to the April 1, 2019 Planning Commission 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 Sustainability Department for plan check.
7. This CDP shall expire 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 agent prior to expiration of the three-year period and shall set forth the reasons for the request. In the event of an appeal, the CDP shall expire if the project has not commenced within three years from the date the appeal is decided by the decision-making body or withdrawn by the appellant.
8. Any questions of intent or interpretation of any condition of approval will be resolved by the Planning Director upon written request of such interpretation.
9. All development shall conform to requirements of the City of Malibu Environmental Sustainability Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured. 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 Director, provided such changes achieve substantially the same results and the project is still in compliance with the MMC and the LCP. 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, have been exhausted.
12. The applicant must submit payment for any outstanding fees payable to the City prior to issuance of any building or grading permit.

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. Hereafter, the procedures contained in LIP Chapter 11 and those in MMC 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.

Site-Specific Conditions

15. Fifty percent or more of exterior walls must remain in place during construction. Pursuant to LIP Section 13.4.2, the replacement of 50 percent or more of a single-family residence is not repair and maintenance, but instead constitutes a replacement structure requiring a coastal development permit. Contact Planning Department staff to discuss options PRIOR TO DEMOLITION of more than 50 percent of the existing exterior walls, should any questions or issues concerning exterior wall demolition come up during construction. Demolition of exterior walls will be determined based on LCP Policy 3 (Remodels and Additions).
16. Exterior lighting must comply with the Dark Sky Ordinance and 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.
17. Night lighting for sports courts or other private recreational facilities shall be prohibited.
 18. 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 shall not produce an illumination level greater than one foot candle.
 19. 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.
 20. String lights are allowed in occupied dining and entertainment areas only and must not exceed 3,000 Kelvin.
 21. Motion sensor lights shall be programmed to extinguish ten minutes after activation.
 22. Three sequential violations of the conditions by the same property owner will result in a requirement to permanently remove the outdoor light fixture(s) from the site.

Demolition/Solid Waste

23. Prior to demolition activities, the applicant shall receive Planning Department approval for compliance with conditions of approval.
24. 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.
25. Prior to the issuance of a building/demolition permit, an Affidavit and Certification to implement waste reduction and recycling shall be signed by the Owner or Contractor and submitted to the Environmental Sustainability Department. The Affidavit shall indicate the agreement of the applicant to divert at least 65 percent (in accordance with CalGreen) of all construction waste from the landfill.
26. Upon plan check approval of demolition plans, the applicant shall secure a demolition permit from the City. The applicant shall comply with all conditions related to demolition imposed by the Building Official.
27. No demolition permit shall be issued until building permits are approved for issuance. Demolition of the existing structure and initiation of reconstruction must take place within a

six month period. Dust control measures must be in place if construction does not commence within 30 days.

28. The project developer shall utilize licensed subcontractors and ensure that all asbestos-containing materials and lead-based paints encountered during demolition activities are removed, transported, and disposed of in full compliance with all applicable federal, state and local regulations.
29. Any building or demolition permits issued for work commenced or completed without the benefit of required permits are subject to appropriate "Investigation Fees" as required in the Building Code.
30. Upon completion of demolition activities, the applicant shall request a final inspection by the Building Safety Division.

Biology/Landscaping

31. The subject currently supports a greater area of lawn than is currently allowed. However, since the project proposes to replace the existing lawn that will be damaged as a result of moving the OWTS, it can be permitted. However, the two small areas identified as "New Turf" are NOT authorized. The applicant may leave those areas as they are or may use non-plant material (e.g. decomposed granite, gravel, mulch, etc.)
32. Vegetation forming a view impermeable condition serving the same function as a fence or wall (also known as a hedge) located within the side or rear yard setback shall be maintained at or below a height of six feet. A hedge located within the front yard setback shall be maintained at or below a height of 42 inches. Three sequential violations of this condition will result in a requirement to permanently remove the vegetation from the site.
33. Invasive plant species, as determined by the City of Malibu, are prohibited.
34. 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).
35. No non-native plant species shall be approved greater than 50 feet from the residential structure.
36. The landscape plan shall prohibit the use of building materials treated with toxic compounds such as creosote or copper arsenate.
37. Up-lighting of landscaping is prohibited.

Grading/Drainage/Hydrology (Geology/ Public Works)

38. 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:

- a. Public Works Department general notes;
 - b. 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);
 - c. 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;
 - d. The limits to land to be disturbed during project development shall be delineated and a total area of disturbance should be shown on this plan. Areas disturbed by grading equipment beyond the limits of grading shall be included within the area delineated;
 - e. If the property contains rare, endangered or special status species as identified in the Biological Assessment, this plan shall contain a prominent note identifying the areas to be protected (to be left undisturbed). Fencing of these areas shall be delineated on this plan is required by the City Biologist;
 - f. The grading limits shall include the temporary cuts made for retaining walls, buttresses and over excavations for the slope, and
 - g. 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.
39. A Local Storm Water Pollution Prevention Plan (LSWPPP) shall be provided prior to issuance of grading/building permits. The plan shall include an Erosion and Sediment Control Plan (ESCP) that includes, but is not limited to:

Erosion Controls Scheduling	Erosion Controls Scheduling
	Preservation of Existing Vegetation
Sediment Controls Silt Fence	Sediment Controls Silt Fence
	Sand Bag Barrier
	Stabilized Construction Entrance
Non-Storm Water Management	Water Conservation Practices
	Dewatering Operations
Waste Management	Material Delivery and Storage
	Stockpile Management
	Spill Prevention and Control
	Solid Waste Management
	Concrete Waste Management
	Sanitary/Septic Waste Management

All Best Management Practices (BMP) shall be in accordance to the latest version of the California Stormwater Quality Association (CASQA) BMP Handbook. Designated areas for the storage of construction materials, solid waste management, and portable toilets must not disrupt drainage patterns or subject the material to erosion by site runoff.

40. 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.
41. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
42. Prior to the approval of any grading and drainage permit, the applicant shall submit a PDF of the final plans. If there are further modifications to the plans, the applicant shall provide the City with an updated PDF.

Geology

43. All recommendations of the consulting certified engineering geologist or geotechnical engineer and/or the City geotechnical staff 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 geotechnical staff prior to the issuance of a grading permit.
44. Final plans approved by the City geotechnical staff 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 (OWTS)

45. 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 MMC Chapters 15.40, 15.42, 15.44, and LIP Chapter 18 related to continued operation, maintenance and monitoring of the OWTS.
46. Prior to final Environmental Health approval, a final OWTS plot plan shall be submitted showing an OWTS design meeting the minimum requirements of the MMC 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 OWTS plot plan shall show essential features of the OWTS 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).
47. 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 OWTS. For all OWTS, 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 OWTS design drawings shall be submitted to the City Environmental Health Administrator with the designer's wet signature, professional registration number and stamp (if applicable).

48. 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 all 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 OWTS 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;
 - d. All final design drawings shall be submitted with the wet signature and typed name of the OWTS 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 OWTS final designs, full-size plans are required for review by the Building Safety Division and/or the Planning Department; and
 - e. Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
49. Prior to final Environmental Health approval, the construction plans for all structures and/or buildings with reduced setbacks must be approved by the City Building Safety Division. The architectural and/or structural plans submitted to Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives, etc.). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. The architectural/structural/ waterproofing plans must show the location of OWTS components in relation to those structures from which the setback is reduced, and the plans must be signed and stamped by the architect, structural engineer, and geotechnical consultants (as applicable).

50. The following note shall be added to the plan drawings included with the OWTS final design: “Prior to commencing work to abandon, remove, or replace the existing OWTS components, an ‘OWTS Abandonment Permit’ shall be obtained from the City of Malibu. All work performed in the OWTS abandonment, removal or replacement area shall be performed in strict accordance with all applicable federal, state, and local environmental and occupational safety and health regulatory requirements. The obtainment of any such required permits or approvals for this scope of work shall be the responsibility of the applicant and their agents.”
51. 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 intervention 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 City Environmental Sustainability Department.
52. An operations and maintenance manual specified by the OWTS designer shall be submitted to the property owner and maintenance provider of the proposed advanced OWTS.
53. 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 OWTS after construction shall be submitted. Only original wet signature documents are acceptable and shall be submitted to the City Environmental Health Administrator.
54. Prior to final Environmental Health approval, 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 City of Malibu 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 advanced method of sewage disposal pursuant to the MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
55. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.

56. In accordance with MMC Chapter 15.44, prior to Environmental Health approval, an application shall be made to the Environmental Sustainability Department for an OWTS operating permit.

Construction / Framing

57. Prior to final building inspection, the applicant shall provide the Environmental Sustainability Department with a WRRP Final Summary Report. The Final Summary Report shall designate all materials that were landfilled or recycled, broken down by material types. The Environmental Sustainability Department shall approve the Final Summary Report.
58. 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.
59. 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 will be rinsed off prior to leaving the property.
60. 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.

Deed Restrictions

61. The property owner is required to acknowledge, by recordation of a deed restriction, that the property is subject to slope action, erosion, flooding, landslides, or other hazards associated with development on a landslide area 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 the Planning Department prior to final Planning Department approval.

Prior to Final Sign-Off

62. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Environmental Sustainability Department. A final approval shall not be issued until the Planning Department has determined that the project complies with this CDP.
63. 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.

Fixed Conditions

64. This coastal development permit shall run with the land and bind all future owners of the property.
65. 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. The Planning Commission shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 2nd day of December 2019.

JEFFREY JENNINGS, Planning Commission Chair

ATTEST:

KATHLEEN STECKO, Recording Secretary

LOCAL APPEAL - Pursuant to the Local Coastal Program Local Implementation Plan (LIP) Section 13.20.1 (Local Appeal) a decision made by the Planning Commission may be appealed to the City Council by an aggrieved person by a 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.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 19-25 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 2nd day of December 2019 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

KATHLEEN STECKO, Recording Secretary



City of Malibu

MEMORANDUM

To: Jessica Thompson, Associate Planner

From: Yolanda Bundy, Environmental Sustainability Director/Building Official

Date: November 19, 2019

Re: California Building Code Section 201.1 and Section 202

This memo is to clarify the definition of the gross floor area of an structure used in section 110.2.3.4 as amended 2016 of the California Building Code adopted by the City of Malibu.

As per the 2016 California Building Code , chapter 2 of this code addresses and clarifies definitions and terms use by this code. Further more section 201.1 states " Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter"

The gross floor area definition is found in Chapter two of the California Building Code and states the following:

"FLOOR AREA, GROSS. The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts."

ADMINISTRATION

- 4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the Building Official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources;
- 5. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the Building Official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement.

110.1.2 Portions of the unincorporated territory of the County of Los Angeles subject to severe flood hazard by reason of inundation, overflow, erosion or deposition of debris are established as floodways by Chapter 11.60 of Title 11 of the *Los Angeles County Code*. Whenever reference is made to any floodway in such ordinance establishing floodways, it shall be construed to mean a floodway referred to in this Section. A person shall not perform work for which a building or grading permit is required within the boundaries of an established floodway if such work increases the flood hazard to adjacent properties by either increasing the capital flood water surface elevation, deflecting flows or increasing bank erosion. Such work may be performed within an established floodway, and a building or grading permit therefor may be issued, where provisions are made to the satisfaction of the Building Official to avoid such an increase in the flood hazard.

110.2 Geotechnical hazards.

110.2.1 No building or grading permit shall be issued under the provisions of this Section when the Building Official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this Section, a geotechnically hazardous condition does not include surface displacement due to earthquake faults.

110.2.2 Except as provided in Section 110.2.3, work requiring a building or grading permit by this Code is not permitted in an area determined by the Building Official to be subject to hazard from landslide, settlement or slippage. For the purpose of this Section, landslide, settlement or slippage does not include surface displacement due to earthquake faults.

110.2.3 Subject to the conditions of Section 110.2.1, permits may be issued in the following cases:

110.2.3.1 When the applicant has submitted an engineering geology and/or soils engineering report or reports complying with the provisions of Section 111 such that said reports show to the satisfaction of the Building Official that the hazard will be eliminated prior to the use or occupancy of the land or structures.

110.2.3.2 When the applicant has submitted an engineering geology and/or soils engineering report or reports that comply with the provisions of Section 111,

and that demonstrate to the satisfaction of the Building Official, that the site is safe for the intended use.

110.2.3.3 When the proposed work involves the alteration or repair of existing structures and the cost of such alteration or repair does not exceed 25 percent of the current market value of the existing structure, such value to be based on assumed continuation of the established legal use. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. If required by the Building Official, submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of Section 110.2.1.
2. Record in the office of the Department of Registrar-Recorder, a statement that the owner is aware that the records of the Building Official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.
3. Record in the office of the Department of Registrar-Recorder, an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that such hazard from landslide, settlement or slippage no longer exists. The repair work shall consist of restoring the original construction. The Building Official may require that provisions be made in anticipation of future settlement. For the purposes of this Section 110.2.3.3, "alteration" does not include an addition or additions.

110.2.3.4 When the proposed work involves an addition or additions to an existing structure but is not a change in use or occupancy and such work does not increase the gross floor area of the structure by more than 25 percent of the area of the structure as it existed on July 6, 1968, and the Building Official determines that the proposed work will not impact a historically active landslide. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or a conditional finding that the proposed work complies with the provisions of Section 110.2.1.
2. Record in the office of the Department of Registrar-Recorder the finding of such report or reports.

3. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from the issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that a hazard from landslide, settlement, or slippage no longer exists.

This Section shall not apply to structures constructed after July 6, 1968.

110.2.3.5 When the proposed work involves the repair of a single-family residence or accessory structures where the cost of such repair exceeds 25 percent of the current market value of the existing building.

The scope of the repair work shall be subject to the approval of the Building Official. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of Section 110.2.1 of this Code.
2. Record in the office of the Department of Registrar-Recorder a statement by the owner acknowledging that the records of the Building Official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.
3. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that such hazard from landslide, settlement, or slippage no longer exists.

110.2.3.6 When the proposed work involves the replacement of structures destroyed by causes other than landslide, settlement, or slippage, and the permit applicant was the owner of the property at the time of the loss, their immediate heir(s), or their authorized representative, and the application for a permit under this Section is filed no later than ten (10) years following the date of the loss.

The replacement structure(s) shall not exceed the area, number of stories, load, or number of fixtures and bedrooms of the structure that was destroyed. No change in occupancy type shall be permitted. Before a

permit may be issued pursuant to this Section, the owner shall do all of the following:

1. Demonstrate, to the satisfaction of the Building Official, that the replacement structure and/or the associated private sewage disposal system (if any) and/or the replacement landscaping (if any) will not result in a greater amount of groundwater infiltration than occurred under the original condition.
2. Submit an engineering geology and/or soils engineering report or reports that contain, at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of Section 110.2.1 of this Code and that contain recommendations for enhancing the stability of the site.
3. Record in the office of the Department of Registrar-Recorder a statement by the owner acknowledging that the owner is aware that the records of the Building Official indicate that the property is potentially subject to a hazard from landslide, settlement, or slippage.
4. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official has determined that such hazard from landslide, settlement, or slippage no longer exists.

110.2.3.7 When the proposed work involves a one-story, detached, light-framed structure not intended or used for human occupancy, such as a garage, carport, patio cover, deck or storage shed, accessory to a single-family residence not exceeding 400 square feet in gross floor area nor 12 feet in height. Before a permit may be issued pursuant to this Section, the owner shall do all of the following:

1. If required by the Building Official, submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of Section 110.2.1.
2. Record in the office of the Department of Registrar-Recorder a statement by the owner acknowledging that the owner is aware that the records of the Building Official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.
3. Record in the office of the Department of Registrar-Recorder an agreement relieving the County and all officers and employees thereof of any lia-

LEGAL DESCRIPTION:

LOTS 8 AND 9, OF TRACT NO. 26263, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 761 PAGES 47 TO 49 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTIFICATE OF COMPLIANCE RECORDED MAY 6, 2015 AS INSTRUMENT NO. 15-51994H OFFICIAL RECORDS.

APN#3: 4450-013-065 AND 4450-013-066

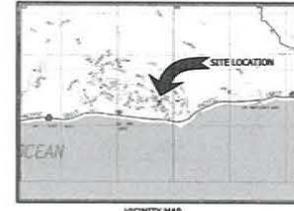
SURVEYOR'S NOTE:

CHRIS NELSON & ASSOCIATES HAS RELIED SOLELY ON TITLE REPORT NO. 04-SA-486562, DATED APRIL 28, 2015 PREPARED BY FIRST AMERICAN TITLE COMPANY TO LOCATE TITLE MATTERS SHOWN HEREON UNLESS NOTED OTHERWISE. CHRIS NELSON & ASSOCIATES MAKES NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE HEREON REFERENCED TITLED REPORT.

FURTHER ALL INTERESTED PARTIES ARE ADVISED THAT LINES, TAGES, C.C. & P.S. TRUST DEEDS, COUNTY ORDINANCES, REGULATIONS, STANDARDS OR POLICIES HAVE NOT BEEN ADDRESSED BY THIS SURVEY OTHER THAN AS NOTED HEREON, AND THEN ONLY TO THE EXTENT ADDRESSED HEREON.

NOTES OF SPECIFIC INTEREST:

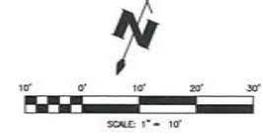
1) MINOR IRRIGATION DEVICES, I.E. SPRINKLERS, PIPING, CONTROLLERS, LANDSCAPE, LOCAL AREA DRAINS AND TIMERS, VALVE BOXES, ETC. EXIST ABOUT THE PROPERTY. SUCH ITEMS HEREON MAY OR MAY NOT HAVE BEEN SURVEYED AND NO REPRESENTATIONS IS MADE TO THEIR LOCATION OR RELATION TO PROPERTY LINES.



VICINITY MAP
"NOT TO SCALE"

LEGEND:

- AC = ASPHALT
- ACU = AIR CONDITIONING UNIT
- AL = AREA LIGHT
- CATV = CABLE TELEVISION PULLBOX
- CLTR = CLUSTER
- CONC = CONCRETE
- EM = ELECTRIC METER
- FF = FINISHED FLOOR
- FG = FINISHED GRADE
- FN = FIRE HYDRANT
- FL = FLOORLINE
- FP = FIRE PIT
- FS = FINISHED SURFACE
- GFT = GRANITE FINISHED FLOOR
- GV = GAS VALVE
- MB = MAILBOX
- PILL = PILLAR
- SCD = SEWER CLEANOUT
- SMH = SEWER MANHOLE
- TC = TOP OF CURB
- TR = TOP OF ROOF
- WFI = WROUGHT IRON FENCE
- WIG = WROUGHT IRON GATE
- WM = WATER METER
- WV = WATER VALVE

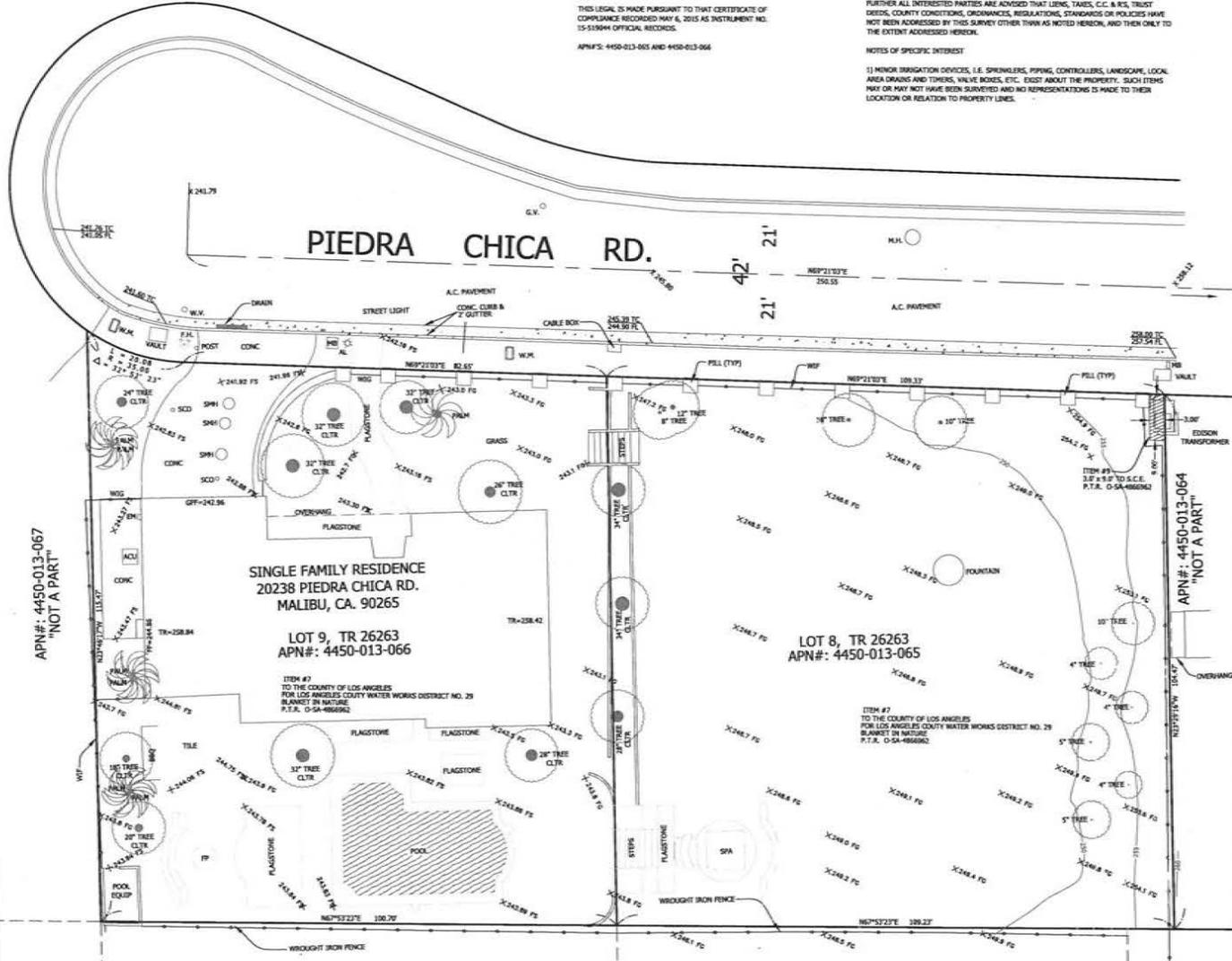


BENCH MARK:

B.M. NO. 114
FD SPI. ON CURB AT PIEDRA CHICA RD. PER BIG ROCK MESA SURVEY F.B. 4550 PG. 91.
ELEVATION = 241.84 FEET

NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS AND PER TRACT NO. 26263.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CONTOURS ARE PICTORIAL, AND MAY NOT REFLECT TRUE DEEP LINES.
4. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
5. EASEMENTS SHOWN ON THIS SURVEY HAVE BEEN PLOTTED USING DEEDS CONTAINED IN PRELIMINARY TITLE REPORT FROM FIRST AMERICAN TITLE, ORDER NO. 04-SA-486562, DATED APRIL 29, 2015.



APN#: 4450-013-067
"NOT A PART"

SINGLE FAMILY RESIDENCE
20238 PIEDRA CHICA RD.
MALIBU, CA. 90265
LOT 9, TR 26263
APN#: 4450-013-066

LOT 8, TR 26263
APN#: 4450-013-065

APN#: 4450-013-058
"NOT A PART"

APN#: 4450-013-059
"NOT A PART"

APN#: 4450-013-064
"NOT A PART"

PREPARED BY:
Chris Nelson & Associates, Inc.
15000 CRENSHAW BLVD., SUITE 100, CRENSHAW, CA 90008
31238 Via Colinae, Suite H, Westlake Village, CA 91362
Voice: 818.091.1040 Fax: 818.091.0014

PREPARED FOR:
MARYAM AKBAR
20238 PIEDRA CHICA RD.
MALIBU, CA. 90265

TOPOGRAPHIC SURVEY
LOT 9 & 8, TRACT NO. 26263
APN#: 4450-013-066 & 4450-013-065
20238 PIEDRA CHICA RD.
MALIBU, CA. 90265

JOB NO. 16-020
SCALE: 1" = 10'
DATE: NOV 2016

SHEET NO.
1
OF 1 SHEETS

A R C H I T E C T S
 1010 Nordica Drive
 Los Angeles CA 90065
 323.739.6570 p

RECEIVED
 NOV 21 2019
 PLANNING DEPT.

21 November 2019

Attention: City of Malibu Planning

Subject: Coastal Development Permit Application No. 18-002 – 20238 Piedra Chica Road,
 Justification for Current Existing Gross Floor Area of 3,078 SF

The basis for existing Gross Floor Area of 3,078 SF is the 2016 site survey by Chris Nelson & Associates, measuring exterior building footprint including house and attached garage. Reference Exhibit 1. Analysis of the property records, floor plans, historical aerial photos, and existing house construction shows no evidence of additions and confirms the survey gross floor area is consistent with the original 1996 house permit plus garage.

Gross Floor Area	3,078 SF
25% Allowable Addition	770 SF
Proposed Addition	769.68 SF

1) Existing Permit Evidence

- a) Existing records show a residence with area of 2,568 SF permitted in 1966, see attached permit, Exhibit 2. It was the convention in 1966 to not include uninhabitable garage areas in residential permit areas. City of Malibu Building Official Yolanda Bundy confirmed this in the 11/4/19 Planning Commission hearing.
- b) LA County Assessor records from 1/24/1967 provide a measured floor plan and documented residential area of 2,743 SF plus an attached garage of 466 SF, totaling 3,209 SF. Reference Exhibit 3. These records confirm the existing building footprint and gross floor area submitted in the project application are consistent with original building construction & permit. The assessed gross floor area of 3,209 SF is greater than measured survey area of 3,078 SF due to the inclusion of the recessed front entry and porch. Note this larger area is not being used as the basis for 25% addition. For a breakdown of floor areas, see Exhibits 4 & 5.

2) Additions to homes typically show a change in roof line. Review of historical aerial photos from UCSB Library digital Aerial Photography Collection show no change in roof line. Reference attached exhibits Aerial 1, 2, and 3 which contain links to original images files. The collection may be accessed at <https://www.library.ucsb.edu/src/airphotos>.

3) The existing crawlspace was surveyed confirming the foundation matches the existing exterior wall layout and there is no evidence of past additions. See attached foundation plan S2.0. Photo documentation of the existing crawlspace has been provided to Planning on 11/19/19.

- 4) If there had been additions to the home post 1968, it is reasonable to assume such additions would have either added plumbing fixtures, bathrooms, or bedrooms. Review of property records and existing floor plans shows no evidence of additions.
- a) Comparison of 1966 plumbing permit and the existing Fixture Count Certification by Ensite Engineering shows no increase in plumbing fixtures. Reference attached plumbing permit Exhibit 6 and existing fixture count Exhibit 7.

1966 Plumbing Fixtures		Current Existing Plumbing Fixtures		Notes
Number	Fixture Type	Number	Fixture Type	
3	Water Closet	3	Water Closet	No change
2	Bath Tub	1	Bath Tub	No increase
	Shower		1	
5	Lavatory	5	Lavatory	No change
1	Sink (Kitchen)	1	Sink (Kitchen)	No change
1	Dishwasher	1	Dishwasher	No change
1	Laundry Tub	0	Laundry Tub	Tub removed
1	Clothes Washer	1	Clothes Washer	No change
1	Bar Sink	0	Bar Sink	Bar sink removed

- 5) In the 11/4/19 Planning Commission Hearing it was questioned if the submitted existing plans match the actual house and a neighbor speaking in opposition was asked if the existing garage was flush contrary to what the plans show, to which the neighbor incorrectly responded it was. Attached are photos of the existing house exterior which show the submitted plans match the existing house. The step between house and garage can be seen in photo #14.

Attachments:

1. Exhibit 1 – Survey area measurements
2. Exhibit 2 – 1966 Building Permit
3. Exhibit 3 – 1967 LA County Assessor Record
4. Exhibit 4 – Area Analysis of Assessor Record
5. Exhibit 5 – Existing Floor Area Analysis
6. Aerial Photo Exhibits: Aerial1, 2, 3
7. Foundation Plan sheet S2.0
8. Exhibit 6 – 1966 Plumbing Permit
9. Exhibit 7 – Existing OWTS plumbing fixture count
10. Photos 1-24

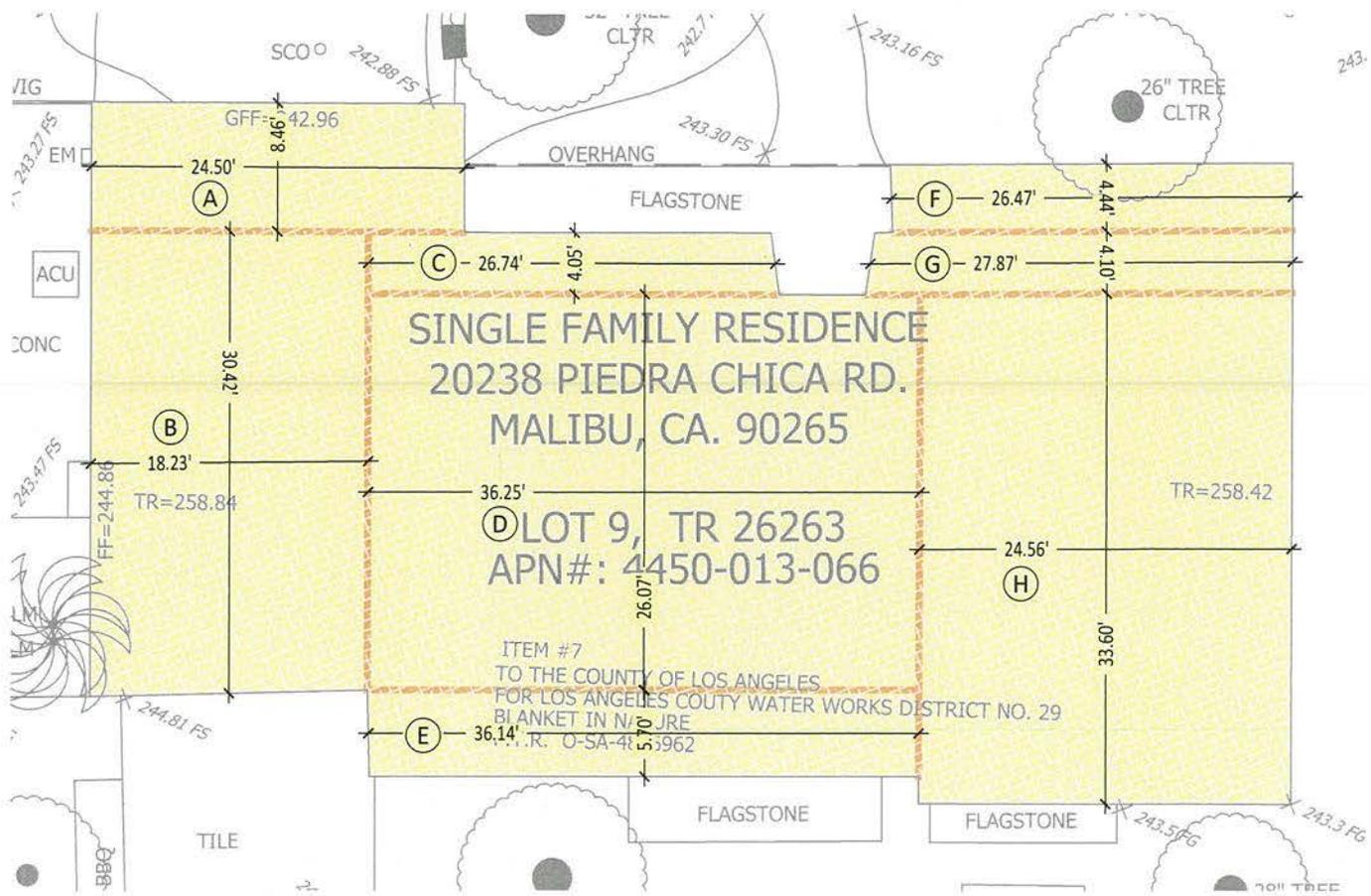


Table of Area Measurements

Building	Key	X	Y	Area
	A	24.50	8.46	207.27 SF
	B	18.23	30.42	554.56 SF
	C	26.74	4.05	108.30 SF
	D	36.25	26.07	945.04 SF
	E	36.14	5.70	206.00 SF
	F	26.47	4.44	117.53 SF
	G	27.87	4.10	114.27 SF
	H	24.56	33.60	825.22 SF

Total Gross Floor Area 3,078.17 SF

Legend

- Gross Floor Area
- Area Measurement Division
- A Area Measurement Key

Survey of building footprint by Chris Nelson and Associates measures 3,078 SF. This diagram documents area measurement by dividing into separate rectangles or trapezoids

The survey footprint is used as the basis for Gross Floor Area used in calculations of allowable 25% addition per City of Malibu Building Code Section 110.2.3.4

Exhibit 2

APPLICATION FOR BUILDING PERMIT

1

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
JOHN A. LAMBIE, COUNTY ENGINEER
COLEMAN W. JENKINS SUP. OF BUILDING

FOR APPLICANT TO FILL IN

BUILDING ADDRESS 20238 Piedra Chica Rd.

LOT NO. 9 BLOCK _____

TRACT 26263

SIZE OF LOT 1M. NO. OF BLDGS.
NOW ON LOT _____

USE OF EXISTING BLDG _____

OWNER Hanson Homes TEL. NO. 58127

ADDRESS 8701 Delaney Ave

CITY Los Angeles

ARCHITECT OR BLDG. DES. DR. G. W. WELSH NO. EX. 59779

ENGINEER E. A. WELSH NO. _____

ADDRESS 815-26th St. Santa Monica

CONTRACTOR Owner TEL. NO. _____

ADDRESS See above LIC. NO. _____

CITY _____ LIC. CLASS _____

BUILDING ADDRESS 20238 Piedra Chica Rd.

LOCALITY MALIBU

NEAREST CROSS ST. Big Rock Dr

DISTRICT NO. 7.2 GROUP I TYPE CONST. I PROCESSED BY Murray

STATISTICAL CLASSIFICATION CLASS NO. 0 DWELL UNITS 1 SEWER MAP BK _____ PG _____

USE ZONE R-1 MAP NO. 4492 SPECIAL CONDITIONS _____

BLDG. SETBACK FROM FRONT PROP. LINE OF PIEDRA CHICA (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY + YARD =	TOTAL
	<u>42</u>		<u>0 + 20 =</u>	<u>20</u>

BLDG. SETBACK FROM SIDE PROP. LINE OF _____ (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY + YARD =	TOTAL
			<u> + =</u>	<u> </u>

CORNER CUTOFF YES NO

DESCRIPTION OF WORK

NEW ADD ALTER REPAIR DEMOLISH

SQ. FT. SIZE 2568 NO. OF STORIES 1 NO. OF FAMILIES 1

USE OF STRUCTURE Dwelling & P.G.A.R.

SIGNATURE OF APPLICANT R. Hanson
by E. Welsh

VALUATIONS 26,000 | 416.00

SEE REVERSE SIDE FOR SPECIAL APPROVALS

32,200 - 58% = 10⁵⁰ 400

26,000 - 47.50 = P.C. FEE

4-18-66

1. RAT-PROOF PLBS.

2. FIRE STOP CEILING @ FURIED

AREA IN ENTRY. (OVER)

P.C. FEES 47.50 | P.M. FEES 2.00

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN DOING THE WORK AUTHORIZED HEREBY I WILL NOT EMPLOY ANY PERSON IN VIOLATION OF THE LABOR CODE OF THE STATE OF CALIFORNIA RELATING TO WORKMEN'S COMPENSATION INSURANCE.

SIGNATURE OF PERMITTEE [Signature]

ADDRESS _____

APPROVALS	DATE	INSPECTOR'S SIGNATURE
FOUNDATION LOCATION FORMS, MATERIALS	3-2-66	[Signature]
FRAME, FIRE STOPS, BRACING BOLTS	4-19-66	[Signature]
FURNACE LOCATION GAS VENT DUCTS	4-19-66	[Signature]
LATH. INT.	4-23-66	[Signature]
LATH. EXT.	4-23-66	[Signature]
HOUSE NUMBER CORRECT AND POSTED	4-16-66	[Signature]
FINAL	4-16-66	[Signature]

PLAN CHECK VALIDATION NO CASH - **PERMIT VALIDATION** NO CASH

No 20038 02423 4750.00
 No 21598 022803 1050.00
 No 21603 0228 1 116.00 ?

INSPECTOR COPY

Exhibit 3

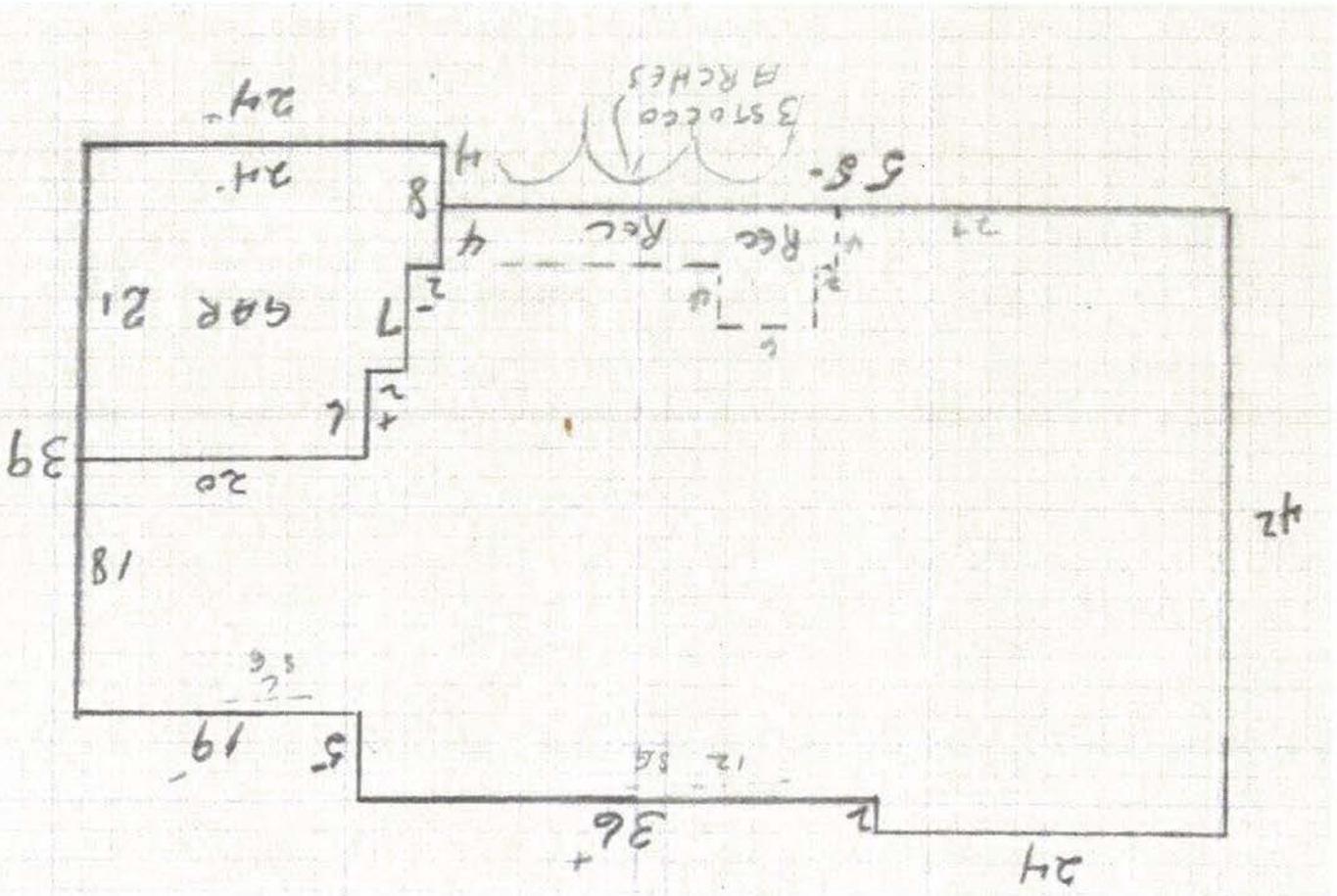
913-6684

SINGLE RESIDENTIAL PROPERTY APPRAISAL RECORD L. A. COUNTY ASSESSOR					PROPERTY USE TYPE 0100	ZONING LCR/2 L	PARCEL NUMBER 4450-50-9	SUB PART 1 OF 1
CONSTRUCTION PERMIT DATA					ADDRESS 20238 Piedra Blanca Dr			COMMUNITY Malibu
NAME	PERMIT	DATE	AMOUNT	IMPROVEMENT	TRACT	LOT	BLOCK	
OWNER:				2566'	26263	9		
BUILDER:	MA07447	070206	20000	Remix Rtg & bath				
ARCHITECT:	MA 08436	080304	35500	ALT Rework				

ARCH. STYLE	EXTERIOR	ROOF STYLE	ELECTRICAL	INT. FINISH	ROOMS	PLB FIX	FLOOR	FLOOR MAT'L.	DESCRIPTION	KITCHEN
Yr. Bilt. 66	Stucco Siding Board & Bat	Gable Hip Shed Flat	Wiring: Amps. Fixtures: Minimum Medium Special	Plaster Drywall PAPER Ceilings: HEATING Forced Air " Perim. Gravity Floor Furn. Wall Elec. Wall Gas Radiant E.	Entry Powder Living Liv-Din. Dining Den Bedroom Dress Rm Bath Bath Kitchen Brkfst. Utility		L I 2	TILE TILE	Cabinets ash L.F. Counters tile L.F. Garb. Disp. Dishwasher Mix-Blend. Range, Oven Refrig. Center Isl.	
FOUNDATION	Veneer: Type: Am't: Trim: Wood Brick Stone	Pitch: L M H O'Hang. Ft. Fin. Unf.	PLUMBING	COOLING					BATH	FL WC LAM TB ST OT GD
STRUCTURAL	Wood Frame Steel Frame Masonry Insul. Ceil. Insul. Wall	Slid. Drs. Lin. Ft: 15	Roof COVER							SUNKEN TILE IN M BLE P CURT M BLE
WINDOWS	DLH Csm't Sliding Metal	Facing Mat'l Hearth	No. Fix. 15	Refrig. H.R. Heat Pump Thru-Wall Evap. Cool						SPECIAL FEATURES Bar, Dry Inter-com. Shutters Central Vac.
										RATING (E.G.A.F.P.)
										Cond. Arch. Func. Pl. Con-form. Stg. Sp. Work-ship Qual.

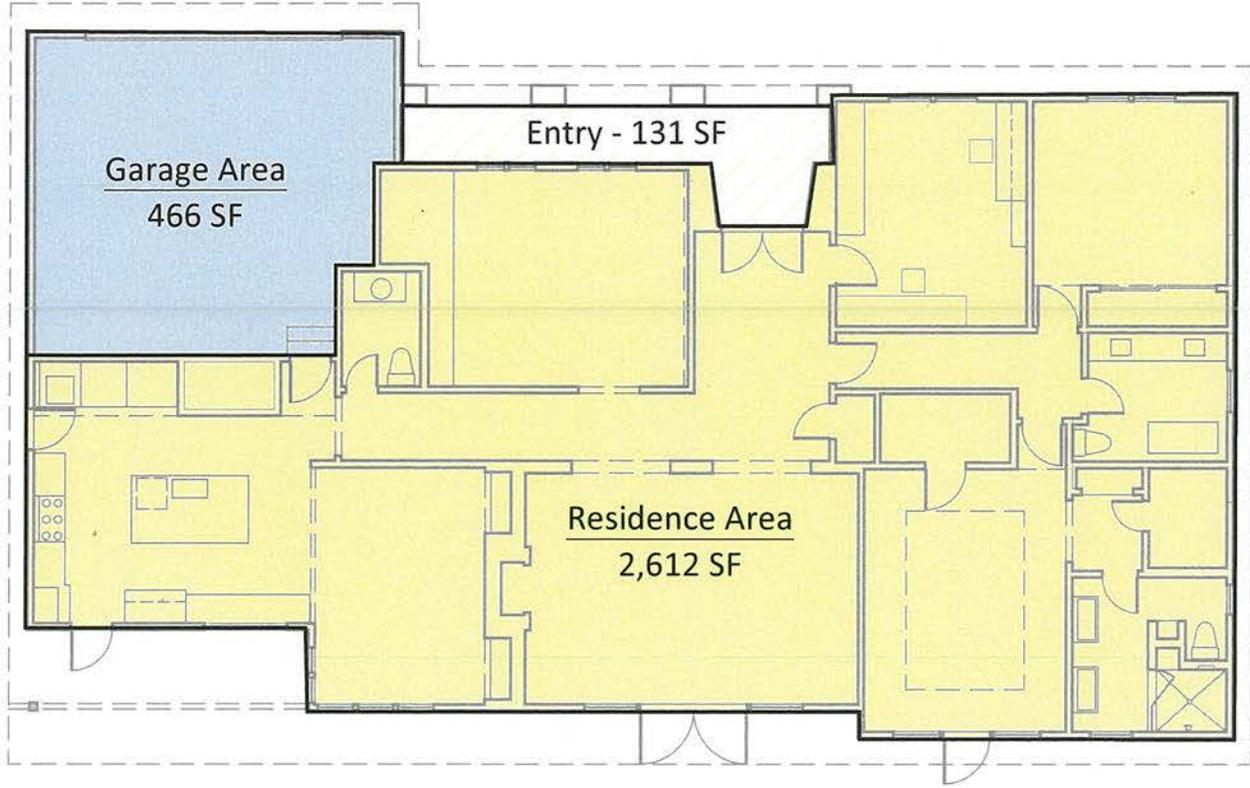
YEAR	USE TYPE	CLASS SHAPE	UNITS	EFF. YR.	DEPR. TABLE	SQ. FEET MAIN IMP.	UNIT COST	R.C.N. MAIN IMP.	R.C.N. OTHER	R.C.N. TOTAL	% GOOD	R.C.L.N.D.	SP	APPRAISER	DATE	REVIEWED BY	INT. VIEW	NO INT. VIEW	CO CK
67	UR	085B	1	66	R60	2743	1480	40600	5340	45940	97	44560		9350	4-28-70				
71	D													Banducci	710303				
72	UR	085B	1	67	UR60	2743	1480	40600	5340	45940	96	44100		SCHWARZER	710615				
74	UR	0121	1	67	UR60	2743	2090	57330	6780	64050	94	60210		Collins	74415				

ASSESSMENT YEAR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR	19	MR UR
R.C.L.N.D. TOTAL																				
APPRAISED VALUES	TOTAL PROPERTY			LAND			IMPROVEMENTS													
APPRAISER AND DATE	TOTAL PROPERTY			LAND			IMPROVEMENTS													
ENTERED																				



AREA COMPUTATIONS			
Main Areas		Other Areas	
RES.		GAR.	
· 2 x 24	48		
· 5 x 60	300	· 6 x 20	120
· 18 x 79	1422	· 7 x 22	154
· 6 x 59	354	· 8 x 24	192
· 7 x 57	399		
· 4 x 55	220		
	<u>2743</u>		<u>466</u>

Residence 2,743 SF
 Garage 466 SF
 Total 3,209 SF Gross Building Area



Legend

- Garage Area
- House Area

Residence	2,612 SF	
Entry	131 SF	
<u>Garage</u>	<u>466 SF</u>	
Total	3,209 SF	Gross Building Area

Residence	2,612 SF	
<u>Garage</u>	<u>466 SF</u>	
Total	3,078 SF	Gross Floor Area - Matching Survey

Exhibit Aerial1

Aerial Photograph Flight AMI_LA_67, Frame 1794 taken September 10, 1967

Original source: http://mil.library.ucsb.edu/ap_images/ami-la-67/ami-la-67_1794.tif
http://mil.library.ucsb.edu/apcatalog/report/report.php?filed_by=AMI-LA-67



Zoom

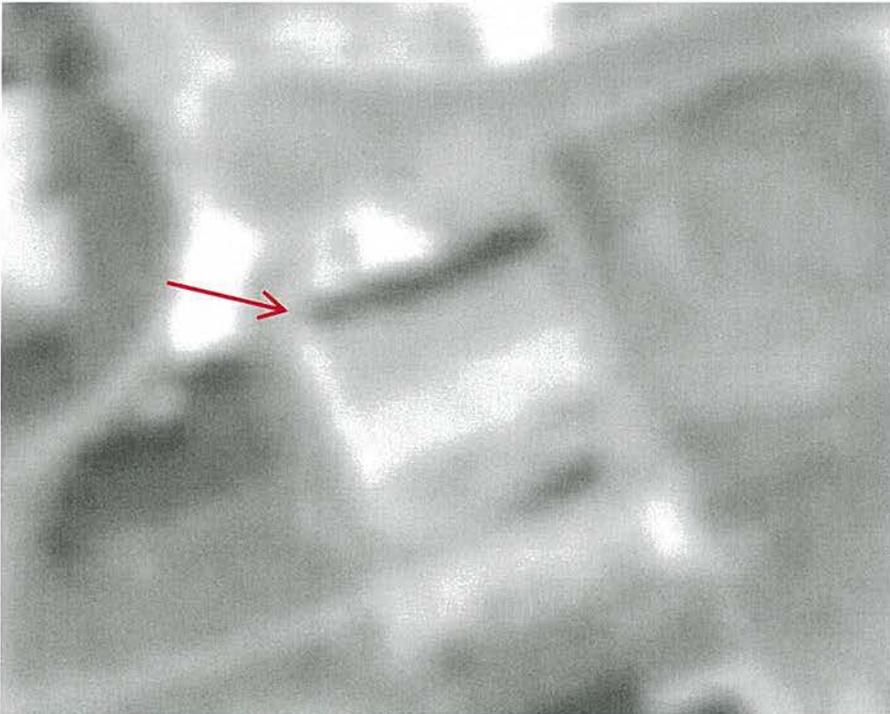


Exhibit Aerial2

Aerial Photograph Flight TG_2755, Frame 17-1 taken February 28, 1971

Original source: http://mil.library.ucsb.edu/ap_images/tg-2755/tg-2755_17-1.tif
http://mil.library.ucsb.edu/apcatalog/report/report.php?filed_by=TG-2755



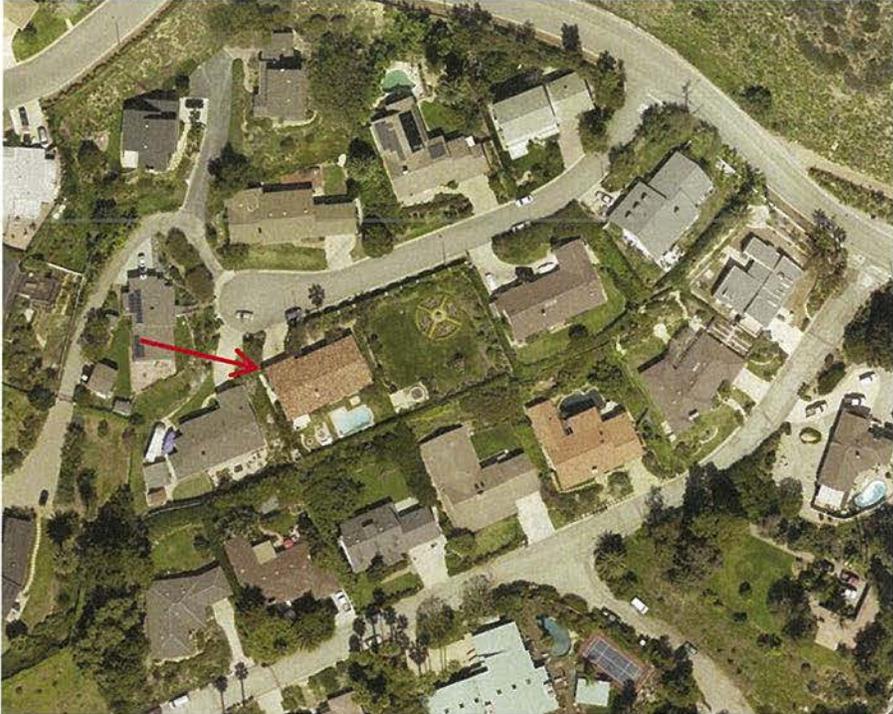
Zoom



Exhibit Aerial3

Aerial Photograph – LA County Aerial 2017

Source: http://rpgis.isd.lacounty.gov/Html5Viewer/index.html?viewer=GISNET_Public.GIS-NET_Public



Zoom



Exhibit 5

7CA987-CEJ817 12-84

APPLICATION FOR PLUMBING PERMIT

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
JOHN A. LAMBIE, COUNTY ENGINEER
COLEMAN W. JENKINS, SUPT. OF BUILDING

1

FOR APPLICANT TO FILL IN			
NUMBER	FIXTURE OR ITEM	EACH	FEE
3	WATER CLOSET	\$1.25	3.75
2	BATH TUB	1.25	2.50
	SHOWER	1.25	
5	LAVATORY	1.25	6.25
1	SINK	1.25	1.25
1	DISHWASHER	1.25	1.25
1	LAUNDRY TUB	1.25	1.25
1	CLOTHES WASHER	1.25	1.25
1	WATER HEATER	1.50	1.50
1	GAS SYSTEM 5 OUTLETS	1.50	1.50
	OUTLETS OVER 5 PER SYSTEM	.30	
1	Basin-Sink		1.25

BUILDING ADDRESS	90238 Piedra Blanca Rd.		
CITY	Malibu		
NEAREST CROSS ST.	Big Rock		
OWNER	Hanson Homes		
MAIL ADDRESS	5701 Del Mar		
CITY	Pleasanton	TEL. NO.	
CONTRACTOR	Hammer Co. Inc.		
ADDRESS	1645 Euclid St.		
CITY	Santa Monica	TEL. NO.	451-5191
CONTRACTOR'S REGISTRATION NO.	170797	STATE	CA
		COUNTY	LA

DISTRICT NO.	GROUP	ZONE	PROCESSED BY
9.2	I	PL 20M	MAHONEY
INDUSTRIAL WASTE APPROVAL			
INSPECTION RECORD			
* 2 - GENERAL CONNECTIONS			
- CRIFATH			
3-21-66			
REMOVED TO OK TO POUR			
- CRIFATH			

INSPECTOR CJPY

PERMIT	\$	2	00
TOTAL FEE		23	75

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING PLUMBING.

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND/OR LICENSED AS REQUIRED BY LOS ANGELES COUNTY AND STATE OF CALIFORNIA OR THAT I AM THE LEGAL OWNER OF, AND INTEND TO RESIDE IN, THE ABOVE DESCRIBED REALTY.

SIGNATURE OF PERMITTEE *Paul [Signature]*

APPROVALS	DATE	INSPECTOR'S SIGNATURE
UNDER GROUND WORK	3-11-66	CRIFATH
ROUGH PLUMBING	4-18-66	CRIFATH
GAS PIPING	4-18-66	CRIFATH
GAS VENT	4-18-66	CRIFATH
HOT WATER HEATER	10-16-66	CRIFATH
PLUMBING FIXTURES	9-16-66	CRIFATH
GAS TEST	6-22-66	CRIFATH
UTILITY CO. NOTIFIED	10-16-66	CRIFATH
FINAL	10-16-66	CRIFATH

VALIDATION

ROBERT A. WOOD
SUPERVISING MECHANICAL ENGR

CK. M. O. CASH

21988 3 5 23.75

MAHONEY

Exhibit 6

Current Existing Plumbing Fixtures

Type of Plumbing Fixture	Fixtures
Bathtub or Combination Bath/Shower	1
Bidet	
Bar Sink	
Clothes Washer	1
Dishwasher	1
Laundry Sink	
Lavatory (Wash Basin)	5
Kitchen Sink	1
Shower (Single Head)	1
Water Closet (Flush Toilet)	3

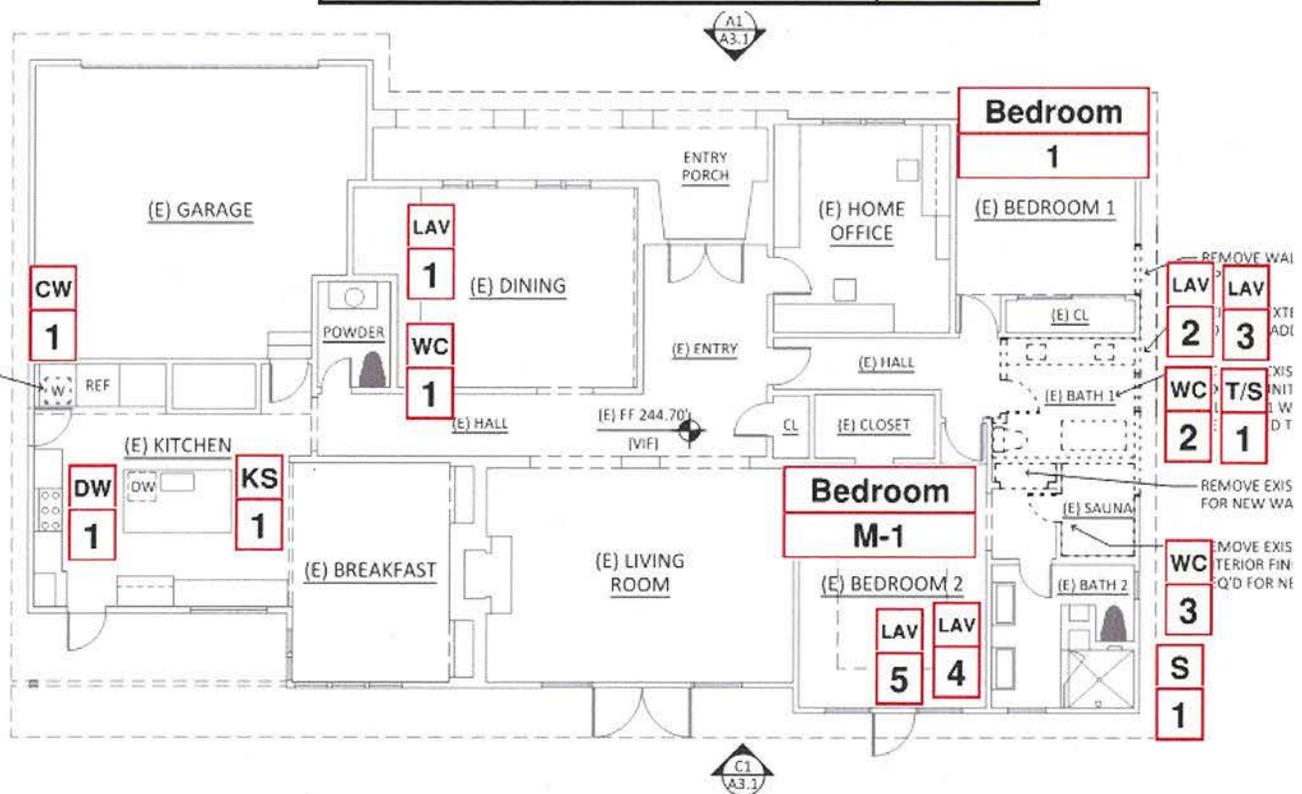




Photo 1



Photo 2

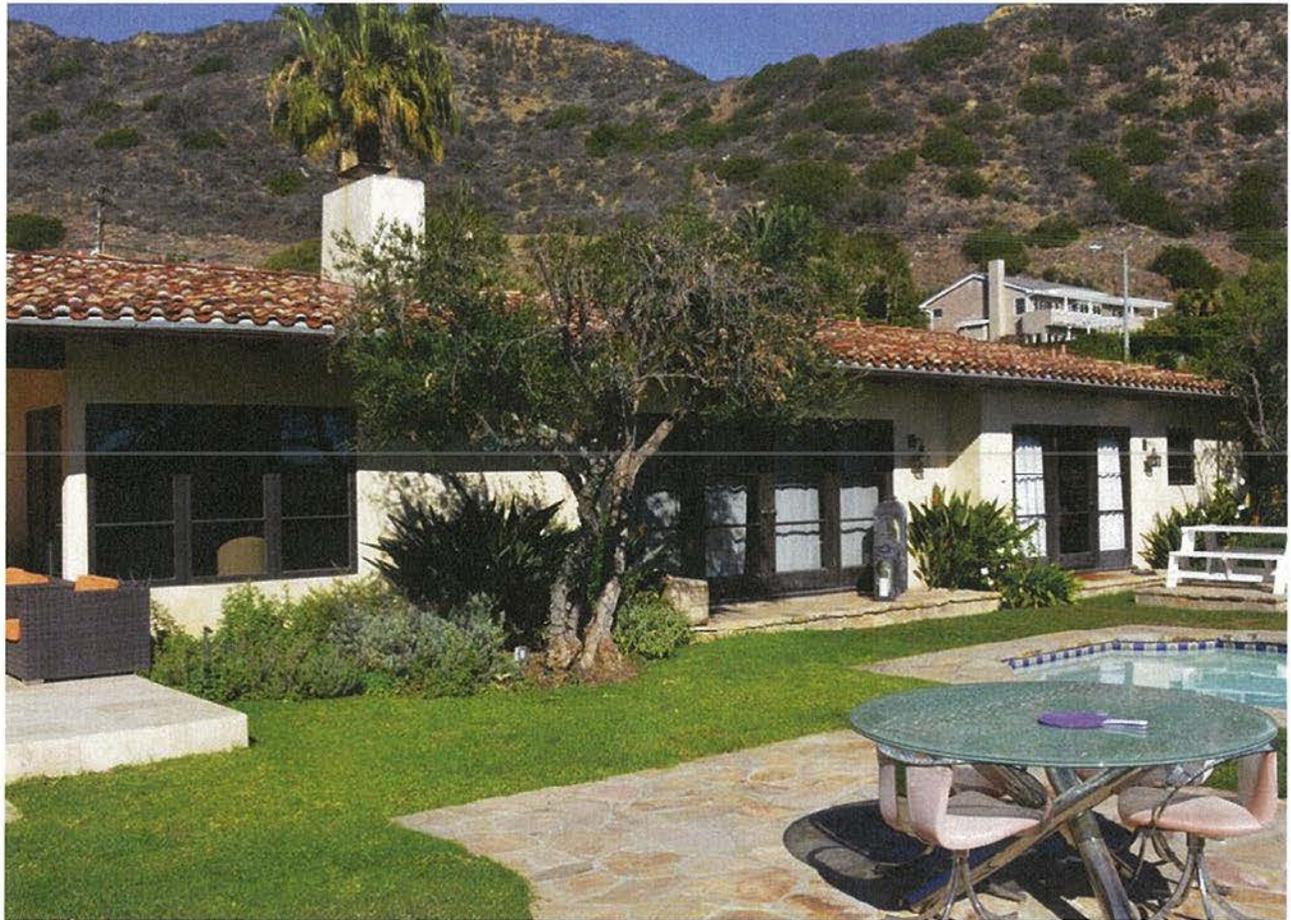


Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8

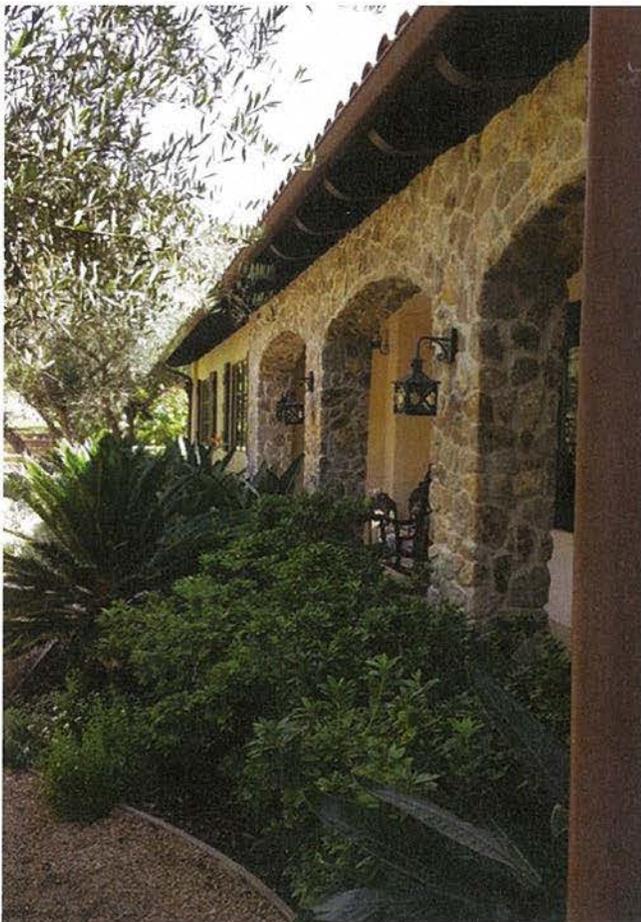


Photo 9

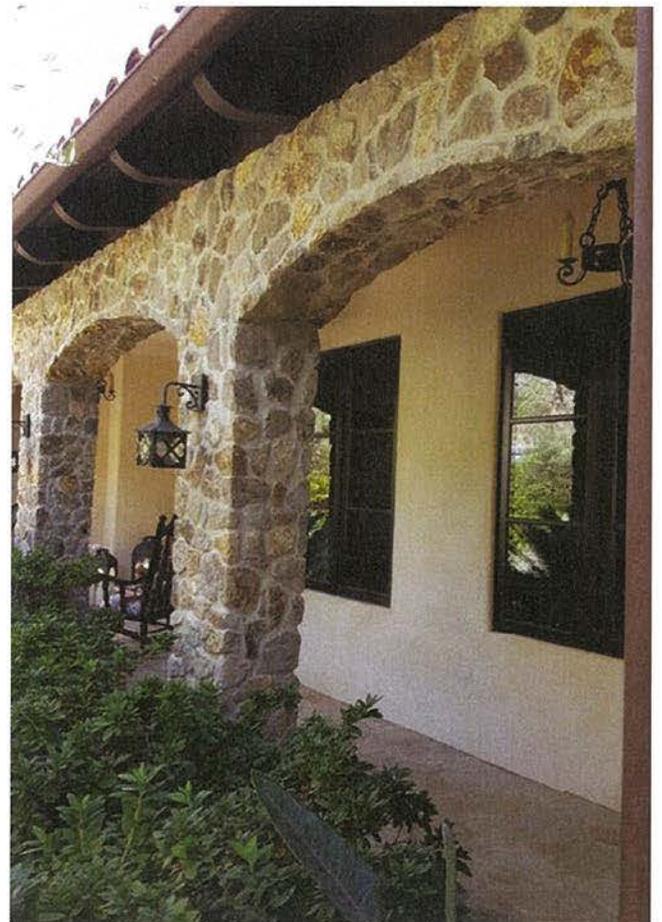


Photo 10



Photo 11

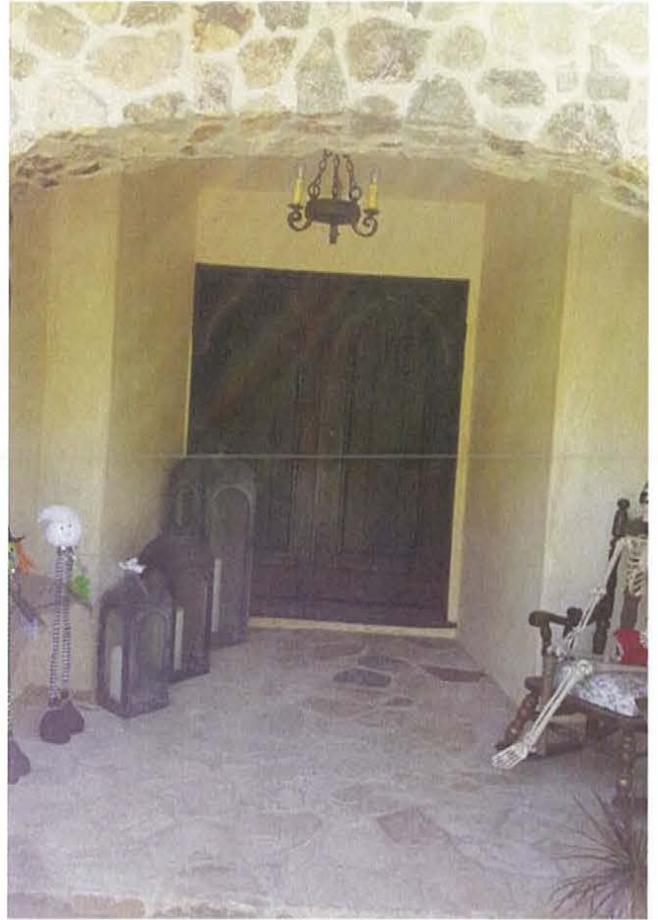


Photo 12



Photo 14



Photo 15

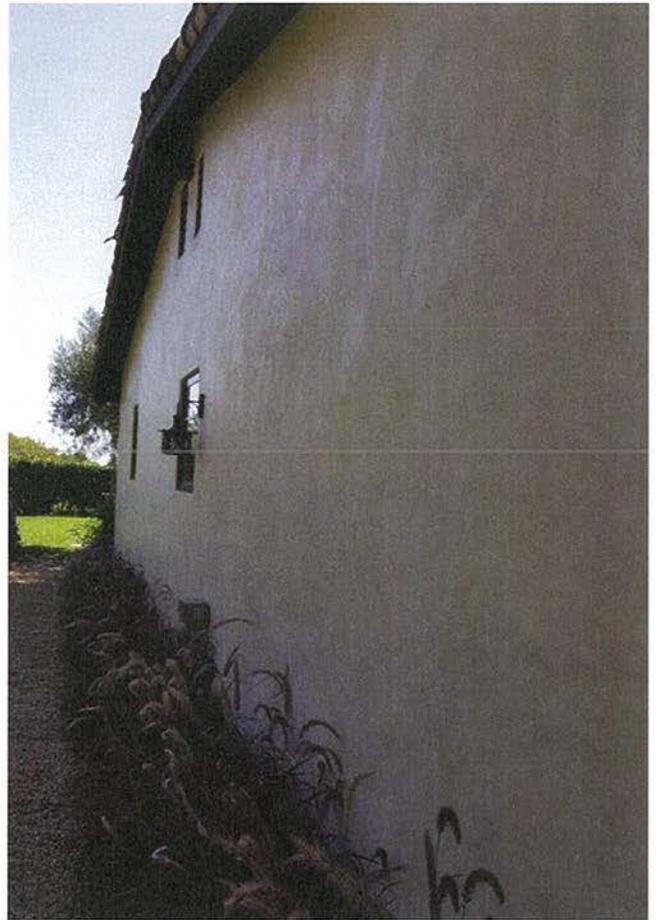


Photo 16



Photo 17

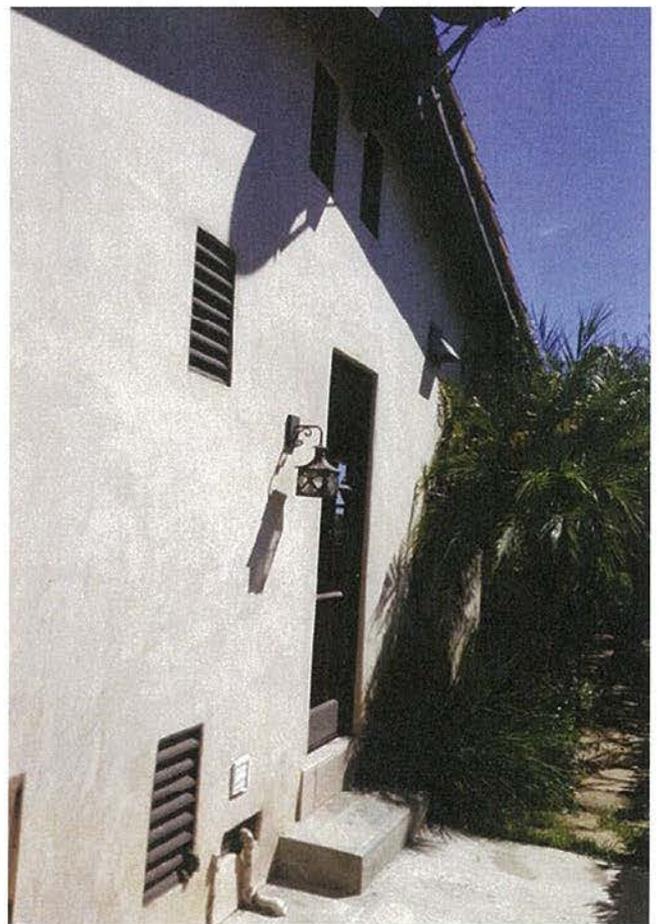


Photo 18



Photo 19

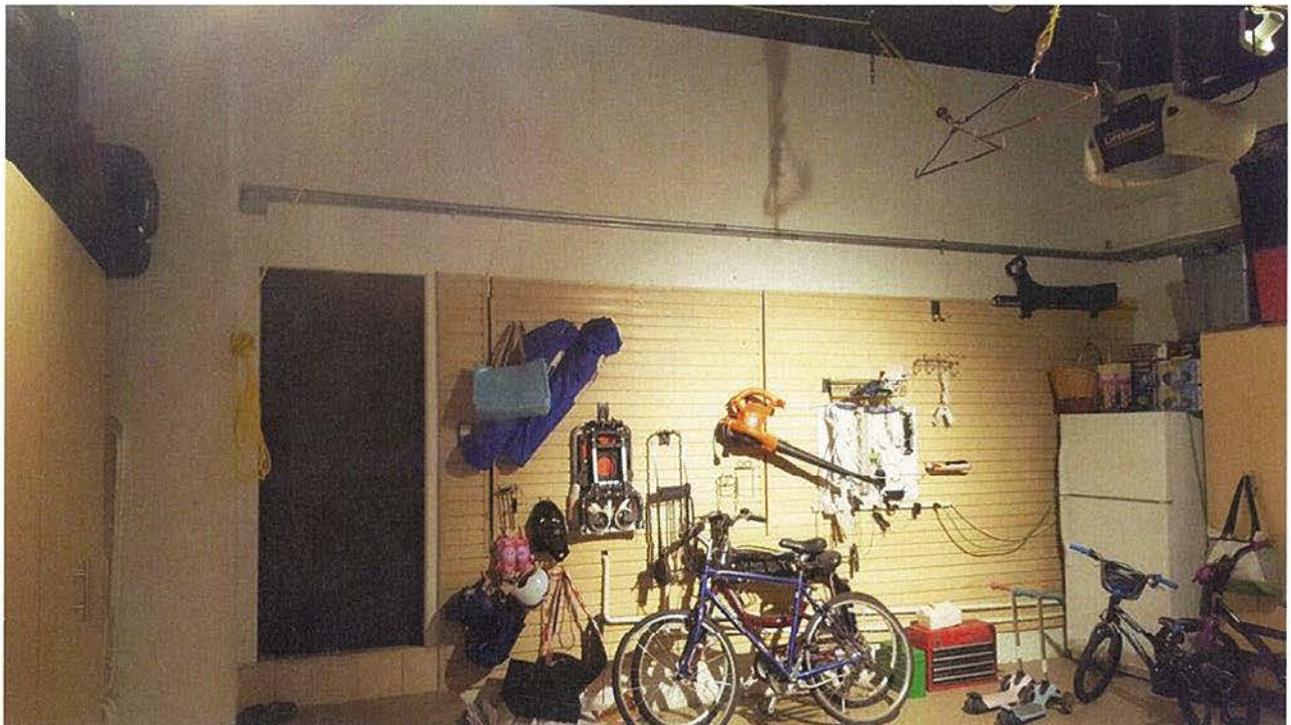


Photo 20

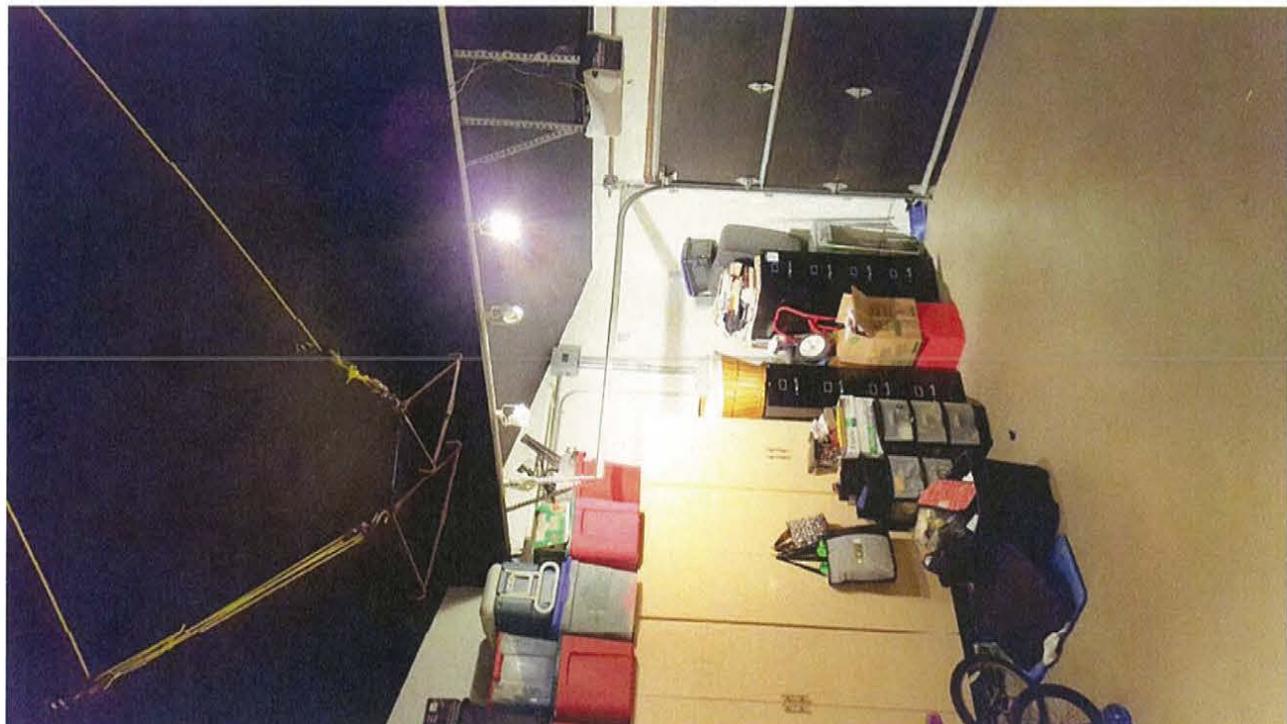


Photo 22

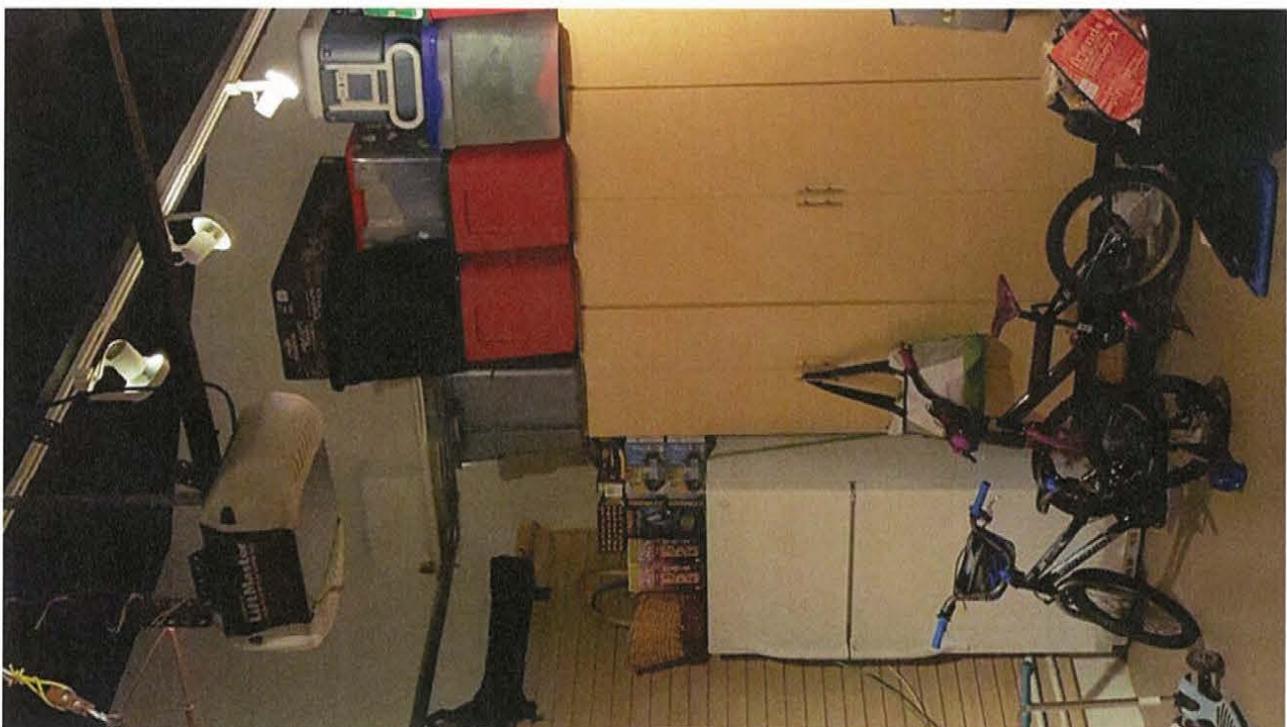


Photo 21

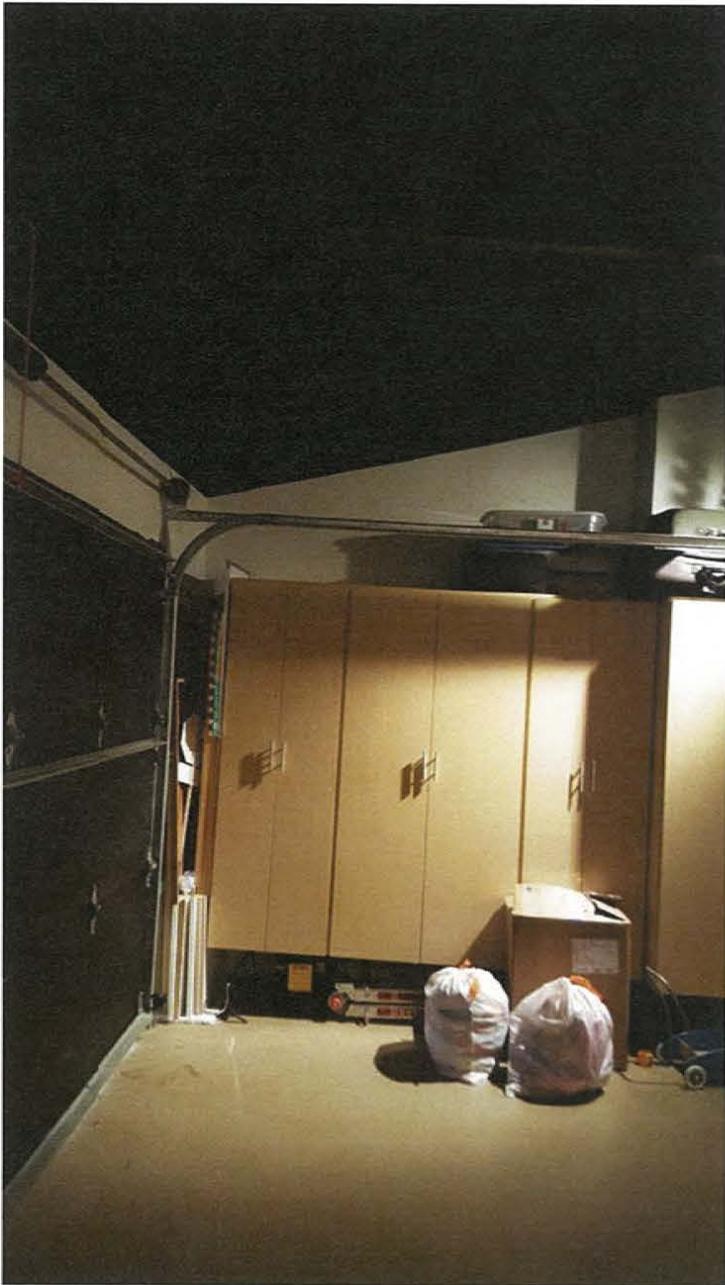


Photo 23



Photo 24

SAMAHARA ALLEN ARCHITECTS
 3030 NORBICA DRIVE
 LOS ANGELES, CA 90005
 323.739.6270
 SAMUEL.ALLEN@A.AARCHITECTS.COM

AKBAR & NAVABI
 RESIDENCE
 20238 PEDRA CHICA ROAD
 MALIBU, CA 90265

DESIGNED BY:
 MARYAM AKBAR & NEZA NAVABI
 20238 PEDRA CHICA ROAD
 MALIBU, CA 90265
 310.312.1111
 aknavabi@gmail.com

ARCHITECT:
 SAMAHARA ALLEN ARCHITECTS
 3030 NORBICA DRIVE
 LOS ANGELES, CA 90005
 323.739.6270
 sam@saahara.com

PROJECT ENGINEER:
 ED KOMALEVSKY
 27481 OLIVE STREET
 MALIBU, CALIFORNIA 90265
 edkomalevsky@gmail.com

STRUCTURAL:
 LOOKR STRUCTURES
 222 SANTA MONICA STREET
 SANTA MONICA, CA 90404
 310.312.1111
 lookr@lookr.com

GENERAL CONTRACTOR:
 C.E. INC.
 20811 CANTON STREET
 20811 CANTON STREET, SUITE 1020
 MALIBU, CALIFORNIA 90265
 310.312.1111
 cec@ceinc.com

ENGINEERING:
 ENTOU ENGINEERING INC.
 4800 JOHN FORDS ROAD
 ALHAMBRA, CA 91804
 626.444.2222
 entou@entou.com

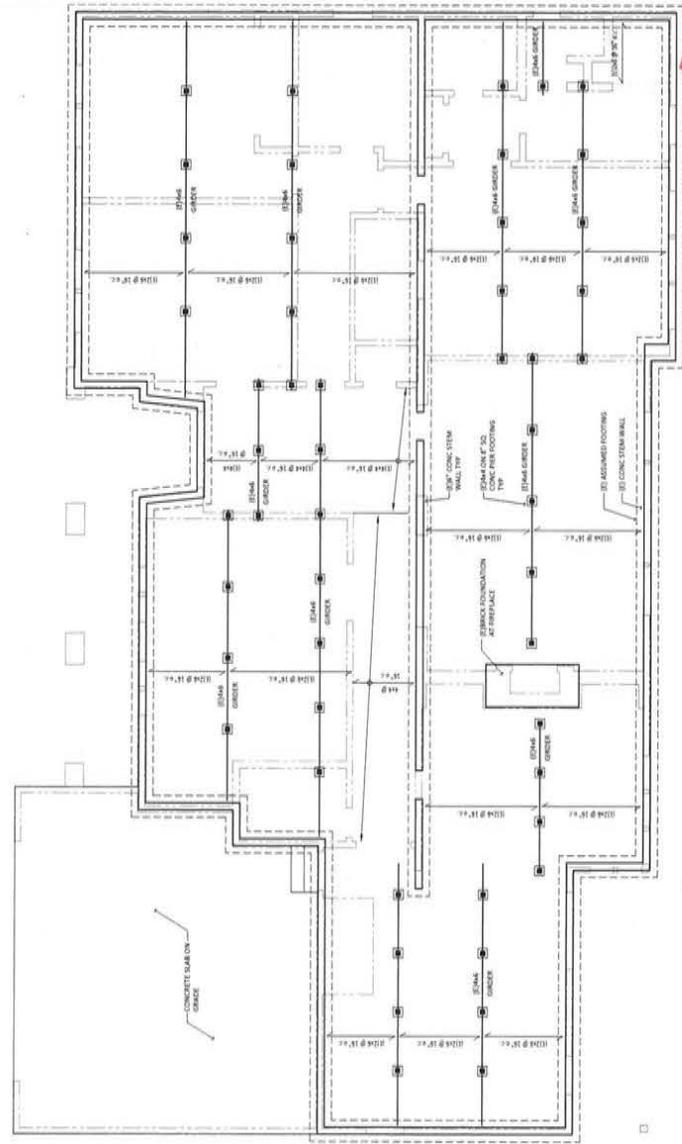


NO.	DATE	DESCRIPTION
1	11.25.19	CDP REVIEW
2		
3		
4		
5		
6		
7		
8		
9		
10		

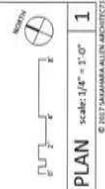
EXISTING FOUNDATION PLAN

Issue Date: 11.25.19
 Date: 11.25.19
 Scale: 1/8" = 1'-0"

S2.0



**RECEIVED
 NOV 19 2019
 PLANNING DEPT.**



EXISTING FOUNDATION PLAN scale: 1/8" = 1'-0" 1

© 2019 SAMAHARA ALLEN ARCHITECTS

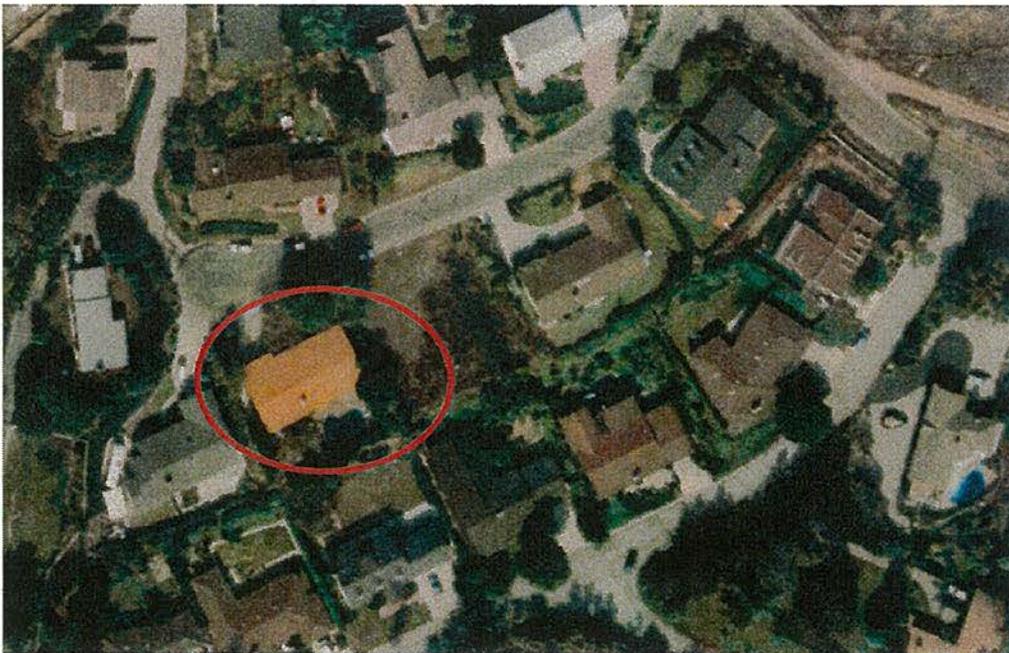
Aerial Photographs



Date: September 10, 1967

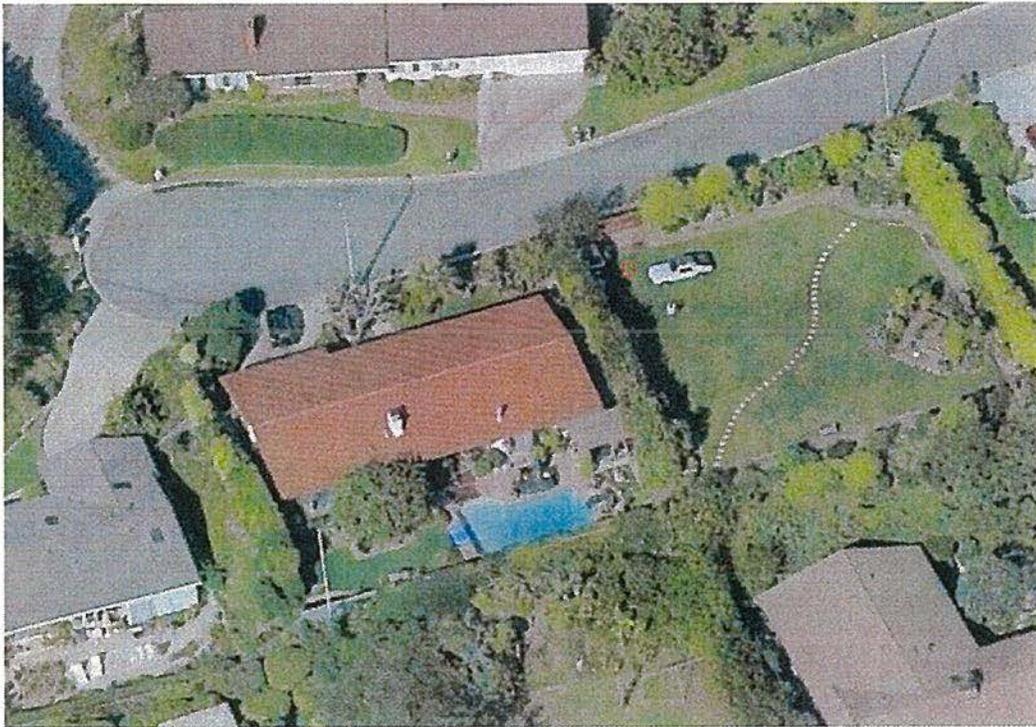
Source: UC Santa Barbara Library

http://mil.library.ucsb.edu/ap_images/ami-la-67/ami-la-67_1794.tif



Date: November 1993

Source: City of Malibu Aerial Photographs



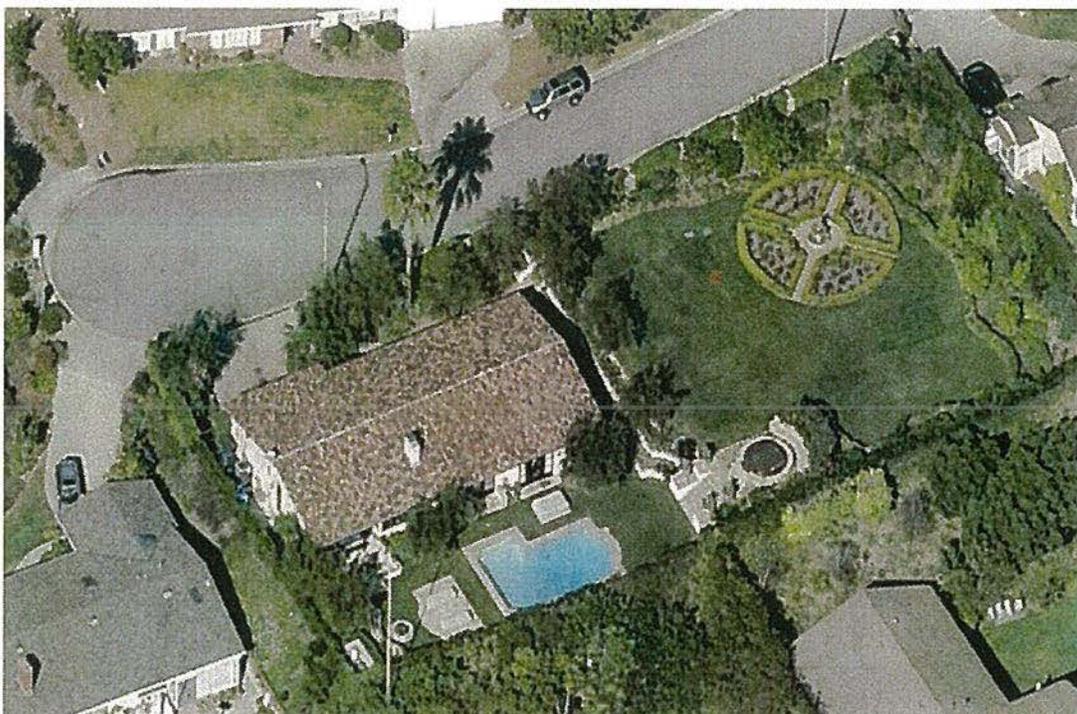
Date: December 2, 2002

Source: Connect Explorer <https://explorer.pictometry.com/index.php>



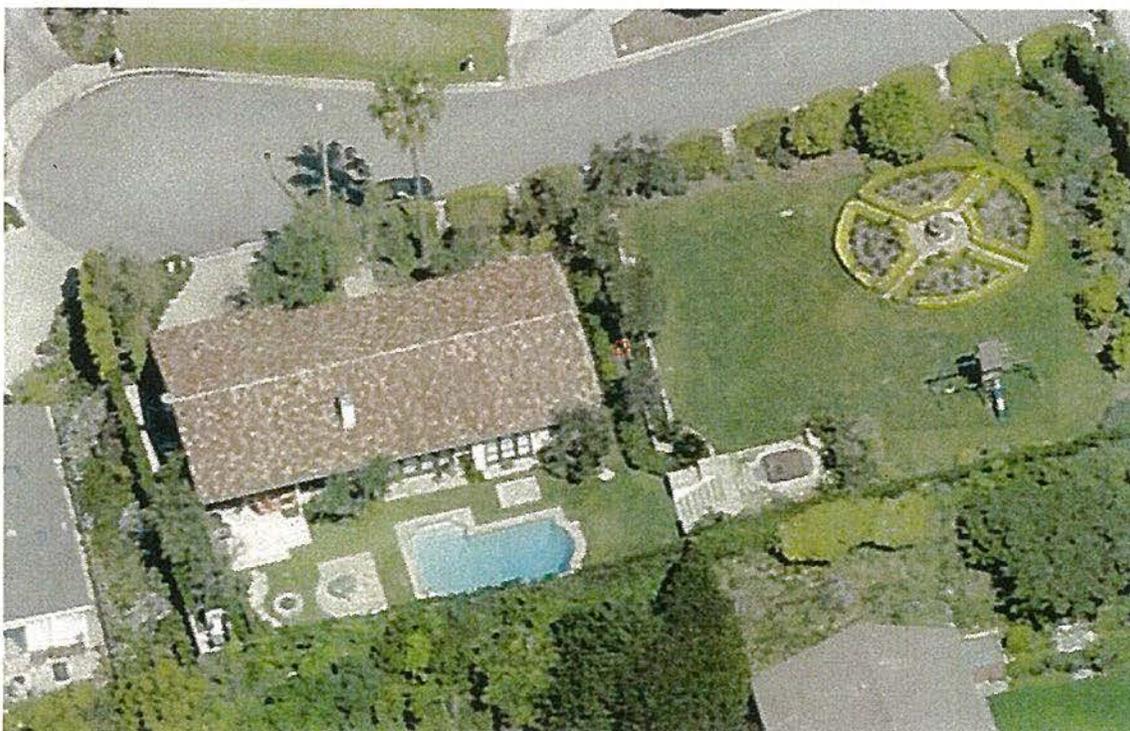
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Source: Connect Explorer <https://explorer.pictometry.com/index.php>



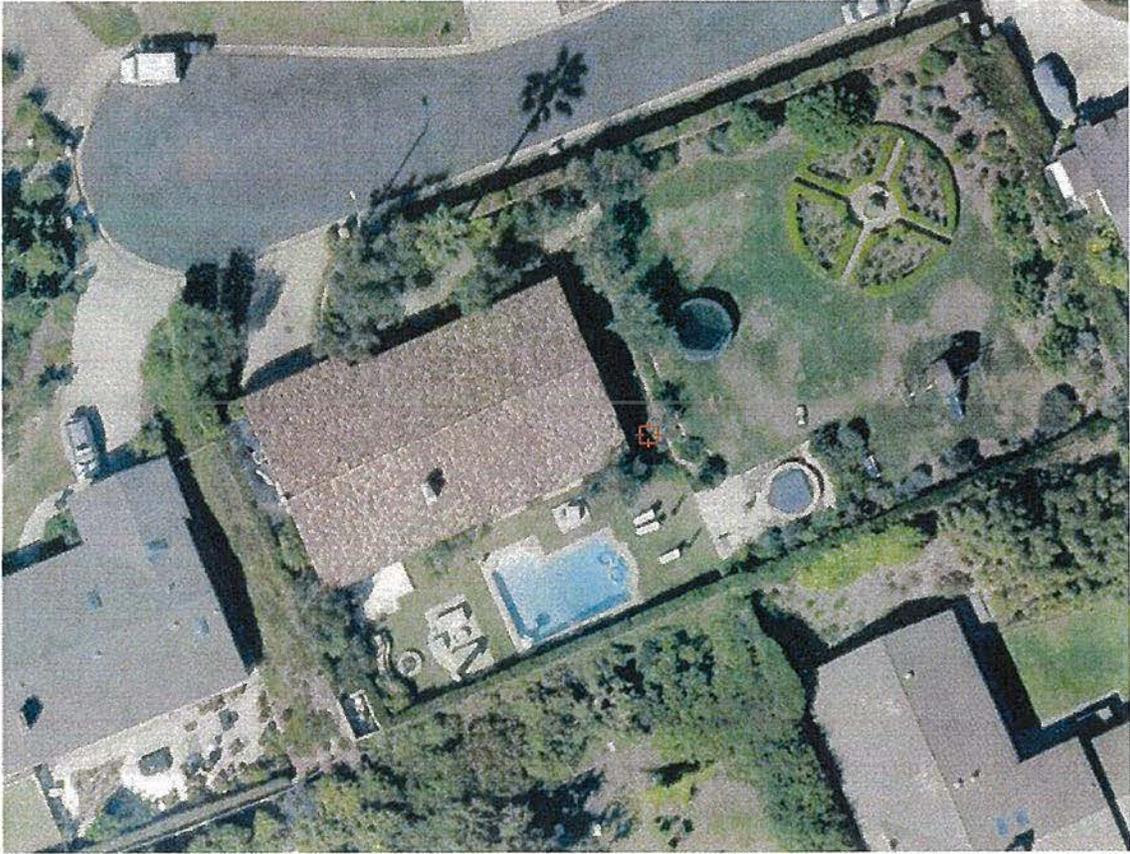
Date: January 18, 2014

Source: Connect Explorer <https://explorer.pictometry.com/index.php>



Date: March 23, 2017

Source: Connect Explorer <https://explorer.pictometry.com/index.php>



Date: October 21, 2019

Source: Connect Explorer <https://explorer.pictometry.com/index.php>

7942384 CEN 1003 5-65

APPLICATION FOR BUILDING PERMIT

1

COUNTY OF LOS ANGELES
DEPARTMENT OF COUNTY ENGINEER
BUILDING AND SAFETY DIVISION
JOHN A. LAMBIE, COUNTY ENGINEER
COLEMAN W. JENKINS SUP. OF BUILDING

BUILDING ADDRESS 20238 Piedra Chica Rd.
LOCALITY MALIBU
NEAREST CROSS ST. Big Rock Dr.

FOR APPLICANT TO FILL IN

BUILDING ADDRESS 20238 Piedra Chica Rd.

LOT NO. 9 BLOCK _____

TRACT 26263

SIZE OF LOT 111' NO. OF BLDGS. 1
NOW ON LOT _____

USE OF EXISTING BLDG. _____

OWNER Hanson Homes TEL. NO. EX 58122

ADDRESS 8701 Delgany Ave

CITY Los Angeles

ARCHITECT OR BLDG. DES. WELSH TEL. NO. EX 59779

ENGINEER E. A. WELSH NO. EX 59779

ADDRESS 818-26th St. Santa Monica

CONTRACTOR Owner TEL. NO. _____

ADDRESS See above LIC. NO. _____

CITY _____ LIC. CLASS _____

DISTRICT NO. 7.2 GROUP I TYPE CONST. 2 PROCESSED BY Murray

STATISTICAL CLASSIFICATION CLASS NO. 0 DWELL UNITS 1 SEWER MAP BK _____ PG _____

USE ZONE R-1 MAP NO. 4492

20th SPECIAL CONDITIONS _____

BLDG. SETBACK FROM FRONT PROP. LINE OF Piedra Chica (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY + YARD =	TOTAL
	<u>42</u>		<u>0 + 20 =</u>	<u>20</u>

BLDG. SETBACK FROM SIDE PROP. LINE OF _____ (STREET)

TYPE OF HIGHWAY	EXISTING WIDTH	SETBACK FROM C.L.	HIGHWAY + YARD =	TOTAL
			<u>+</u>	<u>=</u>

CORNER CUTOFF YES NO

DESCRIPTION OF WORK

NEW ADD ALTER REPAIR DEMOLISH

SQ. FT. SIZE 2568 NO. OF STORIES 1 NO. OF FAMILIES 1

USE OF STRUCTURE Dwelling & P.G.A.R.

SIGNATURE OF APPLICANT R. Hanson
E. Welsh

VALUATIONS 26,000 11600

SEE REVERSE SIDE FOR SPECIAL APPROVALS

32,200 - 5800 = 10,500
26,000 - 47,50 P.C. FEES

4-18-66

1. RAT-PROOF PLBS.

2. FIRE STOP CEILING @ FURIED AREA IN ENTRY. (OVER)

P.C. FEES 47.50 P.M. FEES 116.00

I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE TO COMPLY WITH ALL COUNTY ORDINANCES AND STATE LAWS REGULATING BUILDING CONSTRUCTION. I CERTIFY THAT IN DOING THE WORK AUTHORIZED HEREBY I WILL NOT EMPLOY ANY PERSON IN VIOLATION OF THE LABOR CODE OF THE STATE OF CALIFORNIA RELATING TO WORKMEN'S COMPENSATION INSURANCE.

SIGNATURE OF PERMITTEE [Signature]

ADDRESS _____

APPROVALS	DATE	INSPECTOR'S SIGNATURE
FOUNDATION LOCATION FORV. MATERIALS	3-2-66	CRIFPITIA
FRAME, FIRE STOPS, BRACING BOLTS	4-19-66	CRIFPITIA
FURNACE, LOCATION GAS VENT DUCTS	4-19-66	CRIFPITIA
LATH. INT.	4-23-66	CRIFPITIA
LATH. EXT.	4-23-66	CRIFPITIA
HOUSE NUMBER CORRECT AND POSTED	4-16-66	CRIFPITIA
FINAL	4-16-66	CRIFPITIA

PLAN CHECK VALIDATION NO CASH

JOHN F. LEWIS, PRINCIPAL STRUCTURAL ENGINEER
PERMIT VALIDATION NO CASH

20038 2423 47500

2021598 22803 10500

2021603 2281 11600

INSPECTOR COPY

Jessica Thompson

From: Dr. Reza Nabavi <>
Sent: Wednesday, November 20, 2019 9:57 PM
To: Jessica Thompson
Subject: Re: Property Request - 20238 Piedra Chica Road

Hi Jessica,

You have my authorization to release the records to the planning commission. I hope this resolves the matter.

Thank you.

Kind Regards,
Reza Nabavi, Ph.D.
Executive Director/Founder Resolutions Therapeutic Services

Fax:
Web: www.resolutiontreatment.com

CONFIDENTIALITY NOTICE: This electronic mail transmission is intended only for the personal and confidential use of the recipient(s) designated above. It may also constitute a doctor-patient communication and may therefore be legally privileged. If you are not the intended recipient of this communication (or an agent responsible for delivering it to the intended recipient), you are hereby notified that any review, disclosure, or use of the information contained herein is strictly prohibited. If you have received this communication in error, please notify me immediately, and destroy the original message and all copies. Thank you.

On Nov 20, 2019, at 7:21 PM, Jessica Thompson <jthompson@malibucity.org> wrote:

Good evening Mr. Nabavi,

Attached are the Tax Assessor records for 20238 Piedra Chica Road. As discussed with the project architect, Daniel Allen, Tax Assessor records are not a public document/record. Should you wish to include them in the staff report as an attachment, staff will need written permission. Please let me know how you would like to proceed. Thank you!

Regards,

Jessica Thompson
Associate Planner
City of Malibu | Planning Department
Phone: (310) 456-2489, ext. 280

<4450-013-084_20238 Piedra Chica Road Malibu.pdf>

From: [Colin Drummond](#)
To: [Richard Mollica](#); [Rob Duboux](#)
Cc: [Jyoti Drummond](#); [Jessica Thompson](#); [Christopher Cunningham](#); [Rosemarie Ihde](#); [Jeff Grier](#); [Terry Davis](#)
Subject: Fwd: CDP 18-002
Date: Wednesday, June 24, 2020 9:52:24 PM
Attachments: [Complete Letter AP.pdf](#)

Hi Richard and Rob,

Perhaps the two of you could talk. Given that Rob, on behalf of the City, has asked Yeh & Associates to provide an evaluation of the stability of the hill and a response to ED Michael's reports about Big Rock, including specifically the proposed build at Piedra Chica, it clearly makes no sense to bring the Appeal (AP) No.19-01 project to City Council before that, on August 10th. The report is due in September, according to Rob's testimony at the City Council meeting two weeks ago in response to Council's question on the stability regarding the request from 84 residents for a moratorium on building in Big Rock. It's logical to conduct the appeal to City Council soon after sometime in the fall, once all parties have had the opportunity to digest the reports and respond.

We, on behalf of Big Rock, greatly appreciate the City responding to ED Michael's report officially and scientifically. Please confirm that the appeal will be delayed until the appropriate time.

Colin and Jo Drummond

----- Forwarded message -----

From: **Jo Drummond** <[jo@trinityroseofficial.com](#)>
Date: Wed, Jun 24, 2020 at 5:37 PM
Subject: Fwd: CDP 18-002
To: Colin Drummond

www.trinityroseofficial.com

Sent from my iPhone

Begin forwarded message:

From: Jessica Thompson <jthompson@malibucity.org>
Date: June 24, 2020 at 5:14:50 PM PDT
To: Jo Drummond <[jo@trinityroseofficial.com](#)>
Cc: Bonnie Blue <bblue@malibucity.org>, Richard Mollica <rmollica@malibucity.org>
Subject: RE: CDP 18-002

Good afternoon Jo,

Please find the attached completed letter for Appeal No. 19-010. Please let me know if you have any additional questions. Thank you!

Regards,

Jessica Thompson

Associate Planner

City of Malibu | Planning Department

Phone: (310) 456-2489, ext. 280

From: Jo Drummond <jo.drummond@malibucity.org>
Sent: Monday, June 22, 2020 9:34 AM
To: Jessica Thompson <jthompson@malibucity.org>
Cc: Colin Drummond <colin.drummond@malibucity.org>; Christopher Cunningham [rosemarie.ihde](mailto:rosemarie.ihde@malibucity.org); Rob Duboux <rduboux@malibucity.org>; Jeff Grier <jeff.grier@malibucity.org>
Subject: [Re: CDP 18-002](#)

Still waiting for an answer on below Jessica?

We need time to prepare.

Thanks! Jo

Sent from my iPhone

On Jun 15, 2020, at 11:37 AM, Jo Drummond wrote:

Good morning Jessica, hope you are doing well.

We noticed last Monday that an appeal for 19-007 was heard by city council.

Does this mean that the Nabavi case appeal might be heard virtually? Or did those two parties just agree to do this? How would the many concerned neighbors donate their time to the speakers beyond the 15 minutes allotted to our attorney? Normally if we have 10-15 people show up and donate their time we would get an extra 10-15 minutes of speaking time on top of the allotted 3 minutes per speaker. This option isn't available virtually. When does this City plan on holding open public hearings again?

We plus 83 other neighbors in the Big Rock Assessment District have asked the City Council last Monday for a moratorium on all builds in Big Rock with geological concerns until September or whenever the stability of Big Rock and Lot 8 is confirmed (see attached). According to Rob Duboux at that meeting, who I've copied here, the new monitoring company for the BRM Assessment District 98-1 will provide a report by September on the slope stability of Big Rock, as well as Lot 8/Lot 2, plus an assessment of the dewatering equipment. This is in response to the geological report by ED Michael submitted to the City in January 2019 by BRMPOA and also to this case.

So this must not be brought to City Council until this is completed and everyone has had a chance to digest the new monitoring company's reports. Given the Navabis never had a slope stability test done in their geological testing (which is required), this is critical with the evidence we have provided to have this completed for the safety of the neighbors and neighborhood.

Please advise on the timeline for this case.

Thanks very much,

Jo & Colin Drummond

On May 22, 2020, at 5:21 PM, Jessica Thompson <jthompson@malibucity.org> wrote:

Good afternoon Jo,

The staff report dated November 4, 2019, specifies that the LIP definition of gross floor area refers to commercial development on page two, within the second paragraph. In regards to your questions about the codes in effect, please see my email response to this matter dated November 14, 2019 (attached). Have a nice Memorial Day weekend.

Regards,

Jessica Thompson
Associate Planner
City of Malibu | Planning Department
Phone: (310) 456-2489, ext. 280

From: Jo Drummond
Sent: Thursday, May 21, 2020 2:18 PM
To: Jessica Thompson <jthompson@malibucity.org>
Cc: Yolanda Bundy <ybundy@malibucity.org>; Richard Mollica <rmollica@malibucity.org>; Colin Drummond <Christopher.Cunningham@malibucity.org>
Subject: Re: Malibu-Local-Implementation-Plan-LIP-.pdf

Hi Jessica,

Waiting for an answer on below if you need to check with the city attorney on these questions?

Thx! Jo

On May 19, 2020, at 2:22 PM, Jo Drummond wrote:

Hi Jessica,

Nowhere does it say that this definition is for commercial structures only. Pls indicate where it states this in the attachments you provided?

Also shouldn't Malibu look at the LA County code first because we are a general law city? For some reason the City defaulted to state codes which is not usual here in Malibu. Because Yolanda came from Ventura which is NOT a general law city but

rather charter perhaps she has gotten confused in the matter?

Regardless there is a serious geological concern we have that we are writing to Richard and Rob Duboux today about this project to hold it off until the City can deal with this situation.

Thanks, Jo

On Tuesday, May 19, 2020, 12:09:02 PM PDT, Jessica Thompson <jthompson@malibucity.org> wrote:

Good afternoon Jo,

I hope this email finds you well. In regards to the definition of gross floor area found in the Malibu Local Implementation Plan, as discussed in the staff report dated November 4, 2019, and explained previously by staff, that definition is applicable to commercial development. The report can be referenced here: <https://www.malibucity.org/AgendaCenter/ViewFile/Item/3988?fileID=9706> . This matter was further clarified in the staff report dated December 2, 2019, which can be accessed here: <https://www.malibucity.org/AgendaCenter/ViewFile/Item/4026?fileID=9981>. Thank you!

Regards,

Jessica Thompson

Associate Planner

City of Malibu | Planning Department

Phone: (310) 456-2489, ext. 280

<preservebigrock_email.pdf>

September 2, 2020

VIA E-MAIL AND U.S. MAIL

City Council
City of Malibu
c/o City Clerk, Heather Glaser
23825 Stuart Ranch Road
Malibu, California 90265-4861
E-Mail: hglaser@malibucity.org

Re: Appeal (AP) No. 19-010; 20238 Piedra Chica Road

Appealing Planning Commission Resolution No. 19-25, approving Coastal Development Permit No. 18-002 to allow for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping

Dear Mayor and City Council Members:

We represent Colin and Joanne Drummond (“**Appellants**”) in connection with the above-referenced appeal. Appellants request a continuance of the hearing of the appeal until a date following the completion and receipt of the City-commissioned reports by Yeh and Associates, Inc. (“**Y&A**”) concerning the Big Rock Mesa Landslide Assessment District.

Support for Continuance

The hearing for Appeal No. 19-010 (the “**Appeal**”) is currently scheduled to occur on September 28, 2020. However, City of Malibu (the “**City**”) consultants are presently collecting data concerning Big Rock Mesa that remains critical to the issues raised in the Appeal, including but not limited to evaluating the need to refine and modify landslide geometries and models. All parties benefit by obtaining and evaluating the information developed by Y&A before the City Council considers the Appeal so that all may adequately evaluate the proposed project. We understand from Rob DuBoux, City Public Works Director, that the City anticipates receiving the information in September/October. As such, this request would not unreasonably delay the hearing.

1463806v1

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Background

On December 2, 2019, the City of Malibu Planning Commission adopted Resolution No. 20-18, approving Coastal Development Permit No. 18-002 for property located at 20238 Piedra Chica Road (the “**Property**”) (approval referred to as “**Planning Commission Approval**”). The Planning Commission Approval found the project categorically exempt from the California Environmental Quality Act and allows for the interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including the construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping.

On December 12, 2019, Appellants appealed the Planning Commission Approval based on, among other things, a lack of adequate stability analysis. Importantly, Appellants noted that development near or on Piedra Chica Road, part of Big Rock Mesa, should not occur until the completion of a proper analysis of the ancient landslide and current slope stability. Prior to the Planning Commission Approval, no adequate landslide analysis existed for the Property, and the applicant’s consultant clearly used outdated information to support the project.

On June 22, 2020, the City Council authorized the City Manager to execute a Professional Services Agreement with Y&A for, among other tasks, maintenance and monitoring services for the Big Rock Mesa Landslide Assessment District. As part of the agreement, Y&A will collect, compile and revise data, evaluate trends, and evaluate the need to refine and modify landslide geometries and models based on data from recent geotechnical investigations, as well as prepare reports summarizing monitoring and maintenance data. We understand from Mr. DuBoux that the consultant is currently collecting and evaluating data, and the City expects to receive the information in September/October of this year. Given the relevance of the findings to development in the Big Rock Mesa Landslide Assessment District, including that sought by CDP No. 18-002, receipt and evaluation of the consultant’s information is crucial to the Appeal.

As noted by the Appellants in prior hearings and in the Appeal, the proposed addition will be the most substantial, both in size and increase of water fixtures, approved in Big Rock Mesa since the most recent landslide. Understanding the geology of the area and the slope stability of the Property remains critically important when considering additional development and the impact of such development on the stability of the existing landslide.

Conclusion

The Appeal raises multiple issues regarding the adequacy of the applicant's geological data in connection with the Planning Commission Approval, including objections to the use of outdated information. Obtaining the Y&A updated information for Big Rock Mesa is vital to determining future development in the area, including the development proposed on the Property. The practical and efficient review of the Appeal mandates the scheduling of the hearing **after** the City receives Y&A's data and findings.

We appreciate your consideration of the above request. Please contact our office with questions or comments.

Very truly yours,



KENNETH A. EHRLICH,
a Professional Corporation of
Elkins Kalt Weintraub Reuben Gartside LLP

KAE

cc: Mikke Pierson (via e-mail mpierson@malibucity.org)
Karen Farrer (via e-mail kfarrer@malibuciy.org)
Skylar Peak (via e-mail speak@malibucity.org)
Jefferson Wagner (via e-mail jwagner@malibucity.org)
Rick Mullen (via e-mail rmullenmalibucity.org)
Jessica Thompson (via e-mail jthompson@malibucity.org)
Richard Mollica (via e-mail rmollica@malibucity.org)
Robert DuBoux (via e-mail rduboux@malibucity.org)

From: [REDACTED]
Cc: [REDACTED]; [Richard Mollica](#)
Subject: 20238 Piedra Chica Road - Appeal Hearing
Date: Wednesday, November 11, 2020 2:02:52 PM

Jessica,

This email is to follow up our conversation yesterday regarding the scheduled 11/23 City Council hearing on Appeal 19-010 against our approved project CDP 18-002. As we understand the building department will not have time to respond to the City Council's 11/9 request for staff to review the history of development and factors of safety in the BRM district, and because the City Contract Geologist, Chris Dean, is not available to attend, it is with great reluctance that the property owners request that our hearing be rescheduled to a later date. As we have been waiting almost a year for this hearing to be scheduled, this further delay is tremendously frustrating, but we recognize the importance of the City Council having all the facts and evidence available to review the appeal against our project.

Please reschedule the hearing at the earliest date on or after the building department submits their findings to the City Council, and preferably a date that Chris Dean can attend virtually.

Thank you,

Dan Allen
Sakahara Allen Architects

[REDACTED]
[REDACTED]
[REDACTED]

Subject: 20238 Piedra Chica Road - Appeal Hearing

From: Dan Allen
Sent: Wednesday, February 10, 2021 7:18 PM
To: 'Jessica Thompson'
Cc: 'Richard Mollica'; Dr. Maryam Akbar; Dr. Reza Nabavi
Subject: 20238 Piedra Chica Road - Appeal Hearing

Jessica,

It is with reluctance that I am requesting the hearing for the appeal against our project at 20238 Piedra Chica Road, Appeal No. 19-010, be postponed until the next available City Council hearing date. This request is due to our just learning of a planned Town Hall that we understand has been requested by Mayor Mikke Pierson and Councilmember Steve Uhring, to allow a full discussion of the issues concerning Big Rock Mesa Assessment District. We expect more details of the Town Hall will be determined at the February 22nd City Council hearing where City staff will present further information on the history of development and factors of safety in the BRM district. While we would like nothing more than to present our case that the appeal against our approved project is unjustified and should be denied, we believe it is in the best interest of the neighborhood that the City Council have as much information as possible on the safety and stability of the Big Rock Mesa.

Thank you,

Dan Allen
Sakahara Allen Architects

[REDACTED]
[REDACTED]
[REDACTED]



City of Malibu

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MEMORANDUM

To: Yolanda Bundy, Building Official

From: Michael B. Phipps, PG, CEG, Christopher Dean, PG, CEG, Lauren J. Doyel, PE, GE, Geology Department, Building and Safety

Date: December 23, 2020

Re: Geology Responses to questions posed by Christopher Cunningham, 12-4-2020

At the request of Building and Safety, the Geology Department has prepared responses to questions posed by the above referenced homeowner regarding the Big Rock Mesa Landslide and permitted construction. The responses are focused on answering the questions, but also include correction and/or clarification of statements in the preface to the questions. The question portions are highlighted.

When reading the responses, it is important to understand the following:

1. In the California and locally adopted building code, and LCP/LIP, there is a distinction between **constructed properties** (properties with existing or previously permitted structures) and **new property construction** (properties where no structures have ever been previously permitted).
2. Factors of safety are by nature transient. A landslide has on occasion, an overall factor of safety (FOS) of 1.0 or less than 1.0 when exhibiting ground movement. When not moving, the FOS is 1.0 or greater.
3. The term "waiver" is a misnomer. The City utilizes an "Assumption of Risk and Release" (ARR) form as a recorded document when development is permitted by the building code in areas with known geological hazards, including those potentially subject to hazard from landslide, settlement, or slippage. The underlying requirements of ARR's and the building code are that the Applicant's California state-licensed professionals, a Certified Engineering Geologist and licensed Civil (Soils) Engineer or Geotechnical Engineer, must provide findings that conclude that the proposed development is "safe for the intended use" and does not pose a risk to neighboring properties.
4. The factors of safety presented in the 1991 report "A Geotechnical Engineering Evaluation of the Big Rock Mesa Landslide, Malibu, California," by Bing Yen & Associates (1991 BYA report) have been misstated in the recent correspondence received by the City. Table 7.1, Stability Analyses of the Main Mesa, presents results of stability analyses using three-dimensional analyses for the overall area, and two-dimensional analyses along

representative geologic cross-sections through the landslide, for both prevailing conditions (November 1991) and maximum attainable factor of safety by dewatering. The results presented are as follows:

- a. Three dimensional analyses, Main Mesa: Prevailing factor of safety in November 1991 was about 1.25, and the maximum attainable factor of safety attainable by dewatering was 1.4.
- b. Two-dimensional analyses, five cross-sections through Main Mesa Area: Prevailing factor of safety in November 1991 ranged from 1.23 to 1.30, and the maximum attainable factor of safety attainable by dewatering ranged from 1.3 to 1.50.

Question: *According to the Malibu Local Implementation Plan Chapter 9 Hazards Section 9.4 DEVELOPMENT STANDARDS and the Malibu Building Code Section 22.44.2180, the safety factor for slopes and landslide areas in Malibu is 1.5. Yet there was some reference in that October meeting last year that Big Rock has an allowable safety factor of 1.25. So...*

Where does it state in the Malibu Building Code the allowable safety factors below 1.25 for Big Rock, and what was the basis for lowering the safety factor for Big Rock to 1.25? By doing so, is the City encouraging development on an active landslide?

Response: The first part of the statement with respect to required Factor of Safety (FOS) is not entirely correct. The quoted development standard (LCP/LIP Section 9.4.D) is applicable to the stability of slopes for new property construction (aka, new development). The quoted Section 22.44.2180 is part of the Planning Code of the County of Los Angeles and is not applicable to the City of Malibu. The slope stability development standard outlined in LCP/LIP Section 9.4.D for new development is two-fold: a minimum FOS of 1.5 is required for long term static stability, and a minimum FOS of 1.0 (formerly 1.1 under seismic stability analysis procedures that have now been superseded) is required for short-term pseudo-static (seismic) stability.

Nowhere in the Malibu Building Code, the City's Local Implementation Plan (LIP), or in the City's 2013 Geotechnical Guidelines is a 1.25 Factor of Safety (FOS) allowed for proposed new property construction (new development) anywhere in the City, including the Big Rock Mesa area. The only situations in which a 1.25 FOS is applicable is for temporary excavations during construction and for slopes associated with access roads (if the slope does not affect the stability of the building pad) per Section 6.4.5 of the 2013 Guidelines for Geotechnical Reports (adopted as part of the municipal code). A FOS of 1.25 is not a standard for development, and thus any suggestion to that end is based on misinformation.

The City is not encouraging development on a historically active landslide. The City reviews development applications for legal use of the property under existing codes and standards, with significant restrictions. We also note that many properties (approximately 25 single-family residences) on the BRM landslide were destroyed and were permitted to be reconstructed following the 1993 Malibu-Old Topanga Fire, consistent with Section 110.2 of the Building Code.

Question: *Secondly, the mesa lots are in an active landslide hazard zone, and there has been no slope stability study that shows a safety factor for these lots at or above 1.5 or even above 1.25 for that matter. In fact, the only slope stability study conducted for Big Rock in the last 28 years by Bing Yen (that Don Kowalewsky mentioned in the October 21, 2019 Planning*

Commission meeting) shows that 5 of the 6 zones in the Big Rock Mesa landslide area have safety factors of 1.2 or less. In the Planning Commission meeting on October 21, 2019, Kowalewsky questioned Bing Yen on its safety factor and he states “beats me” on why Bing Yen did not conclude that the slope’s safety factor was 1.0 or less when inclinometers show movement. The Drummonds provided this information to both the City Council and Planning Commission in a letter dated November 1, 2019. So, now having been aware of this information for some time, **what is the basis for why the City would continue to allow a variance from the City’s geotechnical standards and codes on slope stability with respect to development in Big Rock?**

Response: “Kowalewsky questioned Bing Yen on its safety factor and he states “beats me” on why Bing Yen did not conclude that the slope’s safety factor was 1.0 or less when inclinometers show movement.” The statement related by Don Kowalewsky was made by a staff member (personal communication, D. Kowalewsky to L. Doyel), was taken out of context, and is incorrect. Nowhere does the 1991 BYA report conclude that, while moving, the FOS was greater than 1.0. The Factors of Safety presented in the report represent landslide conditions in mid-1983 and November 1991, based on evaluation of complex geology, groundwater levels, analysis of past recorded movement and observations, and results of stability modeling.

The Bing Yen & Associates study of the Big Rock Mesa Landslide (1991) concluded that, on average, the calculated FOS for most of the regions on the active landslide is 1.25 or less in November 1991, and “are likely to be the maximum attainable by the existing dewatering system... (p9-1, BYA 1991)”. Furthermore, the report states that “Factors of safety are transient in nature.” Following significantly above-average rainfall years, such as in 1995, 1998, and 2005, minor creep movement of certain portions of the Big Rock Mesa landslide were documented and reported in the annual monitoring reports published by the City’s consulting geotechnical firm managing the Assessment Districts. During creep movement of a portion of the landslide, the Factor of Safety against slope instability is, by definition, temporarily at or slightly below 1.0 until the dewatering facilities lower the water levels such that the slide creep movement slows and then ceases.

The City has allowed applicants representing two properties in the historically active Big Rock Mesa Landslide to apply for a variance to the Factor of Safety requirement in LCP/LIP Chapter 9 (Section 9.4.D) in accordance with Section 13.26.5(B) of the City of Malibu’s LCP-LIP (Page 243). Both properties were previously occupied by single-family residences. One of these pre-existing residential developments was destroyed in the 1993 Malibu-Old Topanga firestorm that destroyed dozens of properties on the mesa, and the other was damaged, reg-tagged, and ultimately ordered demolished due to local bluff instability (not movement of the Big Rock Mesa landslide mass) by the County of Los Angeles. This above-referenced section of the LCP-LIP requires the City to make several findings before a variance can be granted. Each finding must be supported by substantial evidence. The second of these required findings reads as follows: “*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 applicant must retain an appropriately licensed geotechnical consultant to perform an investigation of the property that conforms to the City’s 2013 Guidelines, with the knowledge

that the proposed development cannot meet the required 1.5 FOS; thus, the variance. The applicant and their consultants must ultimately provide the City with reports that adequately support the required findings for the variance. The City's geotechnical reviewers (presently Cotton Shires and Associates, Inc./GeoDynamics, Inc.) review the Project Geotechnical Consultant's discussions regarding the Big Rock Mesa Landslide Assessment District reports, dewatering, the variance, and the submittal of their quality control maintenance manual (QCMM). Approval of the project from a geotechnical perspective cannot be granted until all the findings and conditions of the variance have been adequately addressed and implemented in the plans. An "Assumption of Risk and Release" for geotechnical hazards must be signed by the property owners and recorded with the County Recorder, prior to permit issuance, because it is required by Section 110.2 of the Building Code, as originally developed by the County of Los Angeles.

Technical Note: Conclusions presented in the 1991 BYA report are the result of an in-depth evaluation of the complex geology, groundwater conditions, movement analysis, changes in material strength and stability modeling. The key conclusions regarding the condition of the BRM landslide in 1983 and November 1991 (under then current dewatering conditions) are as follows (per Sections 7 and 9, BYA report 1991):

- The stability evaluation was "aimed at assessing the gross stability of the main mass and it's subregions, and represents an average..." and represent "estimates the prevailing (November 1991) factors of safety as well as the maximum factors of safety attainable by additional dewatering for the BRM Main Mesa..."
- "The factor of safety was between 1.0 and 1.05 during the period of late 1983 to mid-1984 when the emergency dewatering program was being implemented. In other words, the average groundwater level measured after this period represented a condition under which the main mass movement had slowed down significantly but still, locally, exhibited creep-like movement."
- "The prevailing FOS for the main landslide areas is no greater than 1.25. This factor of safety seems to be the maximum attainable with the existing dewatering system (in 1991)."
- "...factors of safety of about 1.4 to 1.5 were determined for both the deeper and the 1983 sliding surfaces when the groundwater is lowered near or below the 1983 basal rupture surface. Thus, for the BRM landslide area, this factor of safety of 1.4 to 1.5 is the maximum factor of safety attainable."

Question: *The City's apparent circumvention of the existing code through its continual issuance of waivers undermines the code's purpose to protect property owners. This is because the City simply has the developer sign a waiver to take on the liability and indemnify the City and does not consider the risk born by nearby property owners who waive nothing. It also looks at each applicant in isolation without considering the cumulative effects of multiple new developments on the mesa. Does the City know what the current, actual safety factors are for these lots when they issue these waivers? Why doesn't the City Geologist require a slope stability study from developers in the active BRM landslide area to get a current, accurate safety factor?*

Response: The City has not circumvented the existing code, and all reviews are performed in accordance with existing development standards. Please refer to the four key points at beginning of this response and the October 22, 2020 memorandum describing the conditions

under which limited improvements on existing constructed properties have been permitted within the Big Rock Mesa area (Attachment 1).

The current FOS of the Big Rock Mesa landslide complex has not been analyzed as it was in the 1991 BYA report, however, it can be reasonably concluded, based upon the analyses presented in the 1991 BYA report and the similarity in current groundwater levels compared to 1991, that the FOS are likely similar. The landslide encompasses 160 acres and several hundred properties and does not meet the factors of safety required for NEW land development. Requiring individual property owners to perform slope stability analyses of the entire BRM landslide would not provide any new information regarding the FOS of the landslide from what is known already. However, geotechnical consultants are required to review the 1991 BYA report and current Assessment District monitoring and groundwater data. It must be noted that only the two variance projects mentioned above are residential developments. All other projects processed by the City in the landslide area have conformed/must conform to Section 110.2 of the Building Code (repairs, remodels, and additions increasing the permitted square footage of the structure $\leq 25\%$). Section 110.2 of the Building Code is part of the Los Angeles County Code (Title 26-Building Code) as adopted triennially by the City. The City has enforced this section of the Code since incorporation.

Question: Finally, I'd like to revisit Kraig Hill's questions from the City Planning Commission's meeting on October 21, 2019 since I did not hear a response then and would very much appreciate a response now--How low below the 1.5 safety factor is the City willing to go with these waivers or in other words what is the minimum safety factor at which the City will not issue a waiver (when we have 2 geologists-Kowalewsky & Michaels, both indicate that the safety factor in Big Rock Mesa is not only below 1.5, not only below 1.25 but closer to or even below 1.0)?

Response: There is no minimum FOS standard for the projects approved under the LCP/LIP Variance and Building Code Section 110 projects described in our responses above; however, findings must be provided as noted in bullet point #3 (see page 1 of this memorandum). An "Assumption of Risk and Release" for geotechnical hazards is signed by the property owner(s) and recorded at the City prior to permit issuance. This document is an acknowledgment by the property owner that the property is potentially subject to hazard from landslide, settlement or slippage, but has been determined by the project geotechnical consultant to be safe for the intended use. The document runs with the land (deed) and is therefore binding on all successors in interest of the property and will appear on any title report for a property on which it has been recorded. This requirement is applicable city-wide and is not unique to the BRM landslide area.

All other new development applications must submit reports and make specific findings in accordance with Section 111 of the Building Code and must meet the 1.5 FOS for long term (static) and 1.0 FOS for short term (seismic) requirements in the City's LCP/LIP and 2013 Geotechnical Guidelines. Please refer to the above responses for accurate representations of FOS presented by the 1991 BYA report.

Attachment 1: *Geology and Geotechnical Review for Development in the Big Rock Mesa Landslide Area, Building and Safety Department Memorandum, October 22, 2020.*



City of Malibu

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Phone (310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

MEMORANDUM

To: Yolanda Bundy, Building Official

From: Michael B. Phipps, PG, CEG, Christopher Dean, PG, CEG, Lauren J. Doyel, PE, GE, Geology Department, Building and Safety

Date: October 22, 2020

Re: Geology and Geotechnical Review for Development in the Big Rock Mesa Landslide Area

The Big Rock Mesa (BRM) area is a neighborhood of existing residential development located on a large historically active landslide that has been incorporated into an assessment district. The purpose of the assessment district is to dewater and monitor landslide activity, and maintain these facilities, with the purpose of maintaining low groundwater levels and therefore improving stability of the landslide mass. The dewatering and monitoring facilities are managed and monitored by the City on behalf of the property owners within the assessment district. Although the current factors of safety are unknown, according to the most comprehensive study specific to the BRM landslide performed (Bing Yen & Associates, Inc., 1991), the landslide mass does not have, nor could it easily attain, static (long-term) or pseudo-static (short term, seismic) factors of safety that meet the standard of care for new development. For this reason, development of vacant land within the BRM Landslide has generally not occurred since the landslide commenced movement in 1983 and continuing through Malibu cityhood in 1991 to today. Efforts have been pursued by applicants to develop new single-family residences in the BRM Landslide, as well as on other historically active landslides within the City on previously damaged properties (either by landslides or the 1993 fire). These development applications would require approval of a variance to the City's Local Coastal Program-Local Implementation Plan, with particular regard to slope stability (factor of safety) requirements for new development that are in Chapter 9.4.D of the LCP-LIP.

Development that *has* occurred within the Big Rock Mesa Landslide since incorporation of the City has consisted of additions, remodels, pools, and fire rebuilds from the 1993 Malibu-Old Topanga Fire. Proposed developments are evaluated by Geology Department consulting staff in accordance with the City of Malibu "Guidelines for the Preparation of Engineering Geology and Geotechnical Engineering Reports and Procedures for Report Submittal" (November 2013), including the requirement for engineering geology and geotechnical engineering reports to be submitted pursuant to Sections 110 and Section 111 of the Los Angeles County Code (as adopted and amended by the City in the Malibu Municipal Code). These code sections have been in place for more than four decades and were developed by Los Angeles County specifically for circumstances involving proposed development where potential geologic hazards exist, including landslides. Code section 111 requires the project geotechnical consultants to make specific findings, including: 1) a finding regarding the safety of the site of the proposed work against hazard from landslide, settlement or slippage; and 2) a finding regarding the effect that the proposed work will have on the geotechnical stability of the area outside of the proposed work. The underlying premise for these required findings is safety—that the project will not endanger the health or safety of the occupants, adjoining land, or the public. With the knowledge that proposed development

projects in the BRM Landslide area are located on or adjacent to a large historically active landslide (and are thus potentially subject to “landslide settlement or slippage”, Section 110 of the Los Angeles County Code (“Prohibited Uses of Building Sites”) has been applicable to proposed development submittals since before cityhood. Projects have been geotechnically approved provided that the project geotechnical consultants make the required findings pursuant to Section 111 of the code, including a finding of “*safe for the intended use*” per Section 110.2.3.2. Additions that do not increase the gross floor area of the existing residence by more than 25% are reviewed under the provisions of Section 110.2.3.4.

Part of the evaluation for development or remodel of existing structures (as described) includes coordination with the City Environmental Health Department and Public Works Department to determine impacts to local slope stability, slide mass stability, potential sources of water that could infiltrate into the unstable land mass, and location of Onsite Wastewater Treatment Systems (OWTS) with respect to dewatering facilities. Due to geologic conditions in the BRM Landslide area and factors discussed above, development is limited by type and location on the landslide mass. The important factor is to maintain or reduce infiltration of surface water (rainfall, septic effluent, and irrigation) to the groundwater table. This can be achieved through a variety of development practices including by control of surface drainage, impermeable surfaces that direct surface runoff to storm drains, OWTS utilizing drip dispersal methods (evapotranspiration), subdrainage collection under pools and shallow structures, landscaping that is water efficient and irrigation systems that have moisture monitoring and rainfall shutoff features.

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, April 26, 2021 at 6:30 p.m.** on the project identified below. This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to the Governor’s Executive Orders N-25-20 and N-29-20 and the County of Los Angeles Public Health Officer’s Safer at Home Order. All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

How to View the Meeting: No physical location from which members of the public may observe the meeting and offer public comment will be provided. Please view the meeting, which will be live streamed at <https://malibucity.org/video> and <https://malibucity.org/VirtualMeeting>.

How to Participate Before the Meeting: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

How To Participate During The Meeting: Members of the public may also speak during the meeting through the Zoom application. You must first sign up to speak before the item you would like to speak on has been called by the Mayor and then you must be present in the Zoom conference to be recognized.

Please visit <https://malibucity.org/VirtualMeeting> and follow the directions for signing up to speak and downloading the Zoom application.

APPEAL NO. 19-010 - An appeal of the Planning Commission’s approval of Coastal Development Permit No. 18-002, which allowed for an interior and exterior remodel and 770 square foot addition to an existing 3,453 square foot single-family residence, including construction of a courtyard, balcony, exterior stairs, ground-mounted mechanical equipment, fencing, permeable pavers, grading, relocation of the dispersal field for an existing onsite wastewater treatment system, and replacement of existing landscaping

Location:	20238 Piedra Chica Road
APN:	4450-013-084
Zoning:	Single-Family Low Density (SFL)
Applicant:	Sakahara Allen Architects
Appellant:	Colin Drummond
Owners:	Reza Nabavi and Maryam Akbar
Environmental Review:	Categorical Exemption CEQA Guidelines Sections 15301(a) and (e) and 15303(d)
Application Filed:	September 20, 2017
Appeal Filed:	December 12, 2019
Case Planner:	Jessica Thompson, Associate Planner (310) 456-2489, extension 280 jthompson@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission 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. Therefore, the project is categorically exempt from the provisions of CEQA. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption apply to these projects (CEQA Guidelines Section 15300.2).

A written staff report will be available at or before the hearing for the project. All persons wishing to address the Council regarding these matters will be afforded an opportunity in accordance with the Council's procedures.

Copies of all related documents can be reviewed by any interested person by contacting the Case Planner during regular business hours. Oral and written comments may be presented to the City Council at any time prior to the beginning of the public hearing.

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.

Richard Mollica, Planning Director

Publish Date: April 15, 2021