



Supplemental Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Adrian Fernandez, Assistant Planning Director

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, Interim City Manager

Date prepared: August 12, 2021 Meeting Date: August 23, 2021

Subject: Appeal No. 21-002 - Appeal of Planning Commission Resolution No. 21-01 (20272 Inland Lane; Appellant: Hak Wong; Applicant: Johnathen Day; Property Owner: The Jonathan L. Congdon Revocable Trust)

RECOMMENDED ACTION: Adopt Resolution No. 21-48 (Exhibit A), determining the project is categorically exempt from the California Environmental Quality Act (CEQA), denying Appeal No. 21-002 and approving Coastal Development Permit (CDP) No. 19-001 for the construction of a new 4,838 square foot, two-story single-family residence, including a 602 square foot attached two-car garage with storage, plus a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system (OWTS); including Variance (VAR) No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review (SPR) No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification (MM) No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density (SFL) zoning district at 20272 Inland Lane.

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

DISCUSSION: The matter concerns an appeal (Exhibit B) of CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001 approved by the Planning Commission on January 4, 2021 for a new two-story, single-family residence and associated development. Planning Commission Resolution No. 21-01 and the related Planning Commission Agenda Report are included herein as Exhibits C and D, respectively.

The appellant contends that:

- The Planning Commission’s decision is not supported by findings;
- There was a lack of a fair or impartial hearing; and
- The decision was contrary to law.

Specifically, they contend that the project is not the least environmentally damaging alternative, does not comply with the Local Coastal Program (LCP), and adversely impacts their property. The appellant also contends that they were denied a fair and impartial hearing. The full text of the appeal is included as Exhibit B.

Staff has carefully re-examined all evidence in the record and determined that the record supports the Planning Commission’s action approving the application with all of the conditions of approval.

Project Description

Subsequent to the Planning Commission hearing, the applicant submitted revised plans clarifying the proposed Total Development Square Footage (TDSF) (Exhibit E). The proposed scope of work is as follows:

- a. Construction of a new 4,838 square foot two-story single-family residence, including a 602 square foot attached garage and storage, and plus a detached 192 square foot cabana for a TDSF of 5,030 square feet;
- b. Hardscape improvements, including patios, walkways and extending the existing driveway to the new garage and widening it toward the east property line to meet Fire Department requirements;
- c. Replacement of the vehicle entry gate and pedestrian entry gate;
- d. OWTS;
- e. Grading, retaining walls, and site drainage improvements, including a storm water detention system;
- f. Non-irrigated low-growing native groundcover as necessary for erosion control; and
- g. Discretionary requests:
 - i. VAR No. 19-001 from City geotechnical standards for factor of safety;
 - ii. SPR No. 19-001 for height in excess of 18 feet, up to 24 feet for a flat roof;
 - iii. MM No. No. 19-001 for a reduction of the side yard setback to 7 feet, 3 inches on the east only.

Underlying Basis for the Appeal

Big Rock Mesa Landslide Hazard: The subject parcel is underlain by the active Big Rock Mesa Landslide. The landslide covers 160 acres in land area and is 350 feet thick at its deepest extent. According to the submitted geotechnical reports¹, the deep-seated Big

¹ GeoConcepts report dated December 20, 2011. Subsequent reports have been submitted to reflect project changes.

Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property.

The landslide was studied by Bing Yen & Associates, and they determined that it was an ancient, deep seated, bedrock landslide that had been reactivated in 1983, when elevated groundwater conditions deep beneath the base of the slide activated the landslide. While the landslide as a whole cannot be removed or repaired, mitigation measures to stabilize the slide were engineered, designed and implemented to remove the groundwater underlying the base of the slide.

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, including dewatering wells, hydraugers and standpipes to reduce groundwater levels to stabilize and reduce landslide movements. The City has administered the district since 1991.

On October 6, 2020, the City hosted a City of Malibu Landslide Assessment District 89-1 Project Update and Facility Status for Big Rock Community Members. Subsequently, an update was provided to the City Council at its November 9, 2020 meeting. The City's consultants reported on the inventory and evaluation of all the existing dewatering facilities. They reported that the current dewatering system is functioning properly to maintain the lower groundwater levels, that groundwater levels have decreased, and that there has been no discernable shear movement. The dewatering wells are doing what they are supposed to be doing to stabilize the landslide. According to GeoConcepts, the dewatering program during the dryer than average years appears to have stemmed movement of the landslide; however, during wetter than average years, very minor creep movements have been measured.

Variance from Factor of Safety

The prevailing factor of safety and the maximum attainable factor of safety by dewatering does not allow for the subject site to meet the minimum factor of safety as required for development without a variance. The project engineer performed detailed geologic and geotechnical investigations and slope stability analyses on the subject site for the proposed development. The analyses determined the factors of safety for both wet (1.37 static) and dry (1.4 static) periods. As explained in the letter from the project engineer, dated October 23, 2020, the factor of safety of 1.5 cannot be achieved through site-specific improvements (Attachment 5 of Exhibit D– GeoConcepts Letter dated October 23, 2020).

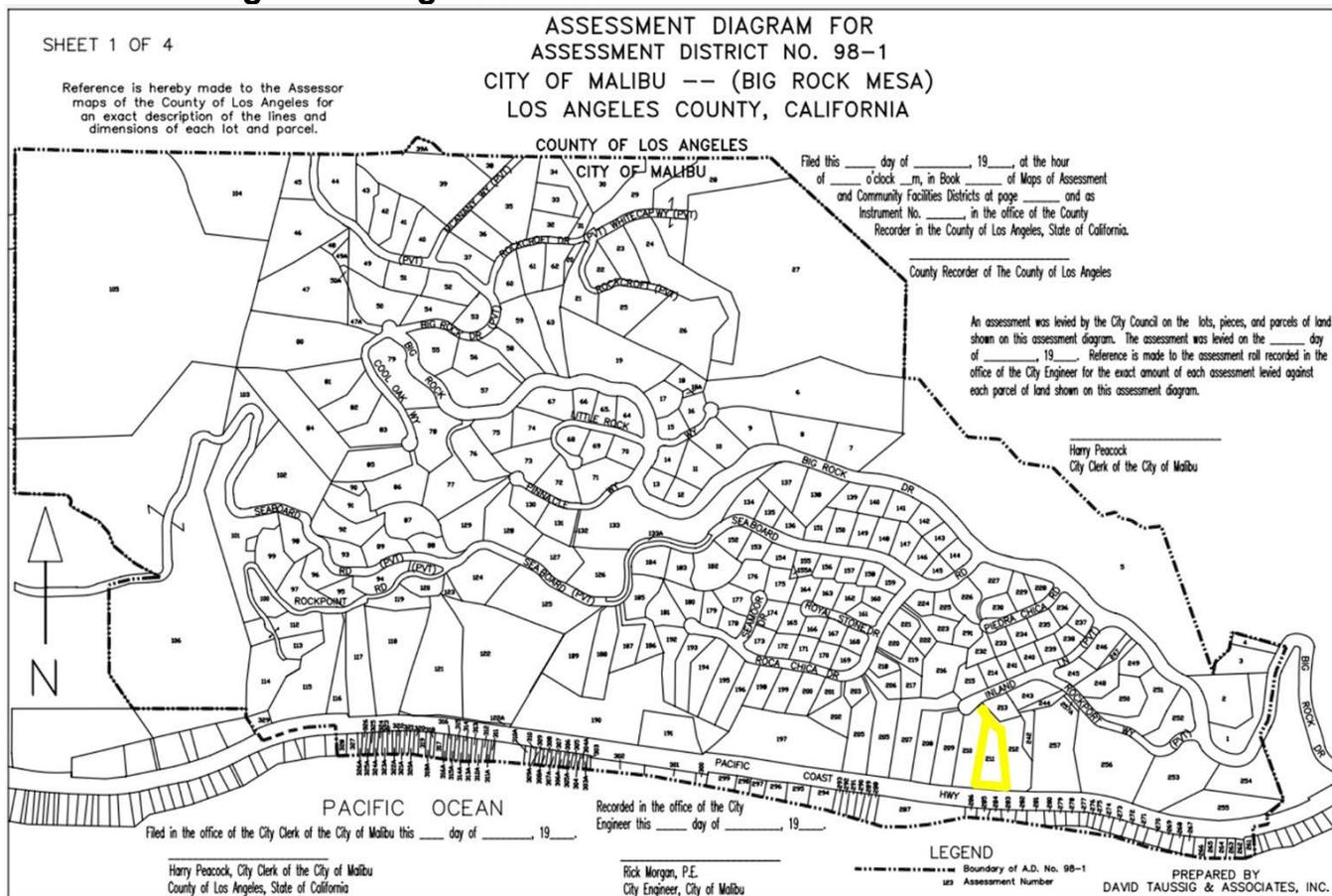
Given the size, depth and scope of the Big Rock landslide area, the parcels located within the slide area, including the subject parcel, cannot satisfy the LCP-required geotechnical 1.5 static and 1.1 pseudostatic factors of safety for slope stability found in LCP Local Implementation Plan (LIP) Section 9.4. of the landslide. It is not feasible to meet these standards on a per parcel basis either through the design and engineering of the project, given that the underlying landslide cannot be remediated to meet the minimum factor of

safety. Consequently, the applicant has to request a variance with respect to this code requirement.

The essential criterion of review still remains— establish that development of the project would not cause adverse site or structural stability impacts on the subject or surrounding parcels, and that the project would not adversely affect the stability of the slope. The City geotechnical staff reviewed extensive geologic and geotechnical engineering studies for the subject property, which devised a set of complex site design and construction measures to achieve that requirement. City geotechnical staff determined that the applicant provided documentation that adequately supports the findings that the project will not adversely affect the subject or surrounding parcels, or affect the stability of the slope.

Figure 1 below depicts the Big Rock Mesa Landslide Assessment District boundary. The subject parcel is highlighted in yellow. While the assessment district boundary is larger than the approximate limits of the primary land movement of the landslide itself, the map demonstrates the large scale of the landslide area relative to the project site.

Figure 1 – Big Rock Mesa Landslide Assessment District



Source: Annual Assessment Report (Fiscal Year 2020–2021) Assessment District No. 98-1 Big Rock Mesa

Figure 2 – Project Area Aerial Photo



Source: Pictometry 2020

APPEAL TO THE CITY COUNCIL

The appeal outlines the specific findings and the grounds for the appeal, each of which are summarized below in *italics*. Followed by each point of the appeal are staff's responses in straight type. The full text of the appeal document can be found in Exhibit B.

Appeal Item 1. Violation of State Law and Malibu LCP Codes

The project did not complete the required pseudo static stability test, achieve the minimum required factor of safety for slope stability, or calculate TDSF correctly. The project is not the least environmentally damaging alternative and does not comply with CEQA.

Staff Response

The appellant's contentions do not raise new information or provide substantial evidence to contradict the Planning Commission's findings or the analysis in the agenda report on which they are based. All of the arguments presented were included in the information considered by the Commission.

Section A, Finding 1 in the Resolution is the general LCP consistency finding required for all coastal development permits. The proposed project has been reviewed for conformance with all relevant policies and provisions of the LCP by Planning Department staff, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the Los Angeles County Fire Department (LACFD) (Attachment 7 to Exhibit D– Department Review Sheets). As discussed in the Planning Commission Agenda Report, based on submitted reports and plans, visual analysis and site

investigation, the project, as conditioned, conforms to the provisions of the LCP applicable to non-beachfront development in the SFL zone.

Incorrect TDSF Calculation

The proposed project is below the maximum allowed TDSF for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. Subsequent to the Planning Commission approval, the applicant clarified the project plans, which demonstrates that the project complies with the TDSF requirement. The proposed TDSF indicated on the project plans and Commission Agenda Report, dated January 4, 2021, are consistent and in compliance with the maximum allowed.

Violation of LCP - Section 9.4 D: Lack of Factor of Safety and Pseudo Static Study

As discussed in the Commission Agenda Report and contained in Section B, Findings 1 through 7 in the Resolution and Section E, Findings 1 through 5, the project site does not satisfy the LCP-required geotechnical 1.5 static and 1.1 pseudostatic factors of safety for slope stability found in LIP Section 9.4. Given the size and scope of the landslide, the prevailing factor of safety and the maximum attainable factor of safety by dewatering does not allow the subject site to meet the minimum factor of safety as required for development, and it is not feasible to meet those standards through the design and engineering of the project onsite. Granting the requested variance will allow the subject property to be developed in a similar manner to abutting properties, since no alternatives exist that would eliminate the need for the requested variance.

Even though the proposed project does not provide the code-required 1.5 static and 1.1 pseudostatic factors of safety, the project will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. The intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

The City geotechnical staff reviewed extensive geologic and geotechnical engineering studies for the subject property, which devised a set of complex site design and construction measures to meet the intent of LIP Chapter 9. City geotechnical staff determined that the applicant provided documentation that adequately supports the findings that the project will not adversely affect the subject or surrounding parcels or stability of the slope; and that the site design and construction measures that will be implemented as part of the proposed project are anticipated to produce a higher degree of site/structural performance than what previously existed onsite. Specifically,

- The proposed construction of deepened cast-in-place pile and grade beam foundation system;

- The proposed construction of flexible couplings, swing joints, and coil loops for the proposed utility lines to protect against breakage and service interruption in the event of ground movement; and
- The proposed construction of a site drainage control system designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water.

Project is Not the Least Environmentally Damaging Alternative

Section A, Finding 3 in Planning Commission Resolution No. 21-01 assesses whether alternatives to the proposed project would significantly lessen adverse impacts to coastal resources. No sensitive resource such as ESHA, scenic, visual, or hillside are associated with the project site and thus, no impacts to sensitive resources are expected.

The Planning Commission considered relocating the residence and reduced square footage as alternatives to the project. Based on the Malibu Municipal Code (MMC) and LCP conformance review, it was determined that the project, as proposed and conditioned, will not result in any significant adverse impacts and as such, the alternatives would not result in an environmentally superior project, as no adverse impacts would result from the project.

Additionally, LIP Chapter 9 (Hazards) relates to the hazard findings, addressing geologic, flood and fire hazards, structural integrity or other potential hazards. Section I, Finding 3 in Resolution No. 21-01 also contains the least environmentally damaging alternative finding. The finding provides that the project as conditioned is the least environmentally damaging alternative because 1) conditions of approval have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; and 2) there are no other feasible alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment.

The proposed project, as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department and LACFD, will not have any significant adverse impacts on the site stability or structural integrity of the project site. Development of any residential development, regardless of the size or location, on the site would not meet the required geologic factor of safety. Site design and construction measures that will be implemented as part of the proposed project are anticipated to produce a higher degree of site / structural performance than what previously existed onsite.

The Proposed Project Violates the Building Code

As discussed in detail above, the proposed project, as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department and LACFD, will not have any significant adverse impacts on the site stability or structural integrity of the project site. Development of any residential development, regardless of the size or location, on the site would not meet the required geologic factor of safety. Site design and construction measures that will be implemented as part of the proposed project are

anticipated to produce a higher degree of site or structural performance than what previously existed onsite.

The Geotechnical Review Sheet provides that the factor of safety and impacts to slope stability were reviewed and considered, and provides that the applicant and his consultants have provided the City with reports that adequately support the findings in the variance.

Compliance with building codes is further addressed in the conditions of approval for the project. The Geotechnical Review Sheet requires, as part of the building plan check stage, conditions and requirements related to building code conformance, including:

4. Include the following note on the Foundation Plans: "All foundation excavations must be observed and approved by the Geotechnical Consultant prior to placement of reinforcing steel."
6. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.
9. A comprehensive Site Drainage Plan, incorporating the Geotechnical Consultants 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.

This Whole Plan Goes Against the Malibu Vision and Mission Statement

The appellant's contentions do not raise new information nor provide substantial evidence to contradict the Planning Commission's findings or the analysis in the Planning Commission Agenda Report on which they are based. All of the arguments presented were included in the information considered by the Planning Commission.

Section A, Finding 1 in Planning Commission Resolution No. 21-01 is the general LCP consistency finding required for all coastal development permits, which provides that: The project consists of construction of a new single-family residence and accessory development on land that is zoned for these purposes, and that was previously developed as such. The proposed project is below the maximum allowed TDSF for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. While the proposed project includes a site plan review to allow the home to exceed 18 feet in height, it results in no protected primary view impacts.

The project's consistency with the underlying SFL zoning and land use designation is based upon the project's consistency with the residential development standards, as illustrated in Table 2 of the Commission Agenda Report. These findings also state that

the project is consistent with all of the requirements of State and local law and that the proposed project, as conditioned, conforms with the LCP in that it meets all residential development standards, with the inclusion of the VAR, SPR, and MM.

Additionally, SPR No. 19-001 contains a General Plan consistency finding. Section C, Finding 5 in the Resolution is the General Plan consistency finding required for the Site Plan Review. It provides that the project is consistent with the single-family General Plan designation for the site. The General Plan does not provide defined architectural styles or for an architectural review board to regulate style.

Proposed Project Does Not Comply with the LCP Land Use Plan (LUP)

As detailed in the Commission Agenda Report and summarized in the Resolution, all of the required findings, including the finding that the project, as proposed and conditioned, will comply with the LUP is included, supported by LCP conformance review and approval by the Planning Department, Environmental Health Administrator, City geotechnical staff, and City Public Works Department and the project's consistency with the underlying SFL zoning and land use designations. These findings also state that the project is consistent with all requirements of State and local law and that the proposed project, as conditioned, conforms with the LCP in that it meets all residential development standards, with the inclusion of the VAR, SPR, and MM. Specifically, Table 2 in the report documents the project's consistency with the LCP residential development standards.

The appellant's contentions do not raise new information nor provide substantial evidence to contradict the Planning Commission's findings or the analysis in the Commission Agenda Report on which they are based. All of the arguments presented were included in the information considered by the Commission.

13.26.5 Findings (re: Variance) Not Made

As provided for in the Resolution, all required findings, Section B, Findings 1 through 10, were adopted by the Planning Commission. The appellant's contentions do not raise new information nor provide substantial evidence to contradict the Planning Commission's findings or the analysis in the Commission Agenda Report on which they are based. All arguments presented were included in the information considered by the Commission.

Section 10.4 of the LIP Should Apply to this Project

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project site is located inland of PCH; therefore, the findings from LIP Section 10.3 do not apply.

Geo Concepts Report is Inaccurate

The appellant did not provide substantial evidence to support the contention that the Geo Concepts report, dated December 20, 2011, has an inaccurate statement, and makes only a general statement. As detailed above, extensive review of reports and studies prepared by GeoConcepts was performed by City geotechnical staff.

CEQA Exemption Violates State Law

CEQA provides categorical exemptions for certain classes of projects that do not pose a risk of substantial adverse environmental impact, unless the project is disqualified based on certain exceptions. However, the appellant only provided general statements but no substantial evidence to refute the analysis in the Commission Agenda Report and the findings adopted by the Planning Commission in support of the categorical exemptions. The record demonstrates that the proposed project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15303(a) – New Construction. The Planning Department has further determined that none of the six exceptions to the use of the categorical exemption apply to this amended project (CEQA Guidelines Section 15300.2). These exceptions include:

- (1) *A project that would ordinarily be exempt but the project environment is sensitive or the project may impact an environmental resource of critical concern;*

The project site has been developed and is surrounded by existing single-family residential development with accessory structures and therefore, would not impact sensitive environmental resources.

- (2) *When cumulative impacts of successive projects over time is significant;*

No direct, indirect, or cumulative impacts to sensitive biological habitat or cultural resources would occur as the property is already developed, the footprint is an area contemplated for development because it meets all code requirements and the property is located in a built-out single-family residential neighborhood, developed with single-family residences, with accessory development. No significant direct, indirect, or cumulative impact on hydrology, water quality, or drainage facilities would occur, as on-site wastewater treatment facilities are proposed to capture and treat stormwater and wastewater. Therefore, the projects contribution to cumulative environmental impacts in the area is not significant.

- (3) *Where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;*

The project site has been previously developed and is surrounded by existing single-family residential development with accessory structures and the proposed grading quantities, site improvements and landscaping are consistent with projects previously approved by the City of Malibu. Therefore, there are no unusual circumstances present on-site that could result in the project significantly impacting the environment.

- (4) *When a project would impact a scenic highway or other scenic resources within a state designated scenic highway;*

The project site is not visible from a State designated scenic highway and therefore would not impact scenic views or impact other scenic resources located within this designated scenic highway.

- (5) *When a project is located on a site which is included on a list of sites containing hazardous materials; and*

The project site is not located on a list of contaminated sites as maintained by the Department of Toxic Substances Control or the State Water Resources Control Board.

- (6) *A project may cause a substantial adverse change in the significance of a historic resource.*

The previously existing single-family residence was not historically significant and therefore, the project would not impact historic resources.

Appeal Item 2. The findings or conditions are not supported by the evidence, or the decision is not supported by the findings.

All prior applications are irrelevant and have lapsed except that the Coastal Commission staff informed the applicant of its intent to recommend denial of the previous project. Findings (I)1 and (C)2 cannot be made. Condition (29) is unrealistic.

Staff Response

The Planning Commission reviewed and considered the Planning Commission Agenda Report, reviewed and considered written reports, public testimony, and other information in the record. However, the appellant provides various general statements of disagreement but no substantial evidence to refute the analysis in the agenda report and the findings adopted by the Planning Commission.

Appeal Item 3. The appellants were not provided with a fair and impartial hearing in violation of their constitutionally guaranteed due process rights because the project was revised at the hearing.

The applicant provided false statements at the hearing regarding removal of weight of the structure resulting in reduced landslide risk. A Planning Commissioner misinterpreted the applicant's consulting geologist. The City Attorney interjected during Planning Commission vote. The Planning Commission did not fully deliberate the project.

Staff Response

The Planning Commission reviewed and considered the Planning Commission Agenda Report, reviewed and considered written reports, public testimony, and other information in the record. The public hearing was properly conducted and a decision was rendered after a full discussion of the issues.

CORRESPONDENCE: All correspondence received on this project has been included as Exhibit F.

PUBLIC NOTICE: On July 29, 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 (Exhibit G).

SUMMARY: 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. 21-48 denying Appeal No. 21-002 and approving CDP No. 19-001, and VAR No. 19-001, SPR No. 19-001 and MM No. 19-001, subject to the conditions of approval in the resolution.

EXHIBITS:

- A. City Council Resolution No. 21-48
- B. Appeal No. 21-002
- C. Planning Commission Resolution No. 21-01
- D. January 4, 2021 Planning Commission Agenda Report Item 4.B.
- E. Project Plans
- F. Correspondence
- G. Public Hearing Notice

RESOLUTION NO. 21-48

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. 21-002, AND APPROVING COASTAL DEVELOPMENT PERMIT NO. 19-001 FOR THE CONSTRUCTION OF A NEW 4,838 SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, INCLUDING AN ATTACHED GARAGE, PLUS A 192 SQUARE FOOT CABANA, HARDSCAPE, GRADING, DRAINAGE, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 19-001 FROM THE CITY'S GEOTECHNICAL STANDARDS FOR FACTOR OF SAFETY, SITE PLAN REVIEW NO. 19-001 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 24 FEET FOR A FLAT ROOF, AND MINOR MODIFICATION NO. 19-001 FOR THE REDUCTION OF THE REQUIRED SIDE YARD SETBACK BY NO MORE THAN 20 PERCENT, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20272 INLAND LANE (JONATHAN L. CONGDON REVOCABLE TRUST)

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

SECTION 1. Recitals.

A. In 1968, a 2,184 square foot single-family residence and garage were constructed on the subject property according to the Los Angeles County Assessor records. In 1993, the residence sustained fire damage during the Malibu Topanga Fire and was subsequently demolished.

B. On July 12, 2011, an application for Coastal Development Permit (CDP) No. 11-037, Variance (VAR) No. 11-018 and Minor Modification (MM) No. 12-007 was submitted to the Planning Department by applicant Barsocchini and Associates on behalf of the previous property owner, John Ahn.

C. On August 7, 2012, the Planning Commission adopted Planning Commission Resolution No. 12-66, approving CDP No. 11-037, VAR No. 11-018, and MM No. 12-007. The property was subsequently sold to the current property owner, who also owns the adjacent lot to the east.

D. On October 6, 2014, the Planning Commission adopted Resolution No. 14-92 approving a two-year time extension of CDP No. 11-037, extending the approval to December 10, 2016.

E. On July 13, 2015, an application for Coastal Development Permit Amendment (CDPA) No. 15-005 was submitted to the Planning Department by Johnathen Day on behalf of the property owner, Jonathan L. Congdon Revocable Trust. The application was routed to the City geotechnical staff, City Environmental Health Administrator, City Public Works Department, and Los Angeles County Fire Department (LACFD) for review.

EXHIBIT 1

F. In May 2016, the applicant installed story poles to demonstrate the preliminary design of the residence.

G. Between May 2016 and June 2017, three Primary View Determinations (PVDs) were filed for the following properties in response to the story pole installation: 20260, 20269 and 20282 Inland Lane.

H. Further revisions to the story poles were made in August 2016; final story poles reflecting the final design were installed in July 2017, and a certification of the installation was submitted to the Planning Department.

I. On November 6, 2017, the Planning Commission adopted Planning Commission Resolution No. 17-55, finding the project is exempt from the California Environmental Quality Act (CEQA) and approving CDPA No. 15-005 (amending CDP No. 11-037, VAR No. 11-018, and MM No. 12-007, and SPR No. 15-039 and Time Extension No. 16-031) with conditions. At the same meeting, the Planning Commission also adopted Planning Commission Resolution No. 17-86 for the removal of existing foundation and abandonment of existing septic system, minor grading to replace soils where foundation is removed, and drainage improvements, and, including Demolition Permit (DP) No. 17-022.

J. On November 16, 2017, Hak P. Wong filed a timely Appeal No. 17-010 of Planning Commission Resolution No. 17-55.

K. On March 26, 2018, the City Council held a duly noticed public hearing and adopted Resolution No. 18-15, denying Appeal No. 17-010, approving CDPA No. 15-005 (amending CDP No. 11-037, VAR No. 11-018, and MM No. 12-007, and SPR No. 15-039) and Time Extension No. 16-031. The City Council's approval was subsequently appealed to the California Coastal Commission (CCC). The applicant withdrew the application and submitted the subject application.

L. On January 3, 2019, Johnathen Day submitted an application for CDP No. 19-001 to the Planning Department on behalf of the property owner, Jonathan L. Congdon Revocable Trust. The application was routed to the City geotechnical staff, City Environmental Health Administrator, City Public Works Department, City Biologist, and Los Angeles County Fire Department (LACFD) for review.

M. In August 2020, the applicant installed story poles to demonstrate the design of the residence.

N. On August 28, 2019, Planning Department staff conducted a story pole inspection and observed that the story poles were not consistent with the approved story pole plan.

O. On September 9, 2019, a Notice of Coastal Development Permit Application was posted on the subject property.

P. In August 2020, the applicant installed story poles to demonstrate the design of the residence.

Q. On August 27, 2020, the application was deemed complete.

R. On November 12, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

S. On November 16, 2020, the Planning Commission continued the item to December 7, 2020.

T. On December 7, 2020, the Planning Commission continued the item to January 4, 2021.

U. On January 4, 2021, the Planning Commission held a duly noticed public hearing and adopted Planning Commission Resolution No. 21-01, finding the project exempt from the CEQA and approving CDP No. 19-001-005, VAR No. 19-001, SPR No. 19-001, and MM No. 12-007.

V. On January 14, 2021, Hak P. Wong filed a timely Appeal No. 21-002 of Planning Commission Resolution No. 21-001.

W. On July 29, 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.

X. On August 23, 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 contained within the record, including the content of the Council Agenda Report and Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission and the City Council the City Council hereby makes the following findings of fact, denies the appeal, and finds that substantial evidence in the record supports the required findings for approval of the project.

A. The Appellant has not provided evidence that the project located within the active Big Rock Mesa Landslide will adversely affect neighboring properties or that the project was not adequately reviewed for geotechnical hazards. Furthermore, the City Planning Department, City geotechnical staff, and City Public Works Department have reviewed the project and based on the materials submitted and evidence in the record, the project complies with all applicable City codes and standards.

B. The City Council finds that the project is the least environmentally sensitive alternative based on review of the evidence, project plans, technical reports, and City geotechnical staff's recommendation for approval of the project, subject to conditions. The analysis describes the substantial evidence in the record that supports the finding that the proposed design complies with the Local Coastal Program (LCP), and the City geotechnical staff determined that significant adverse impacts to the project site and surrounding area related to the proposed development are not expected.

C. Appellant has failed to establish that the project, as proposed, is not consistent with the applicable law, including, but not limited to, the LCP and MMC codes, standards, goals, and policies. The reasons for denial of the appeal are provided in more detail above and as follows:

1. The site design and construction measures that will be implemented as part of the proposed project would produce a higher degree of site / structural performance than the previous residence that burned because the previous residence was constructed prior to modern construction measures that improve site and structural stability. The increased excavation in the amended project has no effect on the safety and stability of the slope. Measures such as flexible couplings, swing joints for gas lines, and coil loops for electrical cables inherently improve structural performance by limiting damage in the event of land movement because the joints and lines are less likely to break or rupture. Limiting damage and service interruption improves the safety of the site.

2. City geotechnical staff reviewed the design, as well as geotechnical reports, and determined that the documentation provided by the applicant supports the findings for the variance, and that the project will not adversely affect the stability of the slope. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and City geotechnical staff have been incorporated into the final design and construction plans and approvals including foundations, grading, sewage disposal, and drainage. Final plans will be reviewed and approved by City geotechnical staff for compliance prior to the issuance of a grading permit. The property owner is also required to record the Quality Control Maintenance Manual (QCMM) against the title of the property prior to final planning approval that will ensure that potential distress caused by land movement is monitored and addressed. Finally, City geotechnical staff has reviewed the extensive geologic supporting documentation for the proposed project and found as detailed in the conformance approval letter dated October 2, 2017 that the evidence provided by the applicant and his geotechnical consultants supports the variance findings.

3. The proposed project meets all development standards for the Single-Family - Low Density (SFL) zoning district, with the inclusion of the variance, site plan review and minor modification. The surrounding neighborhood consists of one and two-story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood. The proposed project complies with the required size limitations and the required front, rear, and side yard setbacks with the inclusion of the minor modification. The proposed amendment is less visible from Inland Lane, compared to the previously approved project due to a lower elevation and smaller footprint. Aerial photographs, site visits and story poles depicting the project design demonstrate that the amended design and increased setbacks are similar in height, siting and bulk to surrounding development. Based on the information obtained from the Los Angeles County Assessor, detailed community

investigation, existing development, and evidence contained in the record, the proposed project is expected to blend in with the surrounding environment and is not expected to adversely affect neighborhood character. The additional analysis contained herein, together with the January 4, 2021 Planning Commission agenda report, support the findings made in Planning Commission Resolution No. 21-01. The project, as proposed and conditioned, has been found to be consistent with all applicable LCP codes, standards, goals and policies, inclusive of the requested variance, site plan review and minor modification.

D. The Council finds that proposed project is categorically exempt from the provisions of the CEQA pursuant to Sections 15303 (a) - New Construction. 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. There is no further CEQA review required.

E. 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. 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 Malibu Municipal Code (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 has analyzed the proposed project. The City Council has 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 exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a) – construction of one new single-family residence. The City Council has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 5. Coastal Development Permit Findings.

Based on evidence contained within the record, including the content of the Council Agenda Report and Commission Agenda Report, as well as the testimony and materials considered by the Planning Commission and the City Council, and pursuant to LCP Local Implementation Plan (LIP) Sections 13.7(B) and 13.9, the City Council hereby makes the findings of fact below, and approves CDP No. 19-001 for the construction of a new 3,792 square foot two-story single-family residence, plus an attached garage, cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including VAR No. 19-001 from the City's geotechnical standards for factor of safety, SPR No. 19-001 for construction in excess of 18 feet in height up to 24 feet for a flat roof, and MM No. 19-001 for the reduction of the required side yard setback by no more than 20 percent, located in the SFL zoning district at 20272 Inland Lane.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed variance,

site plan review, and minor modification, 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 project has been reviewed and conditionally approved by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD. The proposed project with the inclusion of the variance, site plan review, and minor modification, as conditioned, conforms to the LCP in that it meets all applicable residential zone development standards.

2. The proposed project is below the maximum allowed total development square footage (TDSF) for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. The portions of the residence that exceed 18 feet in height do not encroach into protected primary views, and the proposed project involves a reduction only to the east side yard. The proposed setbacks are similar to those found throughout the neighborhood, including those of the property to the east, which has a zero side yard setback. There are no alternatives for developing the site with a single-family residence that would avoid the variance for geotechnical factors of safety. However, the project has incorporated changes to the foundation design as recommended by the City geotechnical staff to sufficiently address the onsite slope stability and soil erosion conditions. Although the project does not meet the LCP requirement for the factor of safety, the City geotechnical staff has determined that the provisions of the extensive and comprehensive Quality Control and Maintenance Manual (QCMM) will be adequate to prevent onsite and offsite adverse impacts. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

B. Variance Findings from the Required Geologic Factor of Safety (LIP Section 13.26.5)

1. The subject property was the focus of updated engineering geologic and geotechnical engineering studies by GeoConcepts, Inc. dated March 9, 2016 and April 12, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016 in order to determine and evaluate the engineering geologic and geotechnical engineering conditions of the subject property with respect to the proposed project. As discussed in the referenced engineering geologic reports, the subject property is underlain by the Active Big Rock Mesa Landslide. Though the Big Rock Mesa Landslide Assessment District effectively de-waters the landslide area and increases stability, it is infeasible to rebuild a residence on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(A)(D).

The location, topography and surroundings of the subject property (i.e., a landslide area with substandard slope stability factor of safety) are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(A)(D) were applied, would prevent the construction of any structure on the property. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other residential properties located in the vicinity and under the identical zoning classification. There have been many single-family residences on adjacent or nearby properties which have been permitted by the City (post-1993) and subsequently been issued building permits and/or been

constructed in the Big Rock Mesa Landslide. All of these residences are located on parcels that provide less than the LIP standard 1.5 static and/or 1.1 pseudostatic factors of safety. Any development on the subject site would require a variance from this standard.

2. Even though the proposed project does not provide the code-required 1.5 static and 1.1 pseudostatic factors of safety, site design and construction measures will be implemented as part of the proposed project which are anticipated to produce a higher degree of site / structural performance than what previously existed onsite. The intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

For the residence, the site design and construction measures include a deepened cast-in-place pile and grade beam foundation. For the utilities, water lines shall be provided with flexible couplings, gas lines shall be provided with swing joints, and electrical cables shall be provided with coil loops in order to protect against breakage and service interruption in the event of ground movement. Furthermore, all utility lines shall be placed in shallow vaults or channels to allow for easy inspection and/or repairs. To control site drainage and runoff, the project includes a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water. The proposed design and construction measures recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers will be incorporated into the structural, grading, and drainage plans. The project engineering geologist, project geotechnical engineer, and project civil/structural engineers must verify that the recommended design and construction measures are properly incorporated into the final structural, grading, and drainage plans.

Comprehensive site maintenance and reporting measures have also been established as part of the proposed project which are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. These measures have been recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers and included in a comprehensive Quality Control and Maintenance Manual (QCMM) that has been prepared specific to the subject property, and updated September 19, 2017, for the proposed project.

The QCMM calls for periodic inspection of site improvements at designated monitoring stations and areas, including but not limited to the residence window frames, utility lines, drainage system, site hardscape, and OWTS. Monitoring is required following any rainstorm producing an inch or more of rain within a week. An acceptable threshold of nominal cosmetic distress has been designated for each monitoring station and area, along with recommendations for maintenance and repair, and an annual monitoring report. Monitoring of the site will be performed by the “servicer”, which can be a licensed professional such as GeoConcepts, a licensed certified engineering geologist, and/or a licensed civil engineer, or a non-licensed professional such as any prudent person skilled in this type of service. If or when the monitoring stations or areas exceed the accepted threshold, the servicer shall evaluate the site and provide appropriate recommendations.

Non-professional servicers shall notify appropriate licensed engineers or geologists to perform field evaluations and provide appropriate recommendations.

The QCMM has been reviewed and approved by City geotechnical staff, project engineering geologist, project geotechnical engineer, and project civil/structural engineers. The QCMM will be recorded against the property as a condition of CDP approval. Any future owner(s) of the subject property will be properly notified of the conditions and recommendations set forth in the QCMM.

Based on the findings of the engineering geologic studies of the subject property and review of the current site development plans and project information, the project consulting geologist, GeoConcepts, determined that the proposed residential re-development of the subject property provides an increase in safety relative to the current conditions and previous development on the subject site, and that the project will not geotechnically reduce the stability of the area outside the proposed work. In addition, the proposed project 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 zones in which the property is located provided: 1) the recommendations of the project engineering geologist, project geotechnical engineer, and project civil/structural engineers are properly incorporated into the plans and implemented during construction; and 2) the subject property and proposed structures are properly maintained.

Finally, City geotechnical staff has reviewed the extensive geologic supporting documentation for the proposed project and in the approval letter dated January 16, 2019 states “the applicant and his consultants have provided the City with reports that adequately support the findings in the variance.”

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences have been developed on properties in the immediate vicinity which also do not satisfy code-required 1.5 static and 1.1 pseudostatic factors of safety. The properties in the immediate area are all located within the Big Rock Mesa Landslide. The construction of the residence on the subject parcel will incorporate extensive site design and construction measures through the implementation of the QCMM. Other properties located in the vicinity of the subject site which were reconstructed after the 1993 Topanga Fire were built in accordance to the City’s Fire Rebuilding Geology and Geotechnical Guidelines. These guidelines provided a waiver from the requirement for re-development projects to meet the slope stability factor of safety. Approval of the subject variance will grant relief from a technical development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

4. The granting of the variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. Granting the requested variance will allow the subject property to be developed in a similar manner to abutting properties. No alternatives exist that would eliminate the need for the requested variance. Additionally, the site design and construction measures incorporated into the proposed project meet the intent of LIP Chapter 9. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

5. The subject property is zoned SFL, which allows for residential development. The proposed project includes the construction of a two-story single-family residence, which is a permitted use in the subject zone, with approval of a site plan review and minor modification. Approval of the variance from the required geotechnical standard for factor of safety will permit the construction of the residence on the property; otherwise, the property could not be developed. Any development on the site would require a variance from this standard. The request is consistent with the purpose and intent of the zone in which the site is located.

6. The project will consist of the construction of a single-family residence on the subject property that is similar in size and footprint to what previously existed on the site. Based on the findings of the engineering geologic studies completed for the subject property, the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the prior residence.

The subject property is physically suitable for the proposed residence because: 1) the subject property was physically suitable for the construction of the previous residence; and 2) the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the previous residence. Specifically, the subject property is physically suitable for the construction of a single-family residence and:

- The proposed construction of deepened cast-in-place pile and grade beam foundation system;
- The proposed construction of flexible couplings, swing joints, and coil loops for the proposed utility lines to protect against breakage and service interruption in the event of ground movement; and
- The proposed construction of a site drainage control system. The residence and site shall be provided with a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water.

The proposed site design and construction measures are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. With the implementation of the extensive consulting geologist and geotechnical engineer's recommendations and the requirements of the QCMM, the subject site is physically suitable for the proposed variance.

7. The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

C. SPR No. 19-001 Findings for a Height Greater than 18 feet and not Exceeding 24 feet [LIP Section 13.27.5(A)]

1. The proposed project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The surrounding neighborhood consists of one and two story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood. The proposed project complies with the required size limitations and the required front, rear, and side yard setbacks with the inclusion of

the site plan review and minor modification. The 1,921 square foot ground floor would be visible from Inland Lane, and the 2,018 square foot lower level of the proposed project would be tucked under the ground floor and would not be visible. The project does not adversely affect neighborhood character.

3. The project site is not visible from any scenic roads, trails, parkland or beaches. The proposed single-family residence would be 24 feet in height. The design and location of the proposed residence will not create significant obstructions or encroachments into public views. The project provides maximum feasible protection to public views as required by the LCP.

4. The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, City Environmental Health Administrator, as well as the LACFD. The project as conditioned complies with all applicable requirements of State and local law.

5. The project is consistent with the General Plan designation for the site. As discussed herein, the project is consistent with the LCP.

6. Based on the three Primary View Determinations (PVDs) conducted within 1,000 feet of the property, portions of the residence below 18 feet in height block portions of bluewater views for three neighbors (Liewald, Wong, Schiro). These areas obstruct the portions of the residence that are above 18 feet in height. Therefore, the portions of the residence above 18 feet in height do not block the primary view corridor of surrounding residences. The design and location of the residence will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. MM No. 19-001 Findings for Reduction of the Side Yard Setback (LIP Section 13.27)

1. The proposed project has been reviewed and found in conformance with all relevant policies and provisions of the LCP. The reduction in the east side yard setback is consistent with the policies and provisions of the LCP based on the smaller setbacks of the original 1968 house that burned in 1993, and the property's constraints, consisting of an irregular wedge shape that narrows within an existing flat pad, and a geologic hazard area that extends south from the pad area. These factors limit the design options for the site. The proposed project minimizes the need for reduced side yard setbacks and is consistent with the policies and provisions of the LCP.

2. Aerial photographs, site visits and story poles depicting the project design demonstrate that the proposed project is similar in height, siting and bulk to surrounding development. The proposed project does not adversely affect neighborhood character.

3. The project complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County departments.

E. Hazards (LIP Chapter 9)

1. Analysis for the proposed project for hazards included review of engineering geologic and geotechnical engineering studies dated January 14, 2011, December 20, 2011,

February 23, 2012 and March 8, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016. Based upon review of the above referenced information, it has been determined that:

- a. The subject property does not contain known or mapped active faults.
- b. The subject property could be subject to seismic ground shaking.
- c. The project site is not anticipated to be subject to hazards from seismically-induced liquefaction, settlement, hydroconsolidation, but does contain expansive soils.
- d. The subject property could be subject to landslides.
- e. The property is not located within the Federal Emergency Management Act's (FEMA) 100-year flood zone.
- f. The project site is inland, not subject to seiches and highly unlikely to be subject to tsunami inundation.
- g. The project site is in an extreme fire hazard area.

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

Seismic Ground Shaking

The January 14, 2011 GeoConcepts report states, "Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults," and a seismic hazard evaluation was performed for the subject property. The report states, "Proper maintenance of properties can mitigate some of the potential for these types of manifestations, but the potential cannot be completely eliminated." Furthermore, mitigation of ground shaking effects is provided through enforcement of structural and nonstructural seismic design provisions defined in the Uniform Building Code. These codes are updated every three years and through this update process, will incorporate new design provisions as needed.

Expansive Soils

The December 20, 2011 GeoConcepts report notes that expansive soils were encountered on the subject property, and that these soils can be a problem as variation in moisture content will cause a volume change in the soil. Repeated cycles of expansion and contraction can cause pavement, slabs on grade and foundations to crack that can also result in a misalignment of doors and windows. The report states that deepened foundation systems, additional structural reinforcement, and maintaining uniform moisture conditions around structures can reduce, but will not eliminate, deflection and cracking.

Landslide Hazard

The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. According to the GeoConcepts report dated December 20, 2011, the deep-seated Big Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property. 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. According to GeoConcepts, the dewatering program during the dryer than average years appears to have stemmed movement of the landslide; however, during wetter than average years, very minor creep movements have been measured.

Detailed geologic and geotechnical investigations and slope stability analyses were performed on the subject site for the proposed development. The analyses determined the factors of safety for both wet (1.37 static) and dry (1.4 static) periods. The report also discussed review of previous public reports and a detailed site review for surface distress at the subject site. The report concludes, "These geologic findings indicate that significant landslide distress was not exhibited in the area of the proposed redevelopment."

Because the required factors of safety cannot be achieved for the site, GeoConcepts completed the QCMM, dated September 19, 2017. The QCMM is designed to educate the property owner and servicer about monitoring the subject site and includes instructions for monitoring site improvements such as, but not limited to, the structure, utility lines, the drainage system, hardscape, and the OWTS. The QCMM incorporates recommendations from the project consultants (GeoConcepts, Project Engineering Group, and Barsocchini & Associates), and the selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site.

The April 5, 2012 letter from Project Engineering Group, the project civil/structural engineering consultant, states:

"In our opinion, all specific designs and measures included in the QCMM will increase the safety of the site as well as adjacent properties. PEG agrees that implementation of the site monitoring measures proposed by the QCMM will provide additional safety to the occupants and improve stability of the proposed site improvements as well as the ones in the vicinity of the subject property."

In the February 23, 2012 report, GeoConcepts states, "Our recommendations provide an increase in safety relative to the current conditions and previous development on the subject site such as, but not limited to improving the structural elements of the proposed dwelling, foundation, grading, drainage, hardscape, and septic plans." GeoConcepts concludes that the project will not increase the risk of landslide movement for the surrounding area, and that the improvements and recommendations serve to provide a safer development than in the past. Review of the updated geotechnical report dated March 8, 2016 and QCMM dated September 19, 2017 indicate that the proposed project does not affect the conclusions from the previous reports.

Based on review of the project plans and technical reports, City geotechnical staff approved the proposed project on January 16, 2019, subject to conditions. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or 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 City geotechnical staff prior to the issuance of a grading permit. The property owner is also required to record the QCMM against the title of the property prior to final planning approval.

Fire Hazard

The entire city limits of Malibu are located within a high fire hazard zone; however, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. On April 25, 2019, the LACFD reviewed the plans and determined that standard LACFD plan check and development fees will be required. The existing shared driveway will be widened onsite to meet the 20 foot wide access requirement, a 5 foot clear to sky path will be provided around the residence and interior fire sprinklers will be installed.

The proposed project will incorporate all recommendations contained in the above cited documents, geologic and geotechnical reports; as such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

2. The proposed project as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department, and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic or other hazards due to project modifications or other conditions. The recommendations and measures that will be incorporated into the final project have been specifically designed as a result of thorough study of onsite geologic conditions.

3. The proposed project, as conditioned, is the least environmentally damaging alternative.

4. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

5. No adverse impacts to sensitive resources are expected as a result of the project.

SECTION 6. City Council Action.

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the following conditions.

SECTION 7. Conditions of Approval.

Standard Conditions

Based on the foregoing findings and evidence contained within the record, the City Council hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the conditions listed below.

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. Construction of a new 4,838 square foot two-story single-family residence, including a 602 square foot attached garage and storage, plus a detached 192 square foot cabana for a TDSF of 5,030 square feet;
 - b. Hardscape improvements, including patios, walkways and extending the existing driveway to the new garage and widening it toward the east property line to meet Fire Department requirements;
 - c. Replacement of the vehicle entry gate and pedestrian entry gate;
 - d. OWTS;
 - e. Grading, retaining walls, and site drainage improvements, including a storm water detention system;
 - f. If necessary for erosion control, non-irrigated low-growing native groundcover; and
 - g. Discretionary requests:
 - i. VAR No. 19-001 from City geotechnical standards for factor of safety;
 - ii. SPR No. 19-001 for height in excess of 18 feet, up to 24 feet for a flat roof; and
 - iii. MM No. No. 19-001 for a reduction of the side yard setback to 7 feet, 3 inches on the east only.
 3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **July 26, 2021**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event 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, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to issuance of any development permits.
 5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 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 and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).

7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. 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 Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.
12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

14. 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.
15. 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.

Lighting

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(ies) 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. High intensity lighting of the shore is prohibited.
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 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.

Fencing and Walls

23. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
24. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Geology

25. 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.
26. 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.
27. The project, including the QCMM, shall comply with all conditions of approval and building plan check stage comments of the City geotechnical staff as shown on the referral sheet dated February 20, 2020.
28. An annual monitoring report, as described in the final Quality Control and Maintenance Manual (QCMM) approved by the City geotechnical staff, shall be submitted to the Big Rock Mesa Landslide Maintenance District No. 98-1. The monitoring report shall detail the monitoring and maintenance activities completed between July 1 and June 30 to coincide with the district's annual reporting activities.

Onsite Wastewater Treatment System

29. 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.
30. 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).
31. 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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32. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
33. 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. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
34. 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 and 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).
35. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.
 36. 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 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."
 37. 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 MMC.
 38. 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.

39. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
40. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
41. 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.
42. 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.
43. 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 City of Malibu MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
44. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
45. 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.

Grading/Drainage/Hydrology

46. Non-exempt grading of 210 cubic yards is proposed for the project and 800 cubic yards of exempt understructure grading is proposed. In no event shall non-exempt grading exceed 1,000 cubic yards.
47. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.

48. 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.
49. 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 if 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 inches in diameter shall also have a plan and profile for the system included with this plan.
50. A wet weather erosion and sediment control plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits as grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
51. 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 (BMPs) 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.

52. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
53. The applicant should use the existing concrete swale located on the hillside slope, to the south of the property, to collect all stormwater drainage flow created by the development project.
54. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The project consulting engineer shall sign the final plans prior to the issuance of permits.
55. A Storm Water Management Plan (SWMP) shall be submitted for review and approval to the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
56. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
 - a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures

shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

57. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDV). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDV that is not retained on-site;
 - d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - g. Measures to treat and infiltrate runoff from impervious areas;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
 - i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

Public Works

58. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
59. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.

60. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
61. The applicant shall obtain all required Caltrans permits, for additional stormwater drainage flow that is created by the project and will impact and drain to Pacific Coast Highway (Highway 1).

Biology / Landscaping

62. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting. Approval of a landscape plan may require an amendment to this CDP to modify the scope of approved work.
63. No development, planting or irrigation is permitted within public easements. Any structures, plants or other landscape features (e.g., boulders, fountains, etc.) occurring within the public easement shall be removed at the owner's expense.
64. Except as permitted pursuant to the provisions in LUP policies 3.18 and 3.20, throughout the City of Malibu, development that involves the use of pesticides, including insecticides, herbicides, rodenticides or any other similar toxic chemical substances, shall be prohibited in cases where the application of such substances would have the potential to significantly degrade Environmentally Sensitive Habitat Areas or coastal water quality or harm wildlife. Herbicides may be used for the eradication of invasive plant species or habitat restoration, but only if the use of non-chemical methods for prevention and management such as physical, mechanical, cultural, and biological controls are infeasible. 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 used for a limited time
65. The use of wood chips and shredded rubber is prohibited anywhere on the site. Flammable mulch material, including shredded bark, pine needles, and artificial turf, are prohibited between zero and five feet of a structure. Non-continuous use of flammable mulch (excluding wood chips and shredded rubber) is allowed between 5 and 30 feet from the eave/overhang of a structure with limited application areas. Any mulch materials (excluding wood chips and shredded rubber) are allowed 30 feet or more from a structure with no limitation on application area.

Fuel Modification

66. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

Water Service

67. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.
68. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

Construction / Framing

69. 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.
70. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
71. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
 - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
 - b. Grading activities shall be planned during the southern California dry season (April through October).
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
72. 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.
73. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Prior to Occupancy

74. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
75. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
76. Prior to final Planning inspection, the applicant shall provide documentation to the Planning Department that the Public Works Department has received the post-construction elevation certificate required per floodplain management conditions.
77. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Deed Restrictions

78. The property owner is required to record against the property in a form approved by the City Geologist the QCMM dated September 19, 2017 to serve as constructive notice to future property owners of the conditions and recommendations of the QCMM, and the requirement to implement the QCMM over the life of the project. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
79. The property owner is required to sign and record at the County of Los Angeles Recorder's Office, and submit to City geotechnical staff a certified copy of an "Assumption of Risk and Release" for geotechnical standards. Any revisions to the standard City release form must be reviewed and accepted by the City Attorney prior to document recordation. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
80. 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.

81. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in the *Lighting* conditions above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Site Specific Conditions

82. The final Quality Control and Maintenance Manual (QCMM) approved by the City Geologist shall be implemented by the property owner for the life of the project.
83. Decks/patios within the side yard shall comply with LIP Section 3.5.3(B) regarding projections into yards.
84. Prior to final Planning approval, the applicant shall submit a construction management plan for review and approval by the Planning Director and Building and Safety Division.
85. Modification to the grading plan to incorporate removal and recompaction shall require approval of a CDP amendment. The addition of a swimming pool to the subject property shall require approval of a CDP amendment or new CDP.

Fixed Conditions

86. This coastal development permit shall run with the land and bind all future owners of the property.
87. 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 City Council shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of August, 2021

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, Acting City Clerk
(seal)

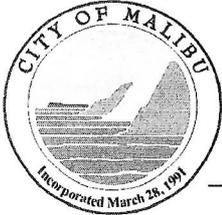
APPROVED AS TO FORM:

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

JOHN COTTI, Interim City Attorney

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the City Council's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

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?

19-001

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

Jan 4, 2020

3. Who made the decision you are appealing?

Planning Director Planning Commission

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

20272 Inland Lane

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:

Johnathon Congdon

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.)

1. Attached 2. Attached 3. Attached

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 Attached
- 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.)

Attached

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.)

Attached



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.

Hak Wong

PRINT APPELLANT'S NAME



APPELLANT'S SIGNATURE

TELEPHONE NUMBER

Jan. 13, 2020

DATE

Appellant's mailing address:

Appellant's email address:

OFFICE USE ONLY

Action Appealed: _____

Appeal Period: _____

Date Appeal Form and required documents submitted: _____ Received by: _____

Appeal Completion Date: _____ by: _____

(Name, Title)



Coastal Developmental Permit Appeal Submittal

RE: 19-001

The City Planning Commission fundamentally misunderstood how they voted on this project. They did not resolve many of the issues and evidence presented by the opposition because they simply assumed City Council would be doing this. They remained deadlocked due to time constraints and stated they couldn't address the issues because they were not geologists even though the conclusions were written clearly. They intended to have City Council deliberate on this despite several laws and codes being violated which would warrant an outright denial of the project. According to Chair Mazza the intention was to deny the project or just pass it up to City Council deadlocked, never an approval based on the laws violated. This approval is defective in no less than 42 mistakes, misunderstandings, and misinterpretations — any one of which is legally sufficient to sink this project.

The City Council should not approve this variance for factor of safety, height or setback on the proposed build. Given that we are in an active landslide area where several geologists, including our own BRM AD 98-1 monitoring companies, have confirmed that we have ongoing movement, which makes our factor of safety closer to or below 1.0. Adding any more development that increases water into the hillside in Big Rock will eventually and most certainly cause a landslide. This build will set a **bad precedent** should it be allowed as there are **no new builds allowed currently in Big Rock** per City and state codes. There has been no professional assessment completed by the City to confirm these facts and determine the overall slope stability for the BRM Landslide Assessment District and until that is done, no project should be approved in Big Rock that adds water to the ground. Yet the City keeps approving and issuing Assumptions of Risks and Releases on new development. The liability risk to the City far outweighs any liability from the applicant. Especially if this home opens the gateway for new builds on unstable Big Rock. Liability cost could be in the hundreds of millions of dollars to a billion dollars which could bankrupt our City frankly. Our current higher water levels, despite the drought of the last 20 years, and low factor of safety are due to this "man-made water" that is discussed in Don Kowalewsky's supporting geotechnical reports. It has been recorded during the Malibu Landslide: Massive Litigation that "Dewatering alone probably cannot stabilize the steep bluffs along the PCH."

There are three different slide areas under discussion: The main Big Rock slide, the local perched conditions along Piedra Chica Rd and evidence of this on Inland Lane, and a "new" slide in the Inland Lane cul de sac. Veteran geologist, E.D. (Don) Michael informed the City Council a month ago and the Planning Commission in testimony that an active landslide exists in the cul de sac of Inland Lane that needs immediate mitigation of rock bolts to keep the hill together thus stating the site and hillside is unstable and unbuildable. Since it has been over 9 years that the applicant's geologist has investigated the site, he could not have known this is existing presently.

The City Planning Staff has cut corners in interpreting the LCP, in a manner that consistently favors applicant/developers over safety, neighbors and/or the environment; they often allow unwarranted variances and too-liberal interpretations of the code. This prompted a close examination of the present application in relation to the LCP.

OVERVIEW

For a brief history of development in Big Rock after the landslide only one home was built **with no grading done** with a variance for factor of safety back in 1994. There has never ever been any new construction along the bluffs on PCH in Big Rock. There have been no other new builds recorded on the Mesa other than the one approved in 1994. There have been over 130,000 sq ft of additions and new builds in the entire BRM Assessment District (including 5 new constructions on PCH) approved by the City of Malibu which have been adding water into our hill since 1992, the last time a slope stability test was completed for Big Rock.

During the 1993 fire a house burned at 20272 Inland Lane that was built in 1968 that was 2184 sq ft and assumed to be 15 ft high as per Big Rock CCRS only allow as they are a view conscious HOA. All the other homes were no more than 15 ft high. This project is a new development NOT a fire rebuild as indicated by the variance it is applying for. It is far beyond the statute of limitations of a fire rebuild, it is not on the existing footprint and is 74% larger than the original house at 3792 sq ft proposed. It is also removing part of the cliffside to build on. The original home was on the flat lot. All entitlements from the original residence have long since lapsed, and the geotechnical evidence has changed markedly since then. You can't classify this as new development in one area by moving off the lot and increasing the size and adding a cabana as an accessory structure but as a "redevelopment/fire rebuild" when geological requirements are not completed such as the pseudo static study which is required by not only Malibu codes but state law for all new development.

The Staff report states on p 2 "It is infeasible to rebuild a residence on the subject property in a fashion that would meet the code-required factors of safety. The measures available for residential construction on a single lot, such as deepened piles and other techniques, cannot increase the factor of safety sufficiently due to the fact that the landslide covers 160 acres in land area and is 350 feet thick at its deepest extent."

For this reason alone, the project should be denied. It would be building right into the landslide. Geo Concepts did not have the data or do appropriate studies in order to state the project will not adversely affect offsite properties. The study they did complete is over 9 years old and showed a factor of safety of 1.37 (which was also not calculated correctly and should have been lower according to Malibu city codes) which is below the factor of safety required for any build in Malibu let alone a landslide district and a variance should not be granted to the 1.5 FOS requirement because the project violates Malibu Code-LIP. The mass and water introduced by this build will only lower the factor of safety, thereby adversely affecting offsite properties.

This memo presents the following grounds for appeal.

1. The build violates State law and Malibu LCP codes:

From the agenda staff report: "The proposed project complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County departments." *It does not because it did not complete the required pseudo static stability test required by law, it does not reach the minimum required factor of safety for slope stability and did not calculate TDSF correctly, etc.*

i) The calculation of TDSF is in violation of the code.

So, we also appeal CONDITION 2) correcting the square footage of the ground floor from 1,921 to 1,490 and the square footage of the lower level from 2,018 to 2,302. This needs to be corrected as this new calculation is incorrect.

ii) Violation of LCP - Section 9.4 D:

"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 (pseudo static) 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," dated February 2002.

iii) Reports for proposed development in a mapped hazard zone are required by state law to evaluate the risk from earthquake induced landslide and provide recommendations to mitigate the risk. The 2013 version of the City of Malibu "Guidelines for the preparation

of engineering geologic and geotechnical engineering reports” also requires seismic (Pseudo static slope stability analysis).

No analysis of the stability of the site was performed considering earthquake forces and other points to be discussed. Therefore, the project is in violation of both State Law and City Codes.

If they calculated their factor of safety incorrectly and didn't have a pseudo static study completed, then all of their calculations resulting in the 'site design and construction measures will be implemented as part of the proposed project which are anticipated to produce a higher degree of site / structural performance than what previously existed onsite' is not a valid statement. The staff report also stated that this was not possible due to the size and mass of the landslide on page 2. Contradictory statements like this are found throughout the staff report.

- iv) Violation of Section 9.4 E. Measures to remediate or stabilize landslides or unstable slopes that endanger existing structures or threaten public health shall be designed to be the least environmentally damaging alternative, to minimize landform alteration, and to be visually compatible with the surrounding natural environment to the maximum feasible extent. Maximum feasible mitigation measures shall be incorporated into the design and construction of slope stabilization projects to minimize adverse impacts to sensitive resources to the maximum feasible extent.

It is NOT the least environmentally damaging alternative as it is removing tons and tons of the cliffside thus altering the landform and it's uber modern architecture is hardly visually compatible with the surrounding natural environment. This project will cut into a delicate landslide cliffside and puts the entire community at risk. The least environmentally damaging alternative would also, have no more fixture units but certainly not as many as they have actually proposed.

- v) Because the building is larger and will introduce more water into the ground, it is in violation of section 110.2.1 of the building code. The additional mass and water into the ground will result in a lower factor of safety for this portion of Big Rock Mesa Landslide, thereby adversely affecting offsite properties. (Don Kowalewsky, March 2018, ED Michael, Nov 2018)
- vi) The proposed project is in violation of Section 110.2.2 of the building code because it does not have the minimum factor of safety relative to slope stability required by the City Guidelines for geotechnical reports. (Appendix D in Don Ks March 2018 report).
- vii) This whole plan goes against the Malibu Vision & Mission Statement also which states: "citizens have historically evidenced a commitment to sacrifice urban and suburban conveniences in order to protect that environment and lifestyle, and to preserve unaltered natural resources and rural characteristics." It is altering the cliffside with an uber modern home. The city was also NOT committed "to protect the public and private health, safety and general welfare" by approving this project ahead of public safety.
- viii) The project also goes against much of the LUP i.e., C, Land Use Policies and 1. General Development in that it does not minimize risk, does not evaluate earthquake risks relative to slope stability (as required by state law), does not meet the required factor of safety, its reports do not state that the site will be safe from geologic hazards, in fact it contains numerous disclaimers that the site is within an active landslide. There is no hillside management and is grading over the hillside which is not the least environmentally damaging. Such development would present an extraordinary risk to life and property due to an existing or demonstrated potential public and safety hazard – the BRM Landslide. The proposed structure is a new building and should be required to comply with all policies and standards of the LIP.

ix) 13.26.5 Findings (re: Variance)

The applicant did not complete the variance requirements for at least 7 out of 10 requirements for a variance within the Malibu LIP.

“The January 14, 2011 Geo Concepts report states, “Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults,” and a seismic hazard evaluation was performed for the subject property.” *There was no seismic stability study completed for this project, so this is not accurate.*

x) Chp 10 of the LIP shoreline and bluff ordinance should apply and be adhered to especially due to the fact that, “that new development is sited and designed to not require the construction of protective devices that would create or contribute to shoreline erosion or alter natural land-forms.” The bluff would be altered because it would be cut out and replaced with the ground level of this proposed build. This project is ‘near a sandy beach’ and situated on a bluff so therefore must comply to, “D. All new development located on a bluff top shall be setback from the bluff edge a sufficient distance to ensure that it will not be endangered by erosion or threatened by slope instability for a projected 100-year economic life of the structure. In no case shall development be set back less than 100 feet.” *This design clearly doesn’t do this. Section 10.4 of the LIP should apply to this project.*

xi) “According to the Geo Concepts report dated December 20, 2011, the deep-seated Big Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property.” *This statement is inaccurate.*

The appeal for Condition 1 also falls under this category of violating state law:

CONDITIONS OF APPROVAL:

- 1) determining the project is categorically exempt from the California Environmental Quality Act, and approving Coastal Development Permit No. 19-001 for the construction of a new 3,792 square foot, two-story single family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City’s geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density zoning district at 20272 Inland Lane

CEQA is an environmental law. And residential development, because it results in a physical change, is rarely exempt.

The project violates CEQA categorical exemptions in that it should not apply based on the unusual circumstances of the dewatering equipment not being able to raise the factor of safety and its location in a sensitive environment that makes it that much closer to renewed movement of the landslide which is a significant impact to the environment. There is a cumulative effect on the environment from the constant flow of successive projects of additions and new builds and increase in OWTS (over 130,000 sq ft of additions, rebuilds and new builds have been approved in the BRM assessment district since Bing Yen’s general geotechnical report was published in 1992) that all puts more water into the ground. This is the huge one that WILL break the camel’s back.

The history of the vicinity shows a series of significant environmental effects, ranging in scope from individual houses to almost the entire Big Rock community. A project of this risk and magnitude needs an EIR to be ordered at minimum so more study can go into the site to see if a build can be feasible though most likely it would be not.

1. The findings or conditions are not supported by the evidence, or the decision is not supported by the findings:

All prior applications are irrelevant, lapsed except that the Coastal Commission staff informed the applicant of its intent to recommend denial of the previous project. The present application has an additional 455 sq ft TDSF more than the Coastal Commission denied so a denial would even be more certain.

“Finding 1. The project, as proposed will neither be subject to nor increase the instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons.”

*Both geologists, Don Kowalewsky and Don Michael, state in their reports that the water produced by the septic system of the potential build would cause a reduction in the safety factor and further instability to Big Rock. It **will** be detrimental to the adjacent properties and Big Rock in general.*

No studies of the amount of anticipated effluent that would come from the septic system into the ground were completed by GeoConcepts, therefore they cannot state that it will not increase a measurable gross instability of the Big Rock Mesa.

The project being built on an unstable cliffside in the Big Rock Mesa Landslide District will cause substantial risks to life and property related to the landslide and possible earthquake movement due to the added mass and water from the proposed build.

The site has expansive soils, such that even with special accommodations such as “deepened foundation systems, additional structural reinforcement,” etc. you cannot eliminate “deflection and cracking.” This hazard has not been documented as having been waived for any other properties in the area. There is only ‘evidence’ that this project will put more groundwater into the ground, no other evidence provided shows that this project would make the hill more stable but only less stable given that the dewatering district is predicated on the legal finding of the late 1980s, that more water in the hill equals more hazard. Here, the applicant is proposing not only to contribute more water to the hill, but substantially more than even the prior house contributed.

So, the actual evidence indicates that the project will necessarily “result in an increased threat of landslide, slope instability, or any other geologic hazard.” From the standpoint of the City’s liability, please err on the side of prudence and caution and assume that the amount of increased hazard created by inputting more water to the hill is significant.

Neighborhood character is relevant because the application includes a Site Plan Review (for extra height, IIRC):

“Finding 2. That the project does not adversely affect neighborhood character.

The surrounding neighborhood consists of one- and two-story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood.”

There are no two-story homes on Inland Lane at all and no Uber modern designs such as this one. All homes but one fire rebuild are 15’ in height no greater than this. The CC&Rs of the tract do not allow homes to be higher than 15 ft in the area and does not allow foundations to be lower than the garage or

any alteration to existing drainage. The CC&Rs represent the neighborhood character and should be followed and adhered to.

Inaccuracies from the staff report: "For the residence, the site design and construction measures include a deepened cast-in-place pile and grade beam foundation." *This would not be in bedrock but moving landslide debris and unstable alluvium fill thereby a danger to the home and offsite properties as it moves further down the cliffs edge.*

"The geologic and topographic conditions of the subject property have not changed significantly since the demolition of the previous residence." *Yes, it has according to ED Michael which reported this to the City over a month ago that it requires rock bolts to keep the hillside stable due to ongoing movement. This needs to be investigated for the sake of the community before there can be any future building.*

"A line-of-sight analysis submitted by the applicant and on file with the City and story poles installed on the site demonstrate that drivers or passersby on PCH are not likely to have any view of the proposed residence due to the intervening topography." *The proposed home story poles are clearly seen from pch so this is not valid. This also shows how steep the cliff's edge actually is.*

Appeal Condition 3) adding a condition specifying that exceedance of site stability thresholds discovered post-rainstorms, as described in the QCMM, shall be reported to City geotechnical staff within two business days of discovery (20272 Inland Lane)

The QCMM sets an unrealistic rainwater to groundwater monitoring program so if the variance is contingent on a monitoring plan, it should not be granted.

The QCMM states that "the property owners will need to retain a professional to review and maintain the yard free of burrowing animals" This is impossible to do in Big Rock. The hills are riddled with gophers which will destabilize the slope this build is on.

"The City geotechnical staff has determined that the provisions of the extensive and comprehensive QCMM, described in detail in the Variance findings below, will be adequate to prevent onsite and offsite adverse impacts." Yet the CDP states right from the beginning that, "The reports also clarify that the studies are not designed to provide a guarantee that the site will be free from hazards. The Quality Control Maintenance Manual (QCMM) states that the manual is not intended to preclude distress from the Big Rock Mesa Landslide and cannot cover every conceivable hazard that can arise." The QCMM cannot prevent onsite or offsite adverse issues when there is added water into an active landslide with low slope stability.

3. There was a lack of fair or impartial hearing:

During the hearing it was stated falsely by Norm Haynie that the build due to the weight being removed from the hillside would reduce the landslide risk. The weight doesn't make the hillside collapse as much as the water lubricating the slide plane, especially with the perched condition of the lot creating more saturation in the slope. The Commission misunderstood this concept and the actual cause of landslide. Cutting into the unstable hillside does not help.

As per: http://geology.isu.edu/wapi/EnvGeo/EG4_mass_wasting/EG_module_4.htm

"Urbanization also has an effect on slope stability. **Grading hillsides** (cutting benches for building homes on) greatly increases landslide potential. **Construction** of homes on unstable slopes has similar effects. Changing the slope face, the additional weight (homes and fill material), plus the added water (homeowners' sprinkler systems and septic tanks) make a formerly stable slope unstable. Add a heavy rainy season and you have lots of landslides!"

Commissioner Jennings was misinterpreting and misrepresenting Don Michael's presentation to the commission and audience. He asked the applicant's geologist to go through the studies completed to satisfy the LCP and they did not even get through the first one without missing required information of the seismic study not completed. If they had gone through the rest, they would have found at least 6 more required items completed incorrectly or missing and voted for a denial. Jennings ignored these facts downplaying the importance of following the codes, especially in a landslide area, and put forth a motion for approval after there was already a motion to deny.

Procedurally – Trevor, the staff attorney, telling the Commission to complete an approval after a 2-2 deadlock in a denial and actually jumped in and told David Weil not to abstain during the vote and subsequent approval was not right especially after telling everyone they needed to have someone (him) abstain in the next vote in order to have it pass as a denial. Also, by allowing the commission to vote for approval after it was acknowledged that there was a violation of state law and codes by not completing a pseudo static study for earthquake forces and not reminding them of that fact was a derelict of duty.

The Commission did not finish deliberating all the issues and evidence and simply punted this to City Council to deal with because they couldn't come to a mutual decision in a certain amount of time. It was clear that the applicant's geologist did not do a thorough study of the area yet the Commission for some reason could not understand these clear facts presented and wished for City Council to deliberate. According to Chair Mazza the intention was to deny the project or just pass it up to City Council deadlocked, never an approval based on the laws violated. If they could not deliberate all the geological evidence provided then an EIR should have been ordered.

Respectfully,

Hak Wong, Jan 14, 2021

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-01

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 PERMIT NO. 19-001 FOR THE CONSTRUCTION OF A NEW 3,792 SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, PLUS AN ATTACHED GARAGE, CABANA, HARDSCAPE, GRADING, DRAINAGE, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 19-001 FROM THE CITY'S GEOTECHNICAL STANDARDS FOR FACTOR OF SAFETY, SITE PLAN REVIEW NO. 19-001 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 24 FEET FOR A FLAT ROOF, AND MINOR MODIFICATION NO. 19-001 FOR THE REDUCTION OF THE REQUIRED SIDE YARD SETBACK BY NO MORE THAN 20 PERCENT, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20272 INLAND LANE (JONATHAN L. CONGDON REVOCABLE TRUST)

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

SECTION 1. Recitals.

- A. On January 3, 2019, an application for Coastal Development Permit (CDP) No. 19-001 was submitted to the Planning Department by Johnathen Day on behalf of the property owner, Jonathan L. Congdon Revocable Trust. The application was routed to the City geotechnical staff, City Environmental Health Administrator, City Public Works Department, City Biologist, and Los Angeles County Fire Department (LACFD) for review.
- B. In August 2020, the applicant installed story poles to demonstrate the design of the residence.
- C. On August 28, 2019, Planning Department staff conducted a story pole inspection and observed that the story poles were not consistent with the approved story pole plan.
- D. On September 9, 2019, a Notice of CDP Application was posted on the subject property.
- E. In August 2020, the applicant installed story poles to demonstrate the design of the residence.
- F. On August 27, 2020, staff deemed the application complete.
- G. On September 10, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.
- H. On October 5, 2020, the Planning Commission continued the item to November 2, 2020.
- I. On November 2, 2020, the Planning Commission continued the item to November 16, 2020.

J. On November 16, 2020, the Planning Commission continued the item to December 7, 2020.

K. On November 12, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On December 7, 2020, the Planning Commission continued the item to January 4, 2021.

M. On January 4, 2021, 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 has analyzed the proposed project. The Planning Commission has 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 exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a) – construction of one new single-family residence. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit 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, approving CDP No. 19-001 for the construction of a new 3,792 square foot two-story single-family residence, plus an attached garage, cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance (VAR) No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review (SPR) No. 19-001 for construction in excess of 18 feet in height up to 24 feet for a flat roof, and Minor Modification (MM) No. 19-001 for the reduction of the required side yard setback by no more than 20 percent, located in the Single-Family Low Density (SFL) zoning district at 20272 Inland Lane.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed variance, site plan review, and minor modification, 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 project has been reviewed and conditionally approved by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the inclusion of the variance, site plan review, and minor modification, as conditioned, conforms to the LCP in that it meets all applicable residential zone development standards.

2. The proposed project is below the maximum allowed total development square footage (TDSF) for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. The portions of the residence that exceed 18 feet in height do not encroach into protected primary views, and the proposed project involves a reduction only to the east side yard. The proposed setbacks are similar to those found throughout the neighborhood, including those of the property to the east, which has a zero side yard setback. There are no alternatives for developing the site with a single-family residence that would avoid the variance for geotechnical factors of safety. However, the project has incorporated changes to the foundation design as recommended by the City geotechnical staff to sufficiently address the onsite slope stability and soil erosion conditions. Although the project does not meet the LCP requirement for the factor of safety, the City geotechnical staff has determined that the provisions of the extensive and comprehensive Quality Control and Maintenance Manual (QCMM) will be adequate to prevent onsite and offsite adverse impacts. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

B. Variance Findings from the Required Geologic Factor of Safety (LIP Section 13.26.5)

1. The subject property was the focus of updated engineering geologic and geotechnical engineering studies by GeoConcepts, Inc. dated March 9, 2016 and April 12, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016 in order to determine and evaluate the engineering geologic and geotechnical engineering conditions of the subject property with respect to the proposed project. As discussed in the referenced engineering geologic reports, the subject property is underlain by the Active Big Rock Mesa Landslide. Though the Big Rock Mesa Landslide Assessment District effectively de-waters the landslide area and increases stability, it is infeasible to rebuild a residence on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(A)(D).

The location, topography and surroundings of the subject property (i.e., a landslide area with substandard slope stability factor of safety) are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(A)(D) were applied, would prevent the construction of any structure on the property. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other residential properties located in the vicinity and under the identical zoning classification. There have been many single-family residences on adjacent or nearby properties which have been permitted by the City (post-1993) and subsequently been issued building permits and/or been constructed in the Big Rock Mesa Landslide. All of these residences are located on parcels that provide less than the LIP standard 1.5 static and/or 1.1 pseudostatic factors of safety. Any development on the subject site would require a variance from this standard.

2. Even though the proposed project does not provide the code-required 1.5 static and 1.1 pseudostatic factors of safety, site design and construction measures will be implemented as part of the proposed project which are anticipated to produce a higher degree of site / structural performance than what previously existed onsite. The intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

For the residence, the site design and construction measures include a deepened cast-in-place pile and grade beam foundation. For the utilities, water lines shall be provided with flexible couplings, gas lines shall be provided with swing joints, and electrical cables shall be provided with coil loops in order to protect against breakage and service interruption in the event of ground movement. Furthermore, all utility lines shall be placed in shallow vaults or channels to allow for easy inspection and/or repairs. To control site drainage and runoff, the project includes a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water. The proposed design and construction measures recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers will be incorporated into the structural, grading, and drainage plans. The project engineering geologist, project geotechnical engineer, and project civil/structural engineers must verify that the recommended design and construction measures are properly incorporated into the final structural, grading, and drainage plans.

Comprehensive site maintenance and reporting measures have also been established as part of the proposed project which are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. These measures have been recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers and included in a comprehensive Quality Control and Maintenance Manual (QCMM) that has been prepared specific to the subject property, and updated September 19, 2017, for the proposed project.

The QCMM calls for periodic inspection of site improvements at designated monitoring stations and areas, including but not limited to the residence window frames, utility lines, drainage system, site hardscape, and OWTS. Monitoring is required following any rainstorm producing an inch or more of rain within a week. An acceptable threshold of nominal cosmetic distress has been designated for each monitoring station and area, along with recommendations for maintenance and repair, and an annual monitoring report. Monitoring of the site will be performed by the “servicer”, which can be a licensed professional such as GeoConcepts, a licensed certified engineering geologist, and/or a licensed civil engineer, or a non-licensed professional such as any prudent person skilled in this type of service. If or when the monitoring stations or areas exceed the accepted threshold, the servicer shall evaluate the site and provide appropriate recommendations. Non-professional servicers shall notify appropriate licensed engineers or geologists to perform field evaluations and provide appropriate recommendations.

The QCMM has been reviewed and approved by City geotechnical staff, project engineering geologist, project geotechnical engineer, and project civil/structural engineers. The QCMM will be recorded against the property as a condition of CDP approval. Any future owner(s) of the subject property will be properly notified of the conditions and recommendations set forth in the QCMM.

Based on the findings of the engineering geologic studies of the subject property and review of the current site development plans and project information, the project consulting geologist, GeoConcepts, determined that the proposed residential re-development of the subject property provides an increase in safety relative to the current conditions and previous development on the subject site, and that the project will not geotechnically reduce the stability of the area outside the proposed work. In addition, the proposed project 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 zones in which the property is located provided: 1) the recommendations

of the project engineering geologist, project geotechnical engineer, and project civil/structural engineers are properly incorporated into the plans and implemented during construction; and 2) the subject property and proposed structures are properly maintained.

Finally, City geotechnical staff has reviewed the extensive geologic supporting documentation for the proposed project and in the approval letter dated January 16, 2019 states “the applicant and his consultants have provided the City with reports that adequately support the findings in the variance.”

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences have been developed on properties in the immediate vicinity which also do not satisfy code-required 1.5 static and 1.1 pseudostatic factors of safety. The properties in the immediate area are all located within the Big Rock Mesa Landslide. The construction of the residence on the subject parcel will incorporate extensive site design and construction measures through the implementation of the QCMM. Other properties located in the vicinity of the subject site which were reconstructed after the 1993 Topanga Fire were built in accordance to the City’s Fire Rebuilding Geology and Geotechnical Guidelines. These guidelines provided a waiver from the requirement for re-development projects to meet the slope stability factor of safety. Approval of the subject variance will grant relief from a technical development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

4. The granting of the variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. Granting the requested variance will allow the subject property to be developed in a similar manner to abutting properties. No alternatives exist that would eliminate the need for the requested variance. Additionally, the site design and construction measures incorporated into the proposed project meet the intent of LIP Chapter 9. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

5. The subject property is zoned SFL, which allows for residential development. The proposed project includes the construction of a two-story single-family residence, which is a permitted use in the subject zone, with approval of a site plan review and minor modification. Approval of the variance from the required geotechnical standard for factor of safety will permit the construction of the residence on the property; otherwise, the property could not be developed. Any development on the site would require a variance from this standard. The request is consistent with the purpose and intent of the zone in which the site is located.

6. The project will consist of the construction of a single-family residence on the subject property that is similar in size and footprint to what previously existed on the site. Based on the findings of the engineering geologic studies completed for the subject property, the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the prior residence.

The subject property is physically suitable for the proposed residence because: 1) the subject property was physically suitable for the construction of the previous residence; and 2) the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the previous residence. Specifically, the subject property is physically suitable for the construction of a single-family residence and:

- The proposed construction of deepened cast-in-place pile and grade beam foundation system;
- The proposed construction of flexible couplings, swing joints, and coil loops for the proposed utility lines to protect against breakage and service interruption in the event of ground movement; and
- The proposed construction of a site drainage control system. The residence and site shall be provided with a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water.

The proposed site design and construction measures are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. With the implementation of the extensive consulting geologist and geotechnical engineer's recommendations and the requirements of the QCMM, the subject site is physically suitable for the proposed variance.

7. The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

C. SPR No. 19-001 Findings for a Height Greater than 18 feet and not Exceeding 24 feet [LIP Section 13.27.5(A)]

1. The proposed project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The surrounding neighborhood consists of one and two story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood. The proposed project complies with the required size limitations and the required front, rear, and side yard setbacks with the inclusion of the site plan review and minor modification. The 1,490 square foot ground floor would be visible from Inland Lane, and the 2,302 square foot lower level of the proposed project would be tucked under the ground floor and would not be visible. The project does not adversely affect neighborhood character.

3. The project site is not visible from any scenic roads, trails, parkland or beaches. The proposed single-family residence would be 24 feet in height. The design and location of the proposed residence will not create significant obstructions or encroachments into public views. The project provides maximum feasible protection to public views as required by the LCP.

4. The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, City Environmental Health Administrator, as well as the LACFD. The project as conditioned complies with all applicable requirements of State and local law.

5. The project is consistent with the General Plan designation for the site. As discussed herein, the project is consistent with the LCP.

6. Based on the three Primary View Determinations (PVDs) conducted within 1,000 feet of the property, portions of the residence below 18 feet in height block portions of bluewater views for three neighbors (Liewald, Wong, Schiro). These areas obstruct the portions of the residence that are above 18 feet in height. Therefore, the portions of the residence above 18 feet in height do not block the primary view corridor of surrounding residences. The design and location of the residence will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. MM No. 19-001 Findings for Reduction of the Side Yard Setback (LIP Section 13.27)

1. The proposed project has been reviewed and found in conformance with all relevant policies and provisions of the LCP. The reduction in the east side yard setback is consistent with the policies and provisions of the LCP based on the smaller setbacks of the original 1968 house that burned in 1993, and the property's constraints, consisting of an irregular wedge shape that narrows within an existing flat pad, and a geologic hazard area that extends south from the pad area. These factors limit the design options for the site. The proposed project minimizes the need for reduced side yard setbacks and is consistent with the policies and provisions of the LCP.

2. Aerial photographs, site visits and story poles depicting the project design demonstrate that the proposed project is similar in height, siting and bulk to surrounding development. The proposed project does not adversely affect neighborhood character.

3. The project complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County departments.

E. Hazards (LIP Chapter 9)

1. Analysis for the proposed project for hazards included review of engineering geologic and geotechnical engineering studies dated January 14, 2011, December 20, 2011, February 23, 2012 and March 8, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016. Based upon review of the above referenced information, it has been determined that:

- a. The subject property does not contain known or mapped active faults.
- b. The subject property could be subject to seismic ground shaking.
- c. The project site is not anticipated to be subject to hazards from seismically-induced liquefaction, settlement, hydroconsolidation, but does contain expansive soils.
- d. The subject property could be subject to landslides.
- e. The property is not located within the Federal Emergency Management Act's (FEMA) 100-year flood zone.
- f. The project site is inland, not subject to seiches and highly unlikely to be subject to tsunami inundation.
- g. The project site is in an extreme fire hazard area.

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

Seismic Ground Shaking

The January 14, 2011 GeoConcepts report states, “Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults,” and a seismic hazard evaluation was performed for the subject property. The report states, “Proper maintenance of properties can mitigate some of the potential for these types of manifestations, but the potential cannot be completely eliminated.” Furthermore, mitigation of ground shaking effects is provided through enforcement of structural and nonstructural seismic design provisions defined in the Uniform Building Code. These codes are updated every three years and through this update process, will incorporate new design provisions as needed.

Expansive Soils

The December 20, 2011 GeoConcepts report notes that expansive soils were encountered on the subject property, and that these soils can be a problem as variation in moisture content will cause a volume change in the soil. Repeated cycles of expansion and contraction can cause pavement, slabs on grade and foundations to crack that can also result in a misalignment of doors and windows. The report states that deepened foundation systems, additional structural reinforcement, and maintaining uniform moisture conditions around structures can reduce, but will not eliminate, deflection and cracking.

Landslide Hazard

The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. According to the GeoConcepts report dated December 20, 2011, the deep-seated Big Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property. 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. According to GeoConcepts, the dewatering program during the dryer than average years appears to have stemmed movement of the landslide; however, during wetter than average years, very minor creep movements have been measured.

Detailed geologic and geotechnical investigations and slope stability analyses were performed on the subject site for the proposed development. The analyses determined the factors of safety for both wet (1.37 static) and dry (1.4 static) periods. The report also discussed review of previous public reports and a detailed site review for surface distress at the subject site. The report concludes, “These geologic findings indicate that significant landslide distress was not exhibited in the area of the proposed redevelopment.”

Because the required factors of safety cannot be achieved for the site, GeoConcepts completed the QCMM, dated September 19, 2017. The QCMM is designed to educate the property owner and servicer about monitoring the subject site and includes instructions for monitoring site improvements such as, but not limited to, the structure, utility lines, the drainage system,

hardscape, and the OWTS. The QCMM incorporates recommendations from the project consultants (GeoConcepts, Project Engineering Group, and Barsocchini & Associates), and the selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site.

The April 5, 2012 letter from Project Engineering Group, the project civil/structural engineering consultant, states:

“In our opinion, all specific designs and measures included in the QCMM will increase the safety of the site as well as adjacent properties. PEG agrees that implementation of the site monitoring measures proposed by the QCMM will provide additional safety to the occupants and improve stability of the proposed site improvements as well as the ones in the vicinity of the subject property.”

In the February 23, 2012 report, GeoConcepts states, “Our recommendations provide an increase in safety relative to the current conditions and previous development on the subject site such as, but not limited to improving the structural elements of the proposed dwelling, foundation, grading, drainage, hardscape, and septic plans.” GeoConcepts concludes that the project will not increase the risk of landslide movement for the surrounding area, and that the improvements and recommendations serve to provide a safer development than in the past. Review of the updated geotechnical report dated March 8, 2016 and QCMM dated September 19, 2017 indicate that the proposed project does not affect the conclusions from the previous reports.

Based on review of the project plans and technical reports, City geotechnical staff approved the proposed project on January 16, 2019, subject to conditions. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or 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 City geotechnical staff prior to the issuance of a grading permit. The property owner is also required to record the QCMM against the title of the property prior to final planning approval.

Fire Hazard

The entire city limits of Malibu are located within a high fire hazard zone; however, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. On April 25, 2019, the LACFD reviewed the plans and determined that standard LACFD plan check and development fees will be required. The existing shared driveway will be widened onsite to meet the 20 foot wide access requirement, a 5 foot clear to sky path will be provided around the residence and interior fire sprinklers will be installed.

The proposed project will incorporate all recommendations contained in the above cited documents, geologic and geotechnical reports; as such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

2. The proposed project as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department, and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic or other hazards due to project modifications or other conditions. The recommendations and measures that will be incorporated into the final project have been specifically designed as a result of thorough study of onsite geologic conditions.

3. The proposed project, as conditioned, is the least environmentally damaging alternative.

4. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.

5. No adverse impacts to sensitive resources are expected as a result of the project.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the conditions listed below.

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. Construction of a new 3,792 square foot two-story single-family residence, plus a 602 square foot attached garage and storage, 618 square feet of covered patio areas, and a detached 192 square foot cabana for a TDSF of 5,204 square feet;
 - b. Hardscape improvements, including patios, walkways and extending the existing driveway to the new garage and widening it toward the east property line to meet Fire Department requirements;
 - c. Replacement of the vehicle entry gate and pedestrian entry gate;
 - d. OWTS;
 - e. Grading, retaining walls, and site drainage improvements, including a storm water detention system;
 - f. Non-irrigated low-growing native groundcover as necessary for erosion control; and
 - g. Discretionary requests:
 - i. VAR No. 19-001 from City geotechnical standards for factor of safety;
 - ii. SPR No. 19-001 for height in excess of 18 feet, up to 24 feet for a flat roof; and
 - iii. MM No. No. 19-001 for a reduction of the side yard setback to 7 feet, 3 inches on the east only.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **March 31, 2020**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event 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, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 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 and notarized Acceptance of Conditions Affidavit, and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. 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 Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that

the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

14. 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.
15. 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.

Lighting

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(ies) 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. High intensity lighting of the shore is prohibited.
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 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.

Fencing and Walls

23. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
24. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Geology

25. 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.
26. 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.
27. The project, including the QCMM, shall comply with all conditions of approval and building plan check stage comments of the City geotechnical staff as shown on the referral sheet dated February 20, 2020.
28. An annual monitoring report, as described in the final Quality Control and Maintenance Manual (QCMM) approved by the City geotechnical staff, shall be submitted to the Big Rock Mesa Landslide Maintenance District No. 98-1. The monitoring report shall detail the monitoring and maintenance activities completed between July 1 and June 30 to coincide with the district's annual reporting activities.
29. Exceedence of site stability thresholds discovered during post-rainstorms, as described in the QCMM, shall be reported to City geotechnical staff within two business days of discovery.

Onsite Wastewater Treatment System

30. 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.
31. 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).
32. 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).
33. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
34. 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. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
35. 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 and 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).
36. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture

intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.

37. 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 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."
38. 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 MMC.
39. 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.
40. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
41. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
42. 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.
43. 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.

44. 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 City of Malibu MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
45. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
46. 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.

Grading/Drainage/Hydrology

47. Non-exempt grading of 210 cubic yards is proposed for the project and 800 cubic yards of exempt understructure grading is proposed. In no event shall non-exempt grading exceed 1,000 cubic yards.
48. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
49. 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.
50. 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 if 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 inches in diameter shall also have a plan and profile for the system included with this plan.

51. A wet weather erosion and sediment control plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits as grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
52. 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 (BMPs) 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.

53. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
54. The applicant should use the existing concrete swale located on the hillside slope, to the south of the property, to collect all stormwater drainage flow created by the development project.

55. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall be provided prior to the issuance of any permit for the project. The project consulting engineer shall sign the final plans prior to the issuance of permits.
56. A Storm Water Management Plan (SWMP) shall be submitted for review and approval to the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
57. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
- a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

58. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
- a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDV). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDV that is not retained on-site;
 - d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - g. Measures to treat and infiltrate runoff from impervious areas;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
 - i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to

the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

Public Works

59. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
60. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
61. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
62. The applicant shall obtain all required Caltrans permits, for additional stormwater drainage flow that is created by the project and will impact and drain to Pacific Coast Highway (Highway 1).

Biology / Landscaping

63. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting. Approval of a landscape plan may require an amendment to this CDP to modify the scope of approved work.
64. No development, planting or irrigation is permitted within public easements. Any structures, plants or other landscape features (e.g., boulders, fountains, etc.) occurring within the public easement shall be removed at the owner's expense.

Fuel Modification

65. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

Water Service

66. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.
67. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

Construction / Framing

68. 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.
69. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
70. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
 - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
 - b. Grading activities shall be planned during the southern California dry season (April through October).
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
71. 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.
72. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Prior to Occupancy

- 73. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled and state the facilities where all materials were taken.
- 74. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
- 75. Prior to final Planning inspection, the applicant shall provide documentation to the Planning Department that the Public Works Department has received the post-construction elevation certificate required per floodplain management conditions.
- 76. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Deed Restrictions

- 77. The property owner is required to record against the property in a form approved by the City Geologist the QCMM dated September 19, 2017 to serve as constructive notice to future property owners of the conditions and recommendations of the QCMM, and the requirement to implement the QCMM over the life of the project. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
- 78. The property owner is required to sign and record at the County of Los Angeles Recorder's Office and submit to City geotechnical staff a certified copy of an "Assumption of Risk and Release" for geotechnical standards. Any revisions to the standard City release form must be reviewed and accepted by the City Attorney prior to document recordation. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
- 79. 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.

80. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in the *Lighting* conditions above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Site Specific Conditions

81. The final Quality Control and Maintenance Manual (QCMM) approved by the City Geologist shall be implemented by the property owner for the life of the project.
82. Decks/patios within the side yard shall comply with LIP Section 3.5.3(B) regarding projections into yards.
83. Prior to final Planning approval, the applicant shall submit a construction management plan for review and approval by the Planning Director and Building and Safety Division.
84. Modification to the grading plan to incorporate removal and recompaction shall require approval of a CDP amendment. The addition of a swimming pool to the subject property shall require approval of a CDP amendment or new CDP.

Fixed Conditions

85. This coastal development permit shall run with the land and bind all future owners of the property.
86. 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 January 2021



JOHN MAZZA, Planning Commission Chair

ATTEST:



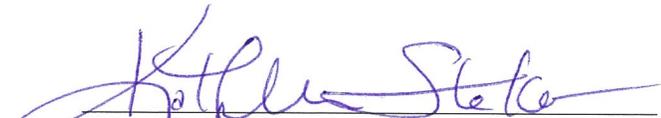
KATHLEEN STECKO, Recording Secretary

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. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-01 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 4th day of January 2021 by the following vote:

AYES:	2	Commissioners:	Jennings, Weil
NOES:	1	Commissioner:	Mazza
ABSTAIN:	1	Commissioner	Marx
ABSENT:	0		


KATHLEEN STECKO, Recording Secretary



Commission Agenda Report

Planning Commission
Meeting
01-04-21

**Item
4.B.**

To: Chair Mazza and Members of the Planning Commission

Prepared by: Lilly Rudolph, Contract Planner

Approved by: Richard Mollica, Acting Planning Director

Date prepared: December 22, 2020 Meeting date: January 4, 2021

Subject: Coastal Development Permit No. 19-001, Variance No. 19-001, Site Plan Review No. 19-001, and Minor Modification No. 19-001 – An application for a new single-family residence and associated development (Continued from December 7, 2020)

Location: 20272 Inland Lane, within the appealable coastal zone
APN: 4450-012-032
Owner: The Jonathan L. Congdon Revocable Trust

RECOMMENDED ACTION: Adopt Planning Commission Resolution No. 21-01 (Attachment 1) determining the project is categorically exempt from the California Environmental Quality Act (CEQA), and approving Coastal Development Permit (CDP) No. 19-001 for the construction of a new 3,792 square foot, two-story single-family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system (OWTS); including Variance (VAR) No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review (SPR) No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification (MM) No. 19-001 for the reduction of the required side yard setback, located in the Single-Family Low Density (SFL) zoning district at 20272 Inland Lane (The Jonathan L. Congdon Revocable Trust).

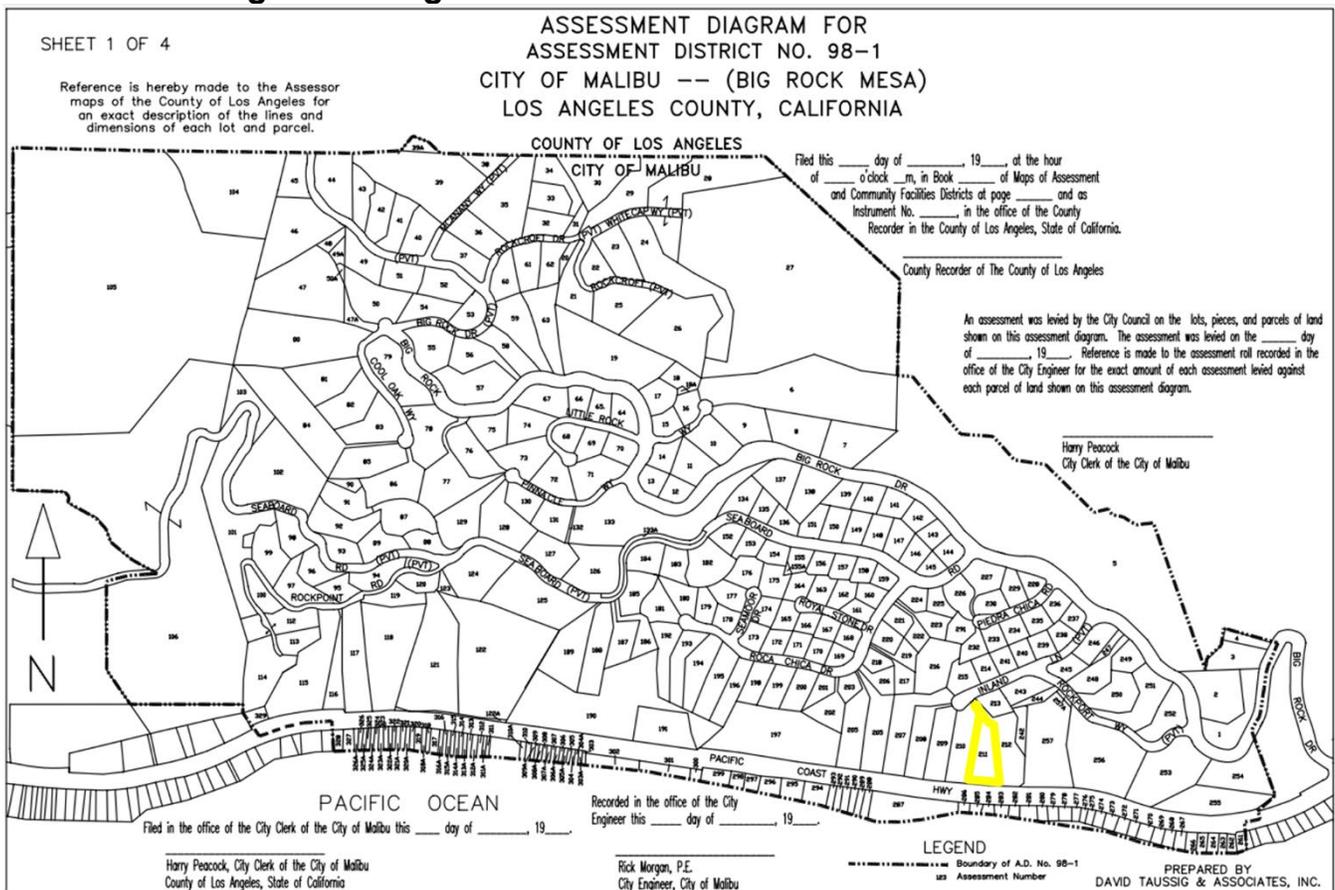
DISCUSSION: This item was first continued to November 2, 2020 at the October 6, 2020 Planning Commission meeting at staff's recommendation to incorporate community feedback received during an October 6, 2020 virtual community meeting and City Council direction on the Big Rock Mesa Landslide Assessment District. On November 2, 2020, the Planning Commission continued the item to allow the applicant time to prepare a geotechnical report to further support findings for VAR No. 19-001. On November 16, 2020, the Planning Commission continued the item to re-notice the project due to incorrect mailing data. On December 7, 2020, the Planning Commission continued the item to

January 4, 2021 at the request of the applicant. 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 applicable provisions of the Malibu Local Coastal Program (LCP) and Malibu Municipal Code (MMC), and environmental review pursuant to CEQA. The analysis and findings contained herein demonstrate the proposed project is consistent with the LCP.

Project Overview

The subject parcel is located in the Big Rock neighborhood and is affected by the Big Rock Mesa Landslide. While the Big Rock Mesa Landslide Assessment District de-waters the landslide area to increase stability, it is infeasible to rebuild a residence on the subject property in a fashion that would meet the code-required factors of safety. The measures available for residential construction on a single lot, such as deepened piles and other techniques, cannot increase the factor of safety sufficiently due to the fact that the landslide covers 160 acres in land area and is 350 feet thick at its deepest extent. Figure 1 below depicts the Big Rock Mesa Landslide Assessment District boundary. The subject parcel is highlighted in yellow.

Figure 1 – Big Rock Mesa Landslide Assessment District



Source: Annual Assessment Report (Fiscal Year 2020 – 2021) Assessment District No. 98-1 Big Rock Mesa

While the assessment district boundary is larger than the approximate limits of the primary land movement of the landslide itself, the map demonstrates the large scale of the landslide area relative to the project site. Detailed analysis of the project’s conformance with the LCP’s development standards regarding hazards and discussion of the variance findings for the reduced factor of safety due to the unique geotechnical conditions on the site are discussed below. Project plans are included as Attachment 2.

In 1968, a 2,184 square foot (according to the Los Angeles County Assessor) single-family residence and garage were constructed on the subject property. In 1993, the residence burned in the Malibu Topanga Fire and was demolished, leaving just the foundation.

The subject parcel is an irregularly shaped lot that narrows as it connects to Inland Lane. The existing pad area where the original residence was constructed is the only flat area on the property. The lot descends steeply to Pacific Coast Highway (PCH) with slopes of 2.5 to 1 that increase to slopes of 1 to 1 and steeper. The entire slope area was restricted as a geological hazard area by the original Tract Map No. 27463, which was recorded in 1963. The project site is outlined in green in Figure 1 below (property lines are approximate).

Figure 1 – Project Area Aerial



Source: Pictometry 2020

Project Background

On August 7, 2012, the Planning Commission approved an application from John Ahn, the previous property owner, for CDP No. 11-037, VAR No. 11-018, and MM No. 12-007 to allow the construction of a new one-story, 3,682 square foot single-family residence with an attached two-car garage, covered patios, hardscape, new OWTS, grading, and

associated development, including a variance from the City's geotechnical standards for factor of safety, and a minor modification to reduce side yard setbacks. The residence height did not exceed 18 feet. The adjacent neighbor to the west (Cohen) appealed the approval to the City Council but withdrew the appeal prior to the Council public hearing. The Planning Commission's decision became final.

The property was subsequently sold to the current property owner, who also owns the adjacent lot to the east. On October 6, 2014, the Planning Commission approved a two-year time extension request for CDP No. 11-037, VAR No. 11-018, and MM No. 12-007, extending the approval to December 10, 2016.

On July 13, 2015, the current property owner submitted CDPA No. 15-005 to redesign the project approved under CDP No. 11-037 and to construct a 192 square foot cabana. A request for a second time extension was included with that amendment, which the Planning Commission approved on November 6, 2017. The Planning Commission added a condition requiring an annual monitoring report to be submitted to the Big Rock Mesa Landslide Maintenance District No. 98-1 detailing the monitoring and maintenance activities completed between July 1 and June 30 to coincide with the district's annual reporting activities. This condition is also included in Resolution No. 21-01. The Planning Commission separately approved Demolition Permit No. 17-022 to demolish the existing remnant onsite foundation. The Commission's approval of CDP No. 11-037 was subsequently appealed to the City Council, and the City Council upheld the Commission's decision on March 26, 2018 and approved the application. The City Council's approval of the CDP was subsequently appealed to the California Coastal Commission (CCC). The appellant did not appeal the associated demolition permit, and the applicant was allowed to demolish remnants of the foundation from the previous residence.

The Coastal Commission staff informed the applicant that it intended to recommend denial of the project because the time extension request was not filed in a timely manner, and the CDP had expired. The applicant withdrew the application and submitted the subject new CDP application. The subject application is similar to CDPA No. 15-005, which was approved by the Planning Commission and the City Council (on appeal) prior to being withdrawn by the applicant. Proposed revisions to CDP No. CDPA No. 15-005 involve adding 284 square feet to the first floor and 171 square feet to the second floor, increasing the total development square footage (TDSF) by 455 square feet, and replacing two existing entry gates to comply with view permeability standards.

Variance from Factor of Safety

The project site does not satisfy the LCP-required geotechnical 1.5 static and 1.1 pseudostatic factors of safety for slope stability found in LCP Local Implementation Plan (LIP) Section 9.4. Given the size and scope of the landslide (discussed in more detail below), it is not feasible to meet those standards through the design and engineering of the project, and a variance is requested based on extensive geologic and geotechnical

engineering studies completed for the subject property that were reviewed and approved by City geotechnical staff. The studies described existing site conditions and devised a set of complex site design and construction measures that would allow development of the project that would not cause adverse site or structural stability impacts on the subject parcel or surrounding parcels. A letter dated October 23, 2020 clarifies that the factor of safety of 1.5 cannot be achieved through site-specific improvements (Attachment 5 – GeoConcepts Letter dated October 23, 2020).

The reports also clarify that the studies are not designed to provide a guarantee that the site will be free from hazards. The Quality Control Maintenance Manual (QCMM) states that the manual is not intended to preclude distress from the Big Rock Mesa Landslide and cannot cover every conceivable hazard that can arise (Attachment 6 – Quality Control Maintenance Manual dated September 19, 2017).

City geotechnical staff reviewed the project, as well as updated geotechnical reports, and determined that the applicant provided documentation that adequately supports the findings that the project will not adversely affect the stability of the slope.

Site Plan Review for Height

Because the proposed project includes a new second-story element with a height not to exceed 24 feet for a flat roof, the applicant has submitted a site plan review request. Three properties within 1,000 feet of the project site requested primary view determinations in response to story poles installed for CDPA 15-005: 20260 Inland Lane, adjacent (northeast) to the project site; 20269 Inland Lane to the north; and 20282 Inland Lane, which is one parcel away to the west, as shown in Figure 1. The project conforms with primary view protection standards because the portions of the structure that are higher than 18 feet in height are behind, and obscured by, the portion of the residence that is 18 feet in height and lower (Attachment 3 – Site and Story Pole Photographs). Thus, whether the 24-foot high portion of the residence is included or not, the impact on primary views would be the same as a result of the by-right 18-foot high portion of the home. Therefore, no portion of the residence in excess of 18 feet is obstructing neighbor's views of impressive scenes.

Minor Modification for Side Yard Setback Reduction

Due to the irregular shape of the lot, the subject property has two east side yard setback areas. The project requires a reduction of one of the east side yard setbacks. Figure 2 illustrates the two setback areas of the east side yard. Setback area no. 1 (shown in blue) along the driveway shared by the neighboring lot owned by the applicant requires the 20 percent reduction to 7 feet, 3 inches. Thus, the project minimizes the setback reduction to a small portion of the site abutting property owned by the applicant and does not adversely affect neighborhood character.

Figure 2 – East Side Yard Setback Areas



Project Plans date stamped March 31, 2020

Surrounding Land Uses and Setting

The property is located in the Big Rock neighborhood on Inland Lane, a private street. Residences in the immediate area consist of one-story homes, with a few two-story homes nearby, and the area is zoned Single-Family Low Density (SFL). Views of the Pacific Ocean are oriented to the south of the subject parcel.

Figure 3 below indicates the year built and size of surrounding development for the four properties to the west of the subject property which, like the subject property, are sited at the end of Inland Lane and at the top of the slope that descends to PCH. The information is from the Los Angeles County Assessor website.

Figure 3 – Year Built and Home Sizes West of Project Site



Source: Pictometry 2020

Table 1 provides a summary of the lot dimensions and lot area of the subject parcel. Because the parcel is wedge-shaped and the area south of the pad is restricted from development, lot width was calculated based upon the average width of the parcel in the area proposed for a building pad.¹

Table 1 – Property Data	
Lot Depth	399.88 – 68 feet (1:1 slopes) = 331.88 feet
Lot Width	91.5 feet
Gross Lot Area	40,516 square feet (0.93 acre)
Area of Easements	360 square feet
Area of 1 to 1 Slopes	11,686 square feet
Net Lot Area ²	28,470 square feet (0.65 acre)

The project site is within the Appeal Jurisdiction of the CCC as depicted on the Post-LCP Certification Permit and Appeal Jurisdiction Map, so the project is appealable to the CCC. The project site has no trails on or adjacent to it according to the LCP Park Lands Map and is not in a designated Environmentally Sensitive Habitat Area (ESHA) or ESHA buffer as shown on the LCP ESHA and Marine Resources Map.

¹ This determination was made by the Planning Director in 2011 for the original CDP application pursuant to LIP Section 3.6(P) which states that determinations regarding lot widths and depths for irregularly shaped parcels, permitted driveway paths, building area and total development square footage, infill lots and yards shall be made by the Director.

² Net Lot Area = Gross Lot Area minus the area of street easements and 1 to 1 slopes.

Project Description

The proposed scope of work is as follows:

- a. Construction of a new 3,792 square foot two-story single-family residence, plus a 602 square foot attached garage and storage, 618 square feet of covered patio areas, and a detached 192 square foot cabana for a TDSF of 5,204 square feet;
- b. Hardscape improvements, including patios, walkways and extending the existing driveway to the new garage and widening it toward the east property line to meet Fire Department requirements;
- c. Replacement of the vehicle entry gate and pedestrian entry gate;
- d. OWTS;
- e. Grading, retaining walls, and site drainage improvements, including a storm water detention system;
- f. Non-irrigated low-growing native groundcover as necessary for erosion control; and
- g. Discretionary requests:
 - i. VAR No. 19-001 from City geotechnical standards for factor of safety;
 - ii. SPR No. 19-001 for height in excess of 18 feet, up to 24 feet for a flat roof; and
 - iii. MM No. No. 19-001 for a reduction of the side yard setback to 7 feet, 3 inches on the east only.

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) Onsite Wastewater Treatment Systems. Updated conformance reviews for these chapters are discussed in the *LIP Conformance Analysis* section.

The nine remaining LIP chapters do 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 the following chapters and associated findings are applicable to the project: Coastal Development Permit (including the required findings for

the VAR, SPR, and MM), and Hazards³. These findings are discussed in the *LIP Findings* section of this report.

Conformance Analysis

Zoning (LIP Chapter 3)

Development standards are contained in LIP Chapter 3. As shown in Table 2, the proposed development, with the inclusion of the site plan review and minor modification, conforms to the property development and design standards as set forth under LIP Sections 3.5 and 3.6.

Table 2 – LCP Non-Beachfront Zoning Conformance			
Development Requirement	Required/Allowed	Proposed	Comments
SETBACKS			
Front Yard	65 ft.	95 ft., 8 in.	Complies
Rear Yard	60 ft.	168 ft., 6 in.	Complies
Side Yard (15%, west, cabana)	13 ft., 8 in.	13 ft., 8 in.	Complies
Side Yard (15%, west, house)	13 ft., 8 in.	34 ft., 8 in.	Complies
<i>Side Yard (10% - east)</i>	<i>9 ft., 1 in.</i>	<i>7 ft., 3 in.</i>	<i>MM No. 19-001</i>
PARKING	2 enclosed 2 unenclosed	2 enclosed 2 unenclosed	Complies
TDSF	5,524 sq. ft.	5,204 sq. ft.	Complies
HEIGHT	<i>18 ft.</i>	<i>24 ft. (flat roof)</i>	<i>SPR No. 19-001</i>
IMPERMEABLE COVERAGE	8,541 sq. ft.	6,352 sq. ft.	Complies
SLOPES	3 to 1 or flatter	3 to 1 or flatter	Complies
TWO-THIRDS RULE (1st Floor x 2/3rd = 2nd Floor (sq. ft.))	1,535 sq. ft. max.	1,490 sq. ft.	Complies
NON-EXEMPT GRADING (cu.yd.)	1,000	210	Complies
FENCES/WALLS/HEDGES			
Front Yard	6 ft.; lower 42 in. view impermeable	6 ft.; lower 42 in. view impermeable	Complies
Rear Yard	6 ft.	None	Complies
Side Yards	6 ft.	6 ft.	Complies
Retaining Walls	6 ft.	6 ft.	Complies

³ 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.

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 total amount of grading is 1,010 cubic yards as provided for on the Total Grading Yardage Verification Certificate on the grading plan cover sheet. The total amount of proposed non-exempt grading is 210 cubic yards, which is less than the maximum allowable. The remaining grading is 800 cubic yards of exempt understructure grading, due to the project design, which sinks the ground-floor into the site. The project complies with grading requirements set forth under LIP Section 8.3.

Archaeological / Cultural Resources (LIP Chapter 11)

LIP Chapter 11 requires certain procedures be followed to determine potential impacts on archaeological resources. Staff conducted a preliminary review of the potential for archaeological resources on the site. The project is proposed within the same development footprint as the previous residence built in 1968. The City's Cultural Resources Map indicates the property has a low potential for containing cultural resources. Given the past disturbance to the site and the cultural resources map designation, the Planning Director determined no further studies are required at this time. In the event that potentially important cultural resources are found during construction, the project has been conditioned to stop work until further evaluation.

Water Quality (LIP Chapter 17)

The City Public Works Department reviewed and approved the project for conformance to LIP Chapter 17 requirements for water quality protection. Standard conditions of approval are required to be implemented prior to the issuance of a grading permit and during construction. These conditions require the preparation and approval of a Water Quality Mitigation Plan and a Storm Water Pollution Prevention Plan prior to the issuance of grading or building permits to control erosion and to prevent run-off, slope stability, and water quality impacts from the development.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

LIP Chapter 18 and MMC Chapters 15.40, 15.42, and 15.44 address OWTS. LIP Section 18.7 includes specific siting, design, and performance requirements. The project includes a new OWTS which has been reviewed by the City Environmental Health Administrator and found to meet the minimum requirements of the MMC and the LCP. The subject system will meet all applicable requirements and operating permits will be required. The new system will incorporate a 3,634 gallon MicroSepTec ES12 with UV disinfection unit with one existing and one new future seepage pit. The system details and conditions of approval are included in the review sheet included in Attachment 7.

An operation and maintenance contract and recorded covenant covering such shall be in compliance with City Environmental Health requirements. Conditions of approval are included which require continued operation, maintenance, and monitoring of onsite facilities as well as screening of any above-ground equipment.

LIP Findings

A. General Coastal Development Permit (LIP Chapter 13)

Pursuant to LIP Section 13.9, the following four findings need to be made for all CDPs.

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 has been reviewed for conformance with all relevant policies and provisions of the LCP by Planning Department staff, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the Los Angeles County Fire Department (LACFD) (Attachment 7 – Department Review Sheets). As discussed herein, based on submitted reports and plans, visual analysis and site investigation, the project, as conditioned, conforms to the provisions of the LCP applicable to non-beachfront development in the SFL zone.

Finding 2. If the project is located between the first public road and the sea, that the project conforms to the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).

The proposed project is not located between the first public road and the sea. Therefore, 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. No sensitive resource impacts such as ESHA or scenic, visual, or hillside resources are associated with the project site. Based on MMC and LCP conformance review, the project will not result in any significant adverse impacts. Nevertheless, the following alternatives to the project were considered.

Relocating the residence is precluded by the required setback from the steep slope of the property's rear yard. There are no alternatives for developing the site with a single-family residence that would avoid the variance for geotechnical factors of safety. The size and scope of the landslide make it impossible for any development within the scope of the landslide to meet the factors of safety. However, the project has incorporated changes to

the foundation design as recommended by the City geotechnical staff to sufficiently address the on-site slope stability and soil erosion conditions.

A project with less square footage could be proposed on the site. However, compared to the previously approved CDP, the proposed project has a narrower design and a smaller footprint to provide wider private view corridors overall for nearby residents, and the residence has a lower finished floor to reduce the roof elevation. The proposed project minimizes private view impacts. As demonstrated by the story poles, an alternative project with the portion of the project above 18 feet in height removed would not change the view of the project from surrounding neighbors. For that reason, the site plan review finding pertaining to primary view blockage can be made because the portions that are over 18 feet in height are visually blocked by areas that are no higher than 18 feet.

The proposed project is below the maximum allowed TDSF for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. While the proposed project includes a site plan review to allow the home to exceed 18 feet in height, it results in no protected primary view impacts. The proposed project involves a reduction only to a portion of the east side yard. The proposed setbacks are similar to those found throughout the neighborhood, including those of the property to the east, which has a zero side yard setback. Although the project does not meet the LCP requirement for the factor of safety, the City geotechnical staff has determined that the provisions of the extensive and comprehensive QCMM, described in detail in the Variance findings below, will be adequate to prevent onsite and offsite adverse impacts. The proposed two-story residence is not visible from PCH or other nearby scenic areas.

The project consists of construction of a new single-family residence and accessory development on land that is zoned for these purposes, and that was previously developed as such. As proposed and conditioned, the project has been determined to be the least environmentally damaging feasible alternative. There are no alternatives to the proposed design that would lessen any significant impacts as no significant adverse impacts are expected.

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 parcel is not located in ESHA, an ESHA buffer zone or adjacent to any streams as designated in the LCP. Pursuant to LIP Section 4.4.4, the proposed project is exempt from providing a detailed biological study of the site and from ERB review, and the City Biologist determined it is consistent with the policies of the LCP. No ERB review is required.

B. VAR No. 19-001 from the Required Geologic Factor of Safety (LIP Section 13.26.5)

The factor of safety requirements as set forth in LIP Section 9.4(D) - Hazards are as follows: “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.”

Conditions of approval are included in Planning Commission Resolution No. 21-01 requiring implementation of a QCMM that sets forth instructions for monitoring site improvements such as, but not limited to, the structure, utility lines, the drainage system, hardscape, and the OWTS. The selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site. A final as-built inspection report is required to be prepared by the project geotechnical consultant after the development is completed to ensure that all recommendations have been followed and implemented in accordance with the site’s QCMM. Long-term implementation of the QCMM is required as a condition of CDP approval.

A QCMM dated September 19, 2017, along with supporting geotechnical reports, were prepared by the project geotechnical consultant to reflect the proposed project. Neither the geotechnical reports nor the QCMM identify a potential for increased threat of landslide, slope instability, or any other geologic hazard as a result of the proposed project. On January 16, 2019, City geotechnical staff approved the proposed project and QCMM, subject to conditions.

The findings required to approve VAR No. 19-001 below reflect the updated QCMM and City geotechnical staff review. All of the associated geotechnical reports referenced in the City geotechnical staff department review sheet are on file at the City and available for review.

The Planning Commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, only if it makes all of the following findings of fact supported by substantial evidence.

Finding 1. There are special circumstances or exceptional characteristics applicable to the subject property, including size, shape, topography, location, or surroundings such that strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

The subject property was the focus of engineering geologic and geotechnical engineering studies by GeoConcepts, Inc. (as detailed in Section I below) in order to determine and evaluate the geologic and geotechnical engineering conditions of the subject property with respect to the proposed project. As discussed in the referenced engineering geologic reports, the subject property is underlain by the Active Big Rock Mesa Landslide. Though

the Big Rock Mesa Landslide Assessment District effectively de-waters the landslide area and increases stability, it is infeasible to rebuild a residence on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(A)(D). In a report dated October 23, 2020 the consulting geologist provides detailed analysis of the infeasibility of achieving a factor of safety using site-specific stabilization measures and alternatives (Attachment 5).

The location, topography and surroundings of the subject property (i.e., a landslide area with substandard slope stability factor of safety) are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(A)(D) were applied, would prevent the construction of any structure on the property. Requiring the proposed development to provide a factor of safety of 1.5 (static) and a factor of safety of 1.1 (pseudostatic) would likely constitute a taking of private property. Therefore, the proposed project should be allowed to avoid a taking. As discussed in Section A above and Section I below, the project is consistent with all LIP provisions, including findings assuring site stability and structural integrity, and ensuring that the project would not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other residential properties located in the vicinity and under the identical zoning classification.

There have been many single-family residences on adjacent or nearby properties which have been permitted by the City (post-1993) and subsequently been issued building permits and/or been constructed in the Big Rock Mesa Landslide. All of these residences are located on parcels that provide less than the LIP standard 1.5 static and/or 1.1 pseudostatic factors of safety. Any development on the subject site would require a variance from this standard.

Finding 2. 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.

Even though the proposed project does not provide the code-required 1.5 static and 1.1 pseudostatic factors of safety, site design and construction measures will be implemented as part of the proposed project which are anticipated to produce a higher degree of site / structural performance than what previously existed onsite. The intent of LIP Chapter 9 – Hazards is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

For the residence, the site design and construction measures include a deepened cast-in-place pile and grade beam foundation. For the utilities, water lines shall be provided with flexible couplings, gas lines shall be provided with swing joints, and electrical cables will be provided with coil loops in order to protect against breakage and service interruption in the event of ground movement. Furthermore, all utility lines will be placed in shallow vaults or channels to allow for easy inspection and/or repairs. To control site drainage and runoff, the project includes a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water. The proposed design and construction measures recommended by the Project Engineering Geologist, Project Geotechnical Engineer, and Project Civil/Structural Engineers will be incorporated into the structural, grading, and drainage plans. The Project Engineering Geologist, Project Geotechnical Engineer, and Project Civil/Structural Engineers must verify that the recommended design and construction measures are properly incorporated into the final structural, grading, and drainage plans.

Comprehensive site maintenance and reporting measures have also been established as part of the proposed project which are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. These measures have been recommended by the Project Engineering Geologist, Project Geotechnical Engineer, and Project Civil/Structural Engineers and included in a comprehensive QCMM that has been prepared specific to the subject property and the proposed project.

The QCMM calls for periodic inspection of site improvements at designated monitoring stations and areas, including but not limited to the residence window frames, utility lines, drainage system, site hardscape, and OWTS. Monitoring is required following any rainstorm producing an inch or more of rain within a week. An acceptable threshold of nominal cosmetic distress has been designated for each monitoring station and area, along with recommendations for maintenance and repair, and an annual monitoring report. Monitoring of the site will be performed by the "servicer", which can be a licensed professional such as GeoConcepts, a licensed certified engineering geologist, and/or a licensed civil engineer, or a non-licensed professional such as any prudent person skilled in this type of service. If or when the monitoring stations or areas exceed the accepted threshold, the servicer shall evaluate the site and provide appropriate recommendations. Non-professional servicers shall notify appropriate licensed engineers or geologists to perform field evaluations and provide appropriate recommendations.

The QCMM has been reviewed and approved by City geotechnical staff, the Project Engineering Geologist, Project Geotechnical Engineer, and Project Civil/Structural Engineers. The QCMM will be recorded against the property as a condition of CDP approval. Any future owner(s) of the subject property will be properly notified of the conditions and recommendations set forth in the QCMM.

Based on the findings of the engineering geologic studies of the subject property and review of the current site development plans and project information, the project consulting geologist, GeoConcepts, determined that the proposed residential development of the subject property provides an increase in safety relative to the current conditions and previous development on the subject site, and that the project will not geotechnically reduce the stability of the area outside the proposed work. In addition, the proposed project 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 zones in which the property is located provided: 1) the recommendations of the Project Engineering Geologist, Project Geotechnical Engineer, and Project Civil/Structural Engineers are properly incorporated into the plans and implemented during construction; and 2) the subject property and proposed structures are properly maintained.

Finally, the City geotechnical staff has reviewed the extensive geologic supporting documentation for the proposed project and in the approval letter dated February 20, 2020 states “the applicant and his consultants have provided the City with reports that adequately support the findings in the variance.”

Finding 3. The granting of the variance will not constitute a special privilege to the applicant or property owner.

The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences have been developed on properties in the immediate vicinity which also do not satisfy code-required 1.5 static and 1.1 pseudostatic factors of safety. The properties in the immediate area are all located within the Big Rock Mesa Landslide. The construction of the residence on the subject parcel will incorporate extensive site design and construction measures through the implementation of the QCMM. Other properties located in the vicinity of the subject site which were reconstructed after the 1993 Topanga Fire were built in accordance to the City’s Fire Rebuilding Geology and Geotechnical Guidelines. These guidelines provided a waiver from the requirement for re-development projects to meet the slope stability factor of safety. Approval of the subject variance will grant relief from a technical development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

Finding 4. The granting of such variance will not be contrary to or in conflict with the general purposes and intent of this Chapter, nor to the goals, objectives and policies of the LCP.

The granting of the variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. As discussed in Findings 1 and 3, granting the requested variance will allow the

subject property to be developed in a similar manner to abutting properties. No alternatives exist that would eliminate the need for the requested variance. Additionally, as previously discussed in Finding 2, the site design and construction measures incorporated into the proposed project meet the intent of LIP Chapter 9. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

Finding 5. For variances to environmentally sensitive habitat area buffer standards or other environmentally sensitive habitat area protection standards, that there is no other feasible alternative for siting the structure and that the development does not exceed the limits on allowable development area set forth in LIP Section 4.7.

This finding does not apply as the variance does not pertain to ESHA buffer standards.

Finding 6. For variances to stringline standards, that the project provides maximum feasible protection to public access as required by LIP Chapter 12.

This finding does not apply as the variance does not pertain to stringline standards.

Finding 7. The variance request is consistent with the purpose and intent of the zone(s) in which the site is located. A variance shall not be granted for a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

The subject property is zoned SFL, which allows for residential development. The proposed project includes the construction of a two-story single-family residence, which is a permitted use in the subject zone, with approval of a site plan review and minor modification. Approval of the variance from the required geotechnical standard for factor of safety will permit the construction of the residence on the property; otherwise, the property could not be developed. Any development on the site would require a variance from this standard. The request is consistent with the purpose and intent of the zone in which the site is located.

Finding 8. The subject site is physically suitable for the proposed variance.

The project will consist of the construction of a single-family residence on the subject property that is similar in size and footprint to what previously existed on the site. Based on the findings of the engineering geologic studies completed for the subject property, the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the prior residence.

The subject property is physically suitable for the proposed residence because: 1) the subject property was physically suitable for the construction of the previous residence; and 2) the geologic and topographic conditions of the subject property have not changed

significantly since the demolition of the previous residence. Specifically, the subject property is physically suitable for the construction of a single-family residence and:

- The proposed construction of deepened cast-in-place pile and grade beam foundation system;
- The proposed construction of flexible couplings, swing joints, and coil loops for the proposed utility lines to protect against breakage and service interruption in the event of ground movement; and
- The proposed construction of a site drainage control system. The residence and site shall be provided with a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water.

The proposed site design and construction measures are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. With the implementation of the extensive consulting geologist and geotechnical engineer's recommendations and the requirements of the QCMM, the subject site is physically suitable for the proposed variance.

Finding 9. The variance complies with all requirements of state and local law.

The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

Finding 10. A variance shall not be granted that would allow reduction or elimination of public parking for access to the beach, public trails or parklands.

This finding does not apply as the variance does not pertain to public parking.

C. Site Plan Review 19-001 for a height greater than 18 feet and not exceeding 24 feet [LIP Section 13.27.5(A)]

Pursuant to LIP Section 13.27.1, a site plan review is required to allow the proposed residence to exceed 18 feet, up to a height of 24 feet with a flat roof. LIP Section 13.27.5(A) requires the City to make four findings to approve a site plan review. Two additional findings are required by MMC Section 17.62.040(D). Based on the foregoing evidence contained within the record, the required findings for SPR No. 19-001 are made as follows.

Finding 1. The project is consistent with policies and provisions of the Malibu LCP.

As described herein, the proposed project has been reviewed and found in conformance with the LCP, including the variance, site plan review and minor modification.

Finding 2. That the project does not adversely affect neighborhood character.

The surrounding neighborhood consists of one- and two-story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood. The proposed project complies with the required size limitations and the required front, rear, and west side yard setbacks. A portion of the east side yard setback is slightly reduced by the project design, as discussed in the minor modification findings below, but because the same property owner owns the abutting property to the east, the reduced setback would not adversely affect the adjacent property.

Most residences on the south side of Inland Lane are single-story. The 1,921 square foot ground-floor would be visible from Inland Lane, and the 2,018 square foot lower level of the proposed project would be tucked under the ground-floor and would not be visible. The project does not exceed 24 feet in height, and the majority of the square footage of the proposed residence would not be visible from Inland Lane.

Staff reviewed neighborhood context and views from Inland Lane. As shown in Figures 1, 3, and 4 above, most of the residences on Inland Lane are located closer to the street with smaller front yard setbacks than the proposed residence. Due to the irregular shape of the subject property, the proposed project is 95 feet, 8 inches from the front property line, and would be less visible than nearby residences as viewed from Inland Lane, as shown in the story pole photographs (Attachment 3 – Site and Story Pole Photographs). The project does not adversely affect neighborhood character.

Finding 3. That the project provides maximum feasible protection to significant public views as required by Chapter 6 of the Malibu LIP.

Staff visited the site after story poles were placed and evaluated the project as it relates to public views. The project site is not visible from scenic viewing areas. The design and location of the proposed residence will not create significant obstructions or encroachments into public views. The project provides maximum feasible protection to public views as required by the LCP.

Finding 4. The proposed project complies with all applicable requirements of state and local law.

The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, the City Environmental Health Administrator, as well as the LACFD. Prior to issuance of building permits, the project must have a final approval by the City Building Safety Division. The project complies with all applicable requirements of State and local law.

Finding 5. The project is consistent with the City's general plan and local coastal program.

The project is consistent with the Single-family General Plan designation for the site. As discussed herein, the project is consistent with the LCP.

Finding 6. The portion of the project that is in excess of 18 feet in height does not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

The project site was previously developed with a single-family residence prior to the 1993 wildfire. No significant impact to private views is anticipated to occur because the proposed development is similar in profile when viewed from the street compared to the existing neighboring residences. There are three Primary View Determinations (PVDs) located within 1,000 feet of the property. Portions of the residence below 18 feet in height block portions of bluewater views for three neighbors (Liewald, Wong, Schiro). These areas obstruct the portions of the residence that are above 18 feet in height. Therefore, the portions of the residence above 18 feet in height do not block the primary view corridor of surrounding residences. Removing the portions of the residence above 18 feet in height would have no benefit in terms of primary view to any of the neighboring properties. Based on the PVD review, it has been determined that the design and location of the residence will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. MM No. 19-001 for Reduction of the Side Yard Setback (LIP Section 13.27)

The LCP requires that the City make three findings in the consideration and approval of a minor modification to reduce a required side yard setback by up to 20 percent. As designed, MM No. 19-001 would only apply to a proposed 20 percent reduction in a portion of the project's east side yard setback from 9 feet, 1 inch to 7 feet, 3 inches. The required findings for MM No. 19-001 can be made as follows:

Finding 1. That the project is consistent with policies and provisions of the Malibu LCP.

As discussed in the LIP Conformance Section and the findings of Section A, the proposed project has been reviewed and found in conformance with all relevant policies and provisions of the LCP. The reduction in the east side yard setback is consistent with the policies and provisions of the LCP based on the smaller setbacks of the original 1968 house that burned in 1993, and the property's constraints, consisting of an irregular wedge shape that narrows within an existing flat pad, and a geologic hazard area that extends south from the pad area. These factors limit the design options for the site. The proposed project minimizes the need for further reduced side yard setbacks and is consistent with the policies and provisions of the LCP.

Finding 2. That the project does not adversely affect neighborhood character.

The subject property was bought by the owner of the adjacent property to the east, so the current owner of the subject property now owns both properties. The project applies the larger 15 percent setback to the west side of the property, and the 10 percent minimum setback of 9 feet, 1 inch to the east property line. The project only requires a reduction over a portion of the east side yard setback, as illustrated previously in Figure 2, which depicts the 20 percent reduction setback area in no. 1 along the driveway shared with the applicant's neighboring lot to the east to 7 feet, 3 inches. Thus, the proposed minor modification does not result in development set closer to any other neighboring property owners.

Story poles were installed on the site in August 2020 to reflect the project design. Staff reviewed project plans, historic aerial photographs and conducted a site visit on August 20, 2020 to photograph the story poles and surrounding area, and to assess the potential for adverse neighborhood impacts. Other properties in the neighborhood are developed with similar reduced side yard setbacks, including the adjacent property to the east, which has a zero side yard setback. The proposed project is similar in height, siting and bulk to surrounding development. The project does not adversely affect neighborhood character.

Finding 3. The proposed project complies with all applicable requirements of state and local law.

The proposed project complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County departments.

E. Environmentally Sensitive Habitat Area Overlay (LIP Chapter 4)

As previously discussed in Section A, the City Biologist has determined that a biological assessment is not required for the proposed project pursuant to LIP Section 4.4.4. The subject property is not identified as ESHA and is not located within 200 feet of ESHA as shown on the LCP ESHA Overlay Map. The supplemental ESHA findings required by LIP Section 4.7.6 are not required.

F. Native Tree Protection (LIP Chapter 5)

No native trees exist on the site. Therefore, the findings of Chapter 5 are not applicable.

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

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road or public viewing area. The subject property

abuts PCH, an LCP-designated scenic road; however, the elevation of PCH at street level is about 30 feet above sea level, while the proposed building pad is located at the top of the steeply ascending slope at more than 200 feet above sea level. A line of sight analysis submitted by the applicant and on file with the City and storypoles installed on the site demonstrate that drivers or passersby on PCH are not likely to have any view of the proposed residence due to the intervening topography. Similarly, Tuna Canyon Park, also considered a scenic area per the LCP, is located east of Big Rock Drive; however, the project site is not expected to be visible due to intervening development and topography. Therefore, the project will have no significant adverse scenic or visual impacts, and the findings set forth in LIP Chapter 6 need not be made.

H. Transfer of Development Credits (LIP Chapter 7)

According to LIP Section 7.2, transfer of development credits apply to land divisions and multi-family development in specified zones. The proposed project does not include a land division or multi-family development; therefore, LIP Chapter 7 does not apply.

I. 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 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 project was analyzed by staff for the hazards listed in LIP Section 9.2(A)(1-7).

The proposed project consists of a new two-story, single-family residence and the installation of a new OWTS. The proposed project has been reviewed by the City geotechnical staff, City Public Works Department and the LACFD, and has been determined to be consistent with all relevant policies and regulations of the LCP. The findings reflect the geotechnical reports and corresponding addenda. Staff determined that “the project is located on a site or in an area where the proposed project does not cause the potential to create adverse impacts upon site stability or structural integrity after extensive mitigation measures are incorporated.”

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.

Analysis for the proposed project for hazards included review of engineering geologic and geotechnical engineering studies dated May 25, 2017, March 8, 2016, December 2, 2015, and January 14, 2015, February 23, 2012, December 20, 2011; and January 14, 2011; a QCMM dated September 19, 2017; a April 5, 2012 letter from Project Engineering Group; a “no landscaping” letter prepared by Coscia Day Architecture and Design dated March

28, 2016, and a letter by Norman R. Haynie dated December 20, 2018, which are available on file with the City which are available on file with the City.

Based upon review of the above referenced information, it has been determined that:

1. The subject property does not contain known or mapped active faults.
2. The subject property could be subject to seismic ground shaking.
3. The project site is not anticipated to be subject to hazards from seismically-induced liquefaction, settlement, hydroconsolidation, but does contain expansive soils.
4. The subject property could be subject to landslides.
5. The property is not located within the Federal Emergency Management Act's (FEMA) 100-year flood zone.
6. The project site is inland, not subject to seiches and highly unlikely to be subject to tsunami inundation.
7. The project site is in an extreme fire hazard area.

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

Seismic Ground Shaking

The January 14, 2011 GeoConcepts report states, "Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults," and a seismic hazard evaluation was performed for the subject property. The report states, "Proper maintenance of properties can mitigate some of the potential for these types of manifestations, but the potential cannot be completely eliminated." Furthermore, mitigation of ground shaking effects is provided through enforcement of structural and nonstructural seismic design provisions defined in the Uniform Building Code. These codes are updated every three years and through this update process, will incorporate new design provisions as needed.

Expansive Soils

The December 20, 2011 GeoConcepts report notes that expansive soils were encountered on the subject property, and that these soils can be a problem as variation in moisture content will cause a volume change in the soil. Repeated cycles of expansion and contraction can cause pavement, slabs on grade and foundations to crack that can also result in a misalignment of doors and windows. The report states that deepened foundation systems, additional structural reinforcement, and maintaining uniform moisture conditions around structures can reduce, but will not eliminate, deflection and cracking.

Landslide Hazard

The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. According to the submitted geotechnical reports⁴, the deep-seated Big Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property. 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. According to GeoConcepts, the dewatering program during the dryer than average years appears to have stemmed movement of the landslide; however, during wetter than average years, very minor creep movements have been measured. Since July 1, 2020, the City's consultants have been conducting an inventory and evaluation of all the existing dewatering facilities and determined that the current dewatering system is functioning properly to maintain the lower groundwater levels.

Detailed geologic and geotechnical investigations and slope stability analyses were performed on the subject site for the proposed development. The analyses determined the factors of safety for both wet (1.37 static) and dry (1.4 static) periods. The report also discussed review of previous public reports and a detailed site review for surface distress at the subject site. The report concludes, "These geologic findings indicate that significant landslide distress was not exhibited in the area of the proposed redevelopment."

Because the required factors of safety cannot be achieved for the site, GeoConcepts completed the QCMM, dated September 19, 2017. The QCMM is designed to educate the property owner and servicer about monitoring the subject site and includes instructions for monitoring site improvements such as, but not limited to, the structure, utility lines, the drainage system, hardscape, and the OWTS. The QCMM incorporates recommendations from the project consultants (GeoConcepts), and the selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site.

The April 5, 2012 letter from Project Engineering Group, the project civil/structural engineering consultant, states:

"In our opinion, all specific designs and measures included in the QCMM will increase the safety of the site as well as adjacent properties. PEG agrees that implementation of the site monitoring measures proposed by the QCMM will provide additional safety to the occupants and improve stability of the proposed site improvements as well as the ones in the vicinity of the subject property."

⁴ GeoConcepts report dated December 20, 2011. Subsequent reports have been submitted to reflect project changes.

In the February 23, 2012 report, GeoConcepts states, “Our recommendations provide an increase in safety relative to the current conditions and previous development on the subject site such as, but not limited to improving the structural elements of the proposed dwelling, foundation, grading, drainage, hardscape, and septic plans.” GeoConcepts concludes that the project will not increase the risk of landslide movement for the surrounding area, and that the improvements and recommendations serve to provide a safer development than in the past. Review of the geotechnical report dated March 8, 2016 and QCMM dated September 19, 2017 indicate that the proposed project does not affect the conclusions from the previous reports.

Based on review of the project plans and technical reports, City geotechnical staff approved the proposed project on February 20, 2020, subject to conditions. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or 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 City geotechnical staff prior to the issuance of a grading permit. The property owner is also required to record the QCMM against the title of the property prior to final planning approval.

Fire Hazard

The entire city limits of Malibu are located within a high fire hazard zone; however, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. On April 25, 2019, the LACFD reviewed the plans and determined that standard LACFD plan check and development fees will be required. The existing shared driveway will be widened onsite to meet the 20 foot wide access requirement, a 5-foot clear to sky path will be provided around the residence and interior fire sprinklers will be installed.

A standard condition of approval is included in Planning Commission Resolution No. 21-01, which requires that the property owner indemnify and hold the City harmless from hazards associated with wildfire.

The proposed project will incorporate all recommendations contained in the above cited documents, geologic and geotechnical reports; 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 discussed in Finding 1, the proposed project as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department and the LACFD, will not have

any significant adverse impacts on the site stability or structural integrity from geologic or other hazards due to project modifications or other conditions. The recommendations and measures that will be incorporated into the final project have been specifically designed as a result of thorough study of onsite geologic conditions.

Finding 3. The project, as proposed or as conditioned, is the least environmentally damaging alternative.

The project will not result in potentially significant environmental impacts because: 1) conditions of approval have been incorporated to substantially lessen any potentially significant adverse effects of the development on the environment; and 2) there are no other feasible alternatives that would substantially lessen any potentially significant adverse impacts of the development on the environment. Section A, Finding 3 contains further discussion supporting the conclusion that the proposed project 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.

As discussed in Findings 1 through 3, the proposed project as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department and LACFD, will not have any significant adverse impacts on the site stability or structural integrity of the project site. Development of any residential development, regardless of the size or location, on the site would not meet the required geologic factor of safety and therefore there are no alternatives to the development that could potentially avoid or lessen impacts on site stability or structural integrity.

Finding 5. Development in a specific location on the site may have adverse impacts but will eliminate, minimize or otherwise contribute to conformance to sensitive resource protection policies contained in the certified Malibu LCP.

As discussed in Findings 1 through 4, the proposed project, as conditioned and approved by City departments and the LACFD, will not have any significant adverse impacts on site stability or structural integrity with the incorporation of all recommendations and conditions. Therefore, no adverse impacts are anticipated to hazards or to sensitive resource protection policies contained in the LCP.

J. Shoreline and Bluff Development (LIP Chapter 10)

LIP Section 10.3 requires that shoreline and bluff development findings be made if the project is anticipated to result in potentially significant adverse impacts on coastal resources, including public access and shoreline sand supply. The project site is located inland of PCH; therefore, the findings from LIP Section 10.3 do not apply.

K. 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 subject property and the proposed project do not meet any of these criteria in that no trails are identified on the LCP Park Lands Map on or adjacent to the property, and the property is not located between the first public road and the sea, or on a bluff or near a recreational area. The requirement for public access of LIP Section 12.4 does not apply and further findings are not required.

L. Land Division (LIP Chapter 15)

The proposed project does not include a land division. Therefore, LIP Chapter 15 does not apply.

ENVIRONMENTAL REVIEW: Pursuant to the authority and criteria contained in CEQA, the Planning Department has analyzed the proposed project. The Planning Department has 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 exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a) – New Construction or Conversion of Small Structures. The Planning Department has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

CORRESPONDENCE: The following written correspondence has been submitted to date (Attachment 8 – Public Correspondence):

1. Email from Hak Wong dated August 24, 2020 voicing concern about the project and its effect on the neighborhood;
2. Email from Joanne Gorby dated August 24, 2020 voicing concern about the project and its effect on the neighborhood;

3. Emails from Jo Drummond and Hak Wong dated September 27, 2020 requesting a continuance of the project from the October 5, 2020 Planning Commission meeting until a status of the dewatering equipment is presented.
 - a. Attachment: Initial Review: Geologic Aspects of Redevelopment Big Rock Mesa Landslide with special reference to 20238 Piedra Chica Road, dated November 20, 2018
4. Email from Jo Drummond dated October 3, 2020 expressing opposition of project
 - a. Photographs
 - b. Dewatering charts
 - c. Preserve Big Rock Mesa Petition
 - d. Declaration of Establishment of Covenants, Conditions and Restrictions
 - e. Excerpt from Ordinance No. 378
 - f. Projects since 1992
5. Two emails from Ron Underwood dated November 2, 2020 opposing the project, including the variance from the factor of safety.
6. Letter from Fred Gaines dated November 25, 2020 representing the applicant in support of the project.
7. Email from Connie Goetz opposing the project due to increased landslide danger
8. Email from Sadiqa Stelzner dated December 3, 2020 requesting a continuance and describing potential landslide issues
9. Email from Norman Haynie representing the applicant requesting a continuance to January 4, 2020
10. Emails from Hak Wong and Jo Drummond dated December 19, 2020 requesting a continuance from the January 4, 2021 Planning Commission meeting to a date uncertain.

PUBLIC NOTICE: Staff published a Notice of Public Hearing in a newspaper of general circulation within the City of Malibu on November 12, 2020 and mailed the notice to all property owners and occupants within a 500-foot radius of the subject property (Attachment 10).

SUMMARY: The required findings can be made that the proposed project complies with the LCP. Further, the Planning Department's findings of fact are supported by substantial evidence in the record. Based on the analysis contained in this report, staff recommends approval of this project subject to the conditions of approval contained in Section 5 (Conditions of Approval) of Planning Commission Resolution No. 21-01. The proposed project has been reviewed and conditionally approved for conformance with the LCP by Planning Department staff, appropriate City departments, and the LACFD.

ATTACHMENTS:

1. Planning Commission Resolution No. 21-01
2. Project Plans
3. Site and Story Pole Photographs
4. Nearby Residences – Habitable Area
5. GeoConcepts report dated October 23, 2020
6. Quality Control Maintenance Manual dated September 19, 2017
7. Departmental Review Sheets
8. Public Correspondence
9. Radius Map
10. Public Hearing Notice

CITY OF MALIBU PLANNING COMMISSION
RESOLUTION NO. 21-01

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 PERMIT NO. 19-001 FOR THE CONSTRUCTION OF A NEW 3,792 SQUARE FOOT TWO-STORY SINGLE-FAMILY RESIDENCE, PLUS AN ATTACHED GARAGE, CABANA, HARDSCAPE, GRADING, DRAINAGE, AND INSTALLATION OF A NEW ONSITE WASTEWATER TREATMENT SYSTEM; INCLUDING VARIANCE NO. 19-001 FROM THE CITY'S GEOTECHNICAL STANDARDS FOR FACTOR OF SAFETY, SITE PLAN REVIEW NO. 19-001 FOR CONSTRUCTION IN EXCESS OF 18 FEET IN HEIGHT UP TO 24 FEET FOR A FLAT ROOF, AND MINOR MODIFICATION NO. 19-001 FOR THE REDUCTION OF THE REQUIRED SIDE YARD SETBACK BY NO MORE THAN 20 PERCENT, LOCATED IN THE SINGLE-FAMILY LOW DENSITY ZONING DISTRICT AT 20272 INLAND LANE (JONATHAN L. CONGDON REVOCABLE TRUST)

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

SECTION 1. Recitals.

A. On January 3, 2019, an application for Coastal Development Permit (CDP) No. 19-001 was submitted to the Planning Department by Johnathen Day on behalf of the property owner, Jonathan L. Congdon Revocable Trust. The application was routed to the City geotechnical staff, City Environmental Health Administrator, City Public Works Department, City Biologist, and Los Angeles County Fire Department (LACFD) for review.

B. In August 2020, the applicant installed story poles to demonstrate the design of the residence.

C. On August 28, 2019, Planning Department staff conducted a story pole inspection and observed that the story poles were not consistent with the approved story pole plan.

D. On September 9, 2019, a Notice of CDP Application was posted on the subject property.

E. In August 2020, the applicant installed story poles to demonstrate the design of the residence.

F. On August 27, 2020, staff deemed the application complete.

G. On September 10, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

H. On October 5, 2020, the Planning Commission continued the item to November 2, 2020.

I. On November 2, 2020, the Planning Commission continued the item to November 16, 2020.

J. On November 16, 2020, the Planning Commission continued the item to December 7, 2020.

K. On November 12, 2020, a Notice of Planning Commission Public Hearing was published in a newspaper of general circulation within the City of Malibu and was mailed to all property owners and occupants within a 500-foot radius of the subject property.

L. On December 7, 2020, the Planning Commission continued the item to January 4, 2021.

M. On January 4, 2021, 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 has analyzed the proposed project. The Planning Commission has 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 exempt from the provisions of CEQA according to CEQA Guidelines Section 15303(a) – construction of one new single-family residence. The Planning Commission has further determined that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2).

SECTION 3. Coastal Development Permit 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, approving CDP No. 19-001 for the construction of a new 3,792 square foot two-story single-family residence, plus an attached garage, cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance (VAR) No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review (SPR) No. 19-001 for construction in excess of 18 feet in height up to 24 feet for a flat roof, and Minor Modification (MM) No. 19-001 for the reduction of the required side yard setback by no more than 20 percent, located in the Single-Family Low Density (SFL) zoning district at 20272 Inland Lane.

The project is consistent with the LCP's zoning, grading, cultural resources, water quality, and wastewater treatment system standards requirements. With the inclusion of the proposed variance, site plan review, and minor modification, 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 project has been reviewed and conditionally approved by the Planning Department, City Biologist, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, and the LACFD. As discussed herein, based on submitted reports, project plans, visual analysis, and detailed site investigation, the proposed project with the inclusion of the variance, site plan review, and minor modification, as conditioned, conforms to the LCP in that it meets all applicable residential zone development standards.

2. The proposed project is below the maximum allowed total development square footage (TDSF) for the parcel and has been sited in the general footprint of the previous residence, but with a larger side yard setback and a narrower building footprint as seen from existing residences on Inland Lane. The portions of the residence that exceed 18 feet in height do not encroach into protected primary views, and the proposed project involves a reduction only to the east side yard. The proposed setbacks are similar to those found throughout the neighborhood, including those of the property to the east, which has a zero side yard setback. There are no alternatives for developing the site with a single-family residence that would avoid the variance for geotechnical factors of safety. However, the project has incorporated changes to the foundation design as recommended by the City geotechnical staff to sufficiently address the onsite slope stability and soil erosion conditions. Although the project does not meet the LCP requirement for the factor of safety, the City geotechnical staff has determined that the provisions of the extensive and comprehensive Quality Control and Maintenance Manual (QCMM) will be adequate to prevent onsite and offsite adverse impacts. The proposed project, as designed and conditioned, is the least environmentally damaging alternative.

B. Variance Findings from the Required Geologic Factor of Safety (LIP Section 13.26.5)

1. The subject property was the focus of updated engineering geologic and geotechnical engineering studies by GeoConcepts, Inc. dated March 9, 2016 and April 12, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016 in order to determine and evaluate the engineering geologic and geotechnical engineering conditions of the subject property with respect to the proposed project. As discussed in the referenced engineering geologic reports, the subject property is underlain by the Active Big Rock Mesa Landslide. Though the Big Rock Mesa Landslide Assessment District effectively de-waters the landslide area and increases stability, it is infeasible to rebuild a residence on the subject property in a fashion that would provide the code-required 1.5 static and 1.1 pseudostatic factors of safety specified by LIP Section 9.4(A)(D).

The location, topography and surroundings of the subject property (i.e., a landslide area with substandard slope stability factor of safety) are special circumstances and exceptional characteristics, which if the requirements of LIP Section 9.4(A)(D) were applied, would prevent the construction of any structure on the property. Strict application of the requirement to meet the slope stability factor of safety would deprive the property owner of privileges enjoyed by other residential properties located in the vicinity and under the identical zoning classification. There have been many single-family residences on adjacent or nearby properties which have been permitted by the City (post-1993) and subsequently been issued building permits and/or been constructed in the Big Rock Mesa Landslide. All of these residences are located on parcels that provide less than the LIP standard 1.5 static and/or 1.1 pseudostatic factors of safety. Any development on the subject site would require a variance from this standard.

2. Even though the proposed project does not provide the code-required 1.5 static and 1.1 pseudostatic factors of safety, site design and construction measures will be implemented as part of the proposed project which are anticipated to produce a higher degree of site / structural performance than what previously existed onsite. The intent of LIP Chapter 9 (Hazards) is to ensure that new development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. This section of the LIP requires that permitted development be sited and designed to assure site stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The site/structural design measures implemented in the proposed project meet the intent of LIP Chapter 9.

For the residence, the site design and construction measures include a deepened cast-in-place pile and grade beam foundation. For the utilities, water lines shall be provided with flexible couplings, gas lines shall be provided with swing joints, and electrical cables shall be provided with coil loops in order to protect against breakage and service interruption in the event of ground movement. Furthermore, all utility lines shall be placed in shallow vaults or channels to allow for easy inspection and/or repairs. To control site drainage and runoff, the project includes a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water. The proposed design and construction measures recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers will be incorporated into the structural, grading, and drainage plans. The project engineering geologist, project geotechnical engineer, and project civil/structural engineers must verify that the recommended design and construction measures are properly incorporated into the final structural, grading, and drainage plans.

Comprehensive site maintenance and reporting measures have also been established as part of the proposed project which are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. These measures have been recommended by the project engineering geologist, project geotechnical engineer, and project civil/structural engineers and included in a comprehensive Quality Control and Maintenance Manual (QCMM) that has been prepared specific to the subject property, and updated September 19, 2017, for the proposed project.

The QCMM calls for periodic inspection of site improvements at designated monitoring stations and areas, including but not limited to the residence window frames, utility lines, drainage system, site hardscape, and OWTS. Monitoring is required following any rainstorm producing an inch or more of rain within a week. An acceptable threshold of nominal cosmetic distress has been designated for each monitoring station and area, along with recommendations for maintenance and repair, and an annual monitoring report. Monitoring of the site will be performed by the “servicer”, which can be a licensed professional such as GeoConcepts, a licensed certified engineering geologist, and/or a licensed civil engineer, or a non-licensed professional such as any prudent person skilled in this type of service. If or when the monitoring stations or areas exceed the accepted threshold, the servicer shall evaluate the site and provide appropriate recommendations. Non-professional servicers shall notify appropriate licensed engineers or geologists to perform field evaluations and provide appropriate recommendations.

The QCMM has been reviewed and approved by City geotechnical staff, project engineering geologist, project geotechnical engineer, and project civil/structural engineers. The QCMM will be recorded against the property as a condition of CDP approval. Any future owner(s) of the subject property will be properly notified of the conditions and recommendations set forth in the QCMM.

Based on the findings of the engineering geologic studies of the subject property and review of the current site development plans and project information, the project consulting geologist, GeoConcepts, determined that the proposed residential re-development of the subject property provides an increase in safety relative to the current conditions and previous development on the subject site, and that the project will not geotechnically reduce the stability of the area outside the proposed work. In addition, the proposed project 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 zones in which the property is located provided: 1) the recommendations

of the project engineering geologist, project geotechnical engineer, and project civil/structural engineers are properly incorporated into the plans and implemented during construction; and 2) the subject property and proposed structures are properly maintained.

Finally, City geotechnical staff has reviewed the extensive geologic supporting documentation for the proposed project and in the approval letter dated January 16, 2019 states “the applicant and his consultants have provided the City with reports that adequately support the findings in the variance.”

3. The granting of the variance will not constitute a special privilege to the applicant or property owner in that single-family residences have been developed on properties in the immediate vicinity which also do not satisfy code-required 1.5 static and 1.1 pseudostatic factors of safety. The properties in the immediate area are all located within the Big Rock Mesa Landslide. The construction of the residence on the subject parcel will incorporate extensive site design and construction measures through the implementation of the QCMM. Other properties located in the vicinity of the subject site which were reconstructed after the 1993 Topanga Fire were built in accordance to the City’s Fire Rebuilding Geology and Geotechnical Guidelines. These guidelines provided a waiver from the requirement for re-development projects to meet the slope stability factor of safety. Approval of the subject variance will grant relief from a technical development standard and would not grant a special privilege to the property owner. The variance is only granted for site-specific conditions on the subject property and shall not be determined to be precedent setting.

4. The granting of the variance from the code-required 1.5 static and 1.1 pseudostatic factors of safety will not be contrary to or in conflict with the general purposes and intent of the zoning provisions nor contrary to or in conflict with the goals, objectives and policies of the LCP. Granting the requested variance will allow the subject property to be developed in a similar manner to abutting properties. No alternatives exist that would eliminate the need for the requested variance. Additionally, the site design and construction measures incorporated into the proposed project meet the intent of LIP Chapter 9. The proposed project has been reviewed and approved for conformance with the LCP and applicable City and County goals and policies by the LACFD and City staff.

5. The subject property is zoned SFL, which allows for residential development. The proposed project includes the construction of a two-story single-family residence, which is a permitted use in the subject zone, with approval of a site plan review and minor modification. Approval of the variance from the required geotechnical standard for factor of safety will permit the construction of the residence on the property; otherwise, the property could not be developed. Any development on the site would require a variance from this standard. The request is consistent with the purpose and intent of the zone in which the site is located.

6. The project will consist of the construction of a single-family residence on the subject property that is similar in size and footprint to what previously existed on the site. Based on the findings of the engineering geologic studies completed for the subject property, the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the prior residence.

The subject property is physically suitable for the proposed residence because: 1) the subject property was physically suitable for the construction of the previous residence; and 2) the geologic and topographic conditions of the subject property have not changed significantly since the demolition of the previous residence. Specifically, the subject property is physically suitable for the construction of a single-family residence and:

- The proposed construction of deepened cast-in-place pile and grade beam foundation system;
- The proposed construction of flexible couplings, swing joints, and coil loops for the proposed utility lines to protect against breakage and service interruption in the event of ground movement; and
- The proposed construction of a site drainage control system. The residence and site shall be provided with a drainage system, designed by the project civil engineer, in order to collect and transfer runoff from the roof, building pad, hardscape, and slopes in order to protect against erosion and excessive infiltration of storm water.

The proposed site design and construction measures are anticipated to produce a higher degree of site and structure performance than what previously existed on the site. With the implementation of the extensive consulting geologist and geotechnical engineer's recommendations and the requirements of the QCM, the subject site is physically suitable for the proposed variance.

7. The variance complies with all requirements of state and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County agencies.

C. SPR No. 19-001 Findings for a Height Greater than 18 feet and not Exceeding 24 feet [LIP Section 13.27.5(A)]

1. The proposed project has been reviewed and analyzed for conformance with the LCP. The project is consistent with the policies and provisions of the LCP.

2. The surrounding neighborhood consists of one and two story single-family residences. The proposed residence is designed to be consistent with the prevailing siting, mass, and height of existing residences in the neighborhood. The proposed project complies with the required size limitations and the required front, rear, and side yard setbacks with the inclusion of the site plan review and minor modification. The 1,921 square foot ground floor would be visible from Inland Lane, and the 2,018 square foot lower level of the proposed project would be tucked under the ground floor and would not be visible. The project does not adversely affect neighborhood character.

3. The project site is not visible from any scenic roads, trails, parkland or beaches. The proposed single-family residence would be 24 feet in height. The design and location of the proposed residence will not create significant obstructions or encroachments into public views. The project provides maximum feasible protection to public views as required by the LCP.

4. The project has received LCP conformance review from the City geotechnical staff, City Biologist, City Public Works Department, City Environmental Health Administrator, as well as the LACFD. The project as conditioned complies with all applicable requirements of State and local law.

5. The project is consistent with the General Plan designation for the site. As discussed herein, the project is consistent with the LCP.

6. Based on the three Primary View Determinations (PVDs) conducted within 1,000 feet of the property, portions of the residence below 18 feet in height block portions of bluewater views for three neighbors (Liewald, Wong, Schiro). These areas obstruct the portions of the residence that are above 18 feet in height. Therefore, the portions of the residence above 18 feet in height do not block the primary view corridor of surrounding residences. The design and location of the residence will not obstruct visually impressive scenes of the Pacific Ocean, off-shore islands, Santa Monica Mountains, canyons, valleys, or ravines from the main viewing area of any affected principal residence as defined in MMC Section 17.40.040(A)(17).

D. MM No. 19-001 Findings for Reduction of the Side Yard Setback (LIP Section 13.27)

1. The proposed project has been reviewed and found in conformance with all relevant policies and provisions of the LCP. The reduction in the east side yard setback is consistent with the policies and provisions of the LCP based on the smaller setbacks of the original 1968 house that burned in 1993, and the property's constraints, consisting of an irregular wedge shape that narrows within an existing flat pad, and a geologic hazard area that extends south from the pad area. These factors limit the design options for the site. The proposed project minimizes the need for reduced side yard setbacks and is consistent with the policies and provisions of the LCP.

2. Aerial photographs, site visits and story poles depicting the project design demonstrate that the proposed project is similar in height, siting and bulk to surrounding development. The proposed project does not adversely affect neighborhood character.

3. The project complies with all requirements of State and local law. Construction of the proposed improvements will comply with all building code requirements and will incorporate all recommendations from applicable City and County departments.

E. Hazards (LIP Chapter 9)

1. Analysis for the proposed project for hazards included review of engineering geologic and geotechnical engineering studies dated January 14, 2011, December 20, 2011, February 23, 2012 and March 8, 2016, and a landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016. Based upon review of the above referenced information, it has been determined that:

- a. The subject property does not contain known or mapped active faults.
- b. The subject property could be subject to seismic ground shaking.
- c. The project site is not anticipated to be subject to hazards from seismically-induced liquefaction, settlement, hydroconsolidation, but does contain expansive soils.
- d. The subject property could be subject to landslides.
- e. The property is not located within the Federal Emergency Management Act's (FEMA) 100-year flood zone.
- f. The project site is inland, not subject to seiches and highly unlikely to be subject to tsunami inundation.
- g. The project site is in an extreme fire hazard area.

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

Seismic Ground Shaking

The January 14, 2011 GeoConcepts report states, “Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults,” and a seismic hazard evaluation was performed for the subject property. The report states, “Proper maintenance of properties can mitigate some of the potential for these types of manifestations, but the potential cannot be completely eliminated.” Furthermore, mitigation of ground shaking effects is provided through enforcement of structural and nonstructural seismic design provisions defined in the Uniform Building Code. These codes are updated every three years and through this update process, will incorporate new design provisions as needed.

Expansive Soils

The December 20, 2011 GeoConcepts report notes that expansive soils were encountered on the subject property, and that these soils can be a problem as variation in moisture content will cause a volume change in the soil. Repeated cycles of expansion and contraction can cause pavement, slabs on grade and foundations to crack that can also result in a misalignment of doors and windows. The report states that deepened foundation systems, additional structural reinforcement, and maintaining uniform moisture conditions around structures can reduce, but will not eliminate, deflection and cracking.

Landslide Hazard

The subject site is located within an earthquake induced landslide hazard zone on the State of California Seismic Hazard Map. According to the GeoConcepts report dated December 20, 2011, the deep-seated Big Rock Mesa Landslide is considered to be active; however, no recent surficial slope failures or slumps were observed within the proposed project area on the property. 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. According to GeoConcepts, the dewatering program during the dryer than average years appears to have stemmed movement of the landslide; however, during wetter than average years, very minor creep movements have been measured.

Detailed geologic and geotechnical investigations and slope stability analyses were performed on the subject site for the proposed development. The analyses determined the factors of safety for both wet (1.37 static) and dry (1.4 static) periods. The report also discussed review of previous public reports and a detailed site review for surface distress at the subject site. The report concludes, “These geologic findings indicate that significant landslide distress was not exhibited in the area of the proposed redevelopment.”

Because the required factors of safety cannot be achieved for the site, GeoConcepts completed the QCMM, dated September 19, 2017. The QCMM is designed to educate the property owner and servicer about monitoring the subject site and includes instructions for monitoring site improvements such as, but not limited to, the structure, utility lines, the drainage system,

hardscape, and the OWTS. The QCMM incorporates recommendations from the project consultants (GeoConcepts, Project Engineering Group, and Barsocchini & Associates), and the selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site.

The April 5, 2012 letter from Project Engineering Group, the project civil/structural engineering consultant, states:

“In our opinion, all specific designs and measures included in the QCMM will increase the safety of the site as well as adjacent properties. PEG agrees that implementation of the site monitoring measures proposed by the QCMM will provide additional safety to the occupants and improve stability of the proposed site improvements as well as the ones in the vicinity of the subject property.”

In the February 23, 2012 report, GeoConcepts states, “Our recommendations provide an increase in safety relative to the current conditions and previous development on the subject site such as, but not limited to improving the structural elements of the proposed dwelling, foundation, grading, drainage, hardscape, and septic plans.” GeoConcepts concludes that the project will not increase the risk of landslide movement for the surrounding area, and that the improvements and recommendations serve to provide a safer development than in the past. Review of the updated geotechnical report dated March 8, 2016 and QCMM dated September 19, 2017 indicate that the proposed project does not affect the conclusions from the previous reports.

Based on review of the project plans and technical reports, City geotechnical staff approved the proposed project on January 16, 2019, subject to conditions. All recommendations of the consulting Certified Engineering Geologist or Geotechnical Engineer and/or 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 City geotechnical staff prior to the issuance of a grading permit. The property owner is also required to record the QCMM against the title of the property prior to final planning approval.

Fire Hazard

The entire city limits of Malibu are located within a high fire hazard zone; however, the proposed development will incorporate all required measures of the LACFD to minimize risks from wildfire. On April 25, 2019, the LACFD reviewed the plans and determined that standard LACFD plan check and development fees will be required. The existing shared driveway will be widened onsite to meet the 20 foot wide access requirement, a 5 foot clear to sky path will be provided around the residence and interior fire sprinklers will be installed.

The proposed project will incorporate all recommendations contained in the above cited documents, geologic and geotechnical reports; as such, the proposed project will not increase instability of the site or structural integrity from geologic, flood or any other hazards.

2. The proposed project as designed, conditioned, and approved by the City geotechnical staff, City Public Works Department, and the LACFD, will not have any significant adverse impacts on the site stability or structural integrity from geologic or other hazards due to project modifications or other conditions. The recommendations and measures that will be incorporated into the final project have been specifically designed as a result of thorough study of onsite geologic conditions.

3. The proposed project, as conditioned, is the least environmentally damaging alternative.
4. There are no alternatives that would avoid or substantially lessen impacts on site stability or structural integrity.
5. No adverse impacts to sensitive resources are expected as a result of the project.

SECTION 4. Planning Commission Action.

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the following conditions.

SECTION 5. Conditions of Approval.

Standard Conditions

Based on the foregoing findings and evidence contained within the record, the Planning Commission hereby approves CDP No. 19-001, VAR No. 19-001, SPR No. 19-001, and MM No. 19-001, subject to the conditions listed below.

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. Construction of a new 3,792 square foot two-story single-family residence, plus a 602 square foot attached garage and storage, 618 square feet of covered patio areas, and a detached 192 square foot cabana for a TDSF of 5,204 square feet;
 - b. Hardscape improvements, including patios, walkways and extending the existing driveway to the new garage and widening it toward the east property line to meet Fire Department requirements;
 - c. Replacement of the vehicle entry gate and pedestrian entry gate;
 - d. OWTS;
 - e. Grading, retaining walls, and site drainage improvements, including a storm water detention system;
 - f. Non-irrigated low-growing native groundcover as necessary for erosion control; and
 - g. Discretionary requests:
 - i. VAR No. 19-001 from City geotechnical standards for factor of safety;
 - ii. SPR No. 19-001 for height in excess of 18 feet, up to 24 feet for a flat roof; and
 - iii. MM No. No. 19-001 for a reduction of the side yard setback to 7 feet, 3 inches on the east only.

3. Except as specifically changed by conditions of approval, the proposed development shall be constructed in substantial conformance with the approved scope of work, as described in Condition No. 2 and depicted on plans on file with the Planning Department date stamped **March 31, 2020**. The proposed development shall further comply with all conditions of approval stipulated in this resolution and Department Review Sheets attached hereto. In the event 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, notarizes and returns the Acceptance of Conditions Affidavit accepting the conditions of approval set forth herein. The applicant shall file this form with the Planning Department prior to issuance of any development permits.
5. The applicant shall submit three (3) complete sets of plans, including the items required in Condition No. 6 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 and notarized Acceptance of Conditions Affidavit and all Department Review Sheets attached to the agenda report for this project shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans submitted to the City of Malibu Environmental Sustainability Department for plan check, and the City of Malibu Public Works Department for an encroachment permit (as applicable).
7. The CDP shall expire if the project has not commenced within three (3) years after issuance of the permit, unless a time extension has been granted. 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 Coastal Engineer, City Environmental Health Administrator, City geotechnical staff, City Public Works Department, Los Angeles County Waterworks District No. 29 and LACFD, as applicable. Notwithstanding this review, all required permits shall be secured.
10. Minor changes to the approved plans or the conditions of approval may be approved by the Planning Director, provided such changes achieve substantially the same results and the project is still in compliance with the Malibu Municipal Code and the Local Coastal Program. Revised plans reflecting the minor changes and additional fees shall be required.
11. Pursuant to LIP Section 13.20, development pursuant to an approved CDP shall not commence until the CDP is effective. The CDP is not effective until all appeals, including those to the California Coastal Commission (CCC), have been exhausted. In the event that

the CCC denies the permit or issues the permit on appeal, the coastal development permit approved by the City is void.

12. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.
13. The property owner must submit payment for all outstanding fees payable to the City prior to issuance of any building permit, including grading or demolition.

Cultural Resources

14. 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.
15. 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.

Lighting

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(ies) 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. High intensity lighting of the shore is prohibited.
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 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.

Fencing and Walls

23. The applicant shall include an elevation of the proposed electronic driveway gate on the architectural plans that are submitted for building plan check. The gate and all fencing along the front property line shall comply with the regulations set forth in LIP Section 3.5.
24. The height of fences and walls shall comply with LIP Section 3.5.3(A). No retaining wall shall exceed six feet in height or 12 feet in height for a combination of two or more walls.

Geology

25. 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.
26. 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.
27. The project, including the QCMM, shall comply with all conditions of approval and building plan check stage comments of the City geotechnical staff as shown on the referral sheet dated February 20, 2020.
28. An annual monitoring report, as described in the final Quality Control and Maintenance Manual (QCMM) approved by the City geotechnical staff, shall be submitted to the Big Rock Mesa Landslide Maintenance District No. 98-1. The monitoring report shall detail the monitoring and maintenance activities completed between July 1 and June 30 to coincide with the district's annual reporting activities.

Onsite Wastewater Treatment System

29. 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.
30. 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).
31. 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).
32. Any above-ground equipment associated with the installation of the OWTS shall be screened from view by a solid wall or fence on all four sides. The fence or walls shall not be higher than 42 inches tall.
33. 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. H2O Traffic Rated Slab: Submit plans and structural calculations for review and approval by the Building Safety Division prior to Environmental Health final approval.
34. 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 and 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).
35. Prior to final Environmental Health approval, the applicant shall provide engineer's certification for reduction in setbacks to buildings or structures: All proposed reductions in setback from the OWTS to structures (i.e., setbacks less than those shown in MMC Table 15.42.030(E)) must be supported by a letter from the project structural engineer and a letter from the project soils engineer (i.e., a geotechnical engineer or civil engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the OWTS, and will not adversely affect the structural integrity of the structures for which the Table 15.42.030(E) setback is reduced. Construction drawings submitted for plan check must show OWTS components in relation to those structures from which the setback is reduced. All proposed reductions in setback from the OWTS to buildings (i.e., setbacks less than those shown in Table 15.42.030(E)) also must be supported by a letter from the project architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California-licensed architect, then the required architect's certification may be supplied by an engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setbacks to the wastewater system. In this case, the engineer must include in his/her letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture

- intrusion mitigation system in connection with the reduced setback, then the architect or engineer must provide associated construction documents for review and approval during Building Safety Division plan check. The wastewater plans and the construction plans must be specifically referenced in all certification letters.
36. 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 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.”
 37. 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 MMC.
 38. 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.
 39. Proof of ownership of subject property shall be submitted to the City Environmental Health Administrator.
 40. All project architectural plans and grading/drainage plans shall be submitted for Environmental Health review and approval. The floor plans must show all drainage fixtures, including in the kitchen and laundry areas. These plans must be approved by the Building Safety Division prior to receiving Environmental Health final approval.
 41. 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.
 42. 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.

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43. 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 City of Malibu MMC. Said covenant shall be provided by the City of Malibu Environmental Health Administrator.
 44. The City geotechnical staff final approval shall be submitted to the City Environmental Health Administrator.
 45. 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.

Grading/Drainage/Hydrology

46. Non-exempt grading of 210 cubic yards is proposed for the project and 800 cubic yards of exempt understructure grading is proposed. In no event shall non-exempt grading exceed 1,000 cubic yards.
47. The Total Grading Yardage Verification Certificate shall be copied onto the coversheet of the Grading Plan. No alternative formats or substitutes will be accepted.
48. 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.
49. 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 if 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 inches in diameter shall also have a plan and profile for the system included with this plan.
50. A wet weather erosion and sediment control plan is required, and shall be submitted to the Public Works Department prior to the issuance of grading permits as grading or construction activity is anticipated to occur during the rainy season. The following elements shall be included in this plan:
- a. Locations where concentrated runoff will occur;
 - b. Plans for the stabilization of disturbed areas of the property, landscaping and hardscape, along with the proposed schedule for the installation of protective measures;
 - c. Location and sizing criteria for silt basins, sandbag barriers and silt fencing; and
 - d. Stabilized construction entrance and a monitoring program for the sweeping of material tracked offsite.
51. 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 (BMPs) 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.

52. Storm drainage improvements are required to mitigate increased runoff generated by property development. The applicant shall have the choice of one method specified within LIP Section 17.3.2.B.2.
53. The applicant should use the existing concrete swale located on the hillside slope, to the south of the property, to collect all stormwater drainage flow created by the development project.
54. Geology and geotechnical reports shall be submitted with all applications for plan review to the Public Works Department. Approval by Geology and Geotechnical Engineering shall

be provided prior to the issuance of any permit for the project. The project consulting engineer shall sign the final plans prior to the issuance of permits.

55. A Storm Water Management Plan (SWMP) shall be submitted for review and approval to the Public Works Director. The SWMP shall be prepared in accordance with the LIP Section 17.3.2 and all other applicable ordinances and regulations. The SWMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the pre-development and post-development drainage of the site. The SWMP shall identify the site design and source control BMPs that have been implemented in the design of the project. The SWMP shall be reviewed and approved by the Public Works Department prior to the issuance of the grading or building permit for this project.
56. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development that:
 - a. Is located within or adjacent to ESHA, or
 - b. Includes grading on slopes greater than 4 to 1.

Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4 to 1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources.

57. A Water Quality Mitigation Plan (WQMP) shall be submitted for review and approval of the Public Works Director. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage on the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:
 - a. Site Design Best Management Practices (BMPs);
 - b. Source Control BMPs;
 - c. Treatment Control BMPs that retain on-site Stormwater Quality Design Volume (SWQDv). Or where it is technically infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site;
 - d. Drainage improvements;
 - e. A plan for the maintenance and monitoring of the proposed treatment BMPs for the expected life of the structure;
 - f. Methods of onsite percolation, site re-vegetation and an analysis for off-site project impacts;
 - g. Measures to treat and infiltrate runoff from impervious areas;
 - h. A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measure installed during construction prior to the issuance of grading or building permits; and
 - i. The WQMP shall be submitted to the Public Works Department and the fee applicable at the time of submittal for review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior the Public Works Department's approval of the grading and drainage plan and/or building

plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the Los Angeles County Recorder. A certified copy of the WQMP shall be submitted to the Public Works Department prior to the issuance of the certificate of occupancy.

Public Works

58. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMPs shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlets, post-construction BMPs and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.
59. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
60. The applicant shall obtain encroachment permits from the Public Works Department prior to the commencement of any work within the public right-of-way. The driveway shall be constructed of either six inches of concrete over four inches of aggregate base, or four inches of asphalt concrete over six inches of aggregate base. The driveway shall be flush with the existing grades with no curbs.
61. The applicant shall obtain all required Caltrans permits, for additional stormwater drainage flow that is created by the project and will impact and drain to Pacific Coast Highway (Highway 1).

Biology / Landscaping

62. No new landscaping is proposed with this project; therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six feet in height or an area of 2,500 square feet or more, a detailed landscaping plan shall be submitted for review and approval prior to any planting. Approval of a landscape plan may require an amendment to this CDP to modify the scope of approved work.
63. No development, planting or irrigation is permitted within public easements. Any structures, plants or other landscape features (e.g., boulders, fountains, etc.) occurring within the public easement shall be removed at the owner's expense.

Fuel Modification

64. The project shall receive LACFD approval of a Final Fuel Modification Plan prior to the issuance of final building permits.

Water Service

65. Prior to the issuance of a building permit, the applicant shall submit an updated Will Serve Letter from Los Angeles County Waterworks District No. 29 to the Planning Department indicating the ability of the property to receive adequate water service.
66. Prior to final inspection (or project sign off, as applicable) by the Planning Department, the applicant shall demonstrate that all requirements of Los Angeles County Waterworks District No. 29 have been met, including installation of a meter, if applicable.

Construction / Framing

67. 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.
68. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
69. All new development, including construction, grading, and landscaping shall be designed to incorporate drainage and erosion control measures prepared by a licensed engineer that incorporate structural and non-structural Best Management Practices (BMPs) to control the volume, velocity and pollutant load of storm water runoff in compliance with all requirements contained in LIP Chapter 17, including:
 - a. Construction shall be phased to the extent feasible and practical to limit the amount of disturbed areas present at a given time.
 - b. Grading activities shall be planned during the southern California dry season (April through October).
 - c. During construction, contractors shall be required to utilize sandbags and berms to control runoff during on-site watering and periods of rain in order to minimize surface water contamination.
 - d. Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the project site.
70. 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.
71. For the transportation of heavy construction equipment and/or material, which requires the use of oversized-transport vehicles on State highways, the applicant / property owner is required to obtain a transportation permit from the California Department of Transportation.

Prior to Occupancy

72. Prior to a final Building inspection, the applicant shall provide a Recycling Summary Report (Summary Report) and obtain the approval from the Environmental Sustainability Department. Applicant must provide haul tickets and diversion information. The final Summary Report shall designate the specific materials that were land filled or recycled, and state the facilities where all materials were taken.
73. The applicant shall request a final Planning Department inspection prior to final inspection by the City of Malibu Building Safety Division. A Certificate of Occupancy shall not be issued until the Planning Department has determined that the project complies with this coastal development permit. A temporary Certificate of Occupancy may be granted at the discretion of the Planning Director, provided adequate security has been deposited with the City to ensure compliance should the final work not be completed in accordance with this permit.
74. Prior to final Planning inspection, the applicant shall provide documentation to the Planning Department that the Public Works Department has received the post-construction elevation certificate required per floodplain management conditions.
75. Any construction trailer, storage equipment or similar temporary equipment not permitted as part of the approved scope of work shall be removed prior to final inspection and approval, and if applicable, the issuance of the certificate of occupancy.

Deed Restrictions

76. The property owner is required to record against the property in a form approved by the City Geologist the QCMM dated September 19, 2017 to serve as constructive notice to future property owners of the conditions and recommendations of the QCMM, and the requirement to implement the QCMM over the life of the project. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
77. The property owner is required to sign and record at the County of Los Angeles Recorder's Office, and submit to City geotechnical staff a certified copy of an "Assumption of Risk and Release" for geotechnical standards. Any revisions to the standard City release form must be reviewed and accepted by the City Attorney prior to document recordation. The property owner shall provide a copy of the recorded document to Planning Department staff prior to final planning approval.
78. 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.

79. Prior to final Planning Department approval, the applicant shall be required to execute and record a deed restriction reflecting lighting requirements set forth in the *Lighting* conditions above. The property owner shall provide a copy of the recorded document to the Planning Department prior to final Planning Department approval.

Site Specific Conditions

80. The final Quality Control and Maintenance Manual (QCMM) approved by the City Geologist shall be implemented by the property owner for the life of the project.
81. Decks/patios within the side yard shall comply with LIP Section 3.5.3(B) regarding projections into yards.
82. Prior to final Planning approval, the applicant shall submit a construction management plan for review and approval by the Planning Director and Building and Safety Division.
83. Modification to the grading plan to incorporate removal and recompaction shall require approval of a CDP amendment. The addition of a swimming pool to the subject property shall require approval of a CDP amendment or new CDP.

Fixed Conditions

84. This coastal development permit shall run with the land and bind all future owners of the property.
85. 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 January, 2021

JOHN MAZZA, 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. Appeals shall be emailed to psalazar@malibucity.org and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 21-01 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting held on the 4th day of January 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KATHLEEN STECKO, Recording Secretary

GENERAL CONTRACT NOTES

1. Specifications attached are part of this contract.
 2. Do not scale drawings. Written dimensions take precedence over scaled dimensions. All dimensions shall be field verified and coordinated with all of the work of all trades. The architect shall be notified immediately if any discrepancies are discovered.
 3. Dimensions shown on plans are to face of exterior masonry, concrete, column or grid lines and finished face of walls unless otherwise noted detailed.
 4. The contractor shall examine the condition of the project area and prior to commencement of work report all discrepancies to the architect. Verify all required openings and sleeves in beams, walls, etc., with all trades before start of work. Commencing with construction signifies acceptance of condition of project area.
 5. Should the drawings disagree in themselves or with the specifications or should the specifications disagree with themselves, the better quality and/or greater quantity of work or material shall be estimated upon and unless otherwise ordered in writing shall be furnished and installed.
 6. If any error or omissions appear in the contract documents, contractor shall notify architect in writing of such error or omission. If contractor fails to give such notice, he will be held responsible for results of such errors or omissions and for cost of rectifying same.
 7. General contractor shall coordinate work performed by other contractors. Discrepancies, if any, should be brought to the attention of the architect for resolution before proceeding with work.
 8. General contractor shall, in the work of all trades, perform any and all cutting, patching, repairing, restoring, and the like necessary to complete the work and to restore any damaged or affected surfaces resulting from the work of this contract to their original condition, and to the satisfaction of the architect and the owner.
 9. The general contractor shall be responsible for the timely arrival of all specified finish materials, equipment, light fixtures and any other such materials to be utilized on this project. The general contractor shall notify the architect in writing within ten (10) days of date of contract of those specified items that may not be readily available and the alternate items that the contractor recommends as readily available of equal quality and description. If notification is not received by the architect, the contractor accepts responsibility for the proper ordering and follow-up of specified items and will pursue whatever means necessary at no additional cost to the owner, ensure availability of all specified items so as not to create hardship on the owner and not to delay progress of the work. No extension of time to the contract will be allowed for the contractor's inability to secure specified items. The general contractor is also responsible for unloading all owner supplied materials at the job site (uncrate, assemble, and place where indicated on plan or per owner's instructions).
 10. Safety: All conduct, work equipment and materials shall be in full accordance with the latest safety rules and regulations of all authorities and agencies having jurisdiction over the work.
 11. The contractor shall be responsible for and obtain all permits, licenses and pay required fees.
 A. Prior to the issuance of a building permit, the contractor shall have evidence of current workman's compensation insurance coverage on file with the department in compliance with the local labor code.
 B. All required permits must be obtained from the required governing agencies before buildings are occupied.
 12. Temporary toilet facilities to be provided per requirements of local governing agency.
 13. Each contractor shall leave the site in a neat, clean and orderly condition upon conclusion of his work. All waste, rubbish and excess materials shall be removed from the site property.
 14. Post excavation notice ten (10) days before excavation if excavation is at the property line adjoining with neighbors.
 15. Provide pedestrian protection as required by section 3303 of the Uniform Building Code. A separate permit shall be required for any fences or site walls, as required.
 16. Check layout of foundation with architect and structural engineer prior to forming as required.
 17. Separate permit applications and permits are required for:
 a. Grading/ excavation/ backfill/ removal and recompaction
 b. Shoring
 c. Retaining wall
 d. Construction canopy
 e. Sign
 f. Fire sprinkler system
 g. Demolition of any existing structure
 NOTE: If the structure is connected to a sewer, the sewer must be capped prior to the issuance of the demolition permit. Further, buildings or structures shall be certified as being free from asbestos by a certified person or firm prior to the issuance of the demolition permit.
 18. The final Certificate of Occupancy cannot be issued until a written release is obtained from the Southern California Air Quality Management District (CAB 3205).
 19. State Assembly Bill 13 prohibits smoking in an enclosed place of employment:
 a. A sign stating "No Smoking" must be posted at each entrance.
 b. A sign stating "Smoking is prohibited except in designated areas" must be posted at each entrance when such areas are permissible per A.B. 13.
 c. Smoking is not permitted.
 20. Water closets and urinals shall be 'ultra low-flow' and showerheads shall be 'low-flow' (BHMC 9-4.)
 21. Toilet facilities are required during construction (BHMC 9-4).
 22. Provide an approved type of garbage grinder readily accessible and properly connected to the sewer drain (BHPC 911).
 23. Roof drains discharging water must be conducted under sidewalk (UBC 1506.5)
 24. Drainage piping serving fixtures located below the main sewer level or below the next upstream manhole shall be protected from back flow with an approved backwater valve (UPC 710).
 25. Unprotected openings are prohibited in envelope protection type ceilings. All duct openings require fire dampers and are limited in area to 100 sq. in. in any 100 sq. ft. of ceiling. Access openings require one-hour fire rated assemblies with closing devices approved by the department (UBC 710.2).
 26. Draft stops shall be installed in floor - ceiling assemblies within concealed spaces (UBC 708.3.1.1.3.).
 27. Draft stops shall be installed in attics, mansards, overhangs, and other concealed roof spaces (UBC 708.3.1.2.2.).
 28. Sound level of operating equipment is limited to five (5) decibels above ambient at the property line (5) (BHMC Art. 4, Chapter 8).
 29. All roof equipment must be screened from view (UBC 3601 (e)/ BH Amend. 9-1.202).

ABBREVIATIONS

ACOUST.	Acoustical	F.C.	Finish Contractor	PERM.	Perimeter
ADJ.	Adjustable	FIN.	Finished	PERP.	Perpendicular
A.F.F.	Above Finished Floor	FLUOR.	Fluorescent	P.C.	Plumbing Contractor
ARCH.	Architectural or Architect	FT.	Feet	PRELIM.	Preliminary
		FUR.	Furring	PT.	Point
BET	Between	GA.	Gauge	R OR RAD.	Radius
BLDG.	Building	GALV.	Galvanized	REF.	Refer/ Reference
BLK	Black	G.C.	General Contractor	REQ'D.	Required
BLKG	Blocking	GYP. BD.	Gypsum Board	REV.	Revision
BM.	Beam	HORIZ.	Horizontal	RM.	Room
BOT.	Bottom	HT.	Height	SCH.	Schedule
C.L.	Center Line	HVAC	Heating, Ventilation & Air Conditioning	SECT.	Section
CLR.	Clear	IN.	Inch	SHT.	Sheet
CLG.	Ceiling	INT.	Interior	SM.	Similar
CLG.	Ceiling	INST.	Install	SPECS.	Specifications
COL.	Column	INT.	Interior	STD.	Standard or Stud
CONT.	Continuous	JT.	Joint	STRUCT.	Structural
		MAX.	Maximum	SUSP.	Suspended
DET.	Detail	MECH.	Mechanical	TEMP.	Tempered
DI.	Diameter	MERCH.	Merchandise	THK.	Thick
DIAG.	Diagonal	MFR.	Manufacturer	TYP.	Typical
DM.	Dimension	MIR.	Mirror	U.O.N.	Unless Otherwise Noted
DISP.	Display	MULL.	Mullion		
DWG.	Drawing				
E.C.	Electrical Contractor	N.I.C.	Not In Contract	VAR.	Varies/ Variable
EQ.	Equal	N.T.S.	Not To Scale	VERIF.	Verify/ Verification
EXIST.	Existing	OPP.	On Center	VERT.	Vertical
EXP.	Exposed or Expansion				
EXT.	Exterior				

PROJECT DIRECTORY

OWNER Jon Congdon 20272 INLAND LANE Malibu, CA 90265	ARCHITECT Coscia Day Architects 745 Indiana Ave. Venice, CA 90291 310-399-1613 Contact: Johnathan Day	LAND & AIR SURVEYING 22741 PCH Suite 100A Malibu, CA. 90265 310-456-9381 Attn: Mark Standstrom	CIVIL ENGINEER ASHIRT ENGINEERING 360 miller way Arroyo Grande, CA. 93420 ph: 805-474-4008 attn: Trisha Coffey
STRUCTURAL ENGINEER Structural Design Plus 310-456-3625 designplus@sbcglobal.net Attn: Dean Almalla	SEPTIC ENGINEER Mika-Michael Nunley Engineering 805-801-5160 mhenry@mknassociates.us Attn: Meg Henry	GEOLOGY Geo Concepts, Inc. 818-994-8895 mark@geoconceptsinc.com Attn: Mark Barrett	

SCOPE OF WORK

(N) 2-STORY SFD = **3,792 SF**
 ATTACHED 2-CAR GARAGE + STORAGE = 602 SF
 (N) CABANA 192 SF
 NEW SEPTIC SYSTEM (AOWT5)
 NEW GRADING & DRAINAGE (SEE CIVIL PLANS)
 NO LANDSCAPING WITH THIS PROJECT

PROPERTY DATA

LOT DEPTH (FEET)	399'-10½"
LOT WIDTH (FEET)	91'-6"
GROSS LOT AREA(SQUARE FEET)	40,516 SF
SQUARE FEET COMPRISED OF 1:1 SLOPES	11,686 SF
SQUARE FEET COMPRISED OF EASEMENTS	360 SF
NET LOT AREA (SQUARE FEET)	40,156 SF

ZONING CONFORMANCE

DEVELOPMENT REQUIREMENT	ALLOWED/REQUIRED	EXISTING	PROPOSED	TOTAL	COMMENTS
SETBACKS					
FRONT YARD	65'-0"	0.00	95'-8"	95'-8"	COMPLIES
REAR YARD (HOUSE)	60'-0"	0.00	168'-6"	168'-6"	COMPLIES
SIDE YARD (MINIMUM 10%)	9'-1"	0.00	9'-1"	9'-1"	COMPLIES
SIDE YARD (15%)	13'-8"	0.00	13'-8"	13'-8"	COMPLIES
SIDE YARD #3 (MINIMUM 10%)	9'-1"	0.00	9'-1"	7'-3"	M.M.
TOTAL REQUIRED SIDE YARD (25%)	22'-09"	0.00	22'-9"	22'-9"	COMPLIES
PARKING					
ENCLOSED	2.00	0.00	2.00	2.00	COMPLIES
UNENCLOSED	2.00	0.00	2.00	2.00	COMPLIES
TOTAL DEVELOPMENT SQUARE FOOTAGE	5,524 SF		5,204.13 SF	5,204.13 SF	COMPLIES
PRIMARY RESIDENCE	-	0.00	3,792	3,792	COMPLIES
GARAGE	400 MIN	0.00	602	602	COMPLIES
COVERED AREAS > 6'	-	0.00	618.13	618.13	COMPLIES
FIRST FLOOR	-	0.00	1,490	1,490	COMPLIES
LOWER LEVEL	-	0.00	2,302	2,302	COMPLIES
ACCESSORY (CABANA)	YES	0.00	192	192	COMPLIES
2/3rds RULE	2/3 OF 2,302 = 1,535	0.00	1,490	1,490	COMPLIES
HEIGHT	18.00'	0.00	18'/24'	18'/24'	SPR.
MAX. IMPERMEABLE COVERAGE	8,541	0.00	6,352	6,352	COMPLIES
NON-EXEMPT GRADING (Cu.yd)	1,000	0.00	260	260	COMPLIES
CONSTRUCTION ON SLOPES	3 to 1 and flatter	0.00	3 to 1 and flatter	-	COMPLIES

BUILDING INFORMATION

Job Address: 20272 Inland Lane, Malibu, CA 90265
APN: 4450-012-032 (Los Angeles County)
Fire Zone: VHFHSZ
Zone: SFL
Occupancy Group: R-3 (Single Family Dwelling) , U-1 (Attached 2-Car Garage)
Construction Type: Type V-B
Sprinklered: (Yes)
Gross Lot Area: 40,516 SF / 0.93 Acres
Net Lot Area: 40,156 SF / 0.92 Acres
Codes:
 2017 County of Los Angeles Building Code (CoLABC)
 2017 County of Los Angeles Electrical Code (CoLAEB)
 2017 County of Los Angeles Mechanical Code (CoLAMC)
 2017 California Energy Efficiency Standards (CEEC) with local amendments.

PROPOSED SQUARE FOOTAGE (TDSF)

Building Area:

Lower Level ((E)2,018 + (N)284)) =	2,302 SF
1st Floor ((E)1,319 + (N)171)) =	1,490 SF
Sub Total =	3,792 SF
Covered Areas =	618.13 SF
Cabana =	192 SF
2-Car Garage + Storage =	602 SF
TOTAL DEVELOPMENT =	5,204.13 SF (TDSF)
ALLOWABLE TDSF =	5,524 SF
MAX. ALLOWABLE IMPERMEABLE =	8,541 SF
PROPOSED IMPERMEABLE =	6,352 SF

DRAWING INDEX

ARCHITECTURAL:
 A0.0 COVER SHEET, LEGAL INFORMATION, DRAWING INDEX, RENDERINGS
 A0.1 FUW
 A0.2 LETTERS
 A0.3 APPROVED REFERRAL SHEETS
 A0.4 APPROVED REFERRAL SHEETS
 A0.5 APPROVED REFERRAL SHEETS
 A0.6 CONSTRUCTION NOTES
 A0.7 CONSTRUCTION NOTES
 A0.8 CONSTRUCTION NOTES
 A0.9 CONSTRUCTION NOTES
 A0.10 GREEN INFO
 A0.11 GREEN INFO
 A0.12 EXHAUST FAN
 A0.13 BEST MANAGEMENT PRACTICES
 A0.14 CAL GREEN ENERGY GUIDE
 A0.15 MAINTENANCE
 A0.16
 TS-1 TOPOGRAPHIC SURVEY
 TS-2 SLOPE BAND ANALYSIS
 TS-3 ROOF / SLOPE BAND ANALYSIS

A-SF SQ.FT. ANALYSIS

A1	SITE / ROOF PLAN
A2	ENLARGED ROOF PLAN
A3	NEW FIRST FLOOR PLAN
A4	NEW LOWER LEVEL PLAN
A5	NORTH & SOUTH ELEVATIONS
A6	EAST & WEST ELEVATIONS
A7	SECTIONS AA & DD
A8	SECTIONS BB & CC
A9a	WINDOW & DOOR SCHEDULE
A9b	INTERIOR ELEVATIONS
A9c	INTERIOR ELEVATIONS
A10a	DETAILS - EXT. DOORS
A10b	DETAILS - INT. DOORS
A11	DETAILS - WINDOWS
A12a	DETAILS - METAL ROOF
A12b	DETAILS - FLAT ROOF
A13	DETAILS - SHOWER DRAIN
A14	DETAILS - RADIANT FLOOR
A15	DETAILS - PREFAB. DRAIN. COMP.
A16	DETAILS - HVAC
A17	DETAILS - STEAM SHOWER
A18	DETAILS - SMOKE ALARM
A19a	DETAILS - DECKING
A19b	DETAILS - DECKING LARR
A20	DETAILS - GLASS RAILING
A21	DETAILS - SPECIFIC DETAILS
A22	DETAILS - TEKTRIM DETAILS
A23	DETAILS - WATER HEATER
A24	DETAILS - MECO SHADES
A25	DETAILS - FLUSH HEATER

ELECTRICAL:

E1	FIRST FLOOR LIGHTING PLAN
E2	LOWER LEVEL LIGHTING PLAN
E3	FIRST FLOOR ELECTRICAL PLAN
E4	LOWER LEVEL ELECTRICAL PLAN

ENERGY CALCULATION:

EN-1	T-24 CALCULATIONS
EN-2	T-24 CALCULATIONS
EN-3	T-24 CALCULATIONS

MECHANICAL:

M-1	FIRST FLOOR MECHANICAL PLAN
M-2	LOWER LEVEL MECHANICAL PLAN

LANDSCAPE:

L-1	CABANA PLAN + ELEVATIONS
-----	--------------------------

STRUCTURAL:

S-1	GENERAL NOTES
S-2	SHEAR WALL SCHEDULE & NOTES
S-3	GROUND LEVEL FOUNDATION PLAN
S-4	FIRST FLOOR CONCRETE SLAB PLAN
S-4a	FIRST FLOOR POST & HOLD-DOWN
S-5	ROOF FRAMING PLAN
S-5a	CEILING FRAMING PLAN
S-6	STRUCTURAL DETAILS (SECT. D)
S-7	STRUCTURAL DETAILS
S-8	STRUCTURAL DETAILS
S-9	STRUCTURAL DETAILS
S-10	STRUCTURAL DETAILS
S-11	STRUCTURAL DETAILS
HFX1	ANCHORAGE DETAILS
HFX2	FRAMING DETAILS
HFX3	FLOOR SYSTEM DETAILS

SEPTIC:

AOWT5-1	PLOT PLAN
AOWT5-2	SITE PLAN

CIVIL:

G-1	PROJECT INFORMATION / SITE PLAN
G-2	GRADING & DRAINAGE PLAN
G-3	EROSION CONTROL & LOCAL SWPPP
G-4	DETAILS
G-5	NOTES

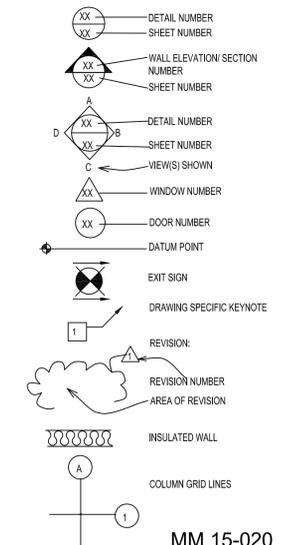
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Received
 3/31/2020
 Planning Dept.

VICINITY MAP



KEY TO SYMBOLS



REVISIONS:

01-30-20

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Date: 05/07/18
 Project Name:
 Coordinator: J.D.
 Drawn By: JR
 Checked By:
 Sheet Number:

A0.0

20272 NEW RESIDENCE
 20272 INLAND LANE
 MALIBU, CA 90265

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 architecture + design

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 Venice Beach, CA
 90291
 310 399 1413
 cosciaday.com

ATTACHMENT 2

MM 15-020

Received
5/20/2020
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PACIFIC COAST HIGHWAY

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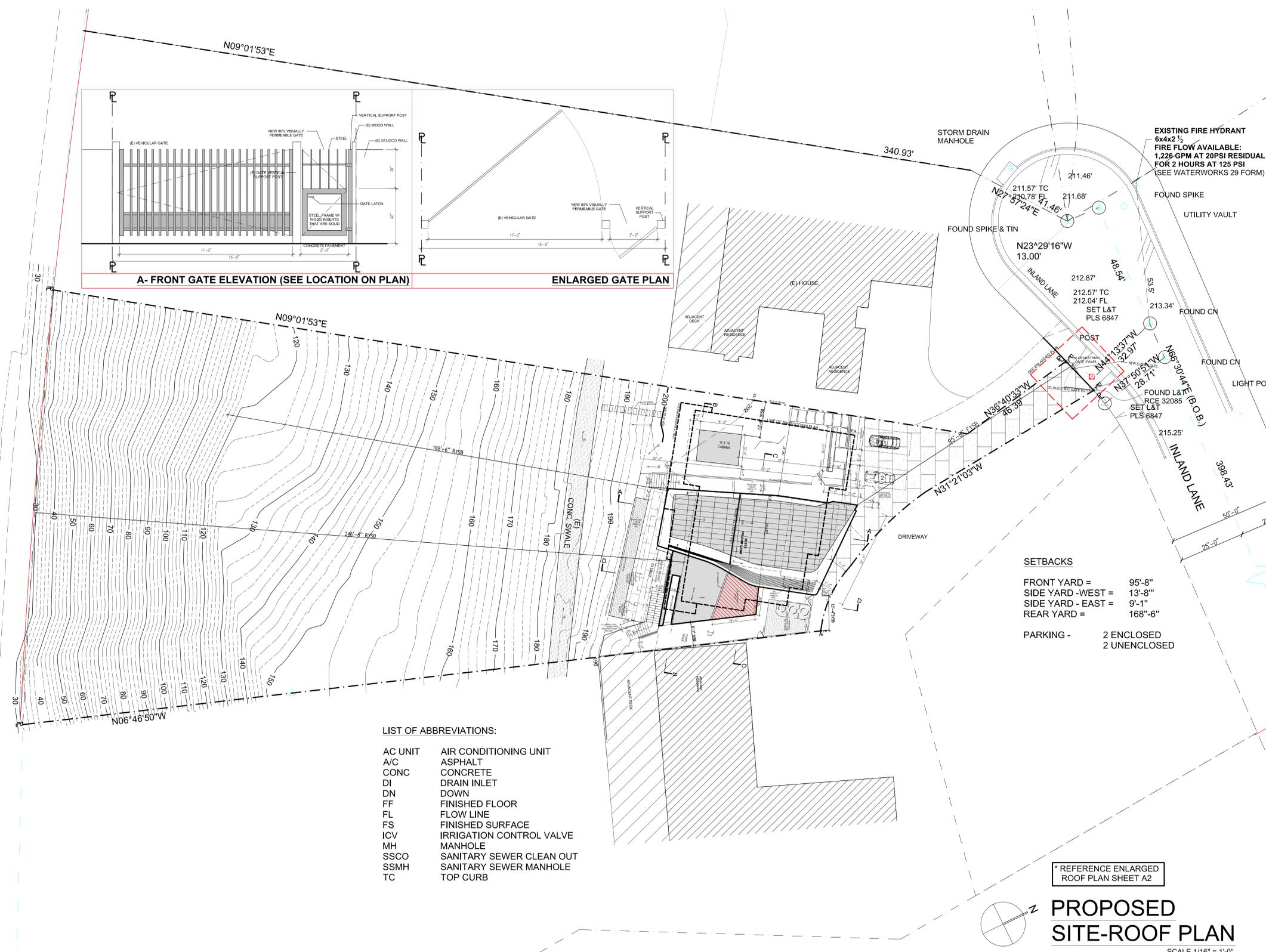
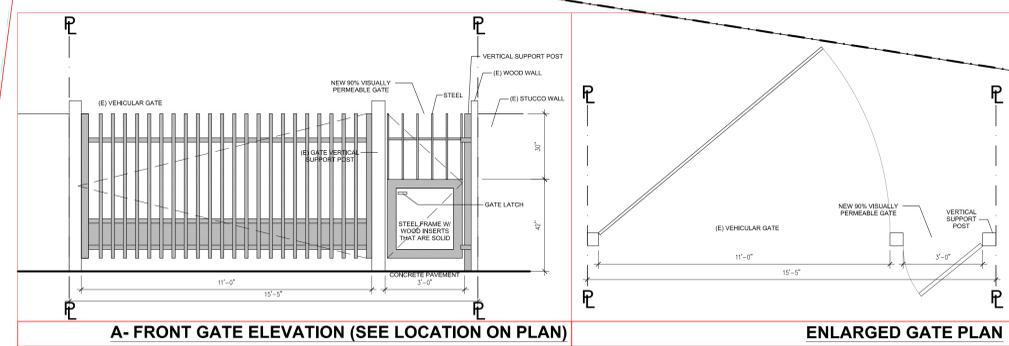
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01-30-20	
05-11-20	



Date: 10/04/17
Project Name:
Coordinator: J.D.
Drawn By: IR
Checked By:
Sheet Number:

A1a



SETBACKS

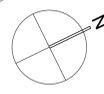
FRONT YARD = 95'-8"
SIDE YARD - WEST = 13'-8"
SIDE YARD - EAST = 9'-1"
REAR YARD = 168'-6"

PARKING - 2 ENCLOSED
2 UNENCLOSED

LIST OF ABBREVIATIONS:

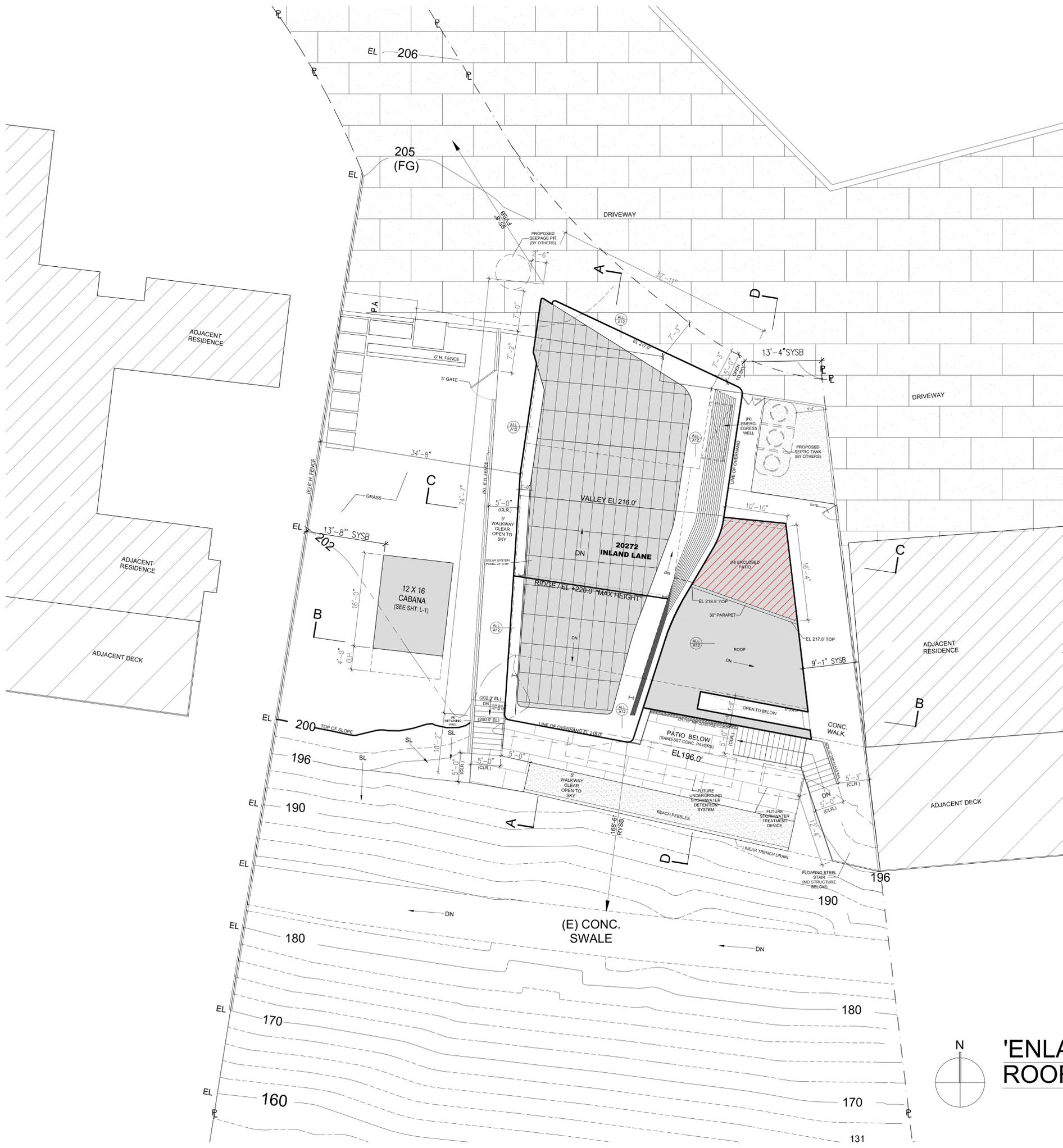
AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
ICV	IRRIGATION CONTROL VALVE
MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

REFERENCE ENLARGED
ROOF PLAN SHEET A2



**PROPOSED
SITE-ROOF PLAN**

SCALE 1/16" = 1'-0"



**'ENLARGED'
ROOF PLAN**
SCALE 1/8" = 1'-0"

FIRE DEPARTMENT NOTES

**CITY OF MALIBU
CONSTRUCTION NOTES FOR VERY HIGH FIRE HAZARD SEVERITY ZONE**

ROOFING - SEC. 704.A.1:
 ROOF COVERING - SEC. 704.A.1.2 & 1505.1.1.2
 -ROOF COVERING TO BE CLASS "A".
 -WOOD SHINGLES OR SHAKES NOT PERMITTED

WHERE ROOF COVERING PROVIDES A SPACE BETWEEN THE ROOF COVERING AND ROOF DECKING, THE SPACE SHALL:
 -BE CONSTRUCTED TO PREVENT THE INTRUSION OF FLAMES & EMBERS, OR
 -BE FIRESTOPPED WITH APPROVED MATERIALS, OR
 -HAVE ONE LAYER OF No. 72 ASTM CAP SHEET INSTALLED OVER THE COMBUSTIBLE DECKING.

ROOF VALLEYS - SEC. 704.A.1.3
 WHEN PROVIDED, VALLEY FLASHING SHALL BE NOT LESS THAN 0.019-INCH (No. 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL, INSTALLED OVER A MINIMUM 3/4-INCH WIDE UNDERLAYMENT CONSISTING OF ONE LAYER OF No.72 ASTM CAP SHEET RUNNING THE FULL LENGTH OF THE VALLEY.

ROOF GUTTERS - 704A.1.5
 ROOF GUTTERS SHALL BE PROVIDED WITH THE MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER.

ATTIC VENTILATION - SEC. 704A.2:
GENERAL - SEC. 704A.2.1
 ROOF AND ATTIC VENT SHALL:
 -RESIST THE INTRUSION OF FLAME AND MEMBERS INTO THE ATTIC AREA, OR
 -SHALL BE PROTECTED BY CORROSION-RESISTANT, NONCOMBUSTIBLE WIRE MESH WITH A 1/2 INCH OPENINGS, OR
 -ITS EQUIVALENT.

EAVE OR CORNICE VENTS - 704A.2.2
 VENTS SHALL NOT BE INSTALLED IN EAVES AND/OR CORNICES.
 -EXCEPTION: EAVE AND CORNICE VENTS MAY BE USED PROVIDED THEY RESIST THE INTRUSION OF FLAME AND BURNING EMBERS INTO THE ATTIC AREA. WIRE MESH IS NOT PERMITTED.

EAVE PROTECTION - SEC. 704A.2.3
 EAVES AND SOFFITS SHALL:
 -MEET THE REQUIREMENTS OF SFM 12-7A.3, OR
 -BE PROTECTED BY IGNITION-RESISTANT MATERIAL, OR
 -BE CONSTRUCTED OF NONCOMBUSTIBLE CONSTRUCTION ON THE EXPOSED UNDERSIDE.

EXTERIOR WALLS - SEC. 704A.3:
GENERAL - SEC. 704A.3.1
 EXTERIOR WALL SHALL BE:
 -APPROVED NONCOMBUSTIBLE, OR
 -IGNITION-RESISTANT MATERIAL, OR
 -HEAVY TIMBER, OR
 -LOG WALL CONSTRUCTION, OR
 -SHALL PROVIDE PROTECTION FROM THE INTRUSION OF FLAMES AND EMBERS IN ACCORDANCE WITH STANDARDS SFM 12-7A-1.

EXTERIOR WALL COVERINGS - SEC. 704.3.1.1
 EXTERIOR WALL COVERING SHALL:
 -EXTEND FROM THE TOP OF FOUNDATION TO THE ROOF, AND
 -TERMINATE AT 2-INCH NOMINAL SOLID WOOD BLOCKING BETWEEN RAFTERS AT ALL ROOF OVERHANGS, OR
 -IN CASE OF ENCLOSED EAVES, TERMINATE AT THE ENCLOSURE.

EXTERIOR WALL VENTS - SEC. 704A.3.2.1
 EXTERIOR WALL VENTS SHALL:
 -RESIST THE INTRUSION OF FLAME AND EMBERS INTO THE STRUCTURE, OR
 -BE SCREENED WITH A CORROSION RESISTANT NONCOMBUSTIBLE WIRE MESH WITH 1/2 INCH OPENINGS.

EXTERIOR GLAZING AND WINDOW WALLS - SEC. 704A.3.2.2
 EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS AND GLAZED OPENING WITH EXTERIOR DOOR SHALL:
 -BE INSULATING-GLASS UNITS/MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE, OR
 -BE CLASS BLOCK UNITS, OR
 -HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20-MIN, OR
 -CONFORM TO THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-2.

EXTERIOR DOOR ASSEMBLIES - SEC. 704A.3.2.3
 EXTERIOR DOOR ASSEMBLIES SHALL:
 -CONFORM TO THE PERFORMANCE REQUIREMENTS OF STANDARD SFM 112-7A-1, OR
 -BE APPROVED NONCOMBUSTIBLE CONSTRUCTION, OR
 -BE OF SOLID CORE WOOD HAVING STILES AND RAILS NOT LESS THAN 3/8-INCH THICK WITH INTERIOR FIELD PANEL THICKNESS NOT LESS THAN 1-1/4-INCH THICK, OR SHALL HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20-MINUTES (ASTM E 2074), OR
 -NONCOMBUSTIBLE OR EXTERIOR FIRE-RETARDANT TREATED WOOD MAYBE USED FOR VEHICLE ACCESS/GARAGE DOORS.

DECKING, FLOORS, UNDER FLOOR AND APPENDAGE PROTECTION - SEC. 704A.4
DECKING SURFACES - SEC. 704A.4.1
 DECKING, SURFACES, STAIR TREADS, RISERS AND LANDINGS OF DECKS, PORCHES AND BALCONY WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL COMPLY WITH ONE OF THE FOLLOWING:
 -SHALL BE CONSTRUCTED OF IGNITION-RESISTANT MATERIALS AND PASS THE PERFORMANCE REQUIREMENT OF SFM STANDARD 12-7A-4, PARTS A & B, OR
 -SHALL BE CONSTRUCTED WITH HEAVY TIMBER, EXTERIOR FIRE-RETARDANT-TREATED WOOD, OR APPROVED NONCOMBUSTIBLE MATERIALS, OR
 -SHALL PASS THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-4, PART A, 12-7A-4.7.5.1 ONLY WITH SPECIFIED PEAK HEAT RELEASE RATE. (SEE CODE SECTION FOR ADDITIONAL REQ.)
 -NOTE: THE USE OF PAINTS, COATINGS, STAINS OR OTHER SURFACE TREATMENT ARE NOT AN APPROVED METHOD OF PROTECTIONS AS REQUIRED IN THIS CHAPTER.

UNDERSIDE OF APPENDAGES AND FLOOR PROTECTIONS - SEC. 704A.4.2
 THE UNDERSIDE OF CANTILEVERED AND OVERHANGING APPENDAGES AND FLOOR PROJECTIONS SHALL:
 -MAINTAIN THE IGNITION RESISTANT INTEGRITY OF EXTERIOR WALLS, OR
 -THE PROJECTION SHALL BE ENCLOSED TO THE GRADE.

ADDITIONAL NOTES:

- 1) FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. (FIRE CODE 501.4)
- 2) BUILDING ADDRESS NUMBERS SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH. (FIRE CODE 505.1)
- 3) ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. (FIRE CODE 501.4)
- 4) PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR THE INSTALLATION. (FIRE CODE 903.1)
- 5) ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (FIRE CODE 4710.1.4)
- 6) 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 (FIRE CODE 4708.3)
- 7) CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 317.2.2
- 8) THE REQUIRED FIRE FLOW FOR PUBLIC HYDRANTS AT THIS LOCATION IS 1,000 GPM, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND FIRE DEPARTMENT REGULATION 8 AND APPENDIX B.
- 9) THE INSPECTION, HYDROSTATIC TEST AND FLUSHING OF THE FIRE SPRINKLER PIPING SHALL BE WITNESSED BY AN AUTHORIZED FIRE DEPARTMENT REPRESENTATIVE. FIRE CODE 901.6

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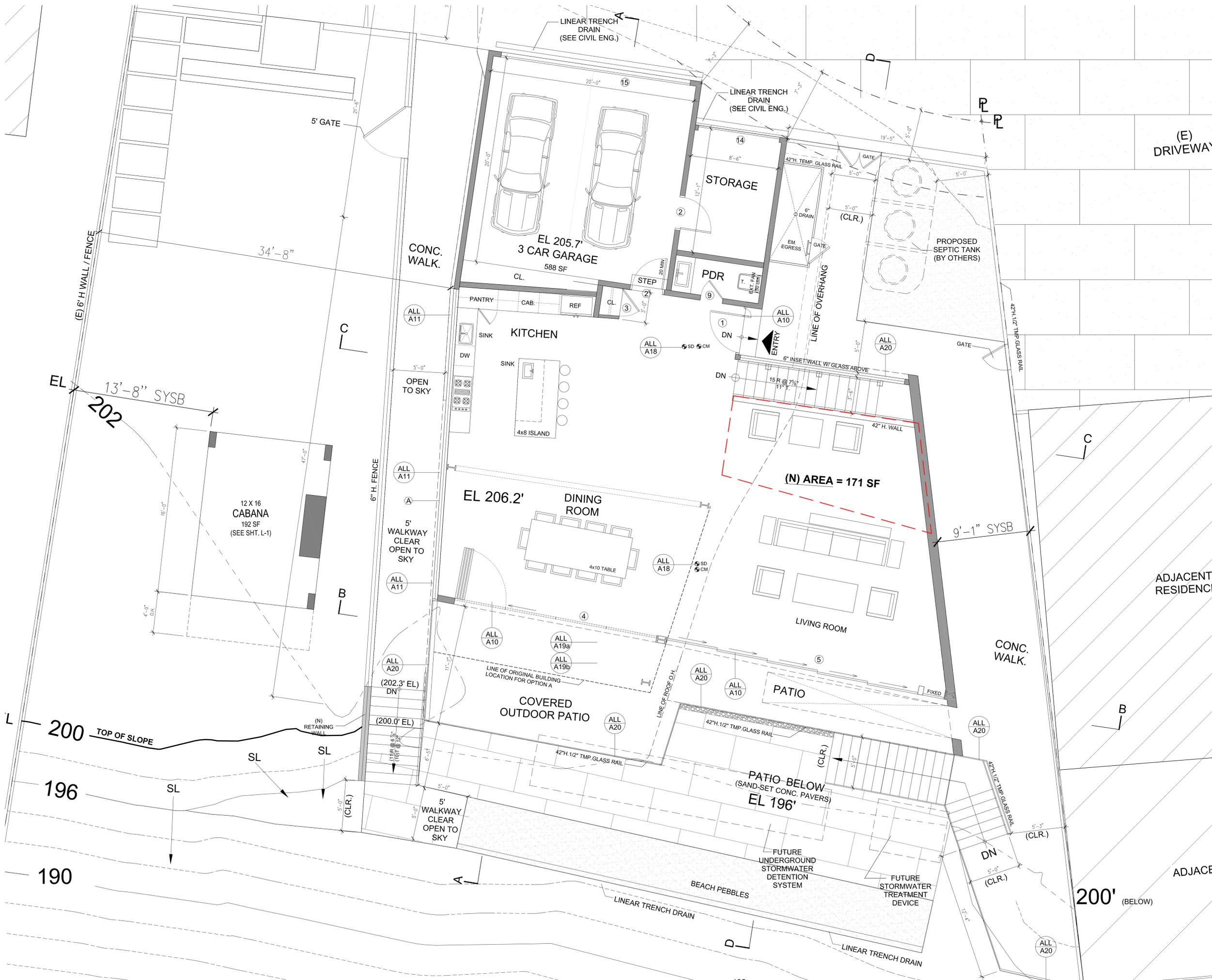
20272 NEW RESIDENCE
20272 INLAND LANE
MALIBU, CA 90265

REVISIONS:

01-30-20	
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 Coordinator: J.D.
 Drawn By: IR
 Checked By:
 Sheet Number:
A2



CITY STAMPS

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01-30-20

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DATE: 04/11/18
 PROJECT NAME:
 COORDINATOR: J.D.
 DRAWN BY: I.R.
 CHECKED BY:
 SHEET NUMBER:

FIRST FLOOR PLAN (GROUND)

1,490 SF SCALE 1/4" = 1'-0"

SQUARE FOOTAGE

1ST FLOOR ((E)1,319 + (N)171) =	1,490 SF
LOWER LEVEL ((E)2,018 + (N)284) =	2,302 SF
(N) TOTAL	3,792 SF

[2/3rds RULE (2,302) = 1,535 SF > 1,492 SF OK]

2 CAR GARAGE + STORAGE	602 SF
CABANA	192 SF

ADJACENT RESIDENCE

ADJACEN

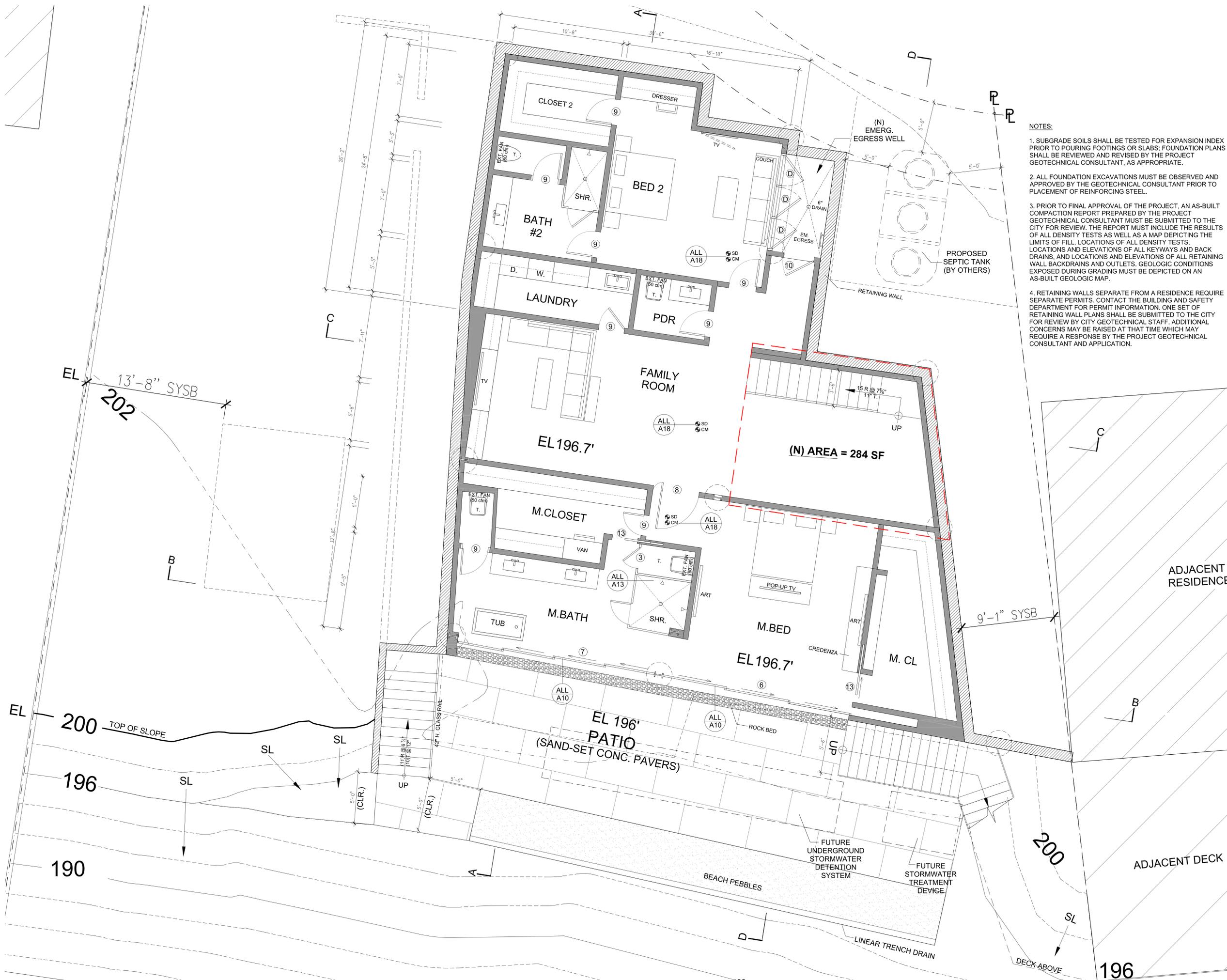
200' (BELOW)

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A3



- NOTES:**
1. 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.
 2. ALL FOUNDATION EXCAVATIONS MUST BE OBSERVED AND APPROVED BY THE GEOTECHNICAL CONSULTANT PRIOR TO PLACEMENT OF REINFORCING STEEL.
 3. 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 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.
 4. 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 APPLICATION.

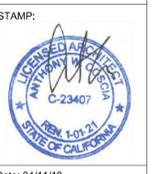
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01-30-20



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Project Name:
Coordinator: J.D.
Drawn By: I.R.
Checked By:
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LOWER LEVEL FLOOR PLAN
2,302 SF SCALE 1/4" = 1'-0"

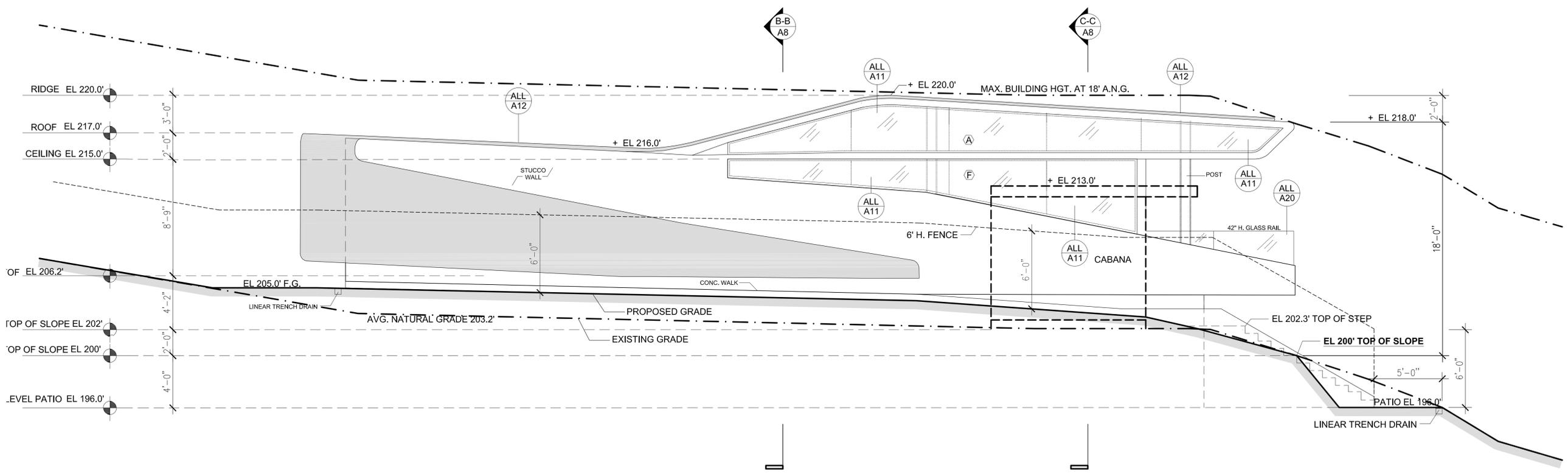
SQUARE FOOTAGE	
1ST FLOOR ((E)1,319 + (N)171)) =	1,490 SF
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(N) TOTAL	3,792 SF
[2/3rds RULE (2,302) = 1,535 SF > 1,492 SF OK]	
2 CAR GARAGE + STORAGE	602 SF
CABANA	192 SF

A4

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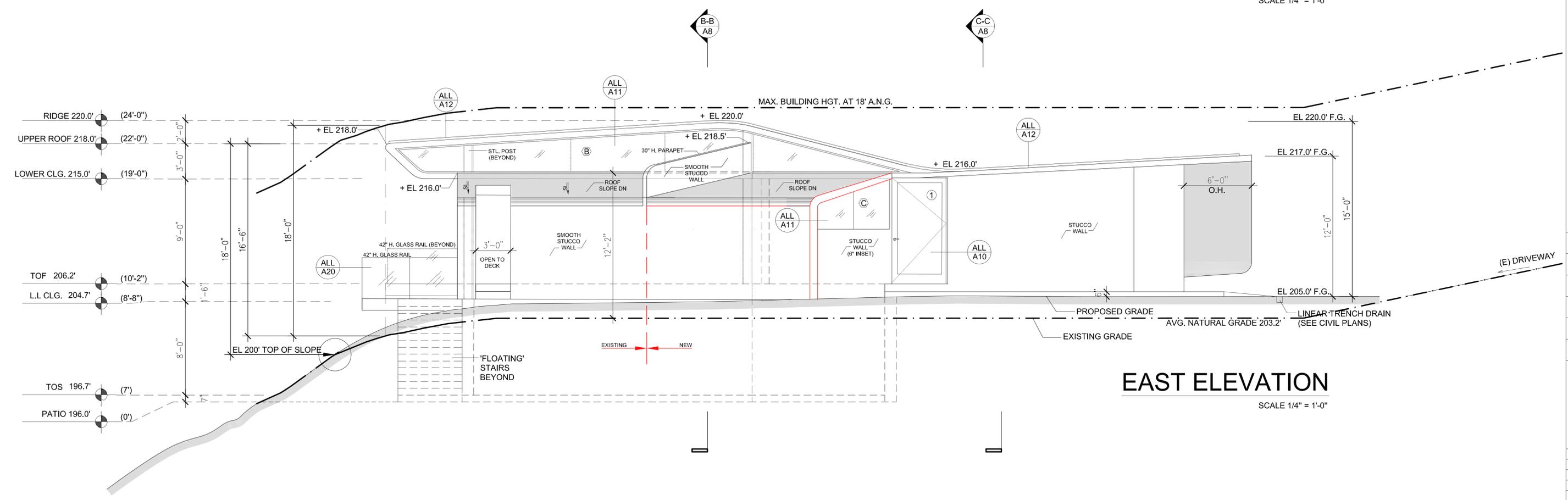


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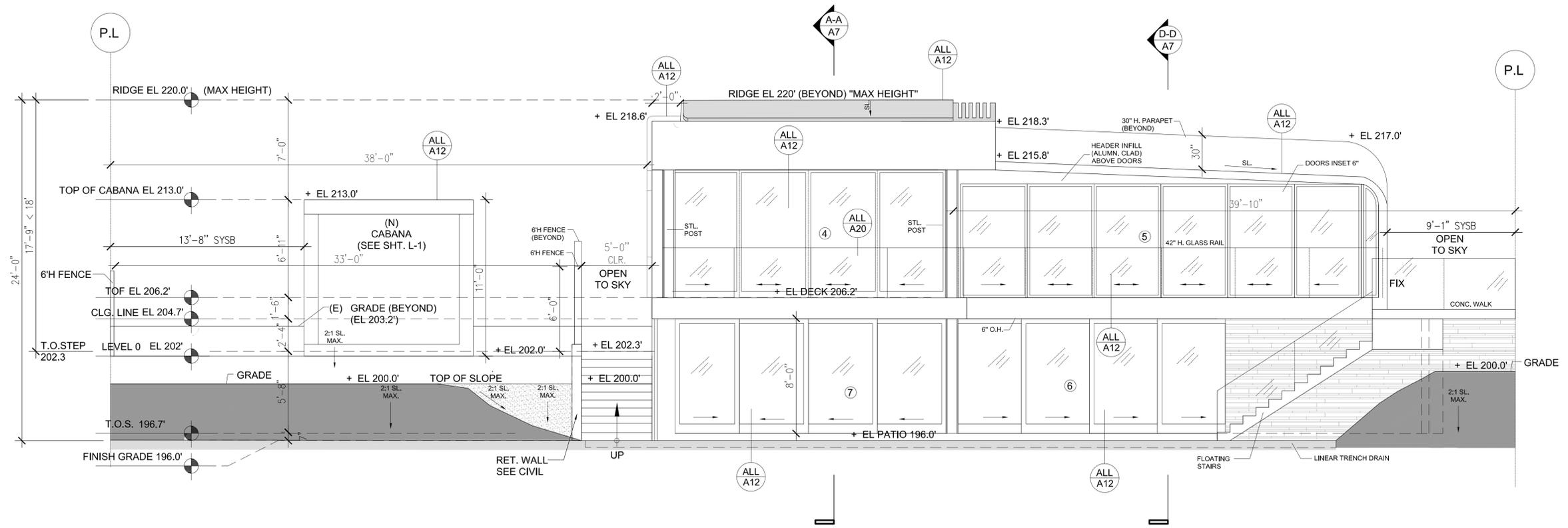
WEST ELEVATION

SCALE 1/4" = 1'-0"



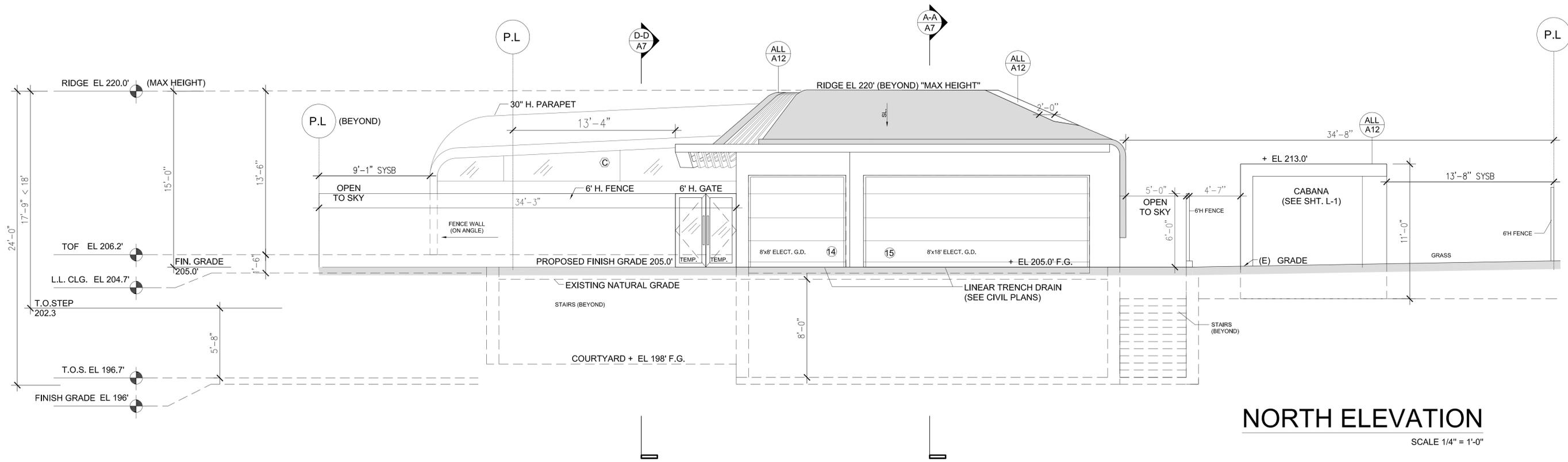
EAST ELEVATION

SCALE 1/4" = 1'-0"



SOUTH ELEVATION

SCALE 1/4" = 1'-0"



NORTH ELEVATION

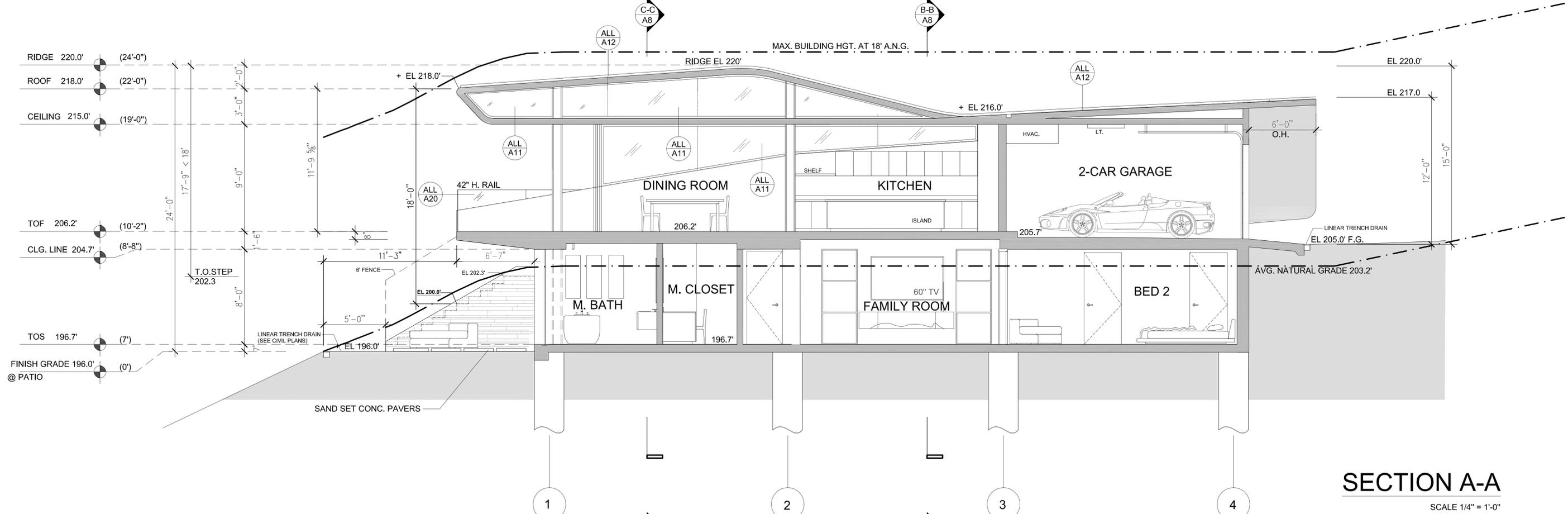
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STAMPS:

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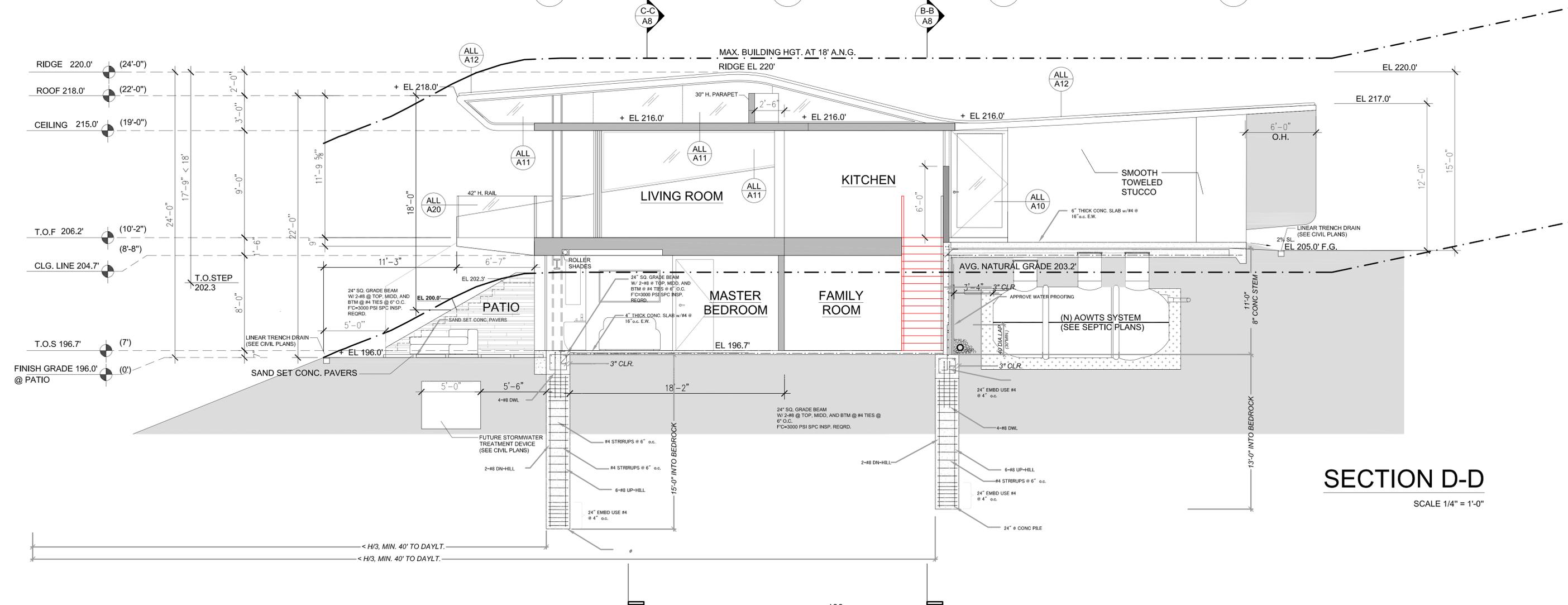


Date: 04/11/18
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SECTION A-A

SCALE 1/4" = 1'-0"



SECTION D-D

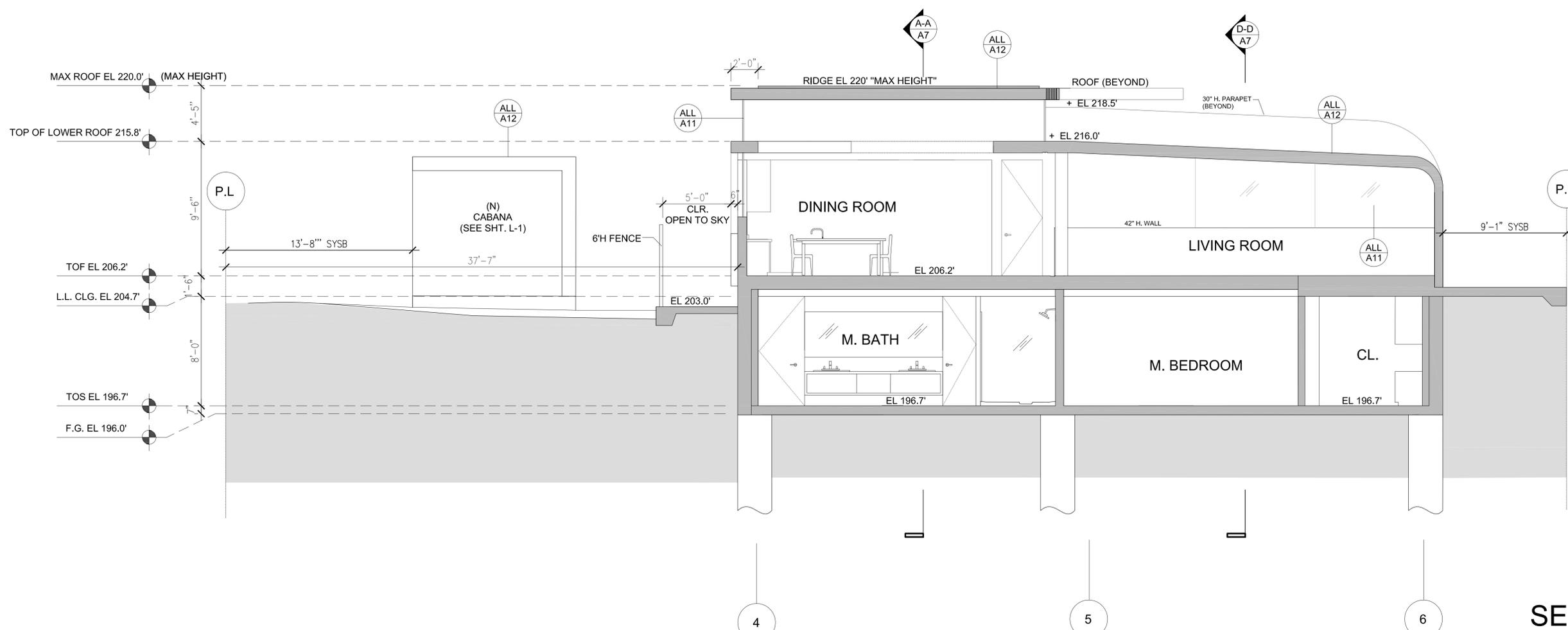
SCALE 1/4" = 1'-0"

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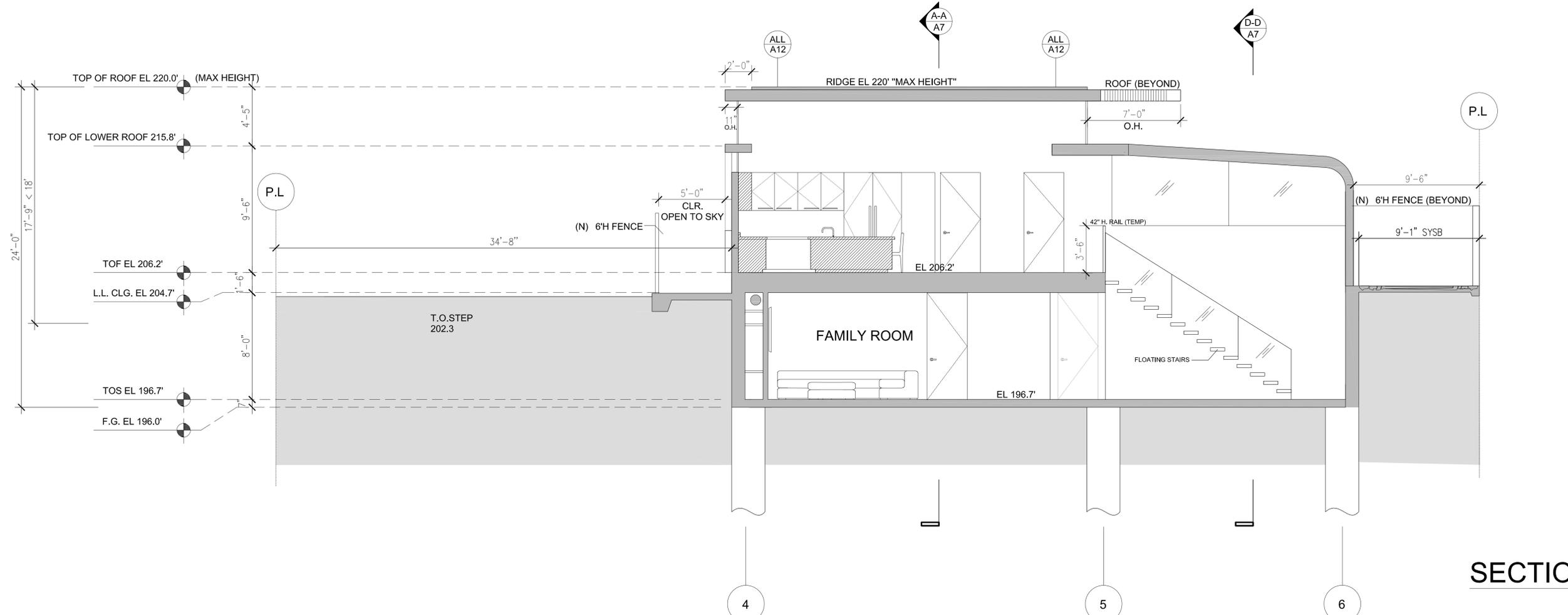
01-30-20



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Sheet Number:



SECTION B-B
SCALE 1/4" = 1'-0"



SECTION C-C
SCALE 1/4" = 1'-0"

STAMPS:

01-30-20

Date: 04/11/18
Project Name:
Coordinator: J.D.
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Sheet Number:

City of Malibu
 23821 Street View Road - Malibu, California 90263-4841
 Phone (310) 456-2489 Fax (310) 456-7656 www.cityofmalibu.org

TOTAL GRADING YARDAGE VERIFICATION CERTIFICATE
 PLANNING DEPARTMENT REVIEW LEVEL

PROJECT NUMBER: 20272 INLAND LANE
 PROJECT ADDRESS: 20272 INLAND LANE

All projects proposing land form alteration which involves more than 100 cubic yards of grading shall complete this form. The completed form must be prepared at the time of Planning Department application for grading approval. All applicable cubic yardages indicated shall be in the table. All calculations utilized to estimate the cubic yardages indicated shall be attached to this form. This form and the required calculations must be prepared by a State of California Licensed Civil Engineer. The form and the calculations shall be stamped and wet signed by the preparing party.

	EXEMPT	NON REMEDIAL	REMEDIAL	TOTAL
	R&R	UNDERSTRUCTURE	SAFETY	GRADING
CUT	0	800	0	900
FILL	0	0	60	60
TOTAL	0	800	210	1010
IMPORT	0	0	0	0
EXPORT	0	0	90	90

All quantities indicated shall be in cubic yards only.
 R&R - Removal and Reconstruction - Right must be balanced.
 Safety Grading is required grading for L.A. County Fire Department access approved beyond the 15 foot minimum access and must include fire lanes, fire hydrants, hose mains, and access roadway widening.
 Detailed grading is grading recommended by a M.E. site geotechnical or soils report prepared by a licensed geologist or soils engineer which is necessary to correct physical deficiencies on the site for the construction of a primary residential structure or access to the site. Exempt means soil that is leaving the site. This information will be used to calculate the number of truck trips required for site preparation.

PREPARED BY: TRISHA A. COFFEY
 DATE: 2020-05-08

Page 1 of 1

PARCEL 1 LEGAL DESCRIPTION:
 LOT 11 OF TRACT NO. 27463, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70 AND 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT THEREFROM THAT PORTION OF SAID LOT 11 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 11 WITH THE SOUTHERLY LINE OF INLAND LANE (A PRIVATE STREET) AS SHOWN ON SAID MAP OF TRACT 27463; THENCE ALONG THE BOUNDARY LINE OF SAID LOT 11 AS FOLLOWS: SOUTH 28 DEGREES 59 MINUTES 00 SECONDS EAST 83.00 FEET; SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 70 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 06 MINUTES 38 SECONDS AN ARC DISTANCE OF 70 FEET AND SOUTH 6 DEGREES 46 MINUTES 50 SECONDS EAST 0.50 FEET; THENCE LEAVING SAID BOUNDARY LINE, NORTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 75 FEET, FROM A TANGENT BEARING NORTH 79 DEGREES 18 MINUTES 26 SECONDS WEST, THROUGH A CENTRAL ANGLE OF 47 DEGREES 00 MINUTES 22 SECONDS AN ARC DISTANCE OF 61.53 FEET; THENCE NORTH 31 DEGREES 21 MINUTES 03 SECONDS WEST 81.84 FEET TO SAID HEREBEFORE MENTIONED SOUTHERLY LINE OF INLAND LANE; THENCE EASTERLY ALONG SAID INLAND LANE, BEING A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 90 FEET THROUGH A CENTRAL ANGLE OF 4 DEGREES 08 MINUTES 17 SECONDS AN ARC DISTANCE OF 6.50 FEET TO THE POINT OF BEGINNING.

PARCEL 2 LEGAL DESCRIPTION:
 THAT PORTION OF LOT 10 OF TRACT NO. 27463, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70 AND 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 10 WITH THE SOUTHERLY LINE OF INLAND LANE (A PRIVATE STREET) AS SHOWN ON SAID MAP OF TRACT NO. 27463; THENCE ALONG SAID EASTERLY LINE, SOUTH 27 DEGREES 00 MINUTES 00 SECONDS EAST 44.39 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 9 DEGREES 01 MINUTES 53 SECONDS WEST 6.00 FEET; THENCE NORTH 36 DEGREES 40 MINUTES 34 SECONDS WEST 45.58 FEET TO SAID SOUTHERLY LINE OF INLAND LANE; THENCE ALONG SAID INLAND LANE TO THE POINT OF BEGINNING.

BASIS OF BEARINGS:
 THE BEARING OF N 66°30'44" E ALONG THE CENTERLINE OF INLAND DRIVE, AS SHOWN ON TRACT NO. 27463 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70-71, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:
 MALIBU 28.016 LACO BM TAG IN NE COR CONC APRON @ E P/L HSE Y 11658
 (2003) 8.539 #20152 PACIFIC COAST HWY 11M S/O C/L

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

PROJECT NOTES:
OWNER INFORMATION:
 JON CONGDON
 20272 INLAND LANE
 MALIBU, CA 90625

ALL SURVEY DATA OBTAINED FROM:
 LAND & AIR SURVEYING
 22741 PACIFIC COAST HIGHWAY, STE 400A
 MALIBU, CA 90265
 PH: (310) 456-9381
 SURVEY DATE: APRIL 3-4, 2014
 SURVEY UPDATE: APRIL 24, 2014
 MAY 31, 2014
 JULY 21, 2014

PROJECT GEOLOGY/GEO TECHNICAL REPORTS:
 GEOCONCEPTS, INC.
 14428 HAMLIN ST., #200
 VAN NUYS, CA 91401
 PH: (818) 994-8895
 DATE(S): JANUARY 14, 2015
 APRIL 4, 2012
 FEBRUARY 23, 2012
 DECEMBER 20, 2011
 OCTOBER 6, 2011
 MARCH 3 2011
 JANUARY 14, 2011

GENERAL NOTES:

- PROTECTION OF SENSITIVE OR ENDANGERED SPECIES PER BIOLOGY STUDY (IF APPLICABLE) SHALL BE MAINTAINED AT ALL TIMES.
- A REGISTERED GEOTECHNICAL ENGINEER, UNDER THE DIRECTION OF THE OWNER, SHALL DETERMINE IF THE STORMWATER APPURTENANCES AND SHEET FLOW WILL CAUSE THE EXISTING SLOPE TO BECOME UNSTABLE. AHSIRT ENGINEERING INC. IS NOT A GEOTECHNICAL ENGINEERING FIRM, THEREFORE, WE CAN NOT PREDICT AND/OR DETERMINE THE STABILITY OF THE EXISTING SLOPE.
- ALL DIMENSIONS, GRADES, EXISTING AND PROPOSED UTILITIES, EXISTING AND PROPOSED STRUCTURES, AND EXISTING AND PROPOSED APPURTENANCES SHALL BE VERIFIED AND LOCATED BY CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL PROVIDE SHOP DRAWINGS IN ACCORDANCE WITH SPECIFICATIONS SHOWING ANY CONFLICTS LOCATED DURING CONSTRUCTION AND/OR PRE-BID INSPECTIONS.

INSPECTION NOTES:
 ALL CONSTRUCTION PROJECTS WITHIN THE CITY OF MALIBU WITH A GRADING PERMIT MUST OBTAIN A "ROUGH GRADING APPROVAL" AND FINAL SUPERVISED GRADING INSPECTION. VERIFICATION AS SPECIFIED IN THE CITY OF MALIBU SITE GRADING POLICY. THE CIVIL ENGINEER IS REQUIRED TO VERIFY THAT THE GRADING HAS BEEN PERFORMED UNDER THEIR SUPERVISION AND IN CONFORMANCE WITH THE PLANS APPROVED BY THE CITY OF MALIBU. THIS VERIFICATION INCLUDES APPROXIMATE ELEVATIONS, PRIMARY DRAINAGE DEVICES, SLOPE VEGETATION, LOCATION AND GRADIENT OF FILL SLOPES, STORMWATER POLLUTION CONTROL DEVICES, AND PROPERTY LINES.

IN ORDER TO BE ABLE TO VERIFY THESE ITEMS, AHSIRT ENGINEERING, INC. NEEDS TO BE INVOLVED IN THE CONSTRUCTION PROCESS, MADE AWARE OF PROJECT SCHEDULES AND PERIODICALLY INSPECT CONSTRUCTION. BELOW IS A LIST OF ABSOLUTE MINIMUM INSPECTIONS THAT WILL BE REQUIRED FOR AHSIRT ENGINEERING INC. TO BE ABLE TO SIGN THE PROJECT ROUGH GRADING APPROVAL REQUIRED BY THE CITY OF MALIBU. WITHOUT THESE INSPECTIONS, AHSIRT ENGINEERING, INC. CANNOT VERIFY THE ITEMS REQUIRED BY THE CITY OF MALIBU.

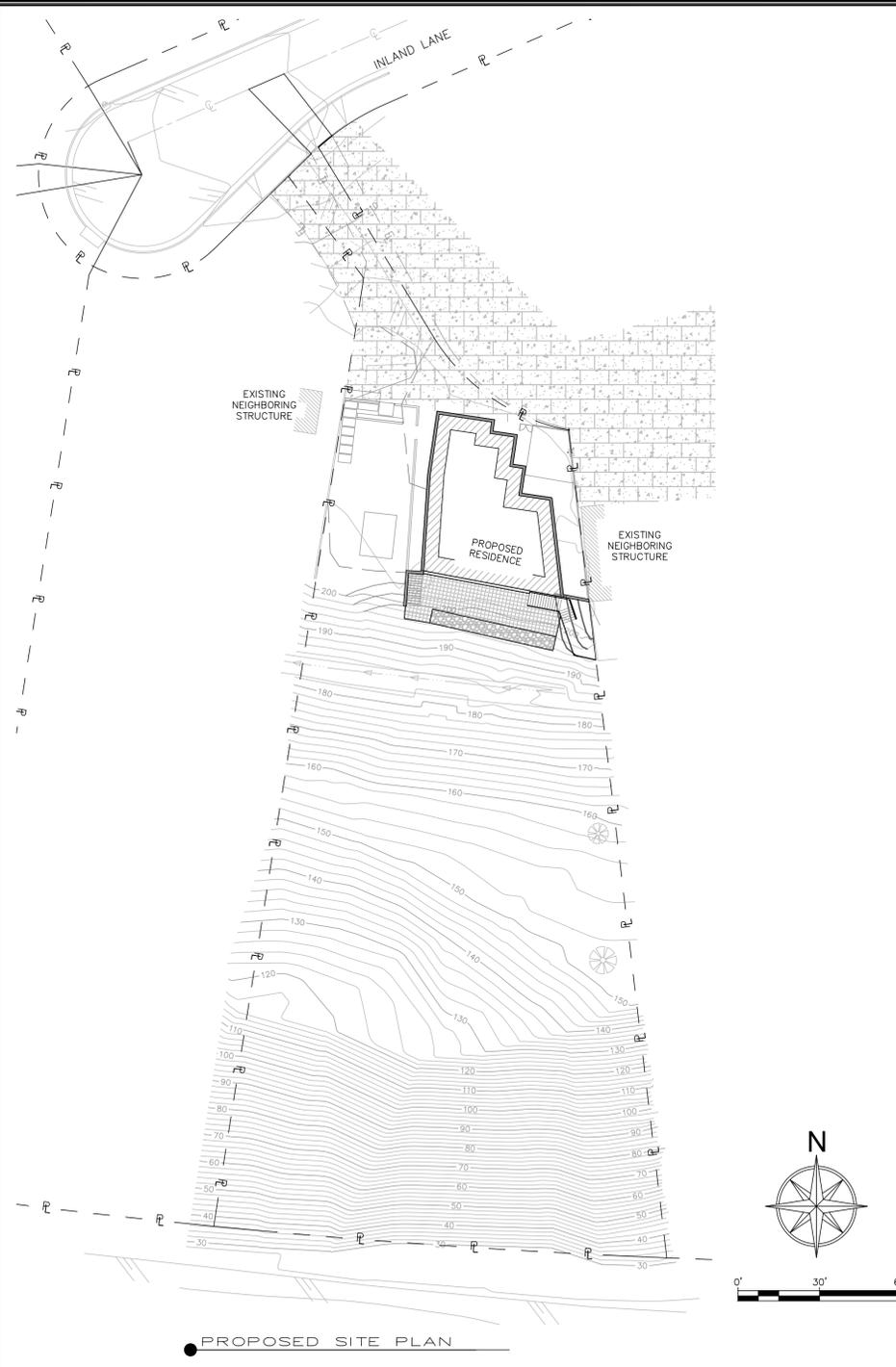
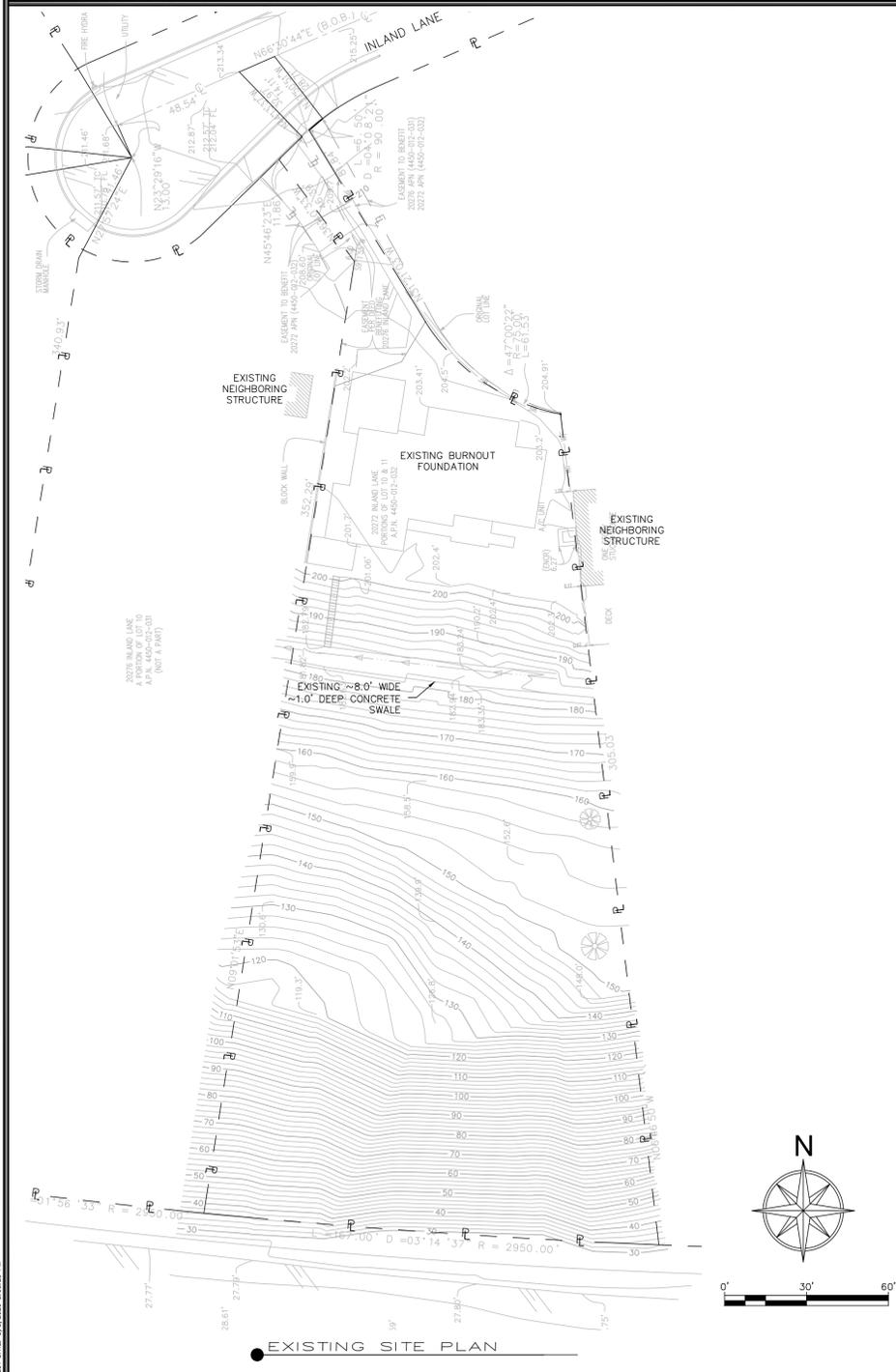
- CONSTRUCTION STARTUP
- PRIMARY STORM DRAIN DEVICE LAYOUT
- BACKDRAIN AND SUBDRAIN OUTLETS
- 80% ROUGH GRADING COMPLETION
- ROUGH GRADING COMPLETION
- FINAL STORMDRAIN DEVICE LAYOUT
- 80% TO FINAL COMPLETION
- FINAL COMPLETION

IN ADDITION TO THESE INSPECTIONS, ANY TIME THERE ARE PROPOSED CHANGES TO THE CIVIL ENGINEER'S APPROVED PLAN SET, THE CIVIL ENGINEER NEEDS TO BE NOTIFIED IMMEDIATELY.

REVISIONS:

REV	BY	DATE
1	TAC	02-20-08

REMOVE OPEN AIR ATRIUM, UPDATE CROSS SECTIONS, GRADING CALCULATIONS, MOVE SHEET PINS.



- ALL WORK SHOWN ON THESE PLANS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION ("SPFW" "GREEN BOOK").
- CONTRACTORS SHALL COMPLY WITH ALL APPLICABLE DIVISION OF INDUSTRIAL REGULATIONS (CAL-OSHA) SAFETY STANDARDS. IF REQUESTED BY THE INSPECTOR, THE CONTRACTOR SHALL PROVIDE PROOF OF A PERMIT FROM SAID DIVISION.
- CONTRACTOR SHALL CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 341 FOR PRE-CONSTRUCTION MEETING PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR GRADING OPERATIONS. CONTRACTOR SHALL NOTIFY THE CITY PUBLIC WORKS INSPECTOR 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION AND 24 HOURS IN ADVANCE OF SPECIFIC INSPECTION NEEDS DURING THE COURSE OF THE WORK.
- NO IMPROVEMENTS ARE PROPOSED WITHIN THE PUBLIC RIGHT-OF-WAY.
- STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CITY PUBLIC RIGHT OF WAY SHALL REQUIRE A CITY ENCROACHMENT PERMIT. CALL THE PUBLIC WORKS INSPECTOR AT (310) 456-2489, EXT. 341 TO APPLY FOR A PERMIT.
- STORAGE OF ANY CONSTRUCTION MATERIALS, CONSTRUCTION TRAILER, AND/OR PARKING AND ANY WORK WITHIN THE CALTRANS PUBLIC RIGHT OF WAY SHALL REQUIRE A CALTRANS ENCROACHMENT PERMIT. SUBMIT A COPY OF THE CALTRANS ENCROACHMENT PERMIT TO THE PUBLIC WORKS DEPARTMENT.
- ALL WORK SHALL BE PERFORMED DURING CITY WORKING HOURS AND IN COMPLIANCE WITH THESE PLANS.
- CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORK.
- CONTRACTOR SHALL LOCATE, PROTECT, AND SAVE ANY AND ALL SURVEY MONUMENTS THAT WILL BE OR MAY BE DAMAGED OR DESTROYED BY THEIR OPERATIONS. ONCE FOUND, THE CONTRACTOR SHALL THEN NOTIFY BOTH THE DEVELOPER'S SUPERVISING CIVIL ENGINEER AND THE PUBLIC WORKS INSPECTOR. THE SUPERVISING CIVIL ENGINEER SHALL RESET ALL SAID MONUMENTS PER THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL PUBLIC AND PRIVATE PROPERTY INsofar AS IT MAY BE AFFECTED BY THESE OPERATIONS.
- EXISTING TRAFFIC SIGNS ARE NOT TO BE REMOVED WITHOUT PRIOR NOTIFICATION AND APPROVAL OF THE CITY ENGINEER. AS A MINIMUM, CONSTRUCTION WORK ZONE TRAFFIC SIGNS AND STRIPING SHALL BE FURNISHED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE "WORK AREA TRAFFIC CONTROL HANDBOOK" (THE "WATCH MANUAL"), PUBLISHED BY BNI BUILDING NEWS, INC. A TRAFFIC CONTROL PLAN, PREPARED BY THE DEVELOPER, MAY BE REQUIRED BY THE CITY.
- DUST CONTROL SHALL BE MAINTAINED AT ALL TIMES.
- EROSION CONTROL PLANS SHALL BE PROVIDED FOR ALL PROJECTS. GRADING AND CLEARING IS PROHIBITED FROM NOVEMBER 1 TO MARCH 31 FOR ALL DEVELOPMENTS WITHIN OR ADJACENT TO ESHA AND/OR INCLUDING GRADING ON SLOPES GREATER THAN 4:1.
- ALL UNDERGROUND UTILITIES AND SERVICE LATERALS SHALL BE INSTALLED PRIOR TO CONSTRUCTION OF CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS, AND PAVING UNLESS OTHERWISE PERMITTED BY THE CITY ENGINEER.
- THE DEVELOPER SHALL COMPLY WITH NPDES REQUIREMENTS. THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) SHALL BE AVAILABLE AT THE CONSTRUCTION SITE AT ALL TIMES AND SHALL BE KEPT UPDATED.
- ALL RECOMMENDATIONS MADE BY THE GEOTECHNICAL/SOILS ENGINEER (AND ENGINEERING GEOLOGIST, WHERE EMPLOYED), AND CONTAINED IN THE REPORTS REFERENCED HEREON, AS APPROVED OR CONDITIONED BY THE CITY, SHALL BE CONSIDERED A PART OF THE GRADING PLAN.
- ALL STORM DRAIN PIPE WITHIN THE PUBLIC RIGHT-OF-WAY AND EASEMENTS SHALL BE REINFORCED CONCRETE PIPE (RCP).
- TERRACE DRAINS, INTERCEPTOR DRAINS, AND DOWN DRAINS SHALL BE CONSTRUCTED OF 3" P.C.C. REINFORCED WITH #1"x6" X #10 W.W.M. AND SHALL BE EITHER SEMICIRCULAR OR TRIANGULAR CROSS SECTION. CONCRETE COLOR SHALL BE "OMAHA TAN" OR APPROVED EQUIVALENT.
- GRADING QUANTITIES: SEE GRADING YARDAGE VERIFICATION FORM HEREON
- TOTAL DISTURBED AREA < 0.3 ACRES (INCLUDING GRADING, CLEARING, AND LANDSCAPING AREA)
- TOTAL EXISTING IMPERVIOUS SURFACE AREA 5518 SQ. FT.
- TOTAL PROPOSED IMPERVIOUS SURFACE AREA 5752 SQ. FT.
- FLOOD ZONE ON FIRM: D
- BASE FLOOD ELEVATION: N/A FT.
- ALL SLOPES ON PRIVATE PROPERTY ADJOINING STREETS, DRAINAGE CHANNELS, OR OTHER PUBLIC FACILITIES SHALL BE GRADED NOT STEEPER THAN 2:1 FOR CUT AND FILL UNLESS SPECIFICALLY APPROVED BY THE CITY ENGINEER ON RECOMMENDATION OF THE PROJECT'S GEOTECHNICAL/SOILS CONSULTANT.
- THE APPLICANT SHALL LABEL ALL CITY/COUNTY STORM DRAIN INLETS WITHIN 250 FEET FROM EACH PROPERTY LINE PER THE CITY OF MALIBU'S STANDARD LABEL TEMPLATE.

PROJECT INFORMATION, EXISTING AND PROPOSED SITE PLAN
 FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
 20272 INLAND LANE
 MALIBU, CA

AHSIRT ENGINEERING INC.
 360 MILLER WAY, CA
 PH: 805-464-0404

REGISTERED PROFESSIONAL ENGINEER
 TRISHA A. COFFEY
 67657
 EXP. 06/30/2021
 CIVIL
 STATE OF CALIFORNIA

JOB #: 150-02
 DATE: APRIL 2018
 DRAWN BY: TJM
 CHECKED BY: TAC
 SHEET NUMBER: G1 OF 5

STORMWATER NOTES:

ALL ROOF DOWNSPOUTS SHALL BE DIRECTLY ROUTED TO A NON-ERODIBLE SURFACE, DOWNSPOUT DISSIPATION STRUCTURE, THE CLOSEST CATCH BASIN OR DRAINAGE SWALE.
 ALL STORMWATER APPURTENANCES SHALL BE MONITORED BEFORE, DURING AND AFTER EVERY STORM TO ENSURE THERE ARE NO BLOCKAGES OF THE STORMWATER CONVEYANCE SYSTEM.
 SYSTEM COMPONENTS AND APPURTENANCES (INCLUDING CLEAN-OUTS) SHALL BE INSTALLED IN ACCORDANCE WITH THE MOST RECENT APPLICABLE PLUMBING CODE.

RETAINING WALL NOTES:

ALL WALLS WITH A DROP OFF GREATER THAN 30° (OR THE HEIGHT DETERMINED BY THE LOCAL AUTHORITY HAVING JURISDICTION, WHICHEVER IS LESS) SHALL HAVE A RAILING INSTALLED PER THE STRUCTURAL OR ARCHITECT'S PLANS.

SOILS ENGINEER NOTES:

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 DENSITY TESTS, AND LOCATIONS AND ELEVATIONS OF ALL REMOVAL BOTTOMS, LOCATIONS AND ELEVATIONS OF ALL KEYWAYS AND BACK DRAINS, AND LOCATIONS AND ELEVATIONS OF ALL RETAINING WALL BACK DRAINS AND OUTLETS. GEOLOGIC CONDITIONS EXPOSED DURING GRADING MUST BE DEPICTED ON AN AS-BUILT GEOLOGIC MAP.

THIS IS NOT AN EXHAUSTIVE LIST OF RECOMMENDATIONS FROM THE SOILS ENGINEER. THE ENTIRE SOILS REPORT SHALL BE REVIEWED BY ALL PARTIES INVOLVED WITH THE GRADING ACTIVITIES AND ALL RECOMMENDATIONS MADE IN THE SOILS REPORT SHALL BE CONSIDERED PART OF THE GRADING AND DRAINAGE PLAN.

GENERAL NOTES:

ALL RETAINING WALLS, BASEMENT WALLS, SHORING DESIGN, WATERPROOFING DESIGN AND ALL OTHER DESIGN NOT SPECIFICALLY CALLED OUT ON THIS PLAN ARE BY OTHERS PER SEPARATE PERMIT.
 EXPORTED SOIL FROM THE 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.

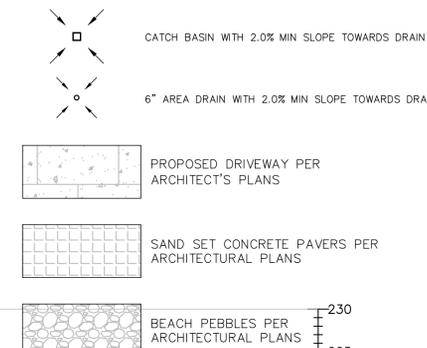


STORMDRAIN STENCIL

ABBREVIATION	DESCRIPTION
BOF	BOTTOM OF FOUNDATION ELEVATION
EG	EXISTING GRADE ELEVATION
FF	FINISHED FLOOR ELEVATION
FG	FINISHED GRADE ELEVATION
FS	FINISHED SURFACE ELEVATION
HP	HIGH POINT ELEVATION
HT	HEIGHT OF WALL FROM FS (DOES NOT INCLUDE HEIGHT OF FOOTING)
INV	INVERT ELEVATION
OC	ON CENTER
R&R	REMOVAL AND RECOMPACTION
TW/TOW	TOP OF WALL ELEVATION
TG	TOP OF GRADE ELEVATION
TBD	TO BE DETERMINED BY CONTRACTOR IN FIELD
WW	WASTEWATER

- # DESCRIPTION**
- 1.5' X 1.5' CATCH BASIN PER DETAIL ON G4
 - NOT USED
 - 6" TRENCH DRAIN PER DETAIL ON G4
 - 6" AREA DRAIN PER DETAIL ON G4
 - DOWNSPOUT CAPTURED BY 6" AREA DRAIN
 - WASTEWATER APPURTENANCE (BY OTHERS PER SEPARATE PERMIT)
 - TRIM BACK AT 1:1 SLOPE AFTER 5.0' CUT
 - 4.0' WIDE 1.0' TALL EARTHEN BERM DIRECTING FLOW AWAY FROM SLOPE AND TOWARDS AREA DRAINS
 - SLOT DRAIN PER DETAIL ON G4

LINETYPE	DESCRIPTION
---	PROPERTY LINE
---	EXISTING MAJOR CONTOURS
---	EXISTING MINOR CONTOURS
---	PROPOSED MAJOR CONTOURS
---	PROPOSED MINOR CONTOURS
---	FLOW LINES
---	6" PVC PIPE AT 2.0% MIN SLOPE
---	ROAD CENTERLINE
---	EASEMENT LINE
---	PROPOSED BASEMENT WALL (BY OTHERS)
---	PROPOSED RETAINING WALL (BY OTHERS PER SEPARATE PERMIT)



REVISIONS:

REV	BY	DATE
1	TJM	2022-05-08

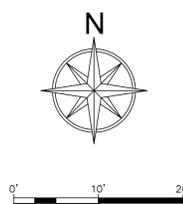
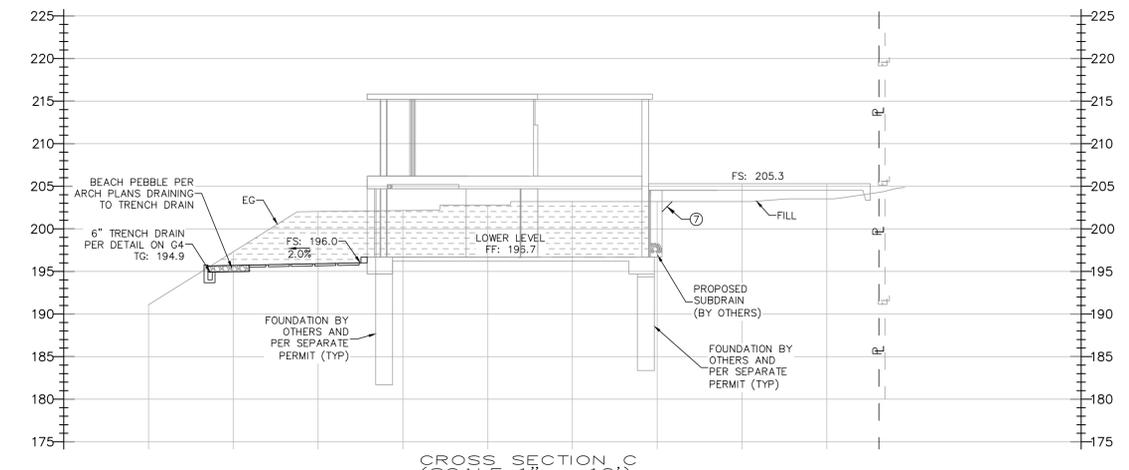
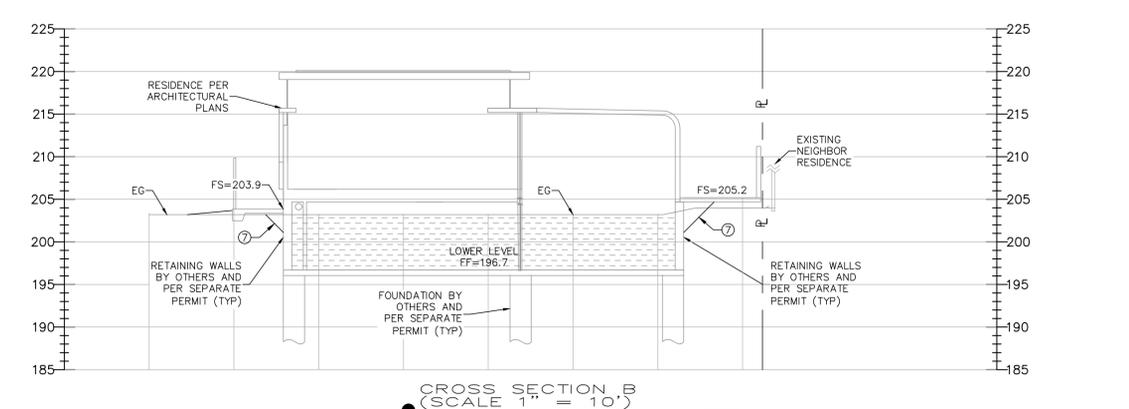
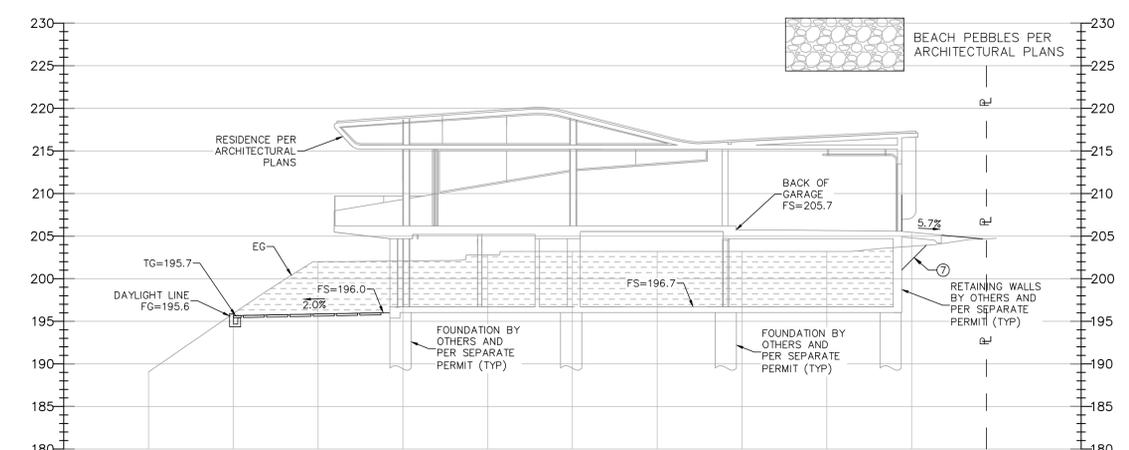
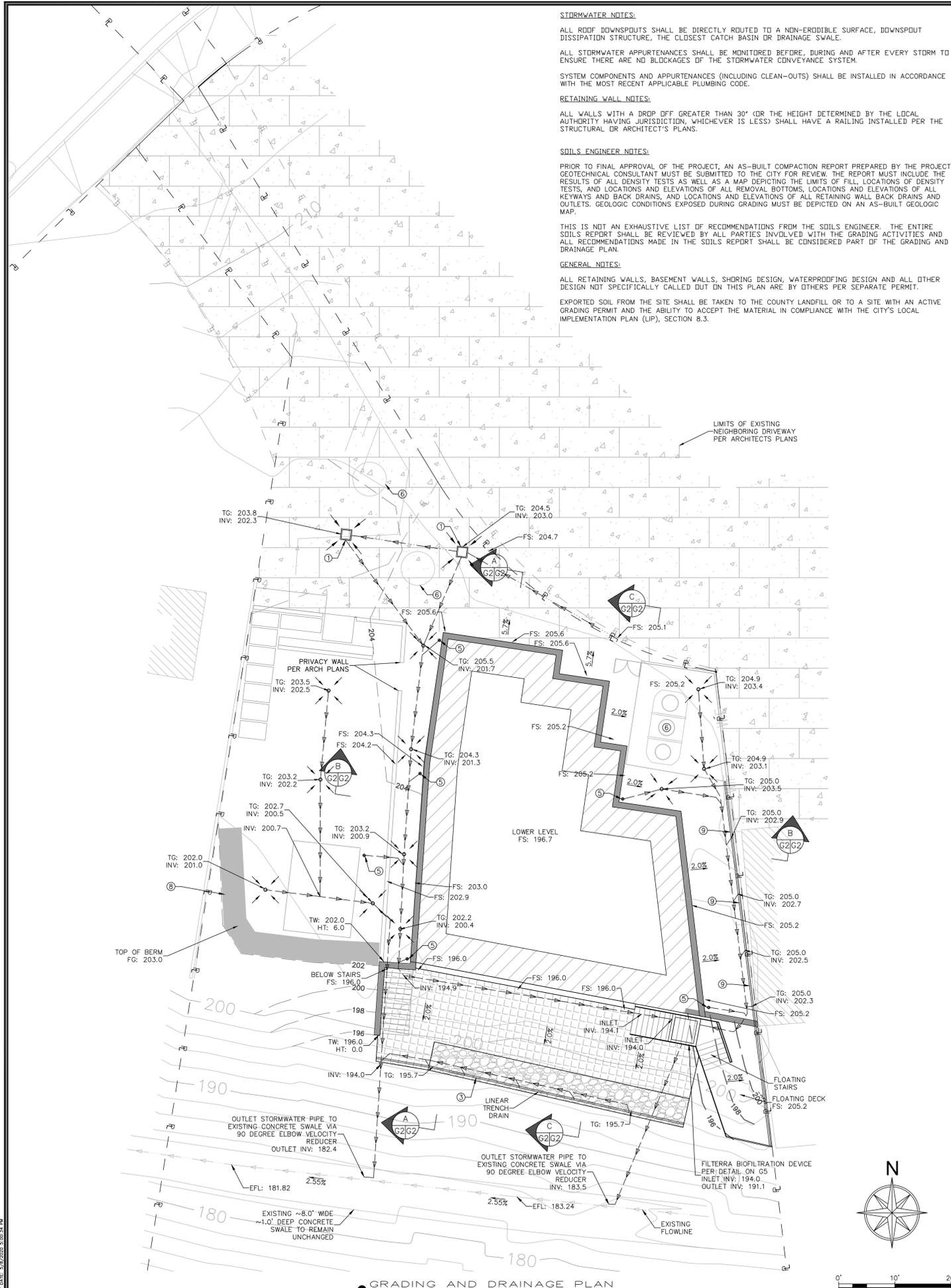


GRADING AND DRAINAGE PLAN
 FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
 20272 INLAND LANE
 MALIBU, CA



JOB #: 150-02
 DATE: APRIL 2018
 DRAWN BY: TJM
 CHECKED BY: TAC
 SHEET NUMBER:

G2 OF 5



DRAWING NAME: C:\MSB\ENGINEERING\PROJECTS\150-02\2022 INLAND LANE - BIG RED\ENGINEERING\CAD\2022 INLAND LANE.DWG
 DATE: 04/26/2018 11:15 AM
 USER: TAC

WIND EROSION AND DUST CONTROL MEASURES SHALL BE UNDERTAKEN TO PREVENT OR ALLEVIATE DUST NUISANCE GENERATED BY CONSTRUCTION ACTIVITIES. SUCH MEASURES SHALL INCLUDE APPLYING WATER TO OPEN DIRT OR THE USE OF TURF MATS. PLEASE REFER TO WE-1, EC-1, EC-3, EC-4, EC-5, EC-6 AND EC-8. SPECIAL CONSIDERATION SHALL BE GIVEN TO THE PROCESS OF TRUCKS HAULING DIRT OFFSITE.

ROAD SHALL BE PAVED AS SOON AFTER ROUGH GRADING AS PRACTICALLY POSSIBLE. ALL PAVING OPERATIONS SHALL IMPLEMENT PAVING OPERATIONS PER CABMP NS-3

EXISTING PAVED DRIVEWAY SHALL BE USED AS A STABILIZED CONSTRUCTION ENTRANCE BUT IN THE EVENT TRACKING OFFSITE IS AN ISSUE THE PROJECT SHALL IMPLEMENT A STABILIZED CONSTRUCTION ENTRANCE AND STREET SWEEPING PER TC-1 & SC-7

SANITARY FACILITIES SHALL BE PROVIDED FOR CONSTRUCTION PERSONNEL (LOCATION TO BE DETERMINED BY CONTRACTORS AND APPROVED BY ENGINEER)

ALL VEHICLES ON SITE SHALL BE PARKED ON AREAS FREE OF MUD (TC-2 & NS-10)

STORM DRAIN INLET WITH PROTECTION DURING CONSTRUCTION PER SE-10 (TYPICAL)

CONCRETE WASHOUT PIT, 10' MIN DIA PER CABMP WM-8. WASHOUT AREA SHALL BE MAINTAINED AT LEAST 50' FROM ANY STORM DRAIN, OPEN DITCH OR SURFACE WATER (OR PERFORMED OFFSITE)

STORM DRAIN INLET WITH PROTECTION DURING CONSTRUCTION PER SE-10 (TYPICAL)

EXPOSED GRADED AREA TO BE PLANTED AND COVERED WITH A BIODEGRADABLE EROSION CONTROL BLANKET PER CABMP EC-7 AS SOON AFTER GRADING AS POSSIBLE.

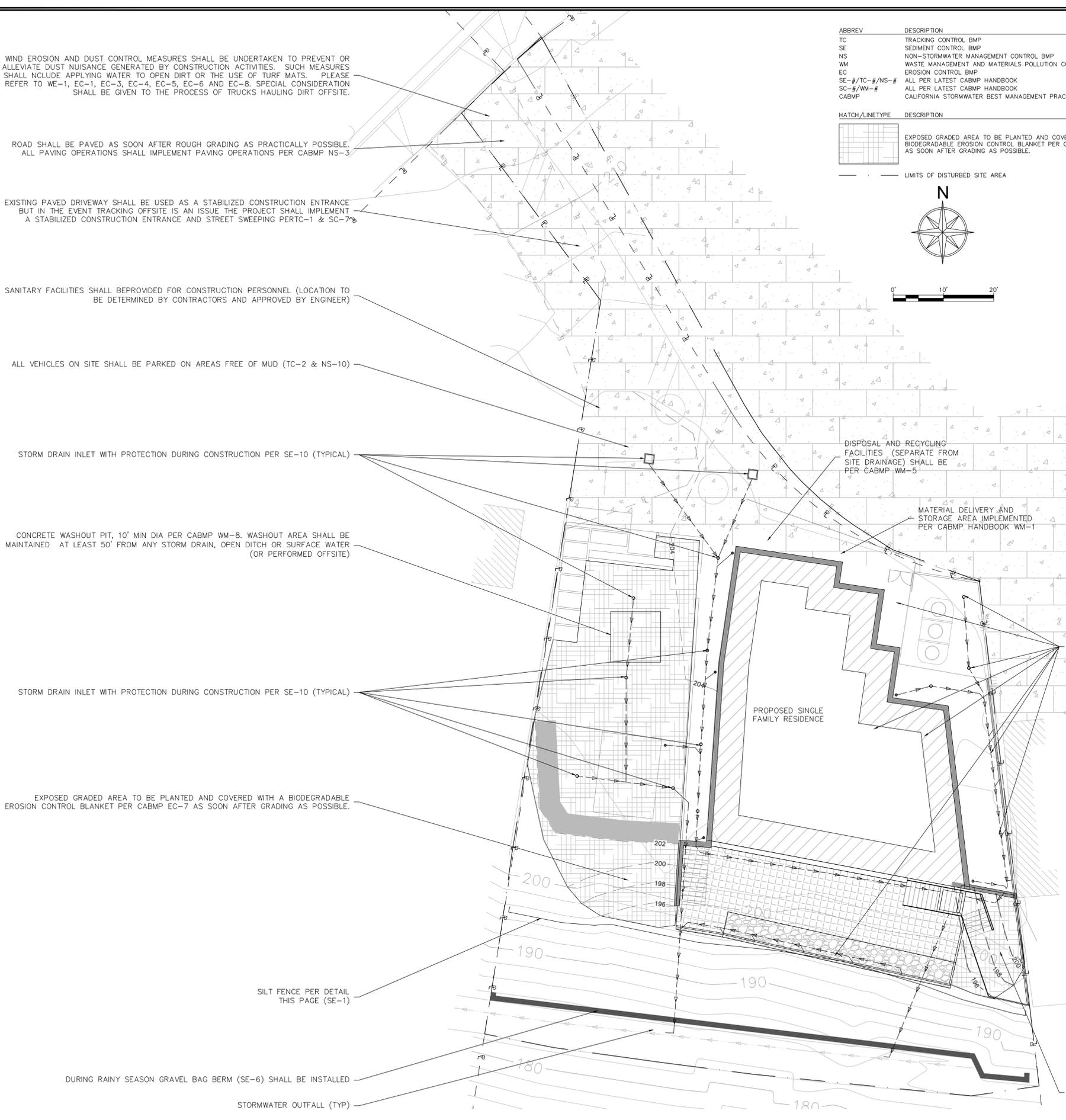
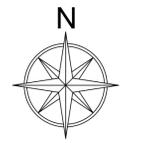
SILT FENCE PER DETAIL THIS PAGE (SE-1)

DURING RAINY SEASON GRAVEL BAG BERM (SE-6) SHALL BE INSTALLED

STORMWATER OUTFALL (TYP)

ABBREV	DESCRIPTION
TC	TRACKING CONTROL BMP
SE	SEDIMENT CONTROL BMP
NS	NON-STORMWATER MANAGEMENT CONTROL BMP
WM	WASTE MANAGEMENT AND MATERIALS POLLUTION CONTROL BMP
EC	EROSION CONTROL BMP
SE-#/TC-#/NS-#	ALL PER LATEST CABMP HANDBOOK
SC-#/WM-#	ALL PER LATEST CABMP HANDBOOK
CABMP	CALIFORNIA STORMWATER BEST MANAGEMENT PRACTICES

HATCH/LINE TYPE	DESCRIPTION
[Grid Hatch]	EXPOSED GRADED AREA TO BE PLANTED AND COVERED WITH A BIODEGRADABLE EROSION CONTROL BLANKET PER CABMP EC-7 AS SOON AFTER GRADING AS POSSIBLE.
[Dashed Line]	LIMITS OF DISTURBED SITE AREA



GENERAL NOTES:

- THE EXTENT OF THE DISTURBED AREA SHALL BE LIMITED TO PROPOSED GRADING AREAS AND ACTIVE CONSTRUCTION AREAS.
- PAD AREAS SHALL BE MAINTAINED AND PLANTED IN A WAY THAT WILL ALLOW THE DRAINAGE SYSTEM TO FUNCTION AS DESIGNED. AREA DRAINS, SUB-DRAINS, WEIR HOLES, ROOF GUTTERS AND DOWNSPOUTS SHOULD BE INSPECTED PERIODICALLY TO ENSURE THAT THEY ARE NOT CLOGGED WITH DEBRIS OR DAMAGED. IF DEBRIS IS PRESENT, HAVE IT CORRECTED. ALL SLOPES SHALL BE MAINTAINED WITH A DENSE GROWTH OF PLANTS, GROUND COVERING VEGETATION, SHRUBS AND TREES THAT POSSESS DENSE, DEEP ROOT STRUCTURES AND REQUIRE MINIMUM IRRIGATION.

PLANTING, RODENT CONTROL AND IRRIGATION NOTES:

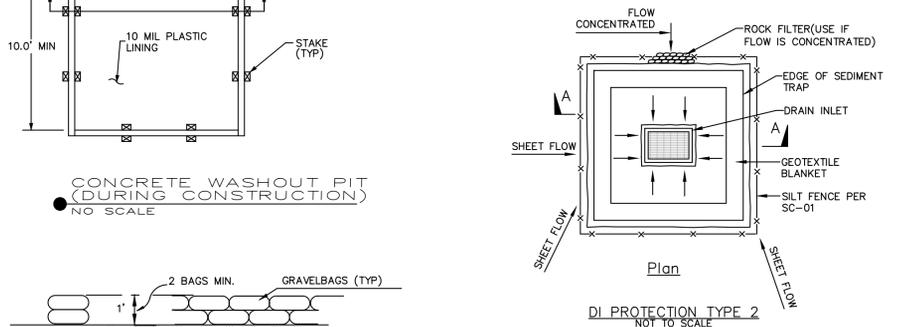
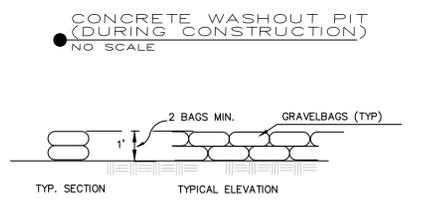
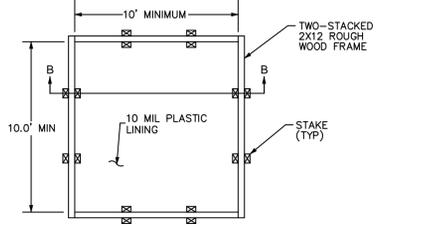
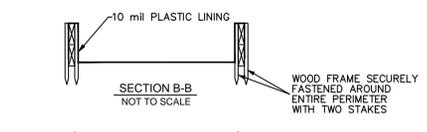
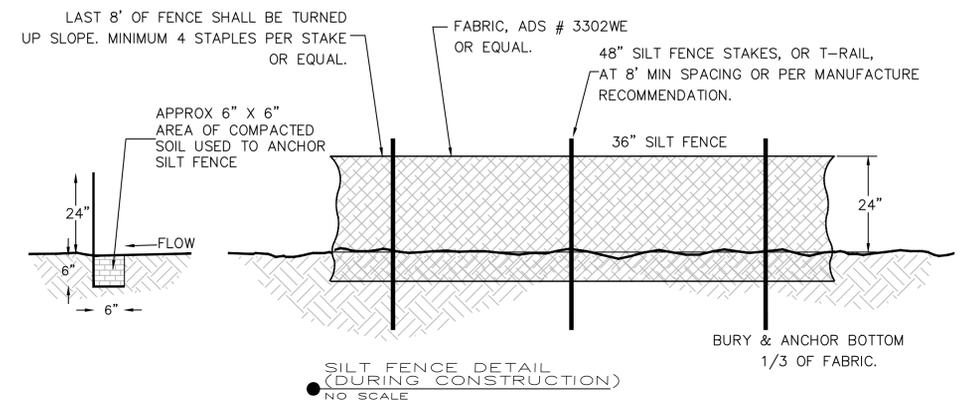
- A PREVENTIVE PROGRAM TO PROTECT THE SLOPES FROM POTENTIAL DAMAGE FROM BURROWING RODENTS IS REQUIRED. OWNER TO INSPECT SLOPES PERIODICALLY FOR EVIDENCE OF BURROWING RODENTS AND AT FIRST EVIDENCE OF THEIR EXISTENCE SHALL EMPLOY AN EXTERMINATOR FOR THEIR REMOVAL.
- THE PLANTING AND IRRIGATION SYSTEMS SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER ROUGH GRADING. PRIOR TO FINAL APPROVAL OF GRADING AND BEFORE THE RELEASE OF THE GRADING SECURITY, THE PLANTING SHALL BE WELL ESTABLISHED AND GROWING IN THE SLOPES AND THERE SHALL BE EVIDENCE OF AN EFFECTIVE RODENT CONTROL PROGRAM.

STORMWATER NOTES:

- OWNERS SHALL NOT FERTILIZE PLANTINGS BEFORE STORMS WHICH COULD WASH FERTILIZER INTO ANY ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA).
- ACCORDING TO THE STATE OF CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, STORM WATER DISCHARGE VISUAL OBSERVATIONS ARE REQUIRED FOR AT LEAST ONE STORM EVENT PER MONTH DURING WET SEASON.
- STORMWATER MAINTENANCE RECORDS SHALL BE DOCUMENTED AND KEPT BY THE PROPERTY MANAGER FOR UP TO THREE YEARS AND CAN BE ASKED FOR AT ANY TIME BY THE CITY OF MALIBU.
- CONTRACTOR SHALL ENSURE ALL STORMWATER APPURTENANCES COMPLY WITH THE CITY OF MALIBU ATTRACTIVE NUISANCE ORDINANCE.
- TO PREVENT CONTAMINATION, SITE WASHOUT AREAS SHALL BE LOCATED MORE THAN FIFTY FEET FROM A STORM DRAIN, OPEN DITCH, OR SURFACE WATER BODY TO ENSURE RUNOFF FLOWS DO NOT ENTER RECEIVING WATER BODIES.
- EXCESS OR WASTE CONCRETE MAY NOT BE WASHED INTO THE PUBLIC WAY OR ANY OTHER DRAINAGE SYSTEM. PROVISIONS SHALL BE MADE TO RETAIN CONCRETE WASTES ONSITE UNTIL THEY CAN BE DISPOSED OF AS SOLID WASTE.
- TRASH AND CONSTRUCTION RELATED SOLID WASTES MUST BE DEPOSITED INTO A COVERED RECEPTACLE TO PREVENT CONTAMINATION OF RAINWATER AND DISPERSAL BY WIND.
- ANY SLOPES WITH DISTURBED SOILS OR DENUED OF VEGETATION MUST BE STABILIZED SO AS TO INHIBIT EROSION BY WIND AND WATER.
- CIVIL ENGINEER APPROVED ENERGY DISSIPATING MEASURES SHALL BE INSTALLED AT THE TERMINUS OF ALL OUTFLOW DRAINS.
- THE BEST MANAGEMENT PRACTICES AS OUTLINED IN, BUT NOT LIMITED TO, "LOCAL STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR CONSTRUCTION ACTIVITIES" PREPARED BY AHSIRT ENGINEERING, INC. MAY APPLY DURING THE CONSTRUCTION OF THIS PROJECT.

EROSION CONTROL PLAN NOTES:

ON A YEARLY BASIS THE CONTRACTOR SHALL NOTIFY ENGINEER BY AUGUST 15 IF CONSTRUCTION IS ANTICIPATED INTO THE RAINY SEASON (SEPTEMBER 15 - MARCH 15). AFTER BEING NOTIFIED, THIS PLAN SHALL BE REVIEWED AND UPDATED AS NECESSARY BEFORE EACH RAINY SEASON.



- NOTES
- FOR USE IN CLEARED AND GRUBBED AND IN GRADED AREAS.
 - SHAPE BASIN SO THAT LONGEST INFLOW AREA FACES LONGEST LENGTH OF TRAP.
 - FOR CONCENTRATED FLOWS, SHAPE BASIN IN 2:1 RATIO WITH LENGTH ORIENTED TOWARDS DIRECTION OF FLOW.

STORM DRAIN INLET PROTECTION (DURING CONSTRUCTION) NO SCALE

EXPOSED GRADED AREA TO BE PLANTED AND COVERED WITH A BIODEGRADABLE EROSION CONTROL BLANKET PER CABMP EC-7 AS SOON AFTER GRADING AS POSSIBLE.

REVISIONS:

REV	BY	DATE
1	TJM	2022-05-08

REMOVE OPEN AIR ATRIUM, UPDATE CROSS SECTION, GRADING CALCULATIONS, MOVE SEPTAGE PITS



EROSION CONTROL PLAN AND LOCAL SWPPP
 FOR APPROVAL ONLY - NOT FOR CONSTRUCTION
 20272 INLAND LANE
 MALIBU, CA



JOB #: 150-02

DATE: APRIL 2018

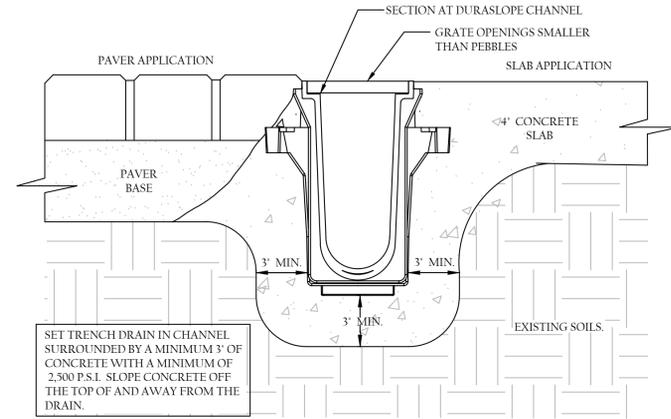
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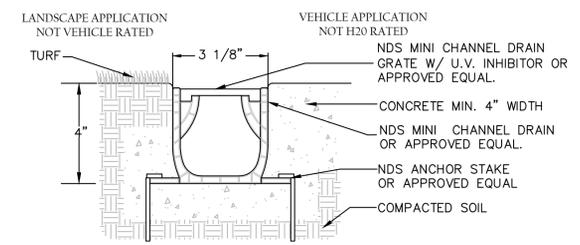
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6" TRENCH DRAIN DETAIL (SCALE: NTS)



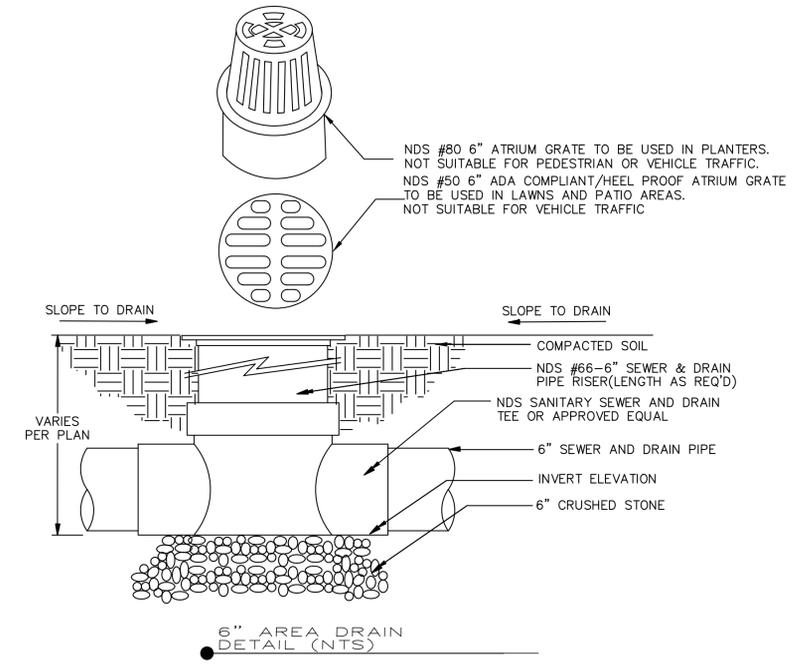
SLOT DRAIN DETAIL (NTS)

MODEL	A	B	C	WEIGHTS	
				WALLS POUNDS PER VERTICAL FOOT	FLOOR SLAB (lb's)
P112	12	12	4	275	215
P118	18	18	5	485	425
P1824	18	24	6	680	485
P24	24	24	5	615	625
P30	30	30	6	910	950
P2436	24	36	6	1060	935
P2448	24	48	6	1060	1165
P36	36	36	6	1060	1250
P3648	36	48	6	1215	1560
P48	48	48	6	1365	1945

DURA-DRAIN
 CUSTOM CONCRETE
 CONCRETE CATCH BASIN

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 1000 S. Main Street, Suite 100, Redwood City, CA 94063
 Tel: 650.334.8811 Fax: 650.334.8812 www.kristar.com

CATCH BASIN DETAIL (NTS)



6" AREA DRAIN DETAIL (NTS)

DRAWING NAME: C:\MSR\ENGINEERING\PROJECTS\150-02\20272 INLAND LANE - BIG RED\ANALYSIS\DWG\20272 INLAND LANE.DWG
 DATE: 04/18/2018 10:00 AM
 DRAWN BY: TJM
 CHECKED BY: TAC
 SHEET NUMBER: G4 OF 5

- B. ONE TEST FOR EACH 1,000 CUBIC YARDS OF MATERIAL PLACED.
- C. ONE TEST AT THE LOCATION OF THE FINAL FILL SLOPE FOR EACH BUILDING SITE (LOT) IN EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
- D. ONE TEST IN THE VICINITY OF EACH BUILDING PAD FOR EACH FOUR-FOOT VERTICAL LIFT OR PORTION THEREOF.
4. SUFFICIENT TESTS OF FILL SOILS SHALL BE MADE TO VERIFY THAT THE SOIL PROPERTIES COMPLY WITH THE DESIGN REQUIREMENTS, AS DETERMINED BY THE SOIL ENGINEER INCLUDING SOIL TYPES, SHEAR STRENGTHS PARAMETERS AND CORRESPONDING UNIT WEIGHTS IN ACCORDANCE WITH THE FOLLOWING GUIDELINES:
- A. PRIOR AND SUBSEQUENT TO PLACEMENT OF THE FILL, SHEAR TESTS SHALL BE TAKEN ON EACH TYPE OF SOIL OR SOIL MIXTURE TO BE USED FOR ALL FILL SLOPES STEEPER THAN THREE (3) HORIZONTAL TO ONE VERTICAL.
- B. SHEAR TEST RESULTS FOR THE PROPOSED FILL MATERIAL MUST MEET OR EXCEED THE DESIGN VALUES USED IN THE GEOTECHNICAL REPORT TO DETERMINE SLOPE STABILITY REQUIREMENTS. OTHERWISE, THE SLOPE MUST BE REEVALUATED USING THE ACTUAL SHEAR TEST VALUE OF THE FILL MATERIAL THAT IS IN PLACE.
- C. FILL SOILS SHALL BE FREE OF DELETERIOUS MATERIALS.
- FILL SHALL NOT BE PLACED UNTIL STRIPPING OF VEGETATION, REMOVAL OF UNSUITABLE SOILS, AND INSTALLATION OF SUBDRAIN (IF ANY) HAVE BEEN INSPECTED AND APPROVED BY THE SOIL ENGINEER. THE BUILDING OFFICIAL MAY REQUIRE A STANDARD TEST METHOD FOR MOISTURE, ASH, ORGANIC MATTER, PEAT OR OTHER ORGANIC SOILS' ASTM D-2974-87 ON ANY SUSPECT MATERIAL. DETRIMENTAL AMOUNTS OF ORGANIC MATERIAL SHALL NOT BE PERMITTED IN FILLS. SOIL CONTAINING SMALL AMOUNTS OF ROOTS MAY BE ALLOWED PROVIDED THAT THE ROOTS ARE IN A QUANTITY AND DISTRIBUTED IN A MANNER THAT WILL NOT BE DETRIMENTAL TO THE FUTURE USE OF THE SITE AND THE SOILS ENGINEER APPROVES THE USE OF SUCH MATERIAL.
6. ROCK OR SIMILAR MATERIAL GREATER THAN 12 INCHES IN DIAMETER SHALL NOT BE PLACED IN THE FILL UNLESS RECOMMENDATIONS FOR SUCH PLACEMENT HAVE BEEN SUBMITTED BY THE SOIL ENGINEER AND APPROVED IN ADVANCE BY THE BUILDING OFFICIAL. LOCATION, EXTENT, AND ELEVATION OF ROCK DISPOSAL AREAS MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
7. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL FILL PLACEMENT AND COMPACTION OPERATIONS WHERE FILLS HAVE A DEPTH GREATER THAN 30 FEET OR SLOPE SURFACE STEEPER THAN 2:1. (SECTION J107.8 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
8. CONTINUOUS INSPECTION BY THE SOIL ENGINEER, OR A RESPONSIBLE REPRESENTATIVE, SHALL BE PROVIDED DURING ALL SUBDRAIN INSTALLATION. (SECTION J107.2 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
9. ALL SUBDRAIN OUTLETS ARE TO BE SURVEYED FOR LINE AND ELEVATION. SUBDRAIN INFORMATION MUST BE SHOWN ON AN "AS BUILT" GRADING PLAN.
10. FILL SLOPES IN EXCESS OF 2:1 STEEPNESS RATIO ARE TO BE CONSTRUCTED BY THE PLACEMENT OF SOIL AT SUFFICIENT DISTANCE BEYOND THE PROPOSED FINISH SLOPE TO ALLOW COMPACTION EQUIPMENT TO BE OPERATED AT THE OUTER LIMITS OF THE FINAL SLOPE SURFACE. THE EXCESS FILL IS TO BE REMOVED PRIOR TO COMPLETION OF ROUGH GRADING. OTHER CONSTRUCTION PROCEDURES MAY BE USED WHEN IT IS DEMONSTRATED TO THE SATISFACTION OF THE BUILDING OFFICIAL THAT THE ANGLE OF SLOPE, CONSTRUCTION METHOD AND OTHER FACTORS WILL HAVE EQUIVALENT EFFECT. (SECTION J107.5 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
11. ALL TRENCH BACKFILLS SHALL BE TESTED AND APPROVED BY THE SOIL ENGINEER.
12. THE ENGINEERING GEOLOGIST AND SOIL ENGINEER SHALL, AFTER CLEARING AND PRIOR TO THE PLACEMENT OF FILL IN CANYONS, INSPECT EACH CANYON FOR AREAS OF ADVERSE STABILITY AND TO DETERMINE THE PRESENCE OF ABSENCE OF SUBSURFACE WATER OR SPRING FLOW. IF NEEDED, SUB-DRAINS WILL BE DESIGNED AND CONSTRUCTED PRIOR TO THE PLACEMENT OF FILL IN EACH RESPECTIVE CANYON.
13. ALL CUT SLOPES SHALL BE INVESTIGATED BOTH DURING AND AFTER GRADING BY THE ENGINEERING GEOLOGIST TO DETERMINE IF ANY SLOPE STABILITY PROBLEM EXISTS. SHOULD EXCAVATION DISCLOSE ANY GEOLOGICAL HAZARDS OR POTENTIAL GEOLOGICAL HAZARDS, THE ENGINEERING GEOLOGIST SHALL SUBMIT RECOMMENDED REMEDIATION TO THE BUILDING OFFICIAL FOR APPROVAL.
14. WHERE SUPPORT OR BUTTRESSING OF CUT AND NATURAL SLOPES IS DETERMINED TO BE NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, THE SOIL ENGINEER SHALL SUBMIT DESIGN, LOCATIONS, AND CALCULATIONS TO THE BUILDING OFFICIAL PRIOR TO CONSTRUCTION. THE ENGINEERING GEOLOGIST AND SOIL ENGINEER SHALL INSPECT AND CONTROL THE CONSTRUCTION OF THE BUTTRESSING AND CERTIFY TO THE STABILITY OF THE SLOPE AND ADJACENT STRUCTURES UPON COMPLETION.
15. WHEN CUT PADS ARE BROUGHT TO NEAR GRADE, THE ENGINEERING GEOLOGIST SHALL DETERMINE IF THE BEDROCK IS EXTENSIVELY FRACTURED OR FAULTED AND WILL READILY TRANSMIT WATER. IF CONSIDERED NECESSARY BY THE ENGINEERING GEOLOGIST AND SOIL ENGINEER, A COMPACTED FILL BLANKET WILL BE PLACED.

PLANTING AND IRRIGATION NOTES:

1. PLANTING AND IRRIGATION ON GRADED SLOPES MUST COMPLY WITH THE FOLLOWING MINIMUM GUIDELINES:
- A. THE SURFACE OF ALL CUT SLOPES MORE THAN 5 FEET IN HEIGHT AND FILL SLOPES MORE THAN 3 FEET IN HEIGHT SHALL BE PROTECTED AGAINST DAMAGE BY EROSION BY PLANTING WITH GRASS OR GROUNDCOVER PLANTS. SLOPES EXCEEDING 15 FEET IN VERTICAL HEIGHT SHALL ALSO BE PLANTED WITH SHRUBS, SPACED AT NOT TO EXCEED 10 FEET ON CENTERS; OR TREES SPACED AT NOT TO EXCEED 20 FEET ON CENTERS; OR A COMBINATION OF SHRUBS AND TREES AT EQUIVALENT SPACING. IN ADDITION TO THE GRASS OR GROUNDCOVER PLANTS, THE PLANTS SELECTED AND PLANTING METHODS USED SHALL BE SUITABLE FOR THE SOIL AND CLIMATIC CONDITIONS OF THE SITE. PLANT MATERIAL SHALL BE SELECTED WHICH WILL PRODUCE A COVERAGE OF PERMANENT PLANTING EFFECTIVELY CONTROLLING EROSION. CONSIDERATION SHALL BE GIVEN TO DEEP-ROOTED PLANTING MATERIAL NEEDING LIMITED WATERING, MAINTENANCE, HIGH ROOT TO SHOOT RATIO, WIND SUSCEPTIBILITY AND FIRE-RETARDANT CHARACTERISTICS. ALL PLANT MATERIALS MUST BE APPROVED BY THE BUILDING OFFICIAL. (SECTION J110.3 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
- a. NOTE: PLANTING MAY BE MODIFIED FOR THE SITE IF SPECIFIC RECOMMENDATIONS ARE PROVIDED BY BOTH THE SOILS ENGINEER AND A LANDSCAPE ARCHITECT. SPECIFIC RECOMMENDATIONS MUST CONSIDER SOILS AND CLIMATIC CONDITIONS, IRRIGATION REQUIREMENTS, PLANTING METHODS, FIRE RETARDANT CHARACTERISTICS, WATER EFFICIENCY, MAINTENANCE NEEDS, AND OTHER REGULATORY REQUIREMENTS. RECOMMENDATIONS MUST INCLUDE A FINDING THAT THE ALTERNATIVE PLANTING WILL PROVIDE A PERMANENT AND EFFECTIVE METHOD OF EROSION CONTROL. MODIFICATIONS TO PLANTING MUST BE APPROVED BY THE BUILDING OFFICIAL PRIOR TO INSTALLATION.
- B. SLOPES REQUIRED TO BE PLANTED BY SECTION J110.3 SHALL BE PROVIDED WITH AN APPROVED SYSTEM OF IRRIGATION THAT IS DESIGNED TO COVER ALL PORTIONS OF THE SLOPE. IRRIGATION SYSTEM PLANS SHALL BE SUBMITTED AND APPROVED PRIOR TO INSTALLATION. A FUNCTIONAL TEST OF THE SYSTEM MAY BE REQUIRED. FOR SLOPES LESS THAN 20 FEET IN VERTICAL HEIGHT, HOSE BIBS TO PERMIT HAND WATERING WILL BE ACCEPTABLE IF SUCH HOSE BIBS ARE INSTALLED AT CONVENIENTLY ACCESSIBLE LOCATIONS WHERE A HOSE NO LONGER THAN 50 FEET IS NECESSARY FOR IRRIGATION. THE REQUIREMENTS FOR PERMANENT IRRIGATION SYSTEMS MAY BE MODIFIED UPON SPECIFIC RECOMMENDATION OF A LANDSCAPE ARCHITECT OR EQUIVALENT AUTHORITY THAT, BECAUSE OF THE TYPE OF PLANTS SELECTED, THE PLANTING METHODS USED AND THE SOIL AND CLIMATIC CONDITIONS AT THE SITE, IRRIGATION WILL NOT BE NECESSARY FOR THE MAINTENANCE OF THE SLOPE PLANTING. (SECTION J110.4 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
- C. OTHER GOVERNMENTAL AGENCIES MAY HAVE ADDITIONAL REQUIREMENTS FOR LANDSCAPING AND IRRIGATION. IT IS THE RESPONSIBILITY OF THE APPLICANT TO COORDINATE WITH OTHER AGENCIES TO MEET THEIR REQUIREMENTS WHILE MAINTAINING COMPLIANCE WITH THE COUNTY OF LOS ANGELES BUILDING CODE.
2. THE PLANTING AND IRRIGATION SYSTEMS SHALL BE INSTALLED AS SOON AS PRACTICAL AFTER ROUGH GRADING. PRIOR TO FINAL GRADING APPROVAL ALL REQUIRED SLOPE PLANTING MUST BE WELL ESTABLISHED. (SECTION J110.7 OF THE COUNTY OF LOS ANGELES BUILDING CODE)
3. LANDSCAPE IRRIGATION SYSTEM SHALL BE DESIGNED AND MAINTAINED TO PREVENT SPRAY ON STRUCTURES. (TITLE 31, SECTION 5.407.2.1)

ADDITIONAL NOTES:

1. THE EARTHWORK VOLUME SUMMARY IS PROVIDED AS A COURTESY AND CONVENIENCE TO THE OWNER. THE SUMMARY SHOULD BE USED FOR BONDING AND PLAN CHECK PURPOSES ONLY. THE QUANTITIES ARE APPROXIMATE CALCULATIONS BASED ON DIFFERENCES BETWEEN EXISTING GROUND AND PROPOSED FINISHED GRADE AND DOES NOT ACCOUNT FOR COMPACTION, HOLD-DOWNS, STRIPPING, BENCHING, KEYWAYS, AND SUB EXCAVATIONS. DUE TO THESE AND OTHER CONSIDERATIONS THE VOLUME OF MATERIALS MOVED IN THE FIELD SHALL DEVIATE FROM THE CALCULATED VOLUMES. THE EARTHWORK SUMMARY SHOULD NOT BE USED BY THE CONTRACTOR FOR BID PURPOSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE ADJUSTED QUANTITY OF MATERIALS THAT WILL BE REQUIRED FOR COMPLETING THE NECESSARY GRADING.
2. APPROVAL BY THE ENGINEER OR DESIGN PROFESSIONAL OF ANY PORTION OF THE WORK SHALL MEAN THAT THE WORK OBSERVED APPEARED TO BE IN GENERAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS. THE APPROVAL SHOULD NOT BE INTERPRETED THAT UNDETECTED ERRORS OR OMISSIONS HAVE BEEN APPROVED.
3. THE ENGINEER OR DESIGN PROFESSIONAL SHALL NOT BE RESPONSIBLE FOR THE CONTRACTORS FAILURE TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, OR HAVE CONTROL OR CHARGE OF THE MEANS AND METHODS OF CONSTRUCTION, SAFETY ON THE JOB SITE, AND ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS, OR ANY OF THEIR AGENTS OR EMPLOYEES OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK. THESE RESPONSIBILITIES ARE INTENDED TO BE AND ARE TO REMAIN SOLELY THOSE OF THE CONTRACTOR.
4. THE ENGINEER OR OTHER DESIGN PROFESSIONALS WILL NOT ASSUME RESPONSIBILITY FOR FIELD CHANGES WHICH ARE MADE WITHOUT THEIR EXPRESSED WRITTEN CONSENT.
5. THE CONTRACTOR SHALL ONLY USE WORKERS WHO ARE EXPERIENCED IN THE WORK THEY ARE UNDERTAKING.
6. AHSIRT ENGINEERING, INC. AND ALL DESIGN AND INSPECTION CONSULTANTS AND THEIR EMPLOYEES AND AGENTS SHALL NOT BE ANSWERABLE NOR ACCOUNTABLE IN ANY MANNER FOR ANY LOSS OR DAMAGE TO THE WORK OR ANY PART THEREOF, NOR TO ANY MATERIAL OR EQUIPMENT USED IN PERFORMING THE WORK, NOR FOR ANY INJURY OR DAMAGE TO ANY PROPERTY, PERSON OR PERSONS, EITHER WORKMEN OR THE PUBLIC, FOR ANY DAMAGE FROM ANY CAUSE WHATSOEVER DURING THE PROGRESS OF THE WORK NOR AT ANY TIME FOR ANY DISCREPANCIES WHICH MAY EXIST BETWEEN ACTUAL SITE CONDITIONS AND THOSE NOTED IN THE PLANS PRIOR TO THE COMMENCEMENT OF WORK. FAILURE TO ADVISE THE ENGINEER PRIOR TO COMMENCEMENT OF WORK SHALL CONSTITUTE A WAIVER OF ALL SUBSEQUENT CLAIMS ARISING FROM DISCREPANCIES BETWEEN THE PLANS AND EXISTING CONDITIONS.

- GENERAL NOTES:**
- ALL GRADING AND CONSTRUCTION SHALL CONFORM TO THE LATEST COUNTY OF LOS ANGELES BUILDING CODES
 - ANY MODIFICATIONS OF OR CHANGES TO APPROVED GRADING PLANS MUST BE APPROVED IN WRITING BY THE ENGINEER AND THE BUILDING OFFICIAL.
 - THE LOCATION AND PROTECTION OF ALL UTILITIES IS THE RESPONSIBILITY OF THE PERMITTEE.
 - ALL EXPORT OF MATERIAL FROM THE SITE MUST GO TO A PERMITTED SITE APPROVED BY THE BUILDING OFFICIAL OR A LEGAL DUMPSITE. RECEIPTS FOR ACCEPTANCE OF EXCESS MATERIAL BY A DUMPSITE ARE REQUIRED AND MUST BE PROVIDED TO THE BUILDING OFFICIAL UPON REQUEST.
 - A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLANS MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT THE SITE AT ALL TIMES.
 - SITE BOUNDARIES, EASEMENTS, DRAINAGE DEVICES, RESTRICTED USE AREAS SHALL BE LOCATED PER CONSTRUCTION STAKING BY FIELD ENGINEER OR LICENSED SURVEYOR. PRIOR TO GRADING, AS REQUESTED BY THE BUILDING OFFICIAL, ALL PROPERTY LINES, EASEMENTS, AND RESTRICTED USE AREAS SHALL BE STAKED.
 - ANY RETAINING WALLS SHOWN ON THE GRADING PLANS ARE TO BE CONSTRUCTED PER THE STRUCTURAL ENGINEERING PLANS DETAILING THE RETAINING WALLS. A SEPARATE RETAINING WALL PERMIT IS REQUIRED FOR RETAINING WALLS.
 - A PREVENTIVE PROGRAM TO PROTECT THE SLOPES FROM POTENTIAL DAMAGE FROM BURROWING RODENTS IS REQUIRED PER SECTION J101.8 OF THE COUNTY OF LOS ANGELES BUILDING CODE. OWNER IS TO INSPECT SLOPES PERIODICALLY FOR EVIDENCE OF BURROWING RODENTS AND A FIRST EVIDENCE OF THEIR EXISTENCE SHALL EMPLOY AN EXTERMINATOR FOR THEIR REMOVAL.
 - IF GRADING AUTHORIZED BY THIS PLAN IS TO EXTEND THROUGH THE RAINY SEASON, NOVEMBER 1 THROUGH APRIL 15 OF THE FOLLOWING YEAR, SEPARATE UPDATED PLANS FOR EROSION CONTROL MUST BE SUBMITTED PRIOR TO OCTOBER PER SECTION J111.3 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
 - TRANSFER OF RESPONSIBILITY: IF THE FIELD ENGINEER, THE SOILS ENGINEER, OR THE ENGINEERING GEOLOGIST OF RECORD IS CHANGED DURING GRADING, THE WORK SHALL BE STOPPED UNTIL THE REPLACEMENT HAS AGREED IN WRITING TO ACCEPT THEIR RESPONSIBILITY WITHIN THE AREA OF TECHNICAL COMPETENCE FOR APPROVAL UPON COMPLETION OF THE WORK. IT SHALL BE THE DUTY OF THE PERMITTEE TO NOTIFY THE BUILDING OFFICIAL IN WRITING OF SUCH CHANGE PRIOR TO THE RECOMMENCEMENT OF SUCH GRADING.
 - ANY EXCAVATIONS ADJACENT TO OTHER PROPERTY OR STRUCTURES ARE SUBJECT TO THE PROVISIONS OF CALIFORNIA CIVIL CODE, SECTION 832, AND ARE THE RESPONSIBILITY OF THE PERMITTEE AND/OR OWNER.

GRADING AND INSPECTION NOTES:

- NO GRADING SHALL BE STARTED WITHOUT FIRST NOTIFYING THE BUILDING OFFICIAL. A PRE-GRADING MEETING AT THE SITE IS REQUIRED BEFORE THE START OF THE GRADING WITH THE FOLLOWING PEOPLE PRESENT: OWNER, GRADING CONTRACTOR, DESIGN CIVIL ENGINEER, SOILS ENGINEER, GEOLOGIST, COUNTY GRADING INSPECTOR(S) OR THEIR REPRESENTATIVES, AND WHEN REQUIRED THE ARCHEOLOGIST OR OTHER JURISDICTIONAL AGENCIES. PERMITTEE OR HIS AGENT ARE RESPONSIBLE FOR ARRANGING PRE-GRADING MEETING AND MUST NOTIFY THE BUILDING OFFICIAL AT LEAST TWO BUSINESS DAYS PRIOR TO PROPOSED PRE-GRADING MEETING.
- THE PERMITTEE OR HIS AGENT SHALL NOTIFY THE BUILDING OFFICIAL AT LEAST ONE WORKING DAY IN ADVANCE OF REQUIRED INSPECTIONS AT FOLLOWING STAGES OF THE WORK. (SECTION J105.7 OF THE BUILDING CODE.)
 - (A) PRE-GRADE - BEFORE THE START OF ANY EARTH DISTURBING ACTIVITY OR CONSTRUCTION.
 - (B) INITIAL - WHEN THE SITE HAS BEEN CLEARED OF VEGETATION AND UNAPPROVED FILL HAS BEEN SCARIFIED, BENCHED OR OTHERWISE PREPARED FOR FILL. FILL SHALL NOT BE PLACED PRIOR TO THIS INSPECTION. NOTE: PRIOR TO ANY CONSTRUCTION ACTIVITIES, INCLUDING GRADING, ALL STORM WATER POLLUTION PREVENTION MEASURES INCLUDING EROSION CONTROL DEVICES WHICH CONTAIN SEDIMENTS MUST BE INSTALLED.
 - (C) ROUGH - WHEN APPROXIMATE FINAL ELEVATIONS HAVE BEEN ESTABLISHED; DRAINAGE TERRACES, SWALES AND BERMS INSTALLED AT THE TOP OF THE SLOPE; AND THE STATEMENTS REQUIRED IN THIS SECTION HAVE BEEN RECEIVED.
 - (D) FINAL - WHEN GRADING HAS BEEN COMPLETED; ALL DRAINAGE DEVICES INSTALLED; SLOPE PLANTING ESTABLISHED, IRRIGATION SYSTEMS INSTALLED AND THE AS-BUILT PLANS, REQUIRED STATEMENTS, AND REPORTS HAVE BEEN SUBMITTED AND APPROVED.
- IN ADDITION TO THE INSPECTION REQUIRED BY THE BUILDING OFFICIAL FOR GRADING, REPORTS AND STATEMENTS SHALL BE SUBMITTED TO THE BUILDING OFFICIAL IN ACCORDANCE WITH SECTION J105 OF THE COUNTY OF LOS ANGELES BUILDING CODE.

UNLESS OTHERWISE DIRECTED BY THE BUILDING OFFICIAL, THE FIELD ENGINEER FOR ALL ENGINEERED GRADING PROJECTS SHALL PREPARE ROUTINE INSPECTION REPORTS AS REQUIRED UNDER SECTION J105.11 OF THE COUNTY OF LOS ANGELES BUILDING CODE. THE CONTRACTOR SHALL NOTIFY THE FIELD ENGINEER WHEN A ROUTINE INSPECTION IS REQUIRED. THESE REPORTS, KNOWN AS "REPORT OF GRADING ACTIVITIES", SHALL BE SUBMITTED TO THE BUILDING OFFICIAL AS FOLLOWS:

- BI-WEEKLY DURING ALL TIMES WHEN GRADING OF 400 CUBIC YARDS OR MORE PER WEEK IS OCCURRING ON THE SITE;
- MONTHLY, AT ALL OTHER TIMES; AND
- AT ANY TIME WHEN REQUESTED IN WRITING BY THE BUILDING OFFICIAL.
- ALL GRADED SITES MUST HAVE DRAINAGE SWALES, BERMS, AND OTHER DRAINAGE DEVICES INSTALLED PRIOR TO ROUGH GRADING APPROVAL PER SECTION J105.7 OF THE COUNTY OF LOS ANGELES BUILDING CODE.
- THE GRADING CONTRACTOR SHALL SUBMIT THE STATEMENT TO THE GRADING INSPECTOR AS REQUIRED BY SECTION J105.12 OF THE COUNTY OF LOS ANGELES BUILDING CODE AT THE COMPLETION OF ROUGH GRADING.
- FINAL GRADING MUST BE APPROVED BEFORE OCCUPANCY OF BUILDINGS WILL BE ALLOWED PER SECTION J105 OF THE COUNTY OF LOS ANGELES BUILDING CODE.

DRAINAGE NOTES:

- ALL EXISTING DRAINAGE COURSES THROUGH THIS SITE SHALL REMAIN OPEN UNTIL FACILITIES TO HANDLE STORM WATER ARE APPROPRIATE AND FUNCTIONAL; HOWEVER, IN ANY CASE, THE PERMITTEE SHALL BE HELD LIABLE FOR ANY DAMAGE DUE TO OBSTRUCTING NATURAL DRAINAGE PATTERNS.
- ROOF GUTTERS SHALL BE INSTALLED TO PREVENT ROOF DRAINAGE FROM FALLING ON MANUFACTURED SLOPES. GUTTERS SHALL BE CONNECTED TO NON-EROSIVE PIPING OR OTHER METHOD ACCEPTABLE TO THE BUILDING OFFICIAL.
- PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIMES.
- ANY CONSTRUCTION AND GRADING WITHIN A STORM DRAIN EASEMENT ARE TO BE DONE PER PRIVATE DRAIN PD PLANS OR MISCELLANEOUS TRANSFER DRAIN MTD PLANS (WHERE APPLICABLE).
- ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE FIELD ENGINEER. STATUS REPORTS REQUIRED UNDER NOTE 18 AND SECTION J105.11 OF THE COUNTY OF LOS ANGELES BUILDING CODE SHALL INCLUDE INSPECTION INFORMATION AND REPORTS ON THE STORM DRAIN INSTALLATION.

AGENCY NOTES:

- AN ENCROACHMENT PERMIT FROM APPROPRIATE AGENCY (COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS, CALTRANS, HOA OR CITY OF MALIBU) IS REQUIRED FOR ALL WORK WITHIN OR AFFECTING ROAD RIGHT OF WAY. ALL WORK WITHIN ROAD RIGHT OF WAY SHALL CONFORM TO ENCROACHMENT PERMIT THAT SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
- AN ENCROACHMENT PERMIT /CONNECTION PERMIT IS REQUIRED FROM THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT FOR ALL WORK WITHIN THE COUNTY OF LOS ANGELES FLOOD CONTROL DISTRICT RIGHT OF WAY. ALL WORK SHALL CONFORM TO CONDITIONS SET BY THE PERMIT.
- PERMISSION TO OPERATE IN VERY HIGH FIRE HAZARD SEVERITY ZONE MUST BE OBTAINED FROM THE FIRE PREVENTION BUREAU OR THE LOCAL FIRE STATION PRIOR TO COMMENCING WORK.
- ANY WORK WITHIN A STREAMBED SHALL CONFORM TO ALL APPLICABLE PERMITS FROM THE ARMY CORP AND/OR CALIFORNIA FISH & GAME.
- ANY FISH AND GAME, ARMY CORP OF ENGINEERS, REGIONAL WATER QUALITY CONTROL BOARD, AOMD AND OTHER AGENCY PERMITS SHOULD BE CONSIDERED A PART OF THIS GRADING PLAN AS APPLICABLE.

GENERAL GEOTECHNICAL NOTES:

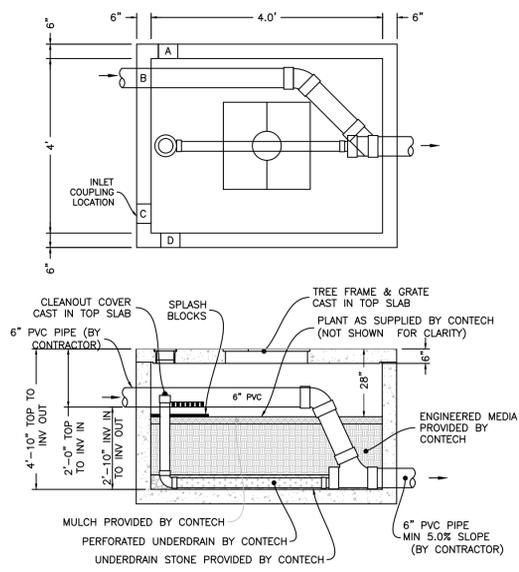
- PRELIMINARY SOIL AND GEOLOGY REPORTS AND ALL SUBSEQUENT REPORTS, AS APPROVED BY THE CITY OF MALIBU, ARE CONSIDERED A PART OF THE APPROVED GRADING PLAN. ALL RECOMMENDATIONS CONTAINED ARE TO BE COMPLIED WITH OR REVISIONS SUBMITTED FOR REVIEW.
- ALL WORK MUST BE IN COMPLIANCE WITH THE RECOMMENDATIONS INCLUDED IN THE GEOTECHNICAL CONSULTANT'S REPORT(S) AND THE APPROVED GRADING PLANS AND SPECIFICATIONS.
- THE SOIL ENGINEER SHALL PROVIDE SUFFICIENT INSPECTIONS DURING THE PREPARATION OF THE NATURAL GROUND AND THE PLACEMENT AND COMPACTION OF THE FILL TO BE SATISFIED THAT THE WORK IS BEING PERFORMED IN ACCORDANCE WITH THE PLAN AND APPLICABLE CODE REQUIREMENTS.
- ROUGH GRADING MUST BE APPROVED BY A FINAL ENGINEERING GEOLOGY AND SOILS ENGINEERING REPORT. AN AS-BUILT GEOLOGIC MAP MUST BE INCLUDED IN THE FINAL GEOLOGY REPORT. PROVIDE A FINAL REPORT STATEMENT THAT VERIFIES WORK WAS DONE IN ACCORDANCE WITH REPORT RECOMMENDATIONS AND CODE PROVISIONS (SECTION J105.12 OF THE COUNTY OF LOS ANGELES BUILDING CODE). THE FINAL REPORT(S) MUST BE SUBMITTED TO THE CITY OF MALIBU FOR REVIEW AND APPROVAL.
- FOUNDATION, WALL AND POOL EXCAVATIONS MUST BE INSPECTED AND APPROVED BY THE CONSULTING GEOLOGIST AND SOIL ENGINEER, PRIOR TO THE PLACING OF STEEL OR CONCRETE.
- FILL SHALL BE BENCHED INTO COMPETENT MATERIAL PER CITY OF MALIBU STANDARD OR SOILS ENGINEER'S DIRECTIONS.
- ALL EXISTING FILLS SHALL BE APPROVED BY THE BUILDING OFFICIAL OR REMOVED PRIOR TO PLACING ADDITIONAL FILLS.
- THE BUILDING OFFICIAL SHALL APPROVE STOCK PILING OF EXCESS MATERIAL PRIOR TO EXCAVATION.

FILL NOTES:

- ALL FILL SHALL BE COMPACTED TO THE FOLLOWING MINIMUM RELATIVE COMPACTION CRITERIA:
 - A. 90 PERCENT OF MAXIMUM DRY DENSITY WITHIN 40 FEET BELOW FINISH GRADE.
 - B. 93 PERCENT OF MAXIMUM DRY DENSITY DEEPER THAN 40 FEET BELOW FINISH GRADE, UNLESS A LOWER RELATIVE COMPACTION (NOT LESS THAN 90 PERCENT OF MAXIMUM DRY DENSITY) IS JUSTIFIED BY THE GEOTECHNICAL ENGINEER.
 - C. THE RELATIVE COMPACTION SHALL BE DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557-91 WHERE APPLICABLE; WHERE NOT APPLICABLE, A TEST ACCEPTABLE TO THE BUILDING OFFICIAL SHALL BE USED. (SECTION J107.5 OF THE COUNTY OF LOS ANGELES BUILDING CODE.)
- FIELD DENSITY SHALL BE DETERMINED BY A METHOD ACCEPTABLE TO THE BUILDING OFFICIAL. (SECTION J107.5 OF THE COUNTY OF LOS ANGELES BUILDING CODE.) HOWEVER, NOT LESS THAN 10% OF THE REQUIRED DENSITY TEST, UNIFORMLY DISTRIBUTED, AND SHALL BE OBTAINED BY THE SAND CONE METHOD.
- SUFFICIENT TESTS OF THE FILL SOILS SHALL BE MADE TO DETERMINE THE RELATIVE COMPACTION OF THE FILL IN ACCORDANCE WITH THE FOLLOWING MINIMUM GUIDELINES:
 - A. ONE TEST FOR EACH TWO-FOOT VERTICAL LIFT.

GENERAL NOTES:

FILTERRA BIOFILTRATION UNIT BY CONTECH ENGINEERED SOLUTIONS, LLC. (CES)
 TREATED FLOWRATE: 0.060 CFS (PER CES)



FILTERRA BIOFILTRATION DEVICE DETAIL (NTS)

FILTERRA® STANDARD PLAN NOTES:

- EACH UNIT SHALL BE CONSTRUCTED AT THE LOCATIONS AND ELEVATIONS ACCORDING TO THE SIZES SHOWN ON THE APPROVED DRAWINGS. ANY MODIFICATIONS TO THE ELEVATION OR LOCATION SHALL BE AT THE DIRECTION OF AND APPROVED BY THE ENGINEER.
- IF THE FILTERRA® IS STORED BEFORE INSTALLATION, THE TOP SLAB MUST BE PLACED ON THE BOX USING THE 2X4 WOOD PROVIDED, TO PREVENT ANY CONTAMINATION FROM THE SITE. ALL INTERNAL FITTINGS SUPPLIED (IF ANY), MUST BE LEFT IN PLACE AS PER THE DELIVERY.
- THE UNIT SHALL BE PLACED ON A COMPACTED SUB-GRADE WITH A MINIMUM 6-INCH GRAVEL BASE MATCHING THE FINAL GRADE OF THE CURB LINE IN THE AREA OF THE UNIT. THE UNIT IS TO BE PLACED SUCH THAT THE UNIT AND TOP SLAB MATCH THE GRADE OF THE CURB IN THE AREA OF THE UNIT. COMPACT UNDISTURBED SUB-GRADE MATERIALS TO 95% OF MAXIMUM DENSITY AT +1- 2% OF OPTIMUM MOISTURE. UNSUITABLE MATERIAL BELOW SUB-GRADE SHALL BE REPLACED TO THE SITE ENGINEER'S APPROVAL.
- OUTLET CONNECTIONS SHALL BE ALIGNED AND SEALED TO MEET THE APPROVED DRAWINGS WITH MODIFICATIONS NECESSARY TO MEET SITE CONDITIONS AND LOCAL REGULATIONS.
- ONCE THE UNIT IS SET, THE INTERNAL WOODEN FORMS AND PROTECTIVE MESH COVER MUST BE LEFT INTACT. REMOVE ONLY THE TEMPORARY WOODEN SHIPPING BLOCKS BETWEEN THE BOX AND TOP SLAB. THE TOP LID SHOULD BE SEALED ONTO THE BOX SECTION BEFORE BACKFILLING, USING A NONSHRINK GROUT, BUTYL RUBBER OR SIMILAR WATERPROOF SEAL. THE BOARDS ON TOP OF THE LID AND BOARDS SEALED IN THE UNITS THROAT MUST NOT BE REMOVED. THE SUPPLIER WILL REMOVE THESE SECTIONS AT THE TIME OF ACTIVATION. BACKFILLING SHOULD BE PERFORMED IN A CAREFUL MANNER, BRINGING THE APPROPRIATE FILL MATERIAL UP IN 6" LIFTS ON ALL SIDES. PRECAST SECTIONS SHALL BE SET IN A MANNER THAT WILL RESULT IN A WATERTIGHT JOINT. IN ALL INSTANCES, INSTALLATION OF FILTERRA® UNIT SHALL CONFORM TO ASTM SPECIFICATION C891 - STANDARD PRACTICE FOR INSTALLATION OF UNDERGROUND PRECAST UTILITY STRUCTURES', UNLESS DIRECTED OTHERWISE IN CONTRACT DOCUMENTS.
- CURB AND GUTTER CONSTRUCTION (WHERE PRESENT) SHALL ENSURE THAT THE FLOW-LINE OF THE FILTERRA® UNITS IS AT A GREATER ELEVATION THAN THE FLOW-LINE OF THE BYPASS STRUCTURE OR RELIEF (DROP INLET, CURB CUT OR SIMILAR). FAILURE TO COMPLY WITH THIS GUIDELINE MAY CAUSE FAILURE AND/OR DAMAGE TO THE FILTERRA® ENVIRONMENTAL DEVICE.
- EACH FILTERRA® UNIT MUST RECEIVE ADEQUATE IRRIGATION TO ENSURE SURVIVAL OF THE LIVING SYSTEM DURING PERIODS OF DRIER WEATHER. THIS MAY BE ACHIEVED THROUGH A PIPED SYSTEM, GUTTER FLOW OR THROUGH THE TREE GRATE.

DRAWING: MALIBU, CA - AHSIRT ENGINEERING INC. PROJECTS: 150-02 - 20272 INLAND LANE - 310 REDUCING/ENGINEERING/CA/03/2022-05-08 20272 INLAND LANE - 310 REDUCING/ENGINEERING/CA/03/2022-05-08 20272 INLAND LANE - 310 REDUCING/ENGINEERING/CA/03/2022-05-08 20272 INLAND LANE - 310 REDUCING/ENGINEERING/CA/03/2022-05-08

Site and Story Pole Photos



From driveway facing south towards front of residence



Facing west towards rear (southern) portion of residence



From Inland Ln. facing south towards front of residence



From Inland Ln. facing south towards front of residence

This table summarizes square footage of nearby residences, parcel sizes and year built based on data obtained from the Los Angeles County Assessor. Note that the Assessor's data may not reflect all additions or other changes made to the property (permitted or unpermitted).

Building square footage is habitable area only, and does not include garages, covered patios and some other accessory structures.

Non-habitable areas have been deducted from the proposed project.

Address/Parcel No.	Habitable Area Only (square feet)	Parcel Size (square feet)	Year Built
Proposed Project	3,337	40,516	N/A
20269 Inland Lane	2,246	25,187	1969
20260 Inland Lane	2,676	15,921	1971
20259 Inland Lane	2,495	13,068	unknown
20249 Inland Lane	2,939	16,553	1965
20239 Inland Lane	3,043	15,682	1969
20219 Inland Lane	2,729	15,246	1969
20229 Inland Lane	2,852	16,117	1968
20205 Inland Lane	2,373	13,068	1973
20270 Inland Lane	3,619	44,431	unknown
20260 Inland Lane	2,676	15,682	1971
20252 Inland Lane	4,538	25,700	1996
APN 4450-011-035	N/A	22,216	N/A
20202 Inland Lane	1,707	29,621	1957
20276 Inland Lane	2,862	39,204	1969
20282 Inland Lane	2,618	36,155	1968
20283 Inland Lane	2,757	37,026	1964
20279 Inland Lane	3,072	52,708	1976

October 23, 2020

Project 4204

Mr. Jon Congdon
20270 Inland Lane
Malibu, California 90265

Subject: **RESPONSE TO CALIFORNIA COASTAL COMMISSION**
 20272 Inland Lane
 Malibu, California

References:

- 1) Preliminary Geologic and Geotechnical Engineering report by GeoConcepts, Inc. covering the subject site, dated January 14, 2011.
- 2) Supplemental reports by GeoConcepts, Inc. covering the subject site, dated March 8, 2016, December 2, 2015, April 4, 2012, February 23, 2012, December 20, 2011, October 6, 2011, March 3, 2011, and January 14, 2011.
- 3) Quality Control Maintenance Manuals by GeoConcepts, Inc. covering the subject site, dated October 31, 2011, February 13, 2012, April 12, 2016, and September 19, 2017.
- 4) Private Sewage Disposal System report by GeoConcepts, Inc. covering the subject site, dated March 6, 2012.
- 5) Septic Supplement Report No. 1 by GeoConcepts, Inc. covering the subject site, dated March 19, 2012.
- 6) Update Report by GeoConcepts, Inc. covering the subject site, dated January 14, 2015.
- 7) Annual Reports, Big Rock Mesa Landslide Assessment District, Malibu, California, 2004 through 2015 by Fugro West, Inc. and Fugro Consultants, Inc., 2004 to 2018.
- 8) A Geotechnical Evaluation, Big Rock Mesa, Malibu, California by Bing Yen & Associates, February 1992.

ATTACHMENT 5

Dear Mr. Congdon:

Pursuant to the request of Norman Haynie, presented herein is a letter in response to a request made by the California Coastal Commission that was made to City of Malibu Planner, Lilly Rudolph. The request was for an explanation as to why the subject site could not meet a factor of safety of 1.5 with respect to slope stability and needs a variance.

History of the Big Rock Mesa Landslide:

The site is underlain by the active Big Rock Mesa Landslide (BRML). The nearly one mile long by one-half mile wide landslide was re-activated from an ancient, deep-seated, bedrock landslide in 1983. According to Bing Yen & Associates (BYA, 1992), elevated groundwater conditions stemming from relatively wet winter rains was the primary cause to activate the landslide. Therefore, groundwater levels in the Big Rock Mesa landslide are the primary factor controlling the stability of the landslide mass. In turn, rises in groundwater levels tend to destabilize the landslide. Groundwater levels are a reflection of recharge from several sources such as rainfall, septic discharge, irrigation, and plumbing leaks.

The Big Rock Mesa Landslide was subdivided into four physiographic regions by Bing Yen & Associates, (BYA, 1992), Central Region, Bluff Region, Headscarp Region and the Southeast Region. The subject site is located within the Southeast Region. The prevailing factor of safety in (1991) and maximum attainable factor of safety by dewatering each of these regions was determined by BYA. The result of their stability analyses in 1991 determined a factor of safety of (1.2) and a (1.4) maximum attainable factor of safety for the Southeast Region. The result of their stability analyses indicated that the subject site has less than the minimum factor of safety of 1.5 as required for development without a variance.

A de-watering program was initiated in 1983 which significantly reduced movement of the landslide. After massive emergency dewatering efforts, the main landslide movement was reduced to small discrete deformations in the southeast region by 1986, BYA, 1992. In 2003 Fugro West, Inc., (FWI) took over monitoring of the landslide. The Big Rock Mesa Landslide was re-subdivided into five physiographic regions PCH Region, Bluff Region, Eastern Region, Central Region and Headscarp Region. The subject site is located within the Eastern Region. Generally, there are four dewatering wells (W-1 & 2, BYA-6 & 13) within close proximity to the site and one slope indicator SP-33.

The site is located within the Big Rock Mesa Landslide Assessment District. Groundwater and slope movement have been continuously monitored since 1983. Groundwater in this region is within the low permeability of the Sespe Formation and the groundwater levels are significantly lower than peak levels. The dewatering program performed and monitored by the City of Malibu appears to have stemmed movement of the landslide during the dryer than average years.

The BRML is such a large regional landslide that it cannot be mitigated with engineering and stabilization methods to raise the factor of safety above 1.5. Although the extensive dewatering program raises the factor of safety above 1.25, it still does not raise the factor of safety above 1.5.

It is difficult to estimate if the BRML will reactivate during a strong earthquake. However, the BRML did not reactivate during strong ground shaking associated with the 5.9 Magnitude (1987) Whittier Earthquake, the 7.3 Magnitude (1992) Landers Earthquake, the 5.9 Magnitude (1994)

Northridge Earthquake, or with the 7.1 Magnitude (2019) Ridgecrest Earthquake.

Our recommendations provide an increase in safety relative to the current conditions and previous development on the subject site such as, but not limited to improving the structural elements of the proposed dwelling, new pile foundation, grading to lower the pad grade, drainage, hardscape, landscaping, and septic plans.

Specifically, the proposed building will be designed with the current building and seismic codes utilizing a cast-in-place pile foundation system embedded into the bedrock component of the landslide. The site will be graded to conform with the drainage plan to collect and channel runoff to a safer drainage system than the current damaged system. The hardscape plan is designed to channel runoff to proposed area drains and to approved drainage devices. The landscaped area will be reduced, which will reduce irrigation and infiltration of water to the subsurface. The septic plan will treat and reduce solids into the subsurface. Collectively, all of these improvements are designed to improve site conditions to provide a safer development than in the past. This firm produced a Quality Control Maintenance Manual in 2017 (Reference 3) outlining a monitoring program for the site. Since rainfall can add water to the landslide, the site will be monitored after each rainstorm with one inch or more of rainfall. The site will be observed for signs of distress and/or broken utility lines.

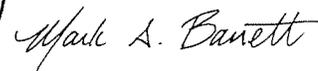
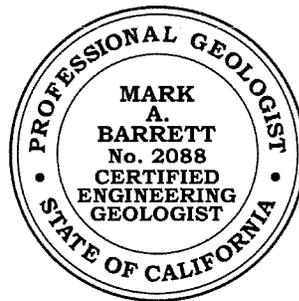
It is the opinion of GeoConcepts, Inc. that the proposed development of the subject property will not lower the factor of safety of the BRML or adversely affect other properties within the BRML. It will not be detrimental to the public interest.

Should you have any questions regarding this report, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted,
GeoConcepts, Inc.



Scott J. Walter
Project Engineer
GE 2476
MAB/SJW: 4204-24A



Mark A. Barrett
Project Geologist
CEG 2088

Distribution: (1) Addressee
(2) Norman Haynie (Email)

September 19, 2017

Project 4204

Mr. Jon Congdon
20270 Inland Lane
Malibu, California 90265

Subject: **QUALITY CONTROL MAINTENANCE MANUAL**
20272 Inland Lane
Malibu, California

References:

- 1) Preliminary Geologic and Geotechnical Engineering report by GeoConcepts, Inc. covering the subject site, dated January 14, 2011.
- 2) Supplemental reports by GeoConcepts, Inc. covering the subject site, dated March 8, 2016, April 4, 2012, February 23, 2012, December 20, 2011, October 6, 2011, March 3, 2011, and January 14, 2011.
- 3) Quality Control Maintenance Manuals by GeoConcepts, Inc. covering the subject site, dated October 31, 2011, February 13, 2012, and April 12, 2016.
- 4) Private Sewage Disposal System report by GeoConcepts, Inc. covering the subject site, dated March 6, 2012.
- 5) Septic Supplement Report No. 1 by GeoConcepts, Inc. covering the subject site, dated March 19, 2012.
- 6) Update Report by GeoConcepts, Inc. covering the subject site, dated January 14, 2015.

Dear Mr. Congdon:

Pursuant to your request, presented herein is The Quality Control Maintenance Manual (QCMM) for the above subject site. This manual should be considered a permanent part of the property, and should remain with the property when sold. One of the best ways to enhance the enjoyment of your new residence is to read and understand this manual. This manual is designed to educate the property owner and servicer about monitoring the subject site, which is located within the Active Big Rock Mesa Landslide. Maintaining your property according to the schedules given herein will aid in the quality of life within an active landslide. However, this manual is not intended to or designed to preclude distress from the active Big Rock Mesa Landslide of any type, only monitor potential distress.

ATTACHMENT 6

Regular maintenance of your property is the best way to protect your residence and improvements. Proper maintenance is essential to your safety and the safety of your family living in the residence. This manual includes instructions for monitoring site improvements, such as but not limited, to the structure, utility lines, drainage system, landscaping and septic system. The selected items for monitoring are thought to be the most important safety precautions and/or monitoring areas relative to the site. However, this manual cannot cover every conceivable hazard that can arise when living within an active landslide.

The maintenance manual specifies how often the property needs to be properly monitored. Monitoring of the site will be performed by the "servicer", which can be a licensed professional such as GeoConcepts, Inc., a licensed certified engineering geologist, and/or a licensed civil engineer; or a non-licensed professional such as any prudent person skilled in this type of service. The servicer shall fill out the attached maintenance forms and record the data for an annual performance report. All monitoring stations or areas have an accepted threshold of normal cosmetic distress. If or when the monitoring stations or areas exceeds the accepted threshold, as noted herein, the servicer, if a non-licensed professional shall notify GeoConcepts, Inc., a licensed certified engineering geologist, and/or a licensed civil engineer for a field review and evaluation of the site and provide appropriate recommendations. It is essential that the property owner properly service and monitor the site as scheduled to retain its performance and safety.

Quality Control Maintenance Manual will require an annual report summarizing the monitoring and maintenance of the instrumentation, monitored facilities or areas on the subject site. Past performance and movement of the Big Rock Mesa Landslide was considered within the QCMM. Building, mechanical, drainage, hardscape and septic plans were utilized to depict the monitoring locations on the site. All annual reports shall be transferred to any and all new property owners of the subject site.

History of the Big Rock Mesa Landslide:

The site is underlain by the active Big Rock Mesa Landslide. The entire landslide was re-activated from an ancient, deep-seated, bedrock landslide in 1983. According to Bing Yen & Associates (BYA, 1992), elevated groundwater conditions stemming from relatively wet winter rains was the primary cause to activate the landslide. Therefore, groundwater levels in the Big Rock Mesa landslide are the primary factor controlling the stability of the landslide mass. In turn, rises in groundwater levels tend to destabilize the landslide. Groundwater levels are a reflection of recharge from several sources such as rainfall, septic discharge, irrigation, and plumbing leaks.

The Big Rock Mesa Landslide was subdivided into four physiographic regions by Bing Yen & Associates, (1992), Central Region, Bluff Region, Headscarp Region and the Southeast Region. The subject site is located within the Southeast Region. The prevailing factor of safety in (1991) and maximum attainable factor of safety by dewatering each of these regions was determined by BYA. The result of their stability analyses indicated that the subject site has less than the minimum factor of safety as require for development without a variance.

A de-watering program was initiated in 1983 which significantly reduced movement of the landslide. After massive emergency dewatering efforts, the main landslide movement was reduced to small discrete deformations in the southeast region by 1986, BYA, 1992. In 2003 Fugro West, Inc., (FWI) took over monitoring of the landslide. The subject site is plotted on the FWI Annual report Assessment District Map. The Big Rock Mesa Landslide was re-subdivided into five physiographic regions PCH Region, Bluff Region, Eastern Region, Central Region and Headscarp Region. The subject site is located within the Eastern Region. Generally, there are four dewatering wells (W-1 & 2, BYA-6 & 13) within close proximity to the site and one slope indicator SP-33, (Plate 1).

Groundwater in this region is within the low permeability of the Sespe Formation and the groundwater levels were low during the 2008 monitoring season. The dewatering program during the dryer than average years appears to have stemmed movement of the landslide.

The Quality Control Maintenance Manual (QCMM) for the subject site assumes that this Assessment District will remain in place and therefore, the site specific Maintenance Manual does not overlap the District works or effort. It is suggested that the client and servicer become knowledgeable relative to a completed history of the district reports and review the annual reports which are available at Malibu City Hall, Malibu Library, and on City's website at www.malibucity.org.

Monitoring Criteria:

The site shall be monitored following the noted criteria below. Stability of the site changes due to varying groundwater levels. Therefore, within two weeks after every rainstorm of one inch or more rainfall within the Malibu area, the site shall be reviewed by the "servicer", such as GeoConcepts, Inc., a licensed certified engineering geologist, a licensed civil engineer; or any prudent person known as the non-licensed professional. A rain storm shall be defined as any period of rainfall within one week that collectively totals one inch or more of rainfall. All selected monitoring stations and areas shall be reviewed by the servicer responsible for monitoring, record keeping and the annual report.

Each selected monitoring station and area has an acceptable threshold, known as nominal cosmetic distress. If this threshold is exceeded and monitored by a non-licensed professional, the servicer shall notify GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer as soon as possible to perform a field review, evaluation and provide any appropriate recommendations.

Windows Plan:

The attached Windows Plan utilized building plans by Coscia Day Architecture and Design Sheets A4 and A3 to depict the ground floor and first floor plans, respectively. The plans show the locations of the north-south trending window frames that shall be monitored. The monitoring shall include any cracks above and below these window frames. The acceptable threshold will consist of any crack that is less than ¼-inch in width. If any crack equals or exceeds ¼-inch in width, the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review, evaluation and provide any appropriate recommendations. The table below shall be completed by the selected servicer responsible for monitoring and record keeping.

Window No.	Date	Crack Location Top/Bottom	Measured Crack Width	Measured Crack Length
1				
2				
3				
4				
5				
6				

Hardscape Plans:

The attached first floor plans by Coscia Day Architecture and Design Sheet A3 depicts the location of concrete and paver hardscape and concrete paver driveway surfaces that shall be monitored. The monitoring of all hardscape, driveway and exposed ground surfaces shall be monitored for distress cracking, ground cracks, fissures, landscape separations, and/or damage. The acceptable threshold for any hardscape cracking, separation and/or displacement is less than ¼ inch in width. The acceptable threshold for any ground crack, separation and/or displacement is less than ½-inch. Therefore, any hardscape displacement that equals or exceeds ¼-inch in width and/or any ground surface displacement that equals or exceeds ½ inch in width shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review and provide appropriate recommendations.

Hardscape Areas Nos.	Date	Crack Location	Measured Crack Width	Measured Crack Length
Driveway				
Walkways/Patio				

Repair of Concrete:

The repair of concrete cracks for walkways, patio, decking and driveway that are less than ½-inch in width should be sealed and maintained with a flexible waterproof epoxy, or equivalent, to preclude moisture from penetrating the surface soils.

No crack over ½ inch in width shall be repair without a field reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer. Generally, cracks over ½ in width can be repair or replaced as need by reinforced with minimum #4 reinforcing bars, placed at (16) inches on center each way. Provisions for cracks should be incorporated into the design and construction of the decking. Concrete slabs should have sufficient control joints spaced at a maximum of approximately 8 feet. Decking planned adjacent to lawns, planters or adjacent to descending slopes should be provided with a 12-inch thickened edge. The deck reinforcement should be bent down into the edge. These recommendations are considered minimums unless superseded by the project structural engineer. Prior to placing the concrete the subgrade should be raised to 120 percent of the optimum moisture content to a depth of 18 inches.

Burrowing Animals:

Burrowing animals should be eliminated to preclude water penetration, soil loosening and promote slope stability. Therefore, the property owners will need to retain a professional to review and maintain the yard free of burrowing animals if burrowing animals are exhibited in the yard. Clearly, if there is a burrowing animal problem on the site, the service professional will recommend a plan to maintain the yard free of burrowing animals.

Mechanical Plans:

The attached mechanical plans prepared by Ahsirt Engineering, Inc. and provided by Coscia Day Architecture and Design as Sheet A1 depict the utility lines to the dwelling with a flex line, metal loop and coils loops to mitigate the potential for breakage. Specifically, the water line is provided with a flex line, the gas line is provided with a metal loop, and electrical cables are provided with coil loops to mitigate breakage from creep landslide movement.

The utility vaults are located near the dwelling. Therefore, distress of the utilities lines between the street and dwelling can be monitored. All utilities are installed on the surface or placed within shallow trenches to allow for easy inspection and/or repairs. These vaults are labeled and shall be monitored as noted above. The acceptable threshold will consist of any displacement that is less than ¼-inch in width. If any displacement equals or exceeds ¼-inch in width, the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review, evaluation and provide any appropriate recommendations. The table below shall be completed by the selected servicer responsible for monitoring and record keeping.

Utility Lines	Date of Inspection	Measured Displacement	Comments
Water			
Gas			
Electric			

Attached is a reduce size Mechanical plan depicting the location of the utility vaults to be monitored to facilitate the field review.

Drainage Plans:

The drainage plans were prepared by Ahsirt Engineering, Inc Sheet G2, a licensed civil engineer familiar with hillside development. It is our understanding that the revised plans incorporate our recommendations. Our recommendations shall not be modified as noted herein without prior approval by GeoConcepts, Inc and Project Engineering Group. Positive pad drainage should be incorporated into the final plans. The pad should slope away from the footings at a minimum five percent slope for a horizontal distance of five feet. In areas where there is insufficient space for the recommended five foot horizontal distance concrete or other impermeable surface should be provided for a minimum of three feet adjacent to the structure. The concrete or impermeable surface should be sloped a minimum of two percent away from the structure. Pad drainage should be at a minimum of two percent slope where water flow over lawn or other planted areas. Areas drains are provided in the rear and side yards to collect drainage. All drainage from the pad should be directed so that water does not pond adjacent to the foundations or flow toward them.

Roof gutters and downspouts are required for the proposed structures and should be connected into a buried area drain system. All drainage from the site should be collected and directed via non-erosive devices to a location approved by the building official. Area drains, subdrains, weep holes, roof gutters and/or downspouts should be inspected as noted herein to ensure that they are not clogged with debris or damaged. If they are clogged or damaged, they should be cleaned out or repaired.

The attached drainage plan depicts a catch basin (No. 1) in the driveway, 13 area drains (Nos. 2-14), a trench drain (No. 15), and a swale drain (No. 16) that shall be monitored. The catch basin and all of the areas drains are located within concrete walkway/hardscape areas. Therefore, the catch basin, area drains and the swale drain will have an acceptable threshold. The acceptable threshold will consist of any displacement of the area drains and paved swale drain that is less than ¼-inch in width. If any displacement equals or exceeds ¼-inch in width, the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review and provide appropriate recommendations. Additionally, the drain line shall be visual reviewed utilizing a camera and the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer. If any leak or damaged drain line is observed it shall be repaired or replaced as soon as possible. The table below shall be completed by the selected servicer responsible for monitoring and record keeping. Distressed cracks shall be sealed and maintained with a flexible waterproof epoxy, or equivalent, to preclude moisture from penetrating the surface soils.

Catch Basin No.	Date	Measured Crack Width	Measured Crack Length
1			
Area Drain Nos.	Date	Measured Crack Width	Measured Crack Length
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
Trench Drain No.	Date	Measured Crack Width	Measured Crack Length
17			

Swale Drain	Date	Crack Location	Measured Crack Width	Measured Crack Length
18				

A reduced size Drainage Plan depicting the location of the area drains and swale drain to be monitored is attached.

Septic Plan:

The septic plans by Michael K. Nunley and Associates depict a septic tank with one active seepage pit and one future seepage pit (see attached plans). The septic system risers from the septic tank and seepage pits will be exposed in the driveway or on the ground surface. The acceptable threshold for any cracking, separation and/or displacement is less than ¼ inch in width within the concrete and ½ inch in width within the ground surface. If there is any concrete driveway displacement/cracking that equals or exceeds ¼ inch in width and/or any ground surface displacement that equals or exceeds ½ inch in width near the septic tank or seepage pits, the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review and provide appropriate recommendations.

Septic System	Date	Distressed Location	Damaged Comments
Tank Risers			
Seepage Risers			

A reduced sized Septic plan depicting the location of the septic tank and seepage pit(s) to be monitored is attached to facilitate the field review.

The proposed septic system will require approval by the City of Malibu. The manufacture of the septic system will have an Operations and Maintenance Manual. Therefore, a maintenance contract with a factory–certified service provider will be required. It is our understanding that a covenant will be recorded covering the septic system, which is required by the City of Malibu. Therefore the septic system will be monitored by a certified service provider as required by the City of Malibu. If any of the utility line/piping for the septic system becomes damaged, the site shall be reviewed by GeoConcepts, Inc., a licensed certified engineering geologist or a licensed civil engineer to perform a field review and provide any appropriate recommendations.

Landscape Plans:

It is our understanding that no landscape plan will be prepared for the site. Therefore, natural areas adjacent to the dwelling will remain void of vegetation. It is our understanding that the planted slope between the rear yard deck and the swale drain will remain as is.

Annual Report:

Quality Control Maintenance Manual shall be an annual report summarizing the monitoring, maintenance and any repairs of the instrumentation and/or monitored facilities on the subject site. The servicer shall prepare the annual report. Attached building, mechanical, drainage, hardscape and septic plans were utilized to depict the monitoring locations on the site. All measured cracks, distressed or damaged areas, and any repairs to these facilities shall be listed within the report even if they are less than the threshold. Any and all displacements more than the noted threshold herein shall include the name and license number of all persons performing the field reviews and their report. Their report shall include all findings and recommendations.

A final As-Built Inspection Report shall be made by GeoConcepts, Inc. after the dwelling is

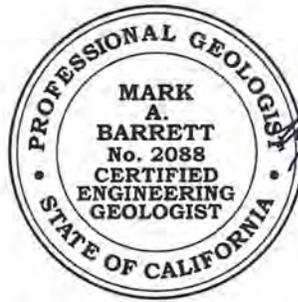
completely construction to ensure that all of our recommendations are followed for this Quality Control Maintenance Manual. The final report will include photographs of the monitoring areas, and findings.

Should you have any questions regarding this report, please do not hesitate to contact the undersigned at your convenience.

Respectfully submitted,
GeoConcepts, Inc.



Scott J. Walter
Project Engineer
GE 2476
MAB/SJW: 4204-21



Mark A. Barrett
Project Geologist
CEG 2088

Enclosures: Acknowledgement Page
Assessment Map, Plate 1
Window Plan
Hardscape Plan
Mechanical Plan
Drainage Plan
Septic Plan

Distribution: (1) Addressee, (2) Susan Villain

ACKNOWLEDGEMENT PAGE

I have reviewed this report and acknowledge the portion within my area of expertise.

Project Civil Engineer

Name: _____

Signature: _____ Date: _____

License Number: _____

Project Structural Engineer

Name: _____

Signature: _____ Date: _____

License Number: _____

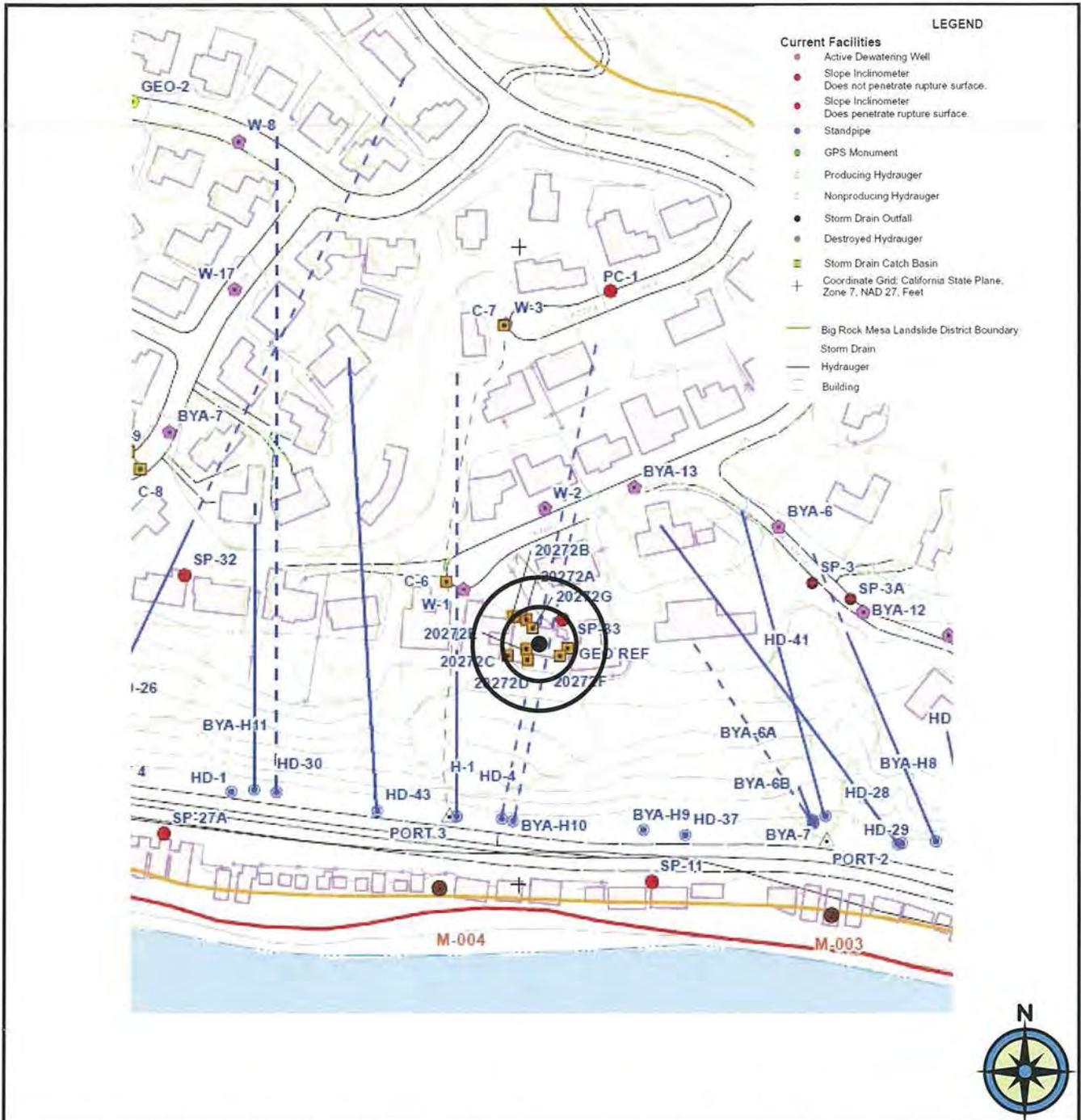
Project Septic Engineer

Name: _____

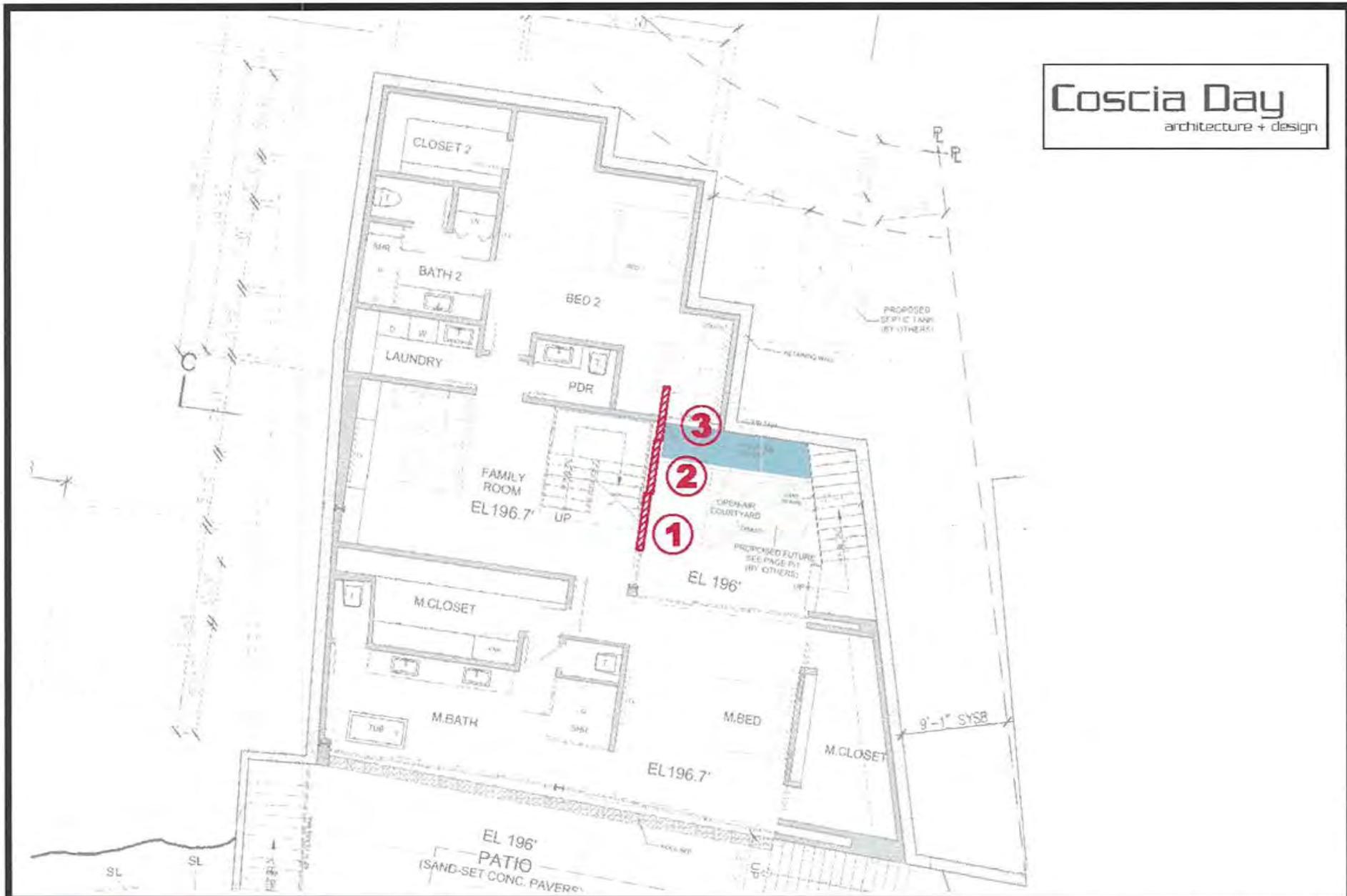
Signature: _____ Date: _____

License Number: _____

ASSESSMENT MAP



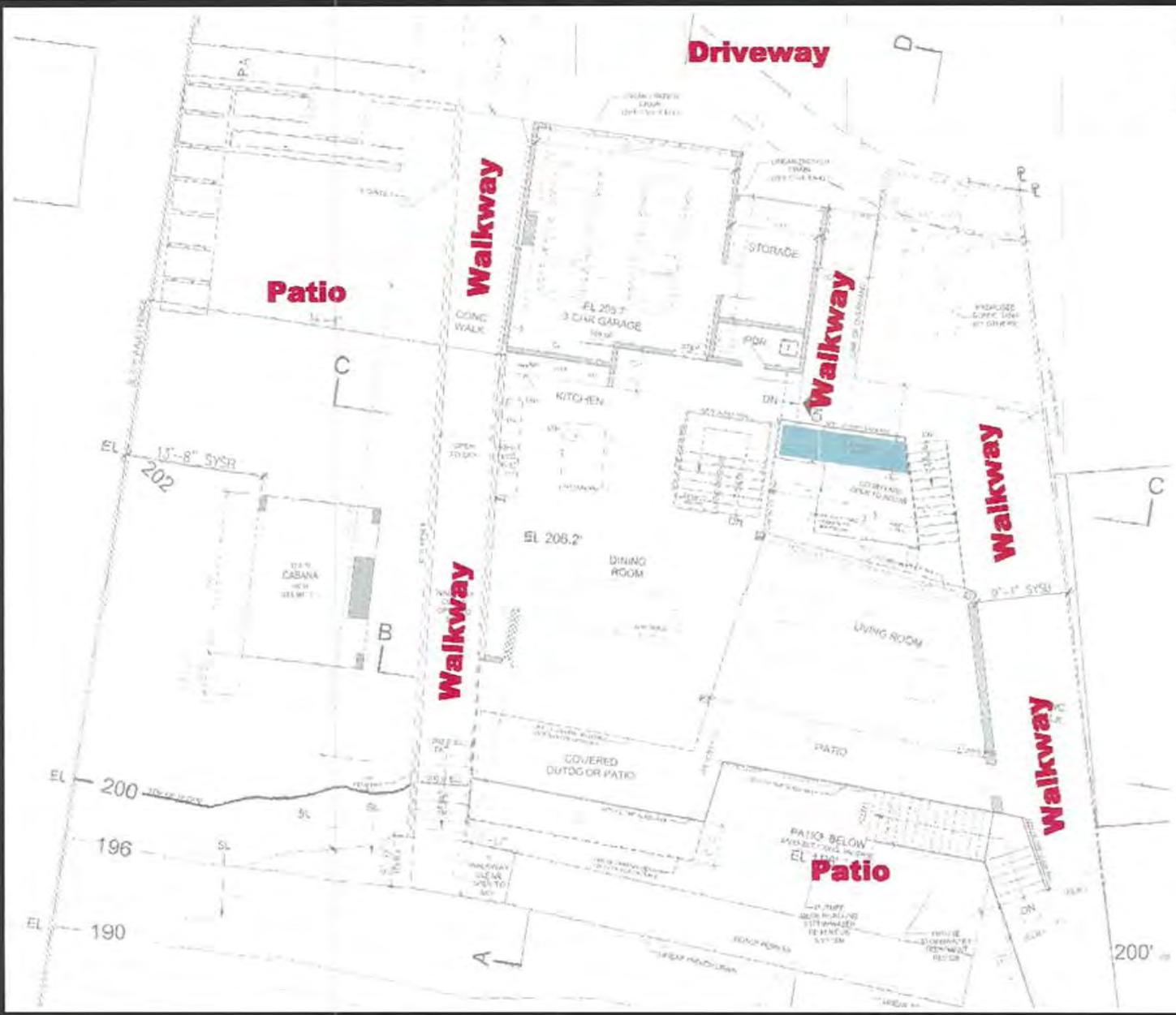
Reference:	Fugro West, Inc. Annual Report, Assessment District Map, 2016
Project Address:	20272 Inland Lane Malibu, California
	Plate 1



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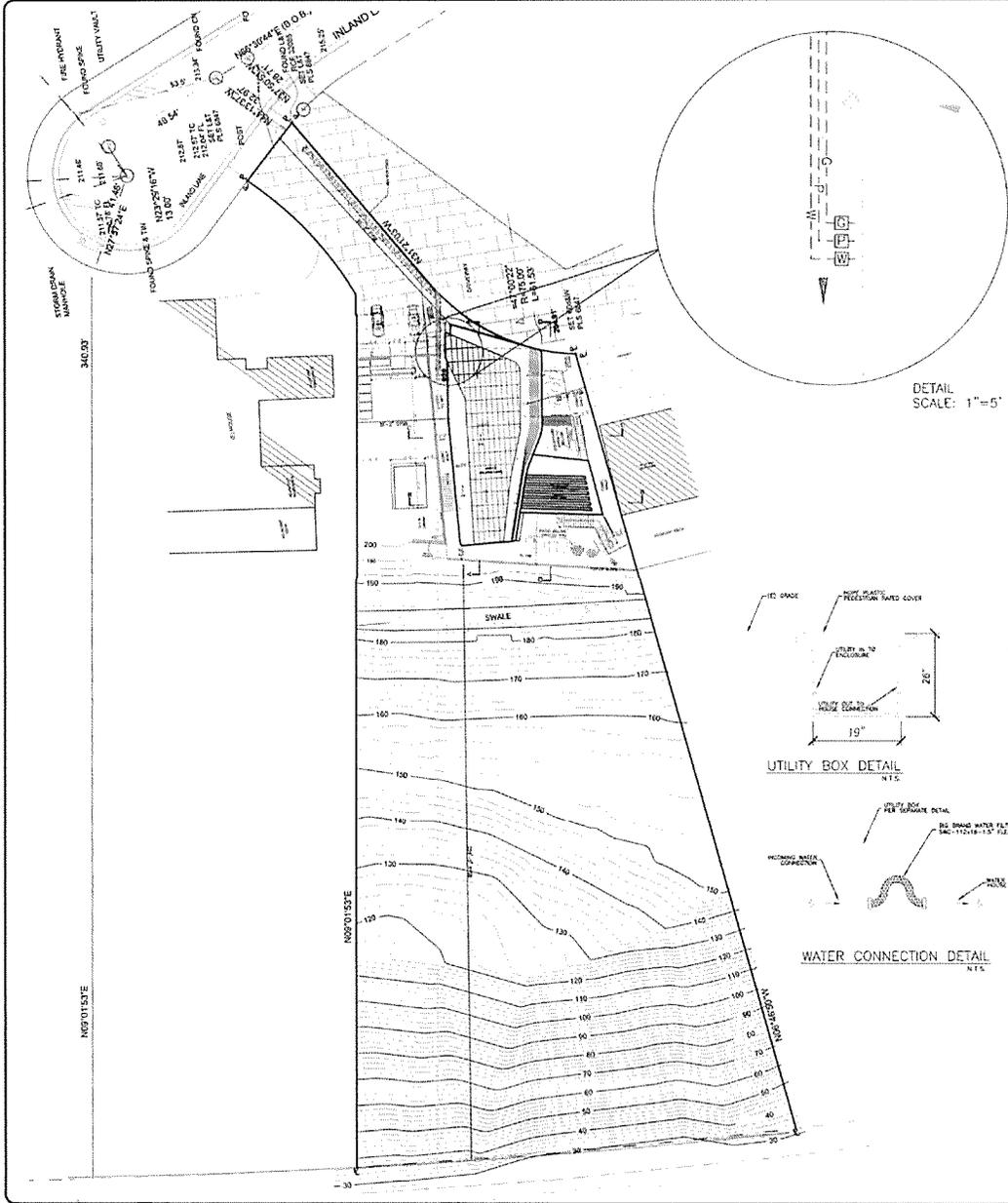


GeoConcepts INC
Geology - Geotechnical Engineering
14428 Hamlin Street, Suite 200, Van Nuys, CA 91401
Ph (818) 994-8895 | Fax (818) 994-8599 | www.GeoConceptsinc.com

Description:
**Hardscape Plan
First Floor**

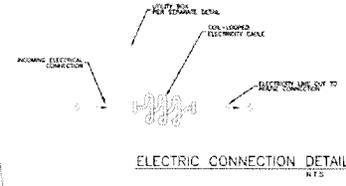
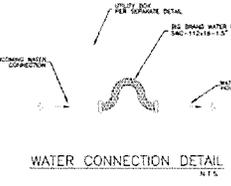
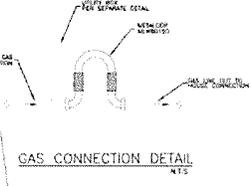
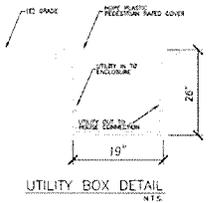
Project Address:
**20272 Inland Lane
Malibu, California**

Date: **Sept. 2017**
Scale: **Not to Scale**
Job No. **4204-21**

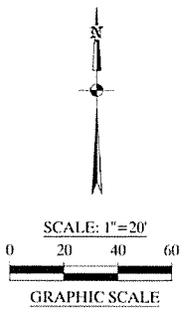


- LEGEND**
- GAS CONNECTION
UTILITY BOX: OLDCASTLE PRECAST LIGHT DUTY HDPE PLASTIC BODY AND COVER MODEL : 1419-12 (SEE DETAIL)
GAS CONNECTION: METRALOOP SCHED. 40 CARBON/STEEL HOSE&BRAID SERIES 300 STAINLESS STEEL MODEL : MLW80150
 - WATER CONNECTION
UTILITY BOX: OLDCASTLE PRECAST LIGHT DUTY HDPE PLASTIC BODY AND COVER MODEL : 1419-12 (SEE DETAIL)
WATER CONNECTION: BIG BRAND WATER FILTER, INC. 1.5" 304 SERIES STAINLESS STEEL FLEX LINE MODEL : SWC-112x18-1.5"
 - POWER CONNECTION
UTILITY BOX: OLDCASTLE PRECAST LIGHT DUTY HDPE PLASTIC BODY AND COVER MODEL : 1419-12 (SEE DETAIL)
POWER CONNECTION: COIL-LOOPED ELECTRICITY CABLE
- W- WATER LINE
-P- POWER LINE
-G- GAS LINE

DETAIL SCALE: 1"=5'



- LEGEND:**
- F.S. FINISHED SURFACE ELEVATION
 - F.C. FINISHED CROUD
 - F.L. FLOW LINE ELEVATION
 - F.F. FINISH FLOOR
 - F.E. TOP OF CURB
 - F.G. TOP OF GRADE ELEVATION
 - F.W. INVERT ELEVATION
 - PROPOSED ELEVATION (1000)
 - EXISTING ELEVATION
 - PROPERTY LINE
 - T.W. TOP OF WALL
 - CUT & FILL TRANSITION
 - DAYLIGHT LINE
 - PROPOSED BUILDING
 - DIRECTION OF FLOW
 - PVC DRAIN PIPE 815 MIN 18"x18" PVC CATCH BASIN
 - PROPOSED RETAINING WALL
 - AS AREA DRAIN
 - DES DUMP/POUT



NOTE:
ALL UTILITIES SHALL BE INSTALLED ON THE SURFACE OR PLACED IN SHALLOW TRENCHES

Coscia Day
architecture + design

741 Inland Ave.
Malibu, CA 90265
310.394.1413
coscia@coscia.com

20272 NEW RESIDENCE
20272 INLAND LANE
MALIBU, CA 90265

REVISIONS

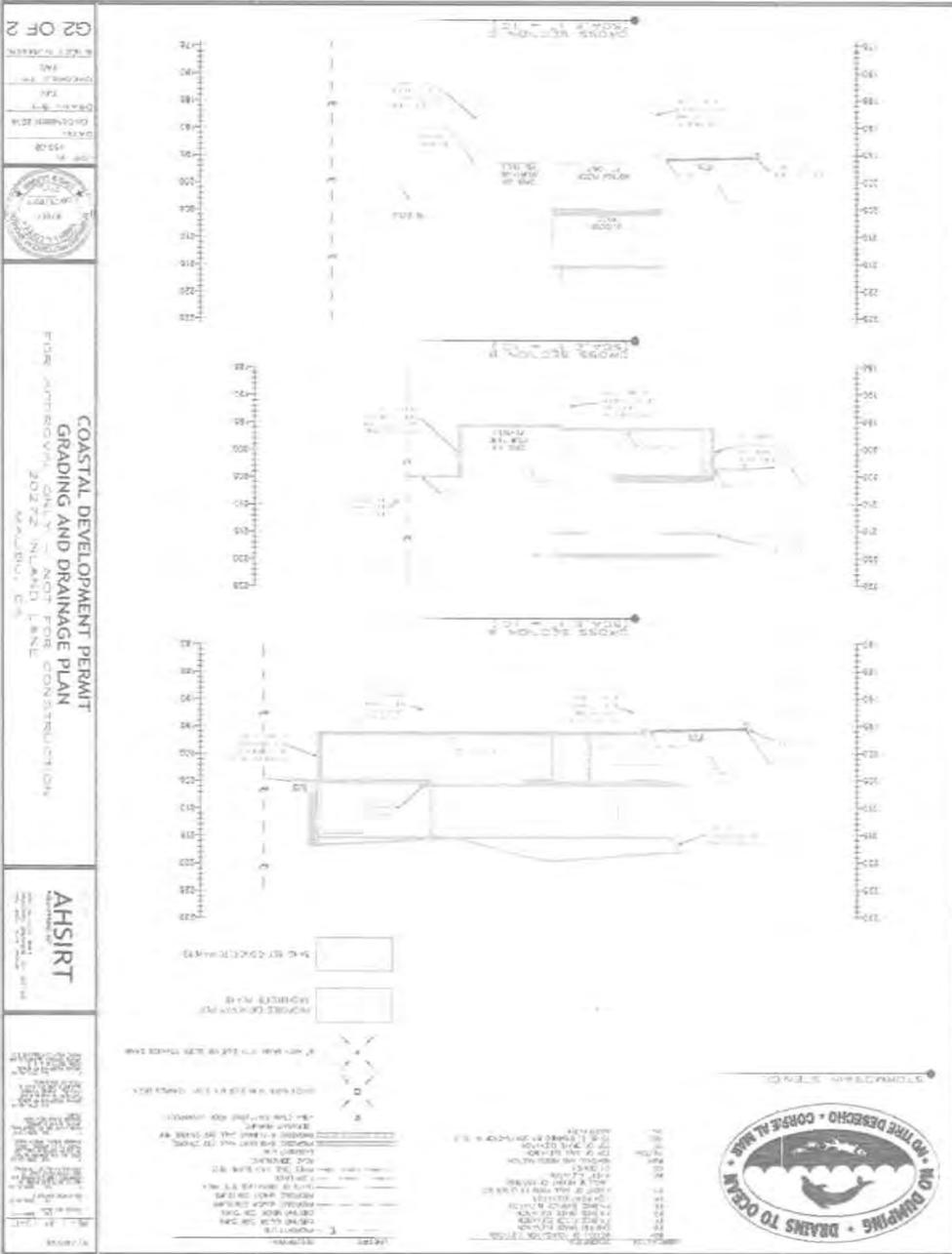
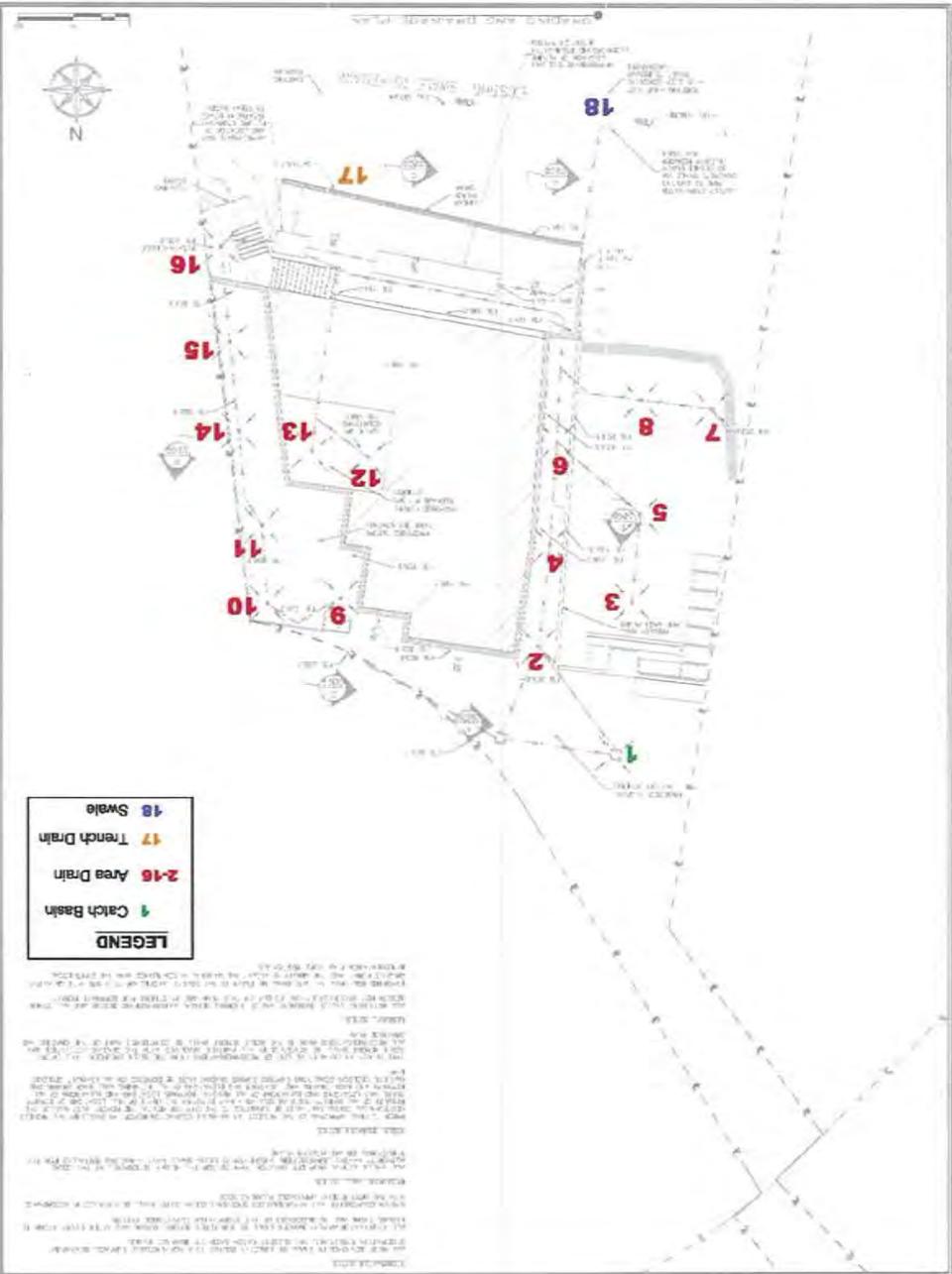
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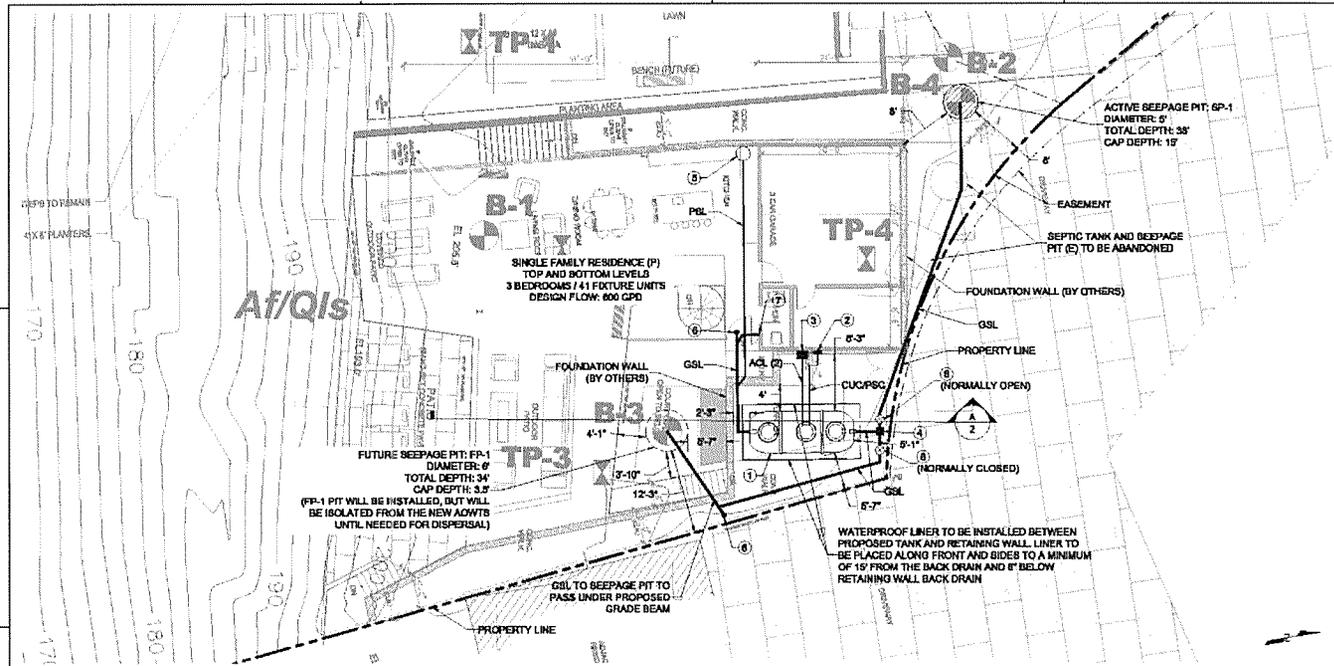
Date: 5/20/16
Project Name:
Contractor: CD
Drawn By: RL
Checked By:
Sheet Number:

M1

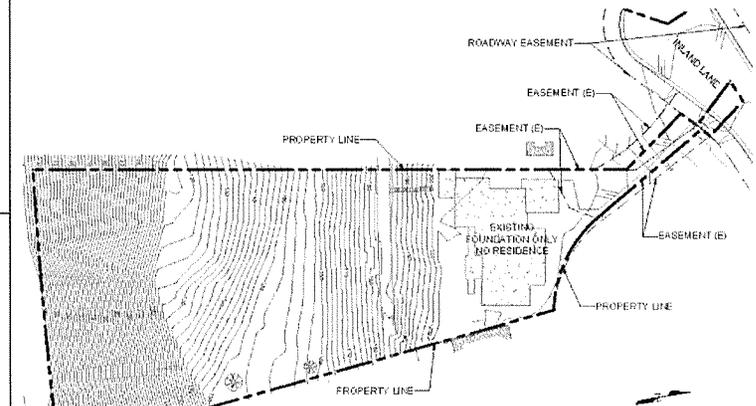
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1 SITE IMPROVEMENT PLAN



2 EXISTING SITE CONDITIONS

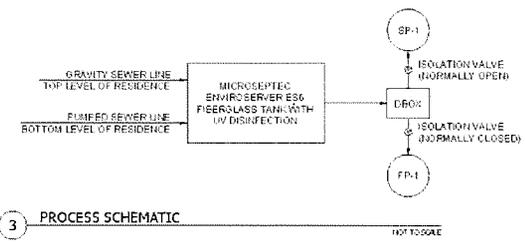
- LEGEND:**
- BURNING LOCATION (REG CONCEPTS)
 - EXISTING SEEPAGE PIT
 - PROPOSED ACTIVE SEEPAGE PIT
 - PROPOSED FUTURE SEEPAGE PIT
 - EXISTING
 - PROPOSED

REFERENCES:

- 1 SITE SURVEY DATED JULY 21, 2014 AND PREPARED BY LAND & AIR SURVEYING
- 2 SITE PLAN DATED OCTOBER 30, 2015 AND PREPARED BY COSCA DAY ARCHITECTURE - DESIGN
- 3 PRIVATE SEWAGE DISPOSAL SYSTEM REPORT DATED MAY 11, 2015 AND PREPARED BY GEOCONCEPTS, INC.

SETBACK REDUCTIONS	
TREATMENT TANK	SEEPAGE PIT FP-1
2'-3" TO FOUNDATION WALL	5'-7" TO FOUNDATION WALL
4'-0" TO FOUNDATION WALL	3'-10" TO STAIRWAY
	4'-1" TO BUILDING WALL

3 PROCESS SCHEMATIC



- NOTES:**
- 1 OWNER IS RESPONSIBLE FOR COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATORY REQUIREMENTS.
 - 2 OWNER IS RESPONSIBLE FOR OBTAINING AND OBTAINING ANY REQUIRED PERMITS OR APPROVALS RELATED TO THIS PROJECT.
 - 3 OWNER SHALL OBTAIN AN ON-SITE WASTEWATER TREATMENT SYSTEM ABANDONMENT PERMIT FROM THE CITY OF MALIBU PRIOR TO ABANDONING, REMOVING, OR REPLACING ANY COMPONENTS OF EXISTING SEWER PIPE OR ON-SITE WASTEWATER TREATMENT SYSTEM (AOWTS).
 - 4 TEMPORARY AND PERMANENT SLOPE STABILITY SHALL BE EVALUATED BY A REGISTERED AND QUALIFIED GEOTECHNICAL ENGINEER UNDER DIRECTION OF THE OWNER. MINK & ASSOCIATES, INC. (MINK) IS NOT RESPONSIBLE FOR SOIL SATURABILITY OR STABILITY ISSUES RELATED TO THIS PROJECT.
 - 5 MINK-BASED SIZING OF DISPOSAL SYSTEM ON A SOIL REPORT PROVIDED BY THE OWNER. NO FIELD OR LABORATORY TESTING HAS BEEN PERFORMED BY MINK TO EVALUATE OR CONFIRM PERCOLATION RATES.
 - 6 ALL COMPONENTS TO BE INSTALLED IN CONFORMANCE WITH THE LATEST VERSIONS OF THE UNIFORM PLUMBING CODE (UPC) AND NATIONAL ELECTRIC CODE. IN THE EVENT OF CONFLICTS AMONG THE SPECIFICATIONS, CONSTRUCTION DRAWINGS, AND CODES, THE MORE STRINGENT REQUIREMENTS SHALL GOVERN.
 - 7 OWNER AND INSTALLER TO VERIFY ALL DIMENSIONS AND GRADES PRIOR TO SYSTEM INSTALLATION.
 - 8 OWNER TO DIRECT INSTALLER TO VENT AOWTS IN ACCORDANCE WITH REQUIREMENTS OF THE LATEST VERSION OF THE UPC AND AS OTHERWISE REQUIRED BY LOCAL CODES IN THE EVENT OF CONFLICTS, THE MORE STRINGENT REQUIREMENT SHALL GOVERN.
 - 9 UNLESS A STEEPER SLOPE IS SPECIFIED ON THE PLANS, MAINTAIN 2% PIPE SLOPE TO BE PROVIDED BETWEEN:
 - A) BUILDING SEWER CONNECTION INVERT AND AOWTS INVERT
 - B) TREATMENT UNIT EFFLUENT PIPE SLOPE OUTLET AND DISTRIBUTION BOX
 - C) DISTRIBUTION BOX TO SEEPAGE FITS

AOWTS MAX. DESIGN CAPACITY	
COMPONENTS	CAPACITY
DESIGN FLOW	600 GPD / 3 BEDROOMS / 41 FUTURE UNITS
TREATMENT CAPACITY	600 GPD / 3 BEDROOMS
TANK VOLUME	2,493 GALLONS / 64 FUTURE UNITS
ACTIVE SEEPAGE PIT DISPOSAL CAPACITY	7,970 GPD / 66 FUTURE UNITS
FUTURE SEEPAGE PIT DISPOSAL CAPACITY	14,564 GPD / 159 FUTURE UNITS

SEEPAGE PIT CAPACITY				
FIT	DIAMETER (FT)	TOTAL DEPTH (FT)	EFFECTIVE DEPTH (FT)	CAPACITY (GPD)
SP-1	5	30	15	23
FP-1	6	37.5	25	34
				14,564

EQUIPMENT	
LABEL	DESCRIPTION
1	MICROSEPTEC ENVIRO SERVER ESG
2	MICROSEPTEC CONTROL PANEL
3	AIR COMPRESSOR UNITS (2) AND CONCRETE PAD
4	DISTRIBUTION BOX
5	PUMP BASIN IN LAUNDRY ROOM (BOTTOM LEVEL)
6	2" WVE AND CLEANOUT
7	2" SERVICE CONNECTION
8	2" ISOLATION VALVE

PIPING		
LABEL	DESCRIPTION	SPECIFICATION
ACL	AIR COMPRESSOR LINE	1" SCH80 PVC
CUC	CONTROL UNIT CONDUIT	1" SCH80 PVC
GSL	GRAVITY SEWER LINE	4" SDR35 PVC
PSC	POWER SUPPLY CONDUIT	1" SCH80 PVC
PSL	PUMPED SEWER LINE	2" SCH40 PVC

7/27/2017
DESCRIPTION: AOWTS CONFORMANCE REVIEW SITE PLAN
DATE: 07-26-18
SCALE: 1/8" = 1'-0"

mka
MALIBU ARCHITECTURAL & ENGINEERING
PROJECT NUMBER: 1805000001
PROJECT FOLDER: 1805000001

20272 INLAND LANE, MALIBU, CA
AOWTS CONFORMANCE REVIEW SITE PLAN

811
Know what's below.
Call before you dig.
IF YOU DO NOT KNOW IF THIS SERVICE IS NOT IN YOUR AREA

PROJECT NO:	
DESIGNED BY:	AMC
CHECKED BY:	AMC
DATE:	07-26-18
SCALE:	1/8" = 1'-0"

SHEET 1 OF 2



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

RECEIVED
APR 02 2019
PLANNING DEPT.

BIOLOGY REVIEW REFERRAL SHEET

TO: City of Malibu Biologist

DATE: 1/3/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-001

JOB ADDRESS: 20272 INLAND LN

APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin

APPLICANT ADDRESS: 22741 Pacific Coast Highway #400
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5515

APPLICANT FAX #: (310) 456-9821

APPLICANT EMAIL: norm@blueonyxdesign.com

PLANNER: Lilly Rudolph

PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo
(factor of safety), SPR (height)

TO: Malibu Planning Department and/or Applicant

FROM: City 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).

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

Date 4/16/19

Additional requirements/conditions may be imposed upon review of plan revision

Contact Information:

Dave Crawford, City Biologist, dcrawford@malibucity.org, (310) 456-2489, extension 277

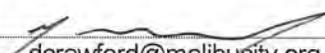


City of Malibu

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)	Norm Haynie norm@blueonyxdesign.com	
Project Address:	20272 Inland Lane Malibu, California 90264	
Planning Case No.:	CDP 19-001	
Project Description:	NSFR, replacing burnout, NOWTS	
Date of Review:	April 16, 2019	
Reviewer:	Dave Crawford	Signature: 
Contact Information:	Phone: (310) 456-2489 ext. 307	Email: dcrawford@malibucity.org

SUBMITTAL INFORMATION

Site Plans:	4/2/19
Site Survey:	4/2/19
Planting Plan:	
Irrigation/Hydrozone/ water budget Plan:	
Grading Plans:	
OWTS Plan:	4/2/19
Bio Assessment:	
Bio Inventory:	
Native Tree Survey:	
Native Tree Protection Plan	
Other:	Slope analysis 4/2/19
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"/> DENIED The project cannot be approved as designed as it is conflict with one or more elements of the LCP and/or City Codes. <input checked="" type="checkbox"/> APPROVED The proposed project approved with the conditions attached.
Environmental Review Board:	<input type="checkbox"/> This project has the potential to impact ESHA and may require review by the Environmental Review Board



RECOMMENDATIONS:

1. The project is recommended for APPROVAL with the following conditions:
 - A. No new landscaping is proposed with this project. Therefore, none is approved. Should the applicant intend to plant any new vegetation with a potential to exceed six (6) feet in height, or change 2,500 sq.ft. or more of the existing landscaping, a detailed landscape plan shall be submitted for review and approval prior to any planting.
 - B. 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).

-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





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

GEOTECHNICAL REVIEW REFERRAL SHEET

TO: City of Malibu Geotechnical Staff
FROM: City of Malibu Planning Department

DATE: 1/28/2020

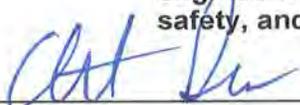
PROJECT NUMBER: CDP 19-001
JOB ADDRESS: 20272 INLAND LN
APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS: 22741 Pacific Coast Highway #400
Malibu, CA 90265
APPLICANT PHONE #: (310) 456-5515
APPLICANT FAX #: (310) 456-9821
APPLICANT EMAIL: norm@blueonyxdesign.com
PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo
(factor of safety), SPR (height)

TO: Malibu Planning Divison and/or Applicant

FROM: City Geotechnical Staff

The project is feasible and CAN proceed through the Planning process. *

The project CANNOT proceed through the planning process until geotechnical feasibility is determined. Depending upon the nature of the project, this may require engineering geologic and/or geotechnical engineering (soils) reports which evaluate the site conditions, factor of safety, and potential geologic hazards.

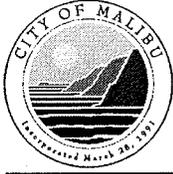

SIGNATURE

2/20/2020
DATE

Determination of geotechnical feasibility for planning should not be construed as approval of building and/or grading plans which need to be submitted for Building Department approval. At that time, those plans may require approval by City Geotechnical Staff. Additional requirements/conditions may be imposed at the time building and/or grading plans are submitted for review, including geotechnical reports

City Geotechnical Staff may be contacted on Tuesday and Thursday between 8:00 am and 11:00 am or by calling (310) 456-2489, extension 306 or 307.

* Geotechnical review sheet dated 1-16-19 applies.



City of Malibu

23825 Stuart Ranch Road • Malibu, California 90265-4861
(310) 456-2489 • Fax (310) 456-3356 • www.malibucity.org

GEOTECHNICAL REVIEW SHEET

Project Information

Date:	January 16, 2019	Review Log #:	3773
Site Address:	20272 Inland Lane	Planning #:	CDP 19-001 CDPA 15-005 VAR 15-031
Lot/Tract/PM #:	n/a	BPC/GPC #:	
Applicant/Contact:	Norm Haynie, norm@blueonyxdesign.com	Planner:	Lilly Rudolph
Contact Phone #:	310-456-5515	Fax #:	
Project Type:	New single-family residential development, advanced onsite wastewater treatment system (AOWTS)		

Submittal Information

Consultant(s) / Report Date(s): GeoConcepts, Inc. (Barrett, CEG 2088; Walter, RGE 2476): 3-8-16, 12-2-15, 1-14-15,
(Current submittal(s) in Bold.)
GeoConcepts, Inc. (Barrett, CEG 2088): 5-12-15
Quality Control Maintenance Manual (QCMM) prepared by GeoConcepts, Inc. dated 9-19-17, 4-12-16, 3-9-16, 12-1-15
GeoConcepts, Inc. (Sousa, CEG 1315; Walter, RGE 2476): 4-4-12, 2-23-12, 2-13-12 (QCMM), 12-20-11, 10-6-11, 3-3-11
GeoConcepts, Inc. (Lee, CEG 2545; Walter, RGE 2476): 1-14-11
Michael K. Nunley & Associates (Shields, RCE 74757): **5-25-17**, 12-2-15, 5-26-15
Landscaping letter prepared by Coscia Day Architecture and Design dated March 28, 2016.
Letter by Norman R. Haynie dated December 20, 2018.

Building plans prepared by Coscia Day Architecture + Design dated May 7, 2018.

Grading and Drainage plans prepared by Ahsirt Engineering, Inc. dated May 17, 2017.

Grading and Drainage plans prepared by LC Engineering Group, Inc. dated May 31, 2017 (for foundation removal and drainage control only).

AOWTS Conformance Review Site plan prepared by Michael K. Nunley & Associates dated May 25, 2017.

Ref: Letters by Project Engineering Group (PEG) dated 4-5-12, 2-22-12 (Markarian, RCE 53434)

Ref: Letters by Michael Barsocchini, AIA, dated 4-3-12, 2-13-12.

Ref: Letter from homeowner (Choong Ann) regarding irrigation on the property dated March 30, 2012

Ref: Quality Control Maintenance Manual (QCMM) prepared by GeoConcepts, Inc. dated 10-31-11

Previous Reviews:

10-2-17, 5-6-16, 12-21-15, 8-5-15, Geotechnical Review Referral Sheet dated 7-13-15; Ref: 4-26-12, 3-26-12, 1-13-12, 11-16-11, 8-12-11, Geotechnical Review Referral Sheet dated 7-12-11; Ref: 4-1-11, 2-7-11

Review Findings

Coastal Development Permit Review

- The residential project is **APPROVED** from a geotechnical perspective.
- The residential project is **NOT APPROVED** from a geotechnical perspective. The listed 'Review Comments' shall be addressed prior to approval.

Building Plan-Check Stage Review

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

Remarks

The site is vacant-the residence was destroyed by the Malibu wildfire in November 1993. The site lies within the active Big Rock Mesa Landslide.

Another applicant previously submitted an application for a Coastal Development Permit (CDP 11-037) for a proposed residential project, including a request for a variance from the City's current geological requirements related to slope stability (2002 Geotechnical Guidelines), in accordance with Chapter 13.26.5(B.) of the City of Malibu's LCP-LIP (Page 243). This Section 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 undersigned reviewers acknowledged 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).

The applicant and his consultants provided the City with reports that adequately supported the findings in the variance. The CDP and Variance (11-018) was approved in a Geotechnical Review Sheet dated April 26, 2012.

A new owner(s) and their Architect have submitted a new residential development project on the property, (CDPA 15-005). **The referenced updated QCMM, building plans, grading plans, OWTS design report, and OWTS plan were reviewed by the City from a geotechnical perspective. The project includes a new 3,337 square foot two-level single-family residence and attached 602 square foot garage with storage, retaining walls, a 192-square foot cabana, patios, decks, hardscape and grading that consists of 755 yards of cut under structure; 200 yards of cut and 60 yards of fill non-exempt; and 895 yards of export. A new advanced onsite wastewater treatment system (AOWTS) will be installed on the property, consisting of a treatment tank system and one 5' diameter x 23' BI seepage pit with a 15' cap and 100% expansion (6' diameter x 34' BI with a 3.5' cap).**

The applicant and his Consultants have provided the City with reports that adequately support the

(MAL25457)

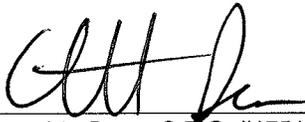
findings in the variance.

Building Plan-Check Stage Review Comments:

1. Please submit a fee of \$991.00 to City geotechnical staff for building plan check review.
2. An electronic version of the **final**, completed QCMM (dated 9-19-17) signed by the project civil engineer, geotechnical consultant, OWTS consultant, and structural engineer needs to be submitted to City geotechnical staff for the City's efiles. **Please reference the latest sets of building, grading, mechanical/utility, and OWTS plans in the final QCMM. Correct the references to the drainage facilities on page 7 of the QCMM as the references in the text to the table do not match.**
3. The homeowners shall sign, record at the County of Los Angeles recorder's office, and submit to City geotechnical staff a certified copy of an "Assumption of Risk and Release" for geotechnical hazards. Any revisions to the standard City document must be reviewed and accepted by the City Attorney.
4. The adjacent residence and foundations may be adversely affected by the proposed construction and demolition procedures on the subject site. Temporary shoring is proposed for the basement construction. Monitoring will be required to ensure that the adjacent residence and side yards are not subjected to distress during construction on the subject property. The Geotechnical Consultant and structural engineer need to provide recommendations for the monitoring plan, and the plan needs to be implemented prior to building permit issuance.
5. The following note shall be incorporated into the plans. *Prior to the placement of concrete slabs, the slab subgrade soils shall be pre-moistened to at least 120% of the optimum moisture content to the depth specified by the geotechnical engineer. The pre-moistened soils should be tested and verified to be by the geotechnical engineer within one day prior to the placement of the moisture barrier and sand.*
6. The property owners must decide how the QCMM will be perpetuated with the property. It could be recorded with the Deed or as a Covenant with the property and/or attached with the Title Report. The applicant must inform the City in writing of the homeowner's process in this regard.
7. Please clearly show the proposed utility vaults on the Mechanical Plan. These plans must be reviewed and stamped by the Project Geotechnical Consultants and submitted to the City as part of the building plan package. Consideration should be given to areas where previous Consultants have mapped distress (cracks) across the property.
8. Section 7.4 of the City's geotechnical guidelines requires a minimum thickness of 10 mils for vapor barriers beneath slabs-on-grade. The Project Geotechnical Engineer originally recommended that the vapor barrier be a minimum thickness of 15 mils, conform to ASTM E1745 Class A requirements, and be installed according to ASTM E1643. Building plans shall reflect the Consultant's recommendation or the specialty designer recommendations, whichever is the more stringent.
9. Two sets of final grading, retaining wall, OWTS, utility, QCMM, landscape, cabana, and foundation plans for the proposed residence (**APPROVED BY BUILDING AND SAFETY**) that incorporate 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:



1/16/2019

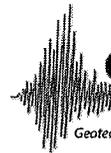
Christopher Dean, C.E.G. #1751, Exp. 9-30-20
Engineering Geology Reviewer (310-456-2489, x306)
Email: cdean@malibucity.org

Date

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

- 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, retaining wall, OWTS, utility, QCMM, landscape, cabana, and residence 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 Building 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 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 Geotechnical Consultant's recommendations.
6. Foundation setback distances from descending slopes shall be in accordance with Section 1808 of the Malibu Building Code, or the requirements of the Project Geotechnical Consultant's recommendations, whichever are more stringent. Show minimum foundation setback distances on the foundation plans, as applicable.
7. Show the onsite wastewater treatment system on the Site Plan.
8. Please contact the Building and Safety Department regarding the submittal requirements for a grading and drainage plan review.
9. A comprehensive Site Drainage Plan, incorporating the 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.

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 Project 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.

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

(MAL25457)



City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4861
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW REFERRAL SHEET

2/12/2020

TO: City of Malibu Environmental Health Administrator DATE:
FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-001
JOB ADDRESS: 20272 INLAND LN
APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin
APPLICANT ADDRESS: 22741 Pacific Coast Highway #400
Malibu, CA 90265
APPLICANT PHONE #: (310) 456-5515
APPLICANT FAX #: (310) 456-9821
APPLICANT EMAIL: norm@blueonyxdesign.com
PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo
(factor of safety), SPR (height)

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 Municipal Code (MMC). 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 MMC. 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)

Melinda Talent
Signature

2-26-2020
Date



City of Malibu

Environmental Health • Environmental Sustainability Department
 23825 Stuart Ranch Road · Malibu, California · 90265-4861
 Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

ENVIRONMENTAL HEALTH REVIEW SHEET

PROJECT INFORMATION

Applicant: (name and email address)	Norman Haynie, Blue Onyx Design and Engineering norm@blueonyxdesign.com	
Project Address:	20272 Inland Lane Malibu, CA 90265	
Planning Case No.:	CDP 19-001	
Project Description:	NSFR, new OWTS, Var -Geo, SPR	
Date of Review:	February 26, 2020	
Reviewer:	Melinda Talent	Signature: <i>Melinda Talent</i>
Contact Information:	Phone: (310) 456-2489 x 364	Email: mtalent@malibucity.org

SUBMITTAL INFORMATION

Architectural Plans:	Coscia Day: plans dated 5-7-18 (Received 1-3-19). Revised plans dated 3-4-19 (received 2-24-20)
Grading Plans:	AHSIRT Engineering: Grading and drainage plans dated 12-2015; 11-11-2015
OWTS Plan:	MKN & Associates: OWTS plan dated 5-26-2015; revised plan dated 12-2-2015; revised plan dated 1-8-2016; revised plan dated 5-25-2017, revised plan dated 10-9-18.
OWTS Report:	MKN & Associates: OWTS summary report dated 5-26-2015; revised OWTS report dated 12-2-2015; Wall backdrain memorandum dated 1-8-2016; revised OWTS report dated 5-25-2017
Geology Report:	GeoConcepts: Geologic findings report dated 5-12-2015; Setback reduction letter dated 12-2-2015
Miscellaneous:	Coscia Day: Setback reduction letter dated 12-1-2015. Land & Air Surveying: Architectural survey and slope analysis dated 7-21-2014. MKN & Associates: EH response letter dated 12-2-2015. Structural Design Plus: Foundation and framing plans dated 12-8-2014; Setback reduction letter dated 6-6-2015. Revised fixture unit worksheet by Anthony Coscia dated 10-9-18
Previous Reviews:	EH complete conformance review dated 1-11-19. EH conformance review for SFD and OWTS fire re-build (CDP 11-037) dated 4-4-2012, CDPA 15-005 dated 8-1-2017.

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 type="checkbox"/> REQUIRED (attached hereto) <input checked="" type="checkbox"/> REQUIRED (not attached)

Based upon the project description and submittal information noted above, a **conformance review** was completed for a new advanced onsite wastewater treatment system (OWTS) proposed to serve the onsite wastewater treatment and disposal needs of the subject property. The proposed advanced OWTS meets the minimum requirements of the Malibu Municipal Code and the City of Malibu Local Coastal Program (LCP)/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 Onsite Wastewater Treatment System (OWTS) Plot Plan:** A final plot plan prepared by a City Registered OWTS Designer shall be submitted showing an OWTS design meeting the minimum requirements of the Malibu Municipal Code (MMC) and the Local Coastal Program (LCP)/Local Implementation Plan (LIP). The plans must include all 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 large set of 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 a City Registered OWTS Designer and the plans stamped by the project Geologist, Coastal Engineer, and Structural Engineer as applicable. 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 drainage fixture units, 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 Malibu Municipal Code.
 - 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) **Notice of Decision:** The final onsite wastewater treatment system plans shall include the Conditions of Approval sections of the Notice of Decision (NOD) from the Planning Department.
 - 7) **Architect / Engineer Certification for Reduction in Setbacks to Buildings or Structures:** All proposed reductions in setbacks from the onsite wastewater treatment system to structures or other features less than those shown in Malibu Municipal Code (MMC) Section 15.42 must be



supported by letters from the project consultants. The wastewater plans and the construction plans must be specifically referenced in all certification letters. The construction plans for all structures and/or buildings with reduced setback must be approved by City of Malibu Building Safety prior to Environmental Health final approval. The architectural and/or structural plans submitted for Building Safety plan check must detail methods of construction that will compensate for the reduction in setback (e.g., waterproofing, concrete additives). For complex waterproofing installations, submittal of a separate waterproofing plan may be required. All plans must show the location of onsite wastewater treatment system 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).

- Structures – All proposed reductions in setback from the onsite wastewater treatment system to structures (i.e., setbacks less than those shown in MMC Section 15.42) must be supported by a letter from the project Structural Engineer and a letter from the project Soils Engineer (i.e., a Geotechnical Engineer or Civil Engineer practicing in the area of soils engineering). Both engineers must certify unequivocally that the proposed reduction in setbacks from the treatment tank and effluent dispersal area will not adversely affect the structural integrity of the onsite wastewater treatment system, and will not adversely affect the structural integrity of the structures for which the setback is reduced.
- Buildings – All proposed reductions in setback from the onsite wastewater treatment system to buildings (i.e., setbacks less than those shown in MMC Section 15.42) also must be supported by a letter from the project Architect, who must certify unequivocally that the proposed reduction in setbacks will not produce a moisture intrusion problem for the proposed building(s). If the building designer is not a California licensed architect, then the required Architect's certification may be supplied by an Engineer who is responsible for the building design with respect to mitigation of potential moisture intrusion from reduced setback to the wastewater system; in this case the Engineer must include in the letter an explicit statement of responsibility for mitigation of potential moisture intrusion. If any specific construction features are proposed as part of a moisture intrusion mitigation system in connection with the reduced setback(s), then the Architect (or Engineer) must provide associated construction documents for review and approval during Building Plan Check.

8) Proof of Ownership: Proof of ownership of subject property shall be submitted.

9) Operations & Maintenance Manual: 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.

10) 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 advanced onsite wastewater treatment system shall be submitted prior to Environmental Health approval. **Please note only original "wet signature" documents are acceptable.**

11) Advanced Onsite Wastewater Treatment System (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 advanced method of sewage disposal pursuant to the City of



Malibu Municipal 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.**

- 12) **Project Geologist/Geotechnical Consultant Approval:** Project Geologist/Geotechnical Consultant final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 13) **City of Malibu Geologist/Geotechnical Approval:** City of Malibu geotechnical staff final approval of the Onsite Wastewater Treatment System plan shall be submitted to the Environmental Health Administrator.
- 14) **City of Malibu Planning Approval:** City of Malibu Planning Department final approval of the OWTS plan shall be obtained.
- 15) **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.
- 16) **Operating Permit Application and Fee:** In accordance with Malibu Municipal Code, an application shall be made to the Environmental Health office for an Onsite Wastewater Treatment System operating permit. An operating permit fee in accordance with the adopted fee schedule at the time of final approval shall be submitted with the application.

-o0o-

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





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-7650

FIRE DEPARTMENT REVIEW REFERRAL SHEET

TO: Los Angeles County Fire Department DATE: 1/3/2019

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-001

JOB ADDRESS: 20272 INLAND LN

APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin

APPLICANT ADDRESS: 22741 Pacific Coast Highway #400
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5515

APPLICANT FAX #: (310) 456-9821

PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo (factor of safety), SPR (height)

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.

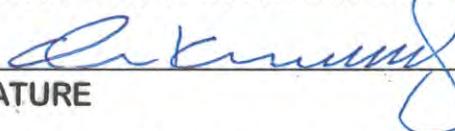
- The project DOES require Fire Department Plan Review and Developer Fee payment
- The project DOES NOT require Fire Department Plan Review
- The required fire flow for this project is 1,250 gallons per minute at 20 pounds per square inch for a ^{ONE}~~X~~ hour duration. (Provide flow information from the water dept.)
- The project is required to have an interior automatic fire sprinkler system.
- Final Fuel Modification Plan Approval is required prior to Fire Department Approval

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

	App'd	N/app'd
Required Fire Department vehicular access (including width and grade %) as shown from the public street to the proposed project.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Required and/or proposed Fire Department Vehicular Turnaround	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Required 5 foot wide Fire Department Walking Access (including grade %)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Width of proposed driveway/access roadway gates	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*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

4.25.19
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



COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION

FORM 195
Rev. 03/11

Fire Prevention Engineering
5823 Rickenbacker Road
Los Angeles, CA 90040
Telephone (323) 890-4125 Fax (323) 890-4129

Information on Fire Flow Availability for Building Permit

For Single Family Dwellings (R-3)

INSTRUCTIONS:

Complete parts I, II (A) when:

Verifying fire flow, fire hydrant location and fire hydrant size.

Complete parts I, II (A), & II (B) when:

For buildings equipped with fire sprinkler systems, and/or private on-site fire hydrants.

PROJECT INFORMATION
(To be Completed by Applicant)

PART I

Building Address: 20272 INLAND LANE

City or Area: Malibu

Nearest Cross Street: Big Rock

Distance of Nearest Cross Street: 3/5 mile

Property Owner: Jon Congdon Telephone: (310) 456-5515

Address: 22741 #900 Pacific Coast Highway

City: Malibu, Cal. Zip Code 90265

Occupancy (Use of Building): S.F.R Sprinklered: Yes No

Type of Construction _____

Square Footage: 3,337 + 602 = 3,909 sq ft Number of Stories: 2

Present Zoning: RR-1

OWNER'S REPRESENTATIVE

Norman R. Haynie
Applicant's Signature

3-19-2019
Date

PART II (A)

**INFORMATION ON FIRE FLOW AVAILABILITY -
(Part II to be completed by Water Purveyor)**

The distance from the fire hydrant to the property line is 50'
feet via vehicular access. The fire flow services will be rendered from a 8"
inch diameter water main. The hydrant is located on Inland Lane
790' West of Big Rock Drive
(Feet) (Direction) (Street)
(Nearest Cross - Street)

Under normal operating conditions the fire flow available from this 6"x4"x2.5"
hydrant is 1,250 GPM at 20 PSI residual for 2 hours at 130 PSI Static
(Size)

PART II (B)

SPRINKLERED BUILDINGS ONLY

Detector Location:(check one) Above Grade Below Grade Either

Backflow protection required (fire sprinklers/private hydrant): Yes No

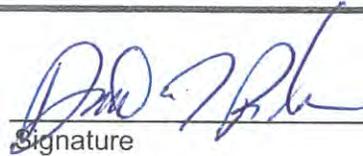
Type of Protection Required:(check one)

Double Check Detector Assembly Reduced Pressure Principal Detector Assembly

Other Reduced Pressure Principal (RP) Domestic Meter Size No Meter

PART II (C)

L. A. Co. Waterworks District # 29
Water Purveyor


Signature

4/9/2019
Date

David Rydman, Senior Civil Engineer
Title

PART III

**Conditions for Approval by the Building Department
(To be Completed by Building Department)**

The building permit may be issued for single family dwellings when the above information is complete and shows that the following minimum requirements are met and the property is not in the High Fire Hazard Severity Zone or the Very High Fire Hazard Severity Zone.

*The water system is capable of delivering at least 1250 GPM at 20 PSI for two hours.

*The structure is less than 3,600 square feet.

*The distance from the structure to the fire hydrant does not exceed 450 feet via vehicular access.

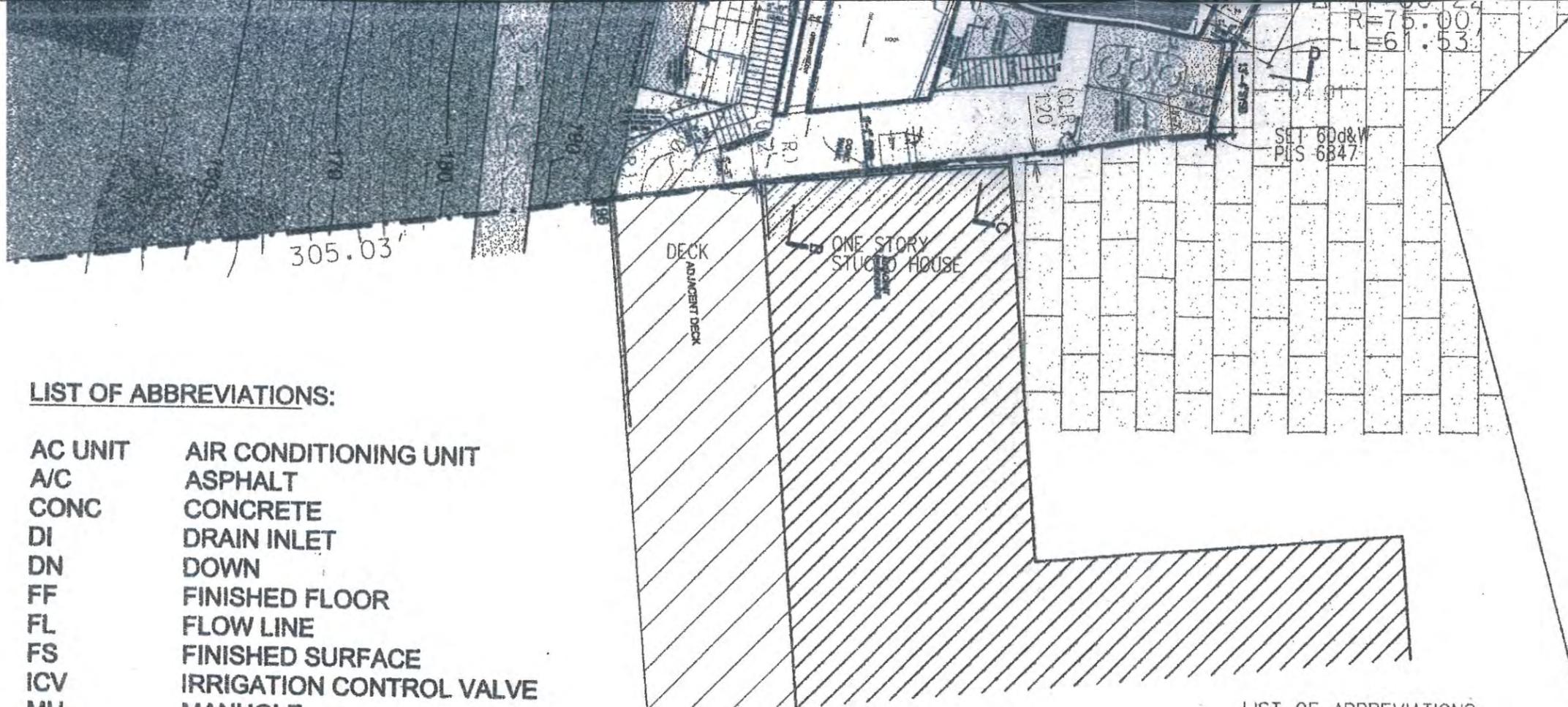
*The proposed construction must be within 150 feet of a vehicular access roadway that is a minimum of 20 feet wide, paved with concrete or asphalt and does not exceed 15% grade

APPROVED BY _____ DATE _____ OFFICE _____

This Information is Considered Valid for Twelve Months

Where the water service does not meet the above requirements for approval by the **Building Department, Fire Prevention Division** approval of the site plan will be required before a Building Permit can be issued by the **Building Department.**

20272 Inland Lane
(2)



FRONT YARD = 95'-8"
 SIDE YARD - WEST = 13'-8"
 SIDE YARD - EAST = 9'-1"
 REAR YARD = 168'-6"

PARKING - 2 ENCLOSED
 2 UNENCLOSED

LEGEND:

PROPERTY LINE:	—————
STREET CENTERLINE:	————— C —————
EASEMENT:	—————
MONUMENT:	△
BASIS OF BEARINGS:	(B.O.B.)
ENCROACHMENT:	(ENCR.)
CLEAR:	(CLR.)
STREET LIGHT (ST.LT.):	
ASPHALT (A/C):	
BUILDING:	
CHAIN LINK FENCE (C.L.F.):	————— X —————
WOOD FENCE:	————— W —————
WIRE FENCE:	————— —————
WROUGHT IRON-FENCE:	————— WIF —————
CONCRETE (CONC.):	
MANHOLE (M.H.):	
TREES:	PINE PALM EUC OAK OTH

LIST OF ABBREVIATIONS:

AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
ICV	IRRIGATION CONTROL VALVE
MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

LIST OF ABBREVIATIONS:

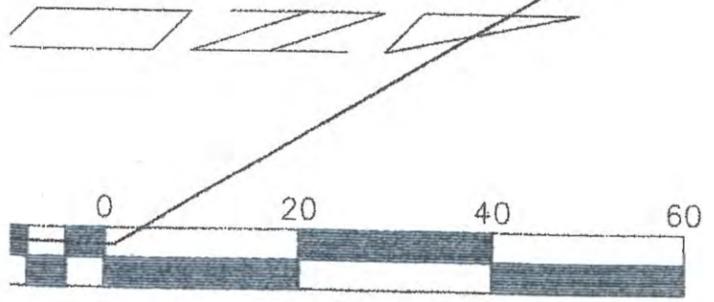
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MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

REQUIRED FIRE FLOW

1,250 GPM @ 20 PSI FOR 1 HOURS
 C. KENNELLY - LACoFD
 4-24-19

APPROVED
 ACCESS REQUIREMENTS ONLY
 By C. KENNELLY
 Fire Prevention Engineer
 Date 4-25-19

COUNTY OF LOS ANGELES
 FIRE DEPARTMENT
 FIRE PREVENTION ENGINEERING
APPROVED
 FIRE HYDRANT LOCATION ONLY
 By C. KENNELLY
 Fire Prevention Engineer
 Date 4-25-19



Scale 1" = 20'

COLOR CODED SLOPE ANALYSIS

REVISIONS: 4/24/12 EDIT 5/7/13 SEE NOTE 6 7/21/14 EDIT 5/16/16 SEE SLOPE NOTE	SURVEYED FOR: JOHN CONGDON c/o JOHATHEN DAY COSCIA-DAY ARCHITECTS 747 INDIANA AVENUE VENICE, CA 90291	SURVEYED BY:
SURVEYED BY: RS, JF, TW	LAND & AIR SURVEY BOUNDARY - TOPOGRAPHIC - ALTA SUR SUBDIVISIONS - PARCEL MAPS 22741 PACIFIC COAST HIGHWAY SUITE #400A MALIBU, CA 90265 BUSINESS (310) 456-9381 FAX (310) 456-9821	
DRAWN BY: GS, DS, KS, AML		

S:\Jobs\C\CONGDON, JOHN\CON114_SLOPE.DGN



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: _____

FROM: City of Malibu Planning Department

PROJECT NUMBER: CDP 19-001

JOB ADDRESS: 20272 INLAND LN

APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin

APPLICANT ADDRESS: 22741 Pacific Coast Highway #400
Malibu, CA 90265

APPLICANT PHONE #: (310) 456-5515

APPLICANT FAX #: (310) 456-9821

APPLICANT EMAIL: norm@blueonyxdesign.com

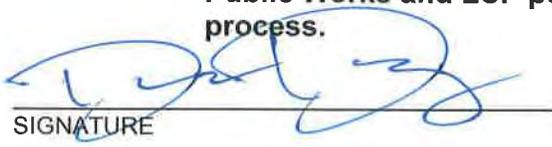
PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo
(factor of safety), SPR (height)

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

03/09/20

DATE



City of Malibu

MEMORANDUM

To: Planning Department

From: Public Works Department
Julian De Anda, P.E., Associate Civil Engineer
Reissued by Danh Duong, Assistant Civil Engineer 

Date: March 9, 2020

Re: Proposed Conditions of Approval for 20272 Inland Lane, **CDP 19-001**

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. Clearing and grading during the rainy season (extending from November 1 to March 31) shall be prohibited for development LIP Section 17.3.1 that:
 - Is located within or adjacent to ESHA, or
 - Includes grading on slopes greater than 4:1
 - Approved grading for development that is located within or adjacent to ESHA or on slopes greater than 4:1 shall not be undertaken unless there is sufficient time to complete grading operations before the rainy season. If grading operations are not completed before the rainy season begins, grading shall be halted and temporary erosion control measures shall be put into place to minimize erosion until grading resumes after March 31, unless the City determines that completion of grading would be more protective of resources
2. 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 LIP Section 8.3. **A note shall be placed on the project that addresses this condition.**



3. 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 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.
 - 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.

4. A digital drawing (AutoCAD) of the project's private storm drain system, public storm drain system within 250 feet of the property limits, and post-construction BMP's shall be submitted to the Public Works Department prior to the issuance of grading or building permits. The digital drawing shall adequately show all storm drain lines, inlets, outlet, post-construction BMP's and other applicable facilities. The digital drawing shall also show the subject property, public or private street, and any drainage easements.



STORMWATER

5. A Local Storm Water Pollution Prevention Plan shall be provided prior to the issuance of the Grading/Building permits for the project. This plan shall include 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.

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



7. A Water Quality Mitigation Plan (WQMP) is required for this project. The WQMP shall be supported by a hydrology and hydraulic study that identifies all areas contributory to the property and an analysis of the predevelopment and post development drainage of the site. The WQMP shall meet all the requirements of the City's current Municipal Separate Stormwater Sewer System (MS4) permit. The following elements shall be included within the WQMP:

- Site Design Best Management Practices (BMP's)
- Source Control BMP's
- Treatment Control BMP's that retains on-site the Stormwater Quality Design Volume (SWQDv). Or where it is technical infeasible to retain on-site, the project must biofiltrate 1.5 times the SWQDv that is not retained on-site.
- Drainage Improvements
- A plan for the maintenance and monitoring of the proposed treatment BMP's for the expected life of the structure.
- A copy of the WQMP shall be filed against the property to provide constructive notice to future property owners of their obligation to maintain the water quality measures installed during construction prior to the issuance of grading or building permits.
- The WQMP shall be submitted to Public Works Department and the fee applicable at time of submittal for the review of the WQMP shall be paid prior to the start of the technical review. The WQMP shall be approved prior to the Public Works Department's approval of the grading and drainage plan and or building plans. The Public Works Department will tentatively approve the plan and will keep a copy until the completion of the project. Once the project is completed, the applicant shall verify the installation of the BMP's, make any revisions to the WQMP, and resubmit to the Public Works Department for approval. The original signed and notarized document shall be recorded with the County Recorder. A copy of the WQMP shall be submitted to the Public Works Department prior to the certificate of occupancy.

MISCELLANEOUS

8. The developer's consulting engineer shall sign the final plans prior to the issuance of permits.
9. The Applicant shall obtain all required Caltrans permits, for additional stormwater drainage flow that is created by project and will impact and drain to Pacific Coast Highway (Highway 1).
10. The Applicant should use the existing concrete swale located on the hillside slope, to the south of the property, to collect all stormwater drainage flow created by the development project.





City of Malibu

23825 Stuart Ranch Rd., Malibu, California CA 90265-4804
(310) 456-2489 FAX (310) 456-3356 www.malibucity.org

Received
6/8/2020
Planning Dept.

LOS ANGELES COUNTY WATERWORKS DISTRICTS REVIEW REFERRAL SHEET

FROM: City of Malibu Planning Department

DATE: 1/3/2019

PROJECT NUMBER: CDP 19-001

JOB ADDRESS: 20272 INLAND LN

APPLICANT / CONTACT: Norman Haynie, Blue Onyx Design and Engineerin

APPLICANT EMAIL: norm@blueonyxdesign.com

APPLICANT PHONE #: (310) 456-5515

PLANNER: Lilly Rudolph

PROJECT DESCRIPTION: NSFR replacing burn out, NAOWTS, VAR-geo (factor of safety), SPR (height)

TO: **Malibu Planning Department and/or Applicant**

FROM: **LACWD No. 29, Malibu**

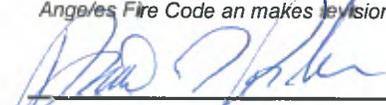
Compliance with the conditions checked below is required prior to Waterworks District approval

- The project **DOES NOT** require any system improvements for domestic and/or fire flow conditions _____
- The project **DOES NOT** require capital improvement fees and/or participation fees _____
- The project **DOES** require a Will Serve Letter (Final Waterworks Districts approval) _____
- The project **DOES** require capital improvement fees and/or participation fees _____
- The project **DOES** require the owner to execute an agreement and participate financially in the design and construction of a future water system to increase local storage and conveyance capacity in the event of an interruption of the primary water supply _____
- The project **DOES** require private contract water system improvements for domestic and/or fire flow conditions _____

The required fire flow for this project set by the Fire Department is 1,250 gallons per minute at 20 pounds per square inch for a 1 hour duration

Scope of water system improvements required:

Note: Los Angeles County Waterworks District No. 29, Malibu approval expires upon the earliest of the following: 1) Two years from the date of this form; 2) Expiration date of the City Planning permit(s), or 3) Date County adopts changes to the county of Los Angeles Fire Code and makes revisions to apply the Fire Department regulations and standards.


SIGNATURE

6/8/2020
DATE

Additional requirements/conditions may be imposed upon review of complete architectural plans.
Los Angeles County Waterworks District No. 29, Malibu may be contacted by phone at (310) 317-1389 or at the Waterworks Public Counter: 23533 Civic Center Way, Malibu CA 90265; Hours: Monday-Thursday 8:00am – 12:00pm

LOS ANGELES COUNTY WATERWORKS DISTRICTS *

P. O. Box 1460
Alhambra, CA 91802
Telephone: (626) 300-3306

260 East Avenue K-8
Lancaster, CA 93535
Telephone: (661) 942-1157

23533 Civic Center Way
Malibu, CA 90265
Telephone: (310) 317-1389

TO:

Los Angeles County
Department of Public Health
Environmental Health:
Drinking Water / Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706-1423

Los Angeles County
Department of Public Works
Building & Safety Division

Los Angeles County
Fire Department

Received

6/8/2020

City of Lancaster
Building Department
44933 N. Fern Ave.
Lancaster, CA 93534

City of Malibu
Building Department
23815 W. Stuart Ranch Rd.
Malibu, CA 90265

City of Palmdale
Building Department
38300 N. Sierra Hwy.
Palmdale, CA 93550

Planning Dept.

RE: 20272 INLAND LANE
Address

MALIBU
City

90265
Zip Code

APN # 4450-012-032

Los Angeles County Waterworks District No. 29

Will serve water to the above single lot property subject to the following conditions:

<input type="checkbox"/>	Annexation of the property into Los Angeles County Waterworks District is required. Water service to this property will not be issued until the annexation is completed.
<input checked="" type="checkbox"/>	The appropriate fees <u>must be paid</u> to the District and other related water agencies.
<input checked="" type="checkbox"/>	The appropriate service connection fees have been paid to Waterworks Districts for the existing 1" service connection.
<input type="checkbox"/>	The property has an existing water meter.
<input type="checkbox"/>	The appropriate connection fees have been paid to Waterworks Districts for the proposed service.
<input type="checkbox"/>	Water system improvements will be required to be installed by the developer subject to the requirements set by the Fire Department and the District.
<input checked="" type="checkbox"/>	Water meter serving the property must be installed in accordance with Waterworks' District standards.
<input checked="" type="checkbox"/>	Public water system and sewage disposal system must be in compliance with Health Department separation requirements.
<input checked="" type="checkbox"/>	A portion of the existing fronting water main may be required to be replaced or upgraded if the water service tap cannot be made or if damage occurs to the water main if a service connection upgrade is required.
<input checked="" type="checkbox"/>	Property may experience low water pressure and / or shortage in high demand periods.
<input type="checkbox"/>	The District <u>CAN NOT</u> serve water to this property at this time.
<input checked="" type="checkbox"/>	Must comply with and satisfy City of Malibu requirements in order to obtain Water Service if a service connection upgrade is required.
<input checked="" type="checkbox"/>	A USC approved backflow device is required for this property and is to be installed and maintained by the property owner.
<input checked="" type="checkbox"/>	This Will Serve Letter is for a new 3,937 sq. ft. single-family residence.

By:  Dave Rydman (310) 456-6621 x238 6/8/2020
Signature Print Name Phone Number Date

*** THIS WILL SERVE LETTER WILL EXPIRE ONE YEAR AFTER THE DATE OF ISSUANCE.**

Lilly Rudolph

From: Joanne Gorby
Sent: Monday, August 24, 2020 10:06 AM
To: Lilly Rudolph
Subject: concerns of construction at 20272 Inland Lane, Malibu from Joanne Gorby

I am the homeowner of 20259 Inland Ln, and am deeply concerned about the potential development at 20272 and its effect on the entire neighborhood. Please make sure that I'm fully notified of the property's status and future plans. I also am requesting to have the architectural plans to be made available for review, which is my legal right.

Sincerely,

Joanne Gorby

Lilly Rudolph

From: Hak Wong
Sent: Sunday, August 23, 2020 11:04 PM Lilly
To: Rudolph
Cc: Richard Mollica
Subject: 20272 Inland Ln

I am the home owner at 20269 Inland Ln, and is deeply concern about the potential development at 20272 and its effects on the entire neighborhood. Please make sure that I'm fully notified of the property's status and future plans. I also request to have the architectural plans to be made available for review as is my legal

rights. Sincerely,
Hak Wong, M.D.

Lilly Rudolph

From: Jo Drummond <[REDACTED]>
Sent: Sunday, September 27, 2020 7:51 AM
To: Hak Wong
Cc: Lilly Rudolph; Richard Mollica; Joanne Gorby; Dorina Schiro; Bob / Lucy Liewald / Lawrence
Subject: Re: 20272 Inland Ln Public Hearing
Attachments: 2018.11.20 - Geologic Aspects Of Redevelopment Big Rock Mesa Landslide Area.pdf

Yes the BRM Landslide Assessment District community meeting is scheduled one day after this PC hearing, on October 6, so it should at least be delayed until we receive a status of the dewatering equipment on that date. However, Yeh & Associates have not completed a slope stability analysis of the hill, that has not been completed for over 25 years. Until a proper evaluation of the hill is completed and proper stability established there should be no added development in Big Rock. The latest stability geological report from ED Michael (attached) states Big Rock has a factor of safety close to unity (1) not the 1.5 required for new builds. We have two other geologists confirming this currently.

I will submit my opposition to this project later but it should be delayed.

Thanks very much, Jo Drummond

On Sep 27, 2020, at 2:09 AM, Hak Wong <[REDACTED]> wrote:

Hi: I'd like this to serve as my request on record, to postpone the planning commission hearing on this property, until we have adequate details and all relevant information. Jo Drummond is waiting to hear from the upcoming meeting to discuss the latest findings on the Big Rock landslide risk status. First She also wants to review the latest reports from her own geologists! I have spoken with Paul Shin, the engineer at Caltrans permits. He said he had received many calls from residents concerning this project, and wanted to reassure me that Caltrans has no jurisdiction over private developments. However, the City is required to submit plans that has potential to affect their roadways, for their review. Due to public safety issues, he'll have to speak with Caltrans attorneys to review and clarify their roles in such case.

It is prudent to wait for these findings. The Malibu Planning department has a history, on video records, of making haste decisions on this property, based on inadequate info, incorrect facts and interpretations. The case fell apart upon appeal and scrutiny by third part state commission! Lily my dear, I take it that you will be more diligent this time to avoid that happening again, and make the department looked frivolous. Thank you for your attention .

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 Luan 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.

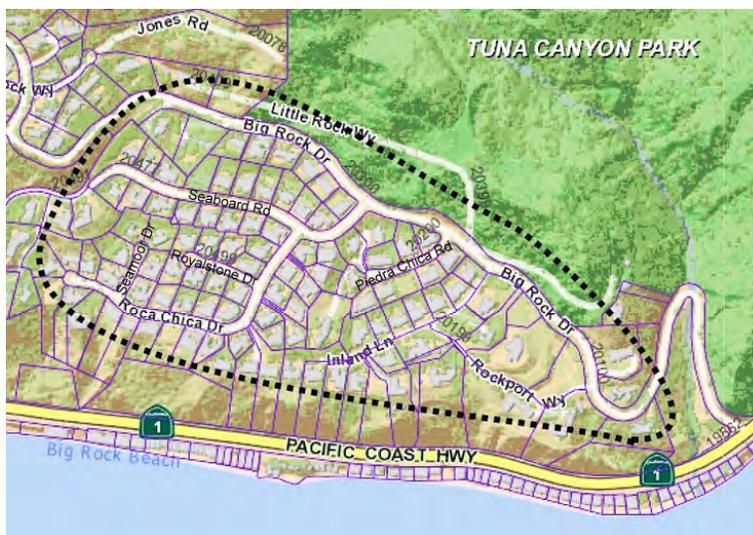


Figure 1. Lower Big Rock Mesa.

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 hydraugers 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 ground-water 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 ground-water 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 mentioned 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 landslide 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 a 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 described 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.

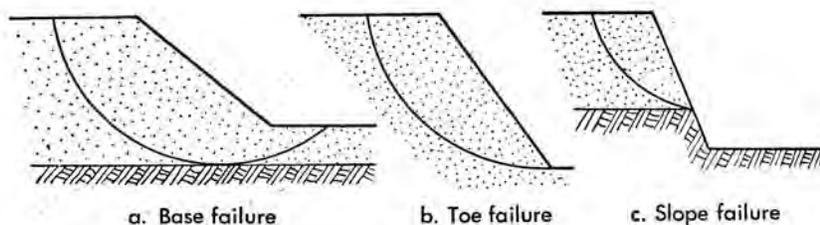


Figure 2-1. Types of Circular Arc Failures.

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-

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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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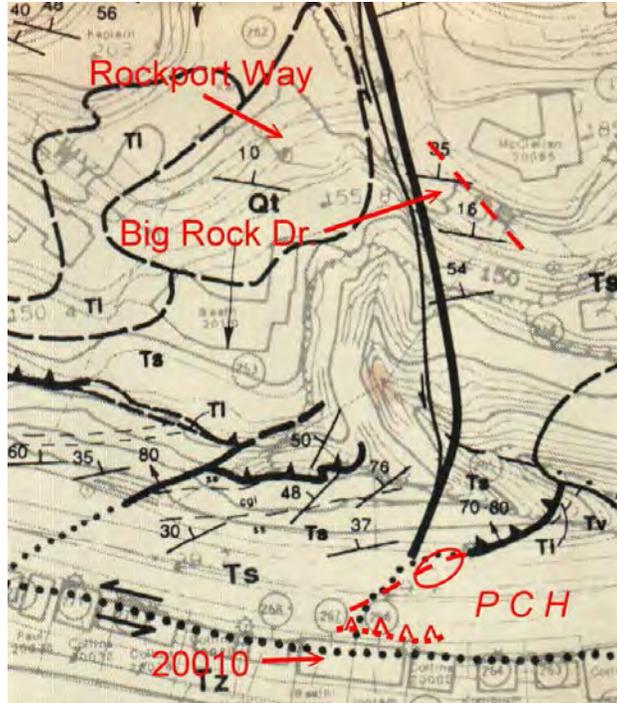


Figure 2-4. BYA, 1992, Pl. 4-1.2).

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 20010.

Ovate depression shown in Photo 2-4 is dark area opposite power pole, upper left.
View is east in front of 2008 - 20010 PCH. Photo: EDM, 10/12/18

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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 opp.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 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.

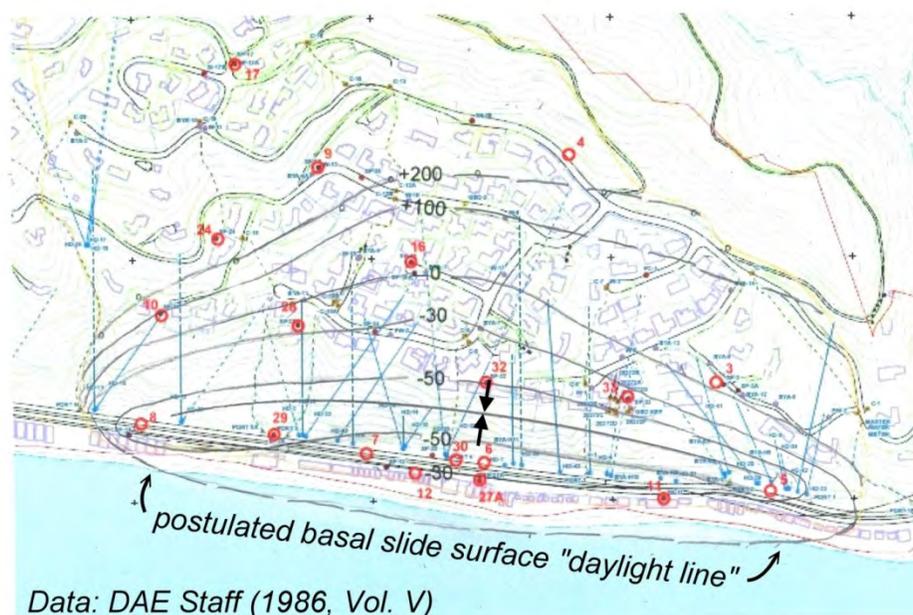


Figure 2-5. BRM Landslide Basal Surface Contours.
Base: Curtis and Dean (2014, Pl. 2).

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.

* * *

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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.

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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 accept 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 the various species demand, and therefore it is practically certain that over-irrigation is practice 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.

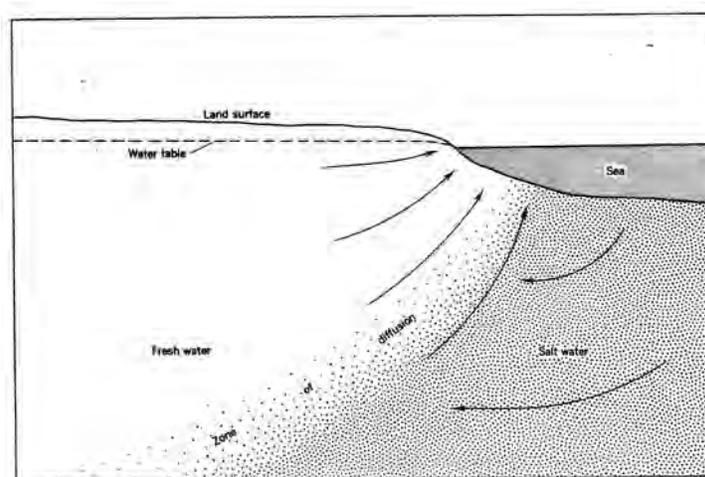


Figure 3-1 Generalized Sea-water Intrusion Diagram (Cooper, 1964, p. C-3)

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 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 constructing 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.”

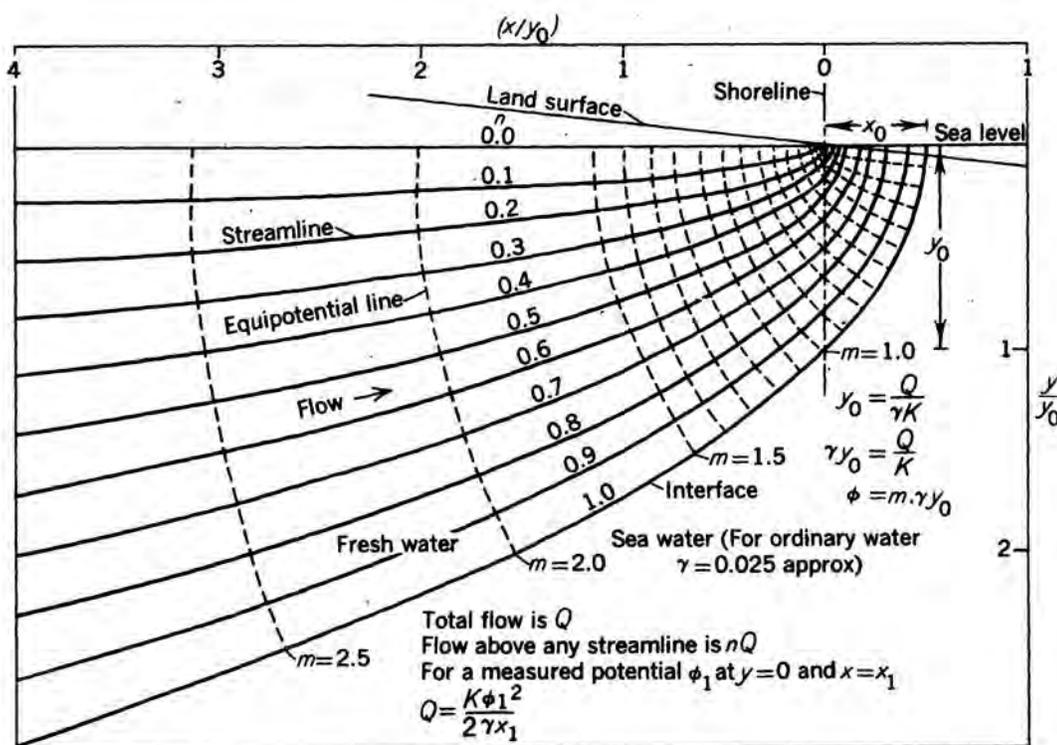


Figure 3-2. Model Coastal Fresh-water Outflow.
Glover, 1964, pp. C-32 - C35.

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.

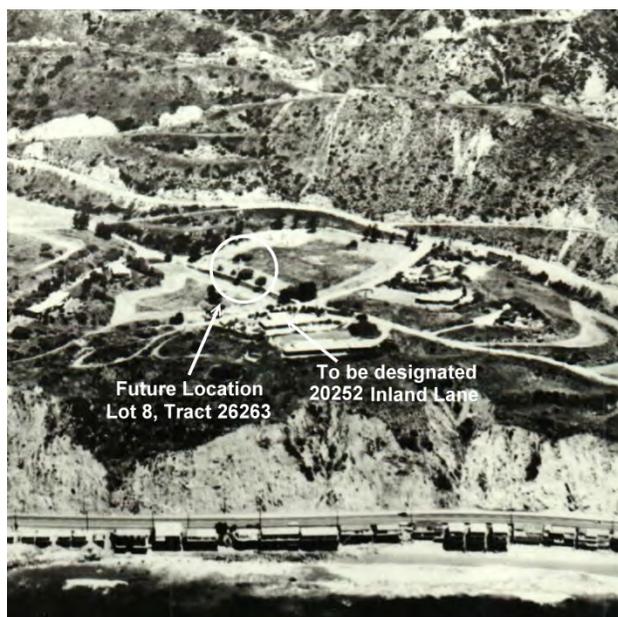


Photo 4-1. Lower BRM Area ca. 1958

Photo: undetermined

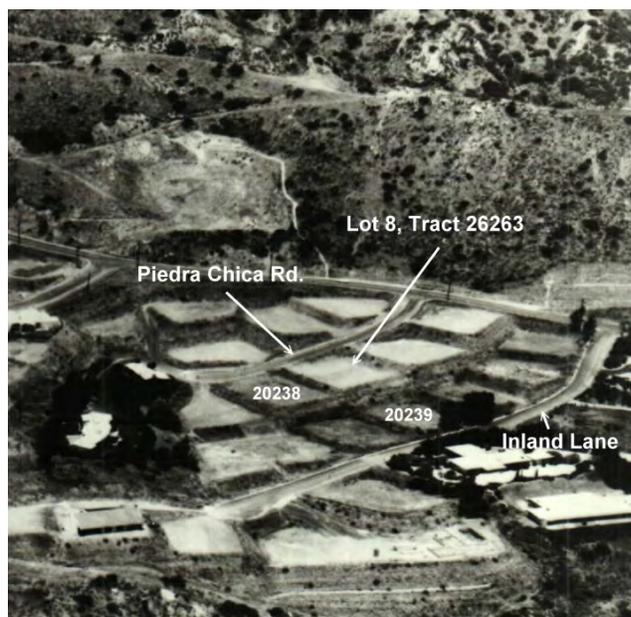


Photo 4-2. Lower BRM Area, ca. 1964

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 through 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.”

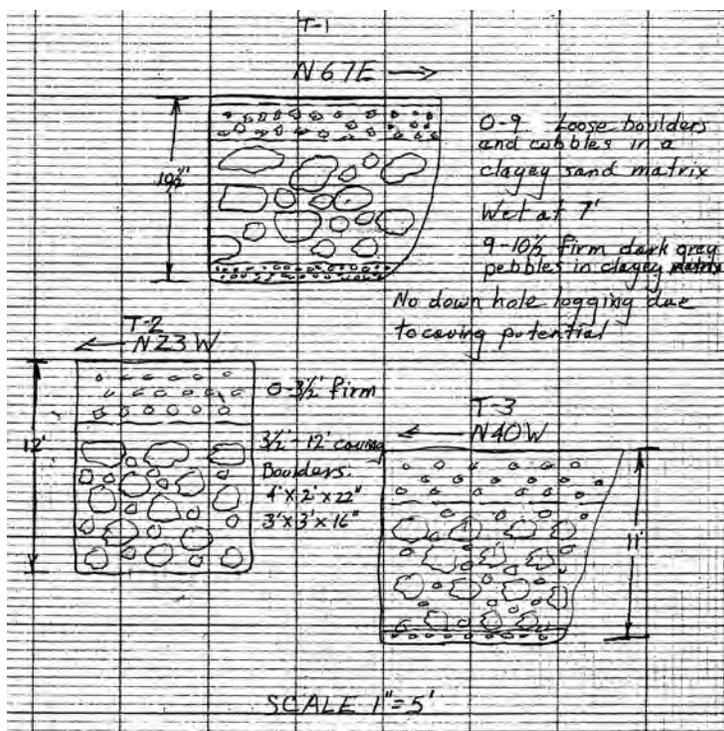


Figure 4-1. Graphic Trench Logs, Lot 8 (Kowalewski and Tsao (2005))

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

DAE Staff (1986) or BYA Staff (1992).

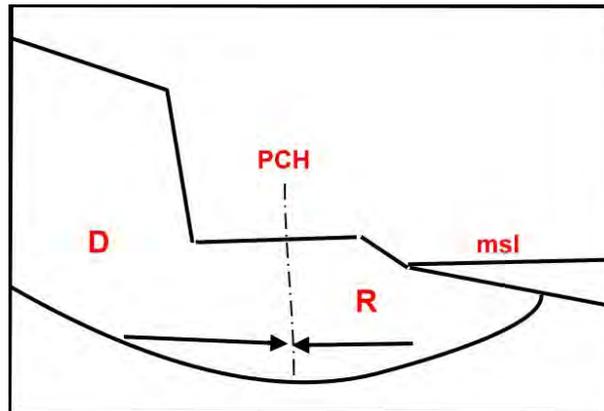


Figure 5-2. Hypothetical BRM Slide Toe Section.

Represented in Figure 5-3 is the postulated effect of a dewatering well along the northern side of PCH, its cone of depression, dotted red line, the normal equilibrium water level due to recharge in the BRM slide mass, dashed blue line, and the saline-fresh water interface, dotted blue line which is the cone of depression induced by the dewatering well. The resisting force - analogous to Force R of Figure 5-2 - is due to the mass bounded by S-S'-S'' seaward of line S'-S'', whereas the BRM landslide driving force is that due to the mass landward of S'-S''.

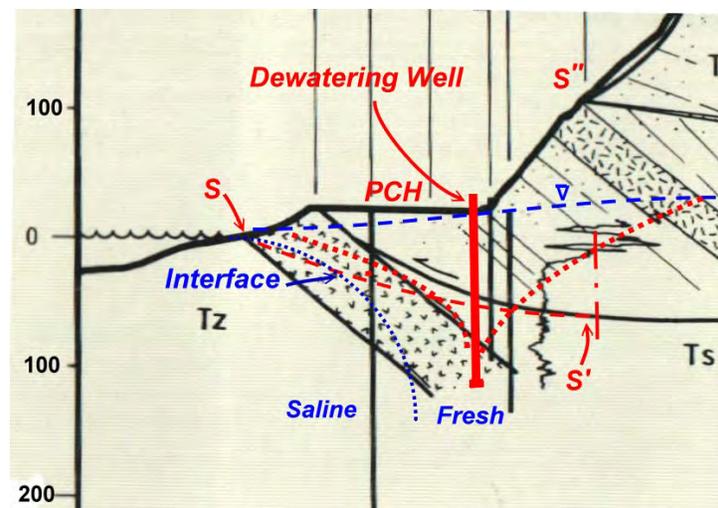


Figure 5-3. Modified Part of BYA Section A-A'
BYA Staff (1992, Fig. 4-1.4).

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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.

* * *

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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 mansionization that has been developing for some years in the BRM area and cumulatively must be having an adverse effect on the dewatering system. The other concerns 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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Lilly Rudolph

From: Kathleen Stecko
Sent: Monday, October 5, 2020 10:17 AM
To: Lilly Rudolph
Subject: FW: Coastal Development Permit 19-001, variance 29-001 etc - 20272 inland lane
Attachments: preservebigrock_email.pdf; CC&Rs Tract 3 (2)_compressed.pdf; PastedGraphic-1.tiff; Big Rock Geological Additions etc 1992-2019.xlsx; 2018.11.20 - Geologic Aspects Of Redevelopment Big Rock Mesa Landslide Area.pdf; BRM Landslide Review w Figures_3_compressed.pdf

From: Jo Drummond [mailto:jyotidrummond@yahoo.com]
Sent: Saturday, October 3, 2020 7:39 PM
To: Kathleen Stecko
Cc: Judy Shockley
Subject: Fwd: Coastal Development Permit 19-001, variance 29-001 etc - 20272 inland lane

This bounced back from gig so resending with compressed files. Thx so much, Jo Drummond

Begin forwarded message:

From: Jo Drummond
Date: October 2, 2020 at 2:50:02 PM PDT
To: "planningcommission@malibucity.org" [Steve Uhring](#) , [John Mazza](#) , [Chris Marx](#), [Jeffrey Jennings](#), [David Weil](#), [Kathleen Stecko](#)
Cc: [Hak Wong](#), [Joanne Gorby](#), [Dominica Schiro](#) [Rosemarie Ihde](#), [Colin Drummond](#), [Christopher Cunningham](#), [Eric Sosa](#), [Ellen Relles](#), [Doug Stewart](#), [Sadiqa Stelzner](#), [Dee Dee Graves](#), [Dean Wilcox](#), [Georgia Goldfarb](#), [jeff grier](#), [Judy Shockley](#), [Armin Dolan](#), [K Hill](#), [Hooshang Vahedi](#), [Max](#), [Paul Shin](#), [Andy Cho](#), [Paul Boulet](#), [Erin Scott](#), [Al Broussard](#), [John Morris](#), [Frank Albino](#), [Kenneth Chiate](#), [John Cadarette](#), [James Sarantinos](#)
Subject: [Coastal Development Permit 19-001, variance 29-001 etc - 20272 inland lane](#)

Honorable Planning Commissioners,

On Nov. 2 please do not approve the above CDP and variance, modifications, etc on the location in

Big Rock of 20272 Inland Lane. These plans should be dismissed.

CEQA exemptions should not apply given the cumulative and significant impact of the landslide that has a factor of safety close to unity (1) due to ongoing creep movement not the legal 1.5 necessary for new builds. No variance can be given for a factor of safety this low. Since the upgrade of the dewatering system 25 years ago there has been the cumulative factor of additional water added to our sensitive geology in our hill by over 100,000 sq ft of new builds and additions and over 35 OWTS and 18 pools and spas that can leak and overflow into our hill. Earlier this year, Patricia Salazar of your planning department helped me compile a spreadsheet of all the builds in the area since 1992 (see attached). All of the slope stability studies by the applicant do not take this into account and base their findings on Bing Yen's report from 25 years ago before this much increased development. As well they referred to aerial photographs from 1928 & 1952 long before the BRM landslide occurred.

The build does not pass geological standards for a build in an active landslide area. It has moved off its original footprint by over 50% which should disqualify it as a rebuild. As a new build there should be stricter geological standards. It is also going over its original 15 ft high roofline that goes against our Big Rock CC&Rs (attached) and will block significant scenic views enjoyed by other homeowners thus going against Malibu city codes. **CC&Rs create the neighborhood character of a community.** As per the excerpt from Malibu City code attached under purpose, see item B last sentence, the city has set a precedent and recognized CC&Rs when it comes to View Preservation. The home does not match the neighborhood's character in its overhanging uber modern design and will attract more developers to big rock to increase home sizes and continue to risk landslide and likely cause another big landslide reactivation in Big Rock. Last time this happened our homes dropped below 50% in values and lives were endangered.

As you can see in the photo below the potential home is perched on a sensitive oceanside cliff which holds all kinds of dewatering equipment where there have been multiple bluff failures damaging hydrauger equipment over the years as per Bing Yen and Fugro monitoring reports (see attached photo of extreme large bluff damaged cage covering hydrauger directly below project site). The hydraugers have these cages to protect them from constant rockfall. The cliff has a history of large rock slides during our rainy seasons which has thrown boulders & slope debris onto and across PCH (see attached article). There is supposed to be a minimum 50-100 foot setback as per building code but this is perched right on the cliff's edge that is set to erode at minimum 1.5" per year, possibly 3" per year that would be an extra 18-20 ft in 75 years of erosion and the city code requires 100 years of erosion control setback. It is also subject to sea level rise which advances erosion. The City, Caltrans and beyond would be liable if something would happen should development cause death or injury to someone on or living on pch (see attached article re: encinitas rockslide caused by overdevelopment). There also exists no 1.5 factor of safety line on this bluff so no build should be allowed here:

" 10.4 DEVELOPMENT STANDARDS

.....
D. All new development located on a bluff top shall be setback from the bluff edge a sufficient distance to ensure that it will not be endangered by erosion or threatened by slope instability for a projected 100 year economic life of the structure. In no case shall development be set back less than 100 feet. This distance may be reduced to 50 feet if the City geotechnical staff determines that either of the conditions below can be met with a lesser setback. This requirement shall apply to the principle structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems etc. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area but in no case shall be sited closer than 15 feet from the bluff edge. Ancillary structures shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified

Engineering Geologist and/or Geotechnical Engineer, or a Registered Civil Engineer with experience in soil engineering. Generally, one of two conditions will exist:

1. If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line, plus the distance that the bluff might reasonably be expected to erode over 100 years. These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise.”

In the attached EIR completed in 2013 for the Crummer project at 20400 PCH (which still has not been built as they suddenly tried to change the development to hotels??), which has a similar blufftop distance to the ocean, the erosion back then was conservatively set at 0.2 ft per year. That would be 20 ft of erosion over 100 years. That proposed development was ordered to be set back by 190 ft.

A variance cannot be granted as the safety of the public is at risk as well as the community of Big Rock:

17.72.060 "The commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of the following findings of fact:

B. The granting of such variance or modification 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."

We cannot take these risks for granted when this project already states that “the adjacent residents and foundations may be adversely affected by the proposed construction and demolition procedures on the subject site.” This is clearly stated on the geotechnical review sheet dated May 6, 2016 under building plan check stage review.

The sandstone is already porous and falls easily and there are risks to people driving on the pch as well as our own landslide reactivation when adding water into the hillside as the current septic system plans will do. We talked to Paul Shin in permits at caltrans, copied here, about this and he says it's the city's job to protect the integrity of the hillside and ensure the safety of pch with any projects that are in application. Caltrans must be informed of projects that could negatively affect PCH and the homes down there so they can weigh in. So we hope you can see the affects on not only our community but the safety of PCH. Both the County and Caltrans were found responsible for the original landslide so the City and Caltrans must protect residents from a known hazard now. I've copied the deputy attorney for DOT, Andy Cho, here so he is informed of our correspondence.

As previously submitted to you there should be no development in a very high fire severity zone period. In the 1993 fire flames ravaged up and across the hillside and burned down the property on the original lot and several homes on Inland Lane and Rockport Way.

There is a puddle on Inland Lane across from a dewatering well ironically with septic inside that has not ever dissipated that shows the perched nature of the area which makes septic systems less viable and spreading horizontally into the ground rather than vertically causing groundwater mounding which causes damages to structures, soil saturation which weakens the soil and slopes, and health issues. Taken from section 4.4.4 OWTS Analysis Limitation from ED Michael's attached report on the area, "does not address the fundamental problem presented...that of a perched condition which unquestionably limits the extent to which it may be useful for spreading OWTS effluent without either groundwater mounding or otherwise flowing in response to gradient." The

county has tested this puddle where it showed possibly to be coming from a septic field above and referred this to the city for testing but the city still has not done so. Below is also a photo taken at the site at 20272 Inland Lane on March 26, 2018 - note the standing water at the potential build site showing these perched conditions where the water doesn't drain properly and floods regularly.

The site has expansive soils on the property which have not been properly evaluated. "Of the various geologic hazards that affect the State of California, expansive soils have caused millions of dollars in damages, particularly to single-family residences and private property improvements. The State Department of Natural Resources estimates that to the year 2000, expansive soils will be a 150 million dollar problem in the state." Malibu general plan 5.2.2. Expansive soils also prevent proper drainage as indicated with the standing water and septic systems will fail. All this needs to be taken into consideration and this build as it is designed right now must not be approved. It is already well known that the eastern Mesa is an area of low permeability where water can become trapped and therefore a greater risk of landslide.

I have attached a petition signed by over 90 residents in Big Rock, that you have already been delivered, asking for a moratorium on development here in Big Rock until the stability can be determined and our dewatering equipment no longer deteriorated as it is currently and running at optimal levels. Yeh & Associates will be giving a presentation on the state of our dewatering equipment on Oct 6 (we have many questions for them) but NOT of the **slope stability** of the area so this case should be delayed until this can be completed or added to the scope of the BRM Assessment District. Again the geologist, ED Michael, who you've all heard, who predicted the last landslide here to the year has warned us that we are close to unity in our current factor of safety due to recent movement he's discovered and overdevelopment plus a deteriorated dewatering system. I'll add a closeup taken on sept. 24 of the bottom of the cliff from this build where dewatering equipment is located and note this duct taped unattached broken pipe just holding up another hydrauger pipe system as just one of many examples of deterioration.

Our dewatering system only produces about half of what we did just over 10 years ago. See attached graphs from 2019 & 2007 as compared to water consumption which is even higher today.

I've also added a geological review written by H. Gary Greene who agrees with ED Michael's findings and also discusses the cumulative affect of earthquake faults in the area, sea rise at the toe of the landslide just below this build and increased development in detail for further evidence that CEQA exclusions should not apply to this build. He also mentions the possibility of masking of groundwater levels of inclinometers close to dewatering wells. There had been regular movement and high groundwater levels in inclinometer SP-33 near the property for years. The wells are also very close by and groundwater readings could be inaccurate and masking actual high local levels and regular movement. Only recent aerial images can detect movement and the applicant only used data from 1928 & 1952 in their geological reports before the landslide occurred to gauge measurements of this.

There are also many burrowing animals in big rock that can destabilize the site and cliffside further. We have them all over Piedra Chica rd just above this property and they are known to be in the hillside.

Thanks very much and please stop this build,

Jo Drummond on behalf of Friends of Big Rock

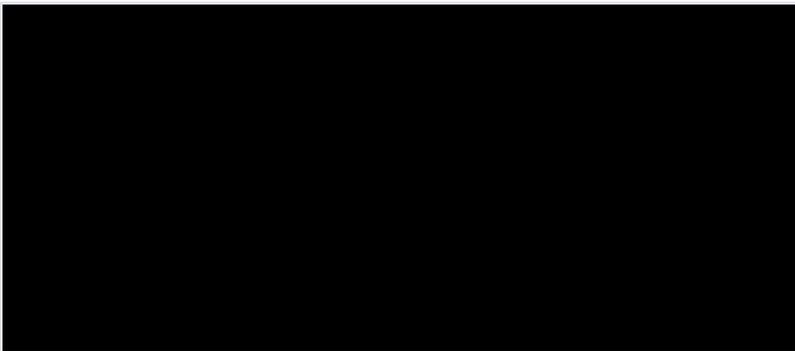
[From the Archives: Boulder enters Malibu garage](#)



From the Archives: Boulder enters Malibu garage

An early morning rock slide had again closed Pacific Coast Highway in Malibu.

[Family sues state, city, others over Encinitas bluff collapse that killed three](#)



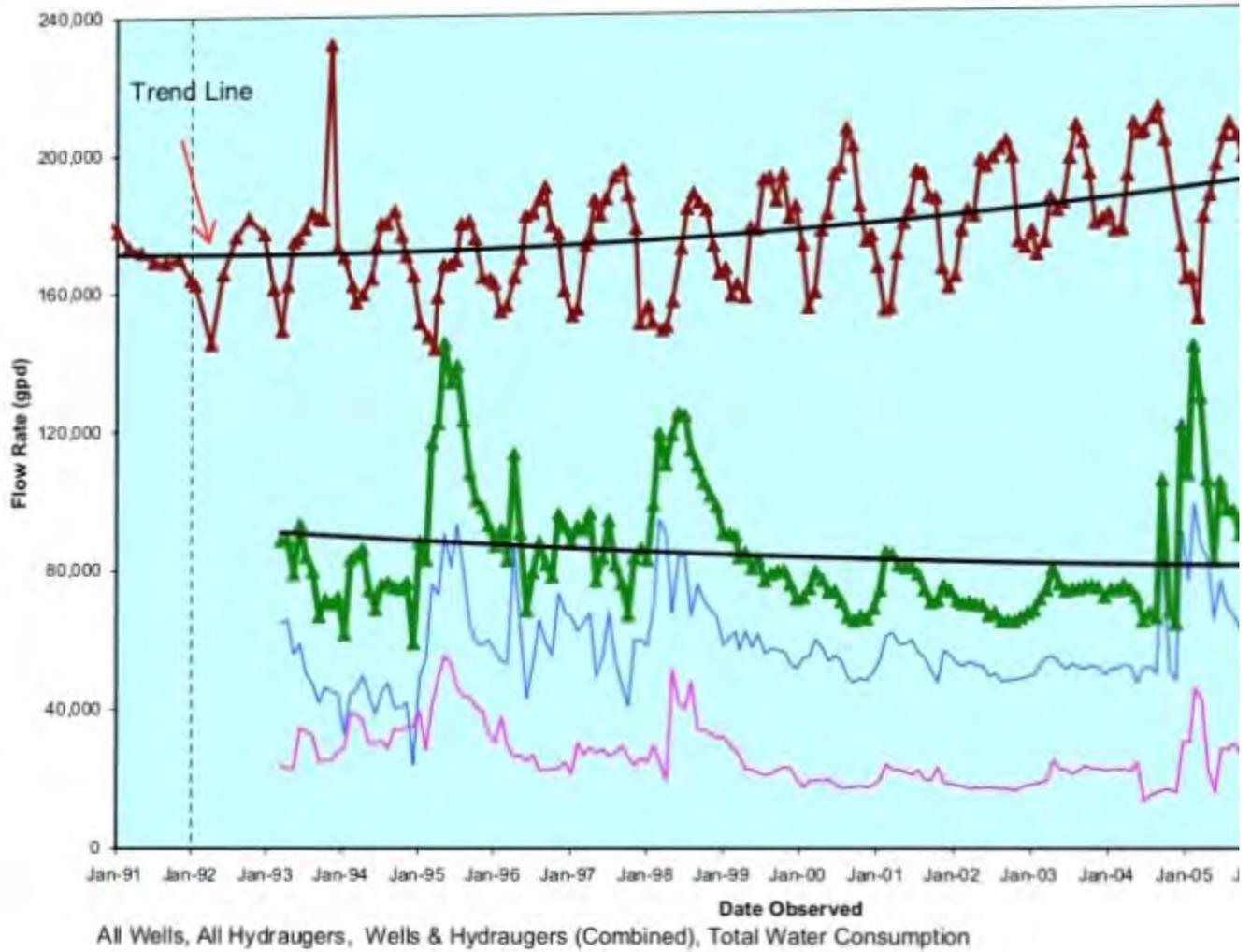
Family sues state, city, others over Encinitas bluff collapse that kille...

An Encinitas woman, her mother and her mother's sister died in the August 2019 collapse at Grandview Beach

<https://www.malibucity.org/DocumentCenter/View/1022/Section-55---Geology-and-Soils?bidId=>



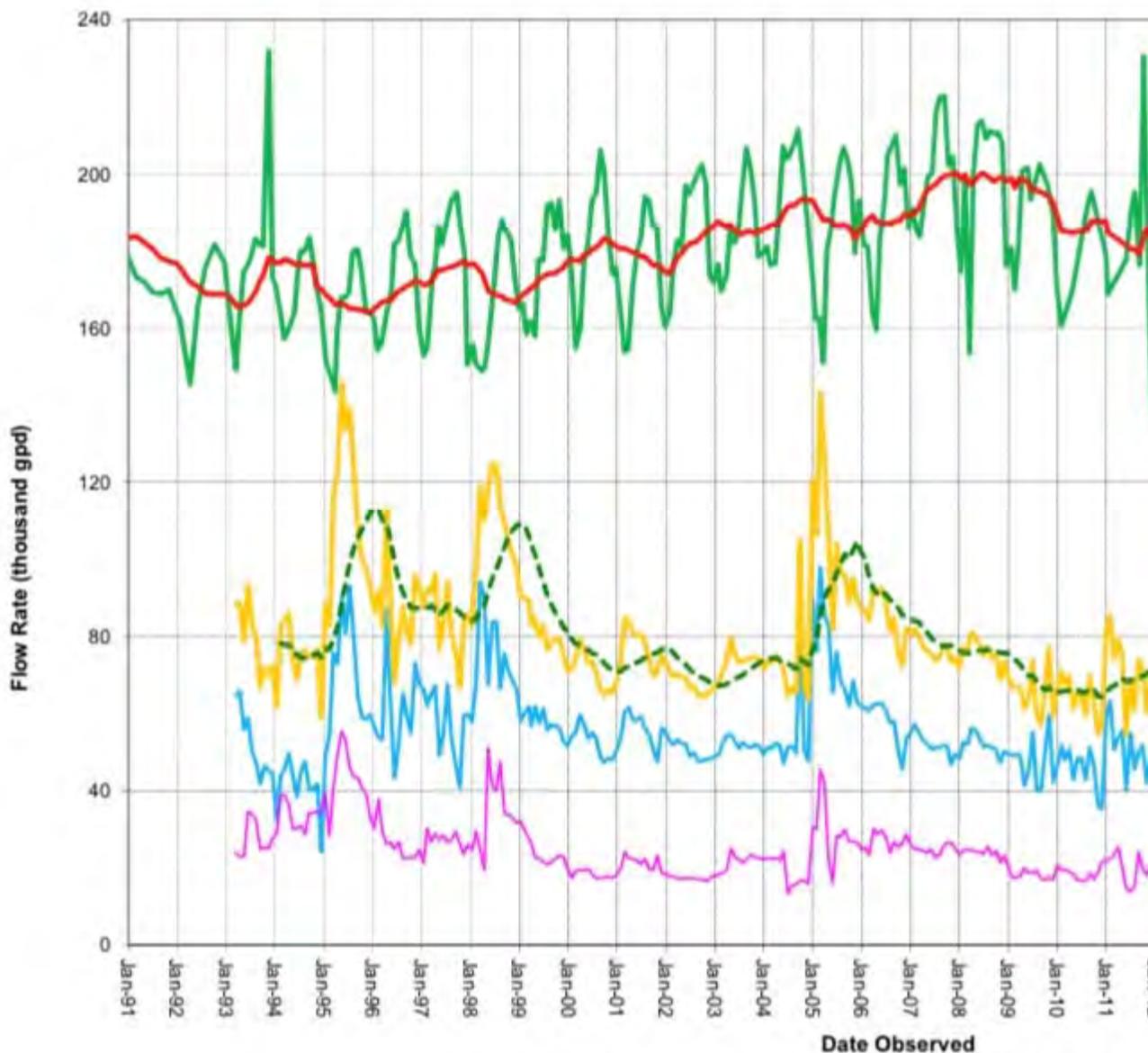




TOTAL DEWATERING RATE VS. TOTAL WATER CONSUMPTION
2007 through 2008 Annual Report
 Big Rock Mesa Landslide Assessment District
 Malibu, California

PLATE 4

**BIG ROCK MESA LANDSLIDE ASSESSMENT DISTRICT
 FY19-20 ANNUAL REPORT
 MALIBU, CALIFORNIA**



TOTAL DEWATERING PRODUCTION AND TOTAL WATER CONSUMPTION
 Wells & Hydraulics (Combined) / Total Water Consumption
 Big Rock Mesa Landslide Assessment District
 Malibu, California



This petition has collected
91 signatures
using the online tools at [ipetitions.com](https://www.ipetitions.com)

Printed on 2020-09-24

Preserve Big Rock Mesas

About this petition

ATTN City of Malibu Council Members, Planning Commission, and Planning Dept:

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 it's 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

Signatures

1. Name: Jo Drummond (joannedrummond@yahoo.com) on 2019-08-24 20:57:03
Comments: Please stop development in Big Rock and keep our hill safe.
STREET NAME:

2. Name: Hank and Nancy Corwin (harriswinthrop@yahoo.com) on 2019-08-25 08:32:15
Comments:
STREET NAME:

3. Name: Al Broussard (ALBE357@AOL.COM) on 2019-08-25 14:32:24
Comments: Lets all band together to protest our
community from threat of over development and to all work together to make our
community fire safe
STREET NAME:

4. Name: Una Damon (unadamon1@gmail.com) on 2019-08-25 15:16:12
Comments:
STREET NAME:

5. Name: colin drummond (colindrummond@gmail.com) on 2019-08-25 15:19:24
Comments:
STREET NAME:

6. Name: Asha and Paul Randall (drasharandall@gmail.com) on 2019-08-25 15:52:24
Comments: Our community needs pragmatic solutions that work for every neighborhood
in Malibu, taking into account the history.
STREET NAME:

7. Name: Ken Button (kenbutton@yahoo.com) on 2019-08-25 15:56:35
Comments: I am a Big Rock homeowner. I am very concerned about the stability of the
Big Rock area, and the risks to our safety and homes. I encourage the City to take steps
to protect the existing residents and homes.
STREET NAME:

8. Name: Frank Albino (falbino@pmcos.com) on 2019-08-25 16:14:35
Comments:
STREET NAME:

9. Name: Brenda Safranko (brenda.safranko@gmail.com) on 2019-08-25 16:39:37
Comments:
STREET NAME:

10. Name: Dorinne Graves (deed3204@yahoo.com) on 2019-08-25 16:52:50
Comments: Absolutely

STREET NAME:

11. Name: Dennis leverne graves (dennis1465@gmail.com) on 2019-08-25 19:21:58
Comments:
STREET NAME:
-
12. Name: Georgia Goldfarb (georgia.goldfarb@healthequality.net) on 2019-08-25 19:58:05
Comments: I oppose mansionization because of adverse effects on climate change and neighborhood character and building in high risk zones: wildfire, landslide, and ocean level rise are 3 present risks for our area.
Whitecap
STREET NAME:
-
13. Name: Pearl Burns (pob1244@yahoo.com) on 2019-08-25 21:35:24
Comments:
STREET NAME: Big Rock Drive
-
14. Name: Georganne Bartylak (ebargbar@icloud.com) on 2019-08-25 22:13:14
Comments: I am a homeowner in Big Rock and oppose development in this neighborhood because of our "active landslide zone" history and the high groundwater levels we already have - we can't support ANY development that put add more water to our already landslide prone geography
STREET NAME: Piedra Chica Rd
-
15. Name: Robert Dankanyin (rdankanyin@gmail.com) on 2019-08-26 02:12:08
Comments:
STREET NAME: 20700 Rockpoint Way
-
16. Name: Charlene Dankanyin (cdankanyin@aol.com) on 2019-08-26 02:15:10
Comments:
STREET NAME: Rockpoint Way
-
17. Name: Kristine Szabo (kristineszabo@mac.com) on 2019-08-26 12:12:09
Comments: I agree with and support this movement to protect and preserve Big Rock Mesas community. Thank you "Friends of Big Rock".
STREET NAME: Big Rock Drive
-
18. Name: Adriana cherry (adrianaicherry@gmail.com) on 2019-08-26 18:36:47
Comments:
STREET NAME: Roca Chica Drive
-
19. Name: Brandon cherry (bcherry1717@yahoo.com) on 2019-08-26 18:37:19
Comments:
STREET NAME: Roca Chica Drive
-

20. Name: Betty Keefe (bettykeefe@gmail.com) on 2019-08-26 19:22:16
Comments:
STREET NAME: Big
-
21. Name: JULY PITSCKA (JULYKRAUSE@HOTMAIL.COM) on 2019-08-26 22:54:16
Comments:
STREET NAME: ROCA CHICA
-
22. Name: Ellen Kawana (kawanaellen@gmail.com) on 2019-08-26 23:24:33
Comments:
STREET NAME: Roca Chica
-
23. Name: Robert Wolff (rwofff1@mac.com) on 2019-08-28 03:43:19
Comments:
STREET NAME: Roca Chica
-
24. Name: Linda Ellrod (lellrod@yahoo.com) on 2019-08-30 14:06:13
Comments:
STREET NAME:
-
25. Name: Alex Pitschka (alex@montagemx.com) on 2019-08-30 21:46:24
Comments:
STREET NAME: Roca Chica Drive
-
26. Name: Peter Monge (monge@usc.edu) on 2019-08-31 16:43:13
Comments: 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.
STREET NAME: Rockpoint Road
-
27. Name: Judy Shockley (judyshockley2016@icloud.com) on 2019-08-31 22:32:29
Comments:
STREET NAME: Seaboard Road
-
28. Name: Paul Boulet (possibletodo@yahoo.com) on 2019-09-05 19:19:41
Comments: 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. Obviously I oppose any more development in Big Rock
STREET NAME: 20512 Little Rock Way
-
29. Name: DAVID COCKRELL (dwcock@yahoo.com) on 2019-09-05 21:31:20
Comments:

STREET NAME: 20534 ROCA CHICA DR

30. Name: david kelmenson (david@davidkelmenson.com) on 2019-09-05 21:31:52
Comments:
STREET NAME: ROCA CHICA DRIVE

31. Name: Erin (smlwaist@aol.com) on 2019-09-05 21:43:10
Comments:
STREET NAME: McAnany way

32. Name: Erin Scott (smlwaist@aol.com) on 2019-09-05 21:44:07
Comments:
STREET NAME: McAnany Way

33. Name: Madison kelmenson (madisonkelmenson@gmail.com) on 2019-09-05 21:45:39
Comments:
STREET NAME: Roca chica

34. Name: Jason fisher (jmfisher34@hotmail.com) on 2019-09-05 21:54:40
Comments:
STREET NAME: Royal Stone

35. Name: Wendy Widell Wolff (wendyww@mac.com) on 2019-09-05 22:00:05
Comments:
STREET NAME:

36. Name: Eric Sosa (esports00@yahoo.com) on 2019-09-05 22:14:42
Comments:
STREET NAME: ROCA CHICA DR

37. Name: Christopher Cunningham (cwcunningham2@gmail.com) on 2019-09-05 22:26:25
Comments:
STREET NAME: Roca Chica Drive

38. Name: Lisa A Fisher (lfisher56@yahoo.com) on 2019-09-05 22:44:13
Comments: Ugh. Please stop this.
STREET NAME: 20480 Royal Stone Drive

39. Name: Rilla Rogan (rillarogan@yahoo.com) on 2019-09-05 23:00:17
Comments:
STREET NAME: 20406 Seaboard Rd

40. Name: Patty Phillips (patty@pattyspizza.com) on 2019-09-05 23:46:11
Comments:

STREET NAME: 20653 seaboard Rd,

41. Name: jeff grier (grierj@live.com) on 2019-09-05 23:54:58
Comments:
STREET NAME: 20330 big rock dr

42. Name: Pam Feldsted (pamfeldsted@gmail.com) on 2019-09-06 00:53:38
Comments:
STREET NAME:

43. Name: Rosalie Strickland (rosiestrickland2@gmail.com) on 2019-09-06 02:29:47
Comments: 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
STREET NAME: 20350 Big Rock Drive

44. Name: ROMY BENNETT (romy90265@gmail.com) on 2019-09-06 03:11:58
Comments:
STREET NAME: Seaboard

45. Name: Anna Varakso (annlusinchi@gmail.com) on 2019-09-06 04:28:45
Comments:
STREET NAME: Roca Chica drive

46. Name: Lyuba C Harris (Lyubow555@yahoo.com) on 2019-09-08 00:31:54
Comments: We need sustainable management of existing hillsides, not more development.
STREET NAME: Seaboard

47. Name: Julie Masterson (julie.masterson@verizon.net) on 2019-09-10 21:37:56
Comments:
STREET NAME: 3800 Seamoor Drive

48. Name: Doug Masterson (doug.masterson@verizon.net) on 2019-09-10 22:27:40
Comments:
STREET NAME: Seamoor

49. Name: RENATE L DOLIN (megmir00@aol.com) on 2019-09-11 00:53:39
Comments: 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 mininum - 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.

STREET NAME: 20375 Seaboard Rd

50. Name: Linda Rivera (rubysboxing99@gmail.com) on 2019-09-22 15:56:24
Comments:
STREET NAME: Serra Road

51. Name: Juan Rivera (lilsuge@mac.com) on 2019-09-22 15:57:07
Comments:
STREET NAME: Serra Road

52. Name: Marilou Hamill (myhamill211@gmail.com) on 2019-09-27 05:43:26
Comments: Please let's learn from the past and be diligent to maintain and improve the stability of Big Rock.
STREET NAME: Big Rock

53. Name: Georg Treu (georg.treu@gmail.com) on 2019-10-14 18:45:55
Comments: fully behind this
STREET NAME: 20647 Seaboard Road

54. Name: yuji kawana (bu_surfer@yahoo.com) on 2019-10-14 19:22:14
Comments:
STREET NAME: 20418 Roca Chica Dr.

55. Name: James Sarantinos (sarantinos@aol.com) on 2019-10-14 19:40:45
Comments: Is common sense / rational maintenance of our dewatering infrastructure too much to ask for?
STREET NAME: Seaboard Rd

56. Name: john morris (jmorris@cybermesa.com) on 2019-10-15 00:15:31
Comments:
STREET NAME: rock pointbway

57. Name: Sadiqa Stelzner (drstelzner@drstelzner.com) on 2019-10-15 04:17:19
Comments:
STREET NAME: 20245 Piedra Chica Rd Malibu, CA 90265

58. Name: Patricia Neuray (patricia@tangelo-media.com) on 2019-10-15 07:01:30
Comments:
STREET NAME: 20491 Royal Stone Drive

59. Name: Nancy Corwin (nancycorwin@gmail.com) on 2019-10-17 03:25:19

Comments: We've had mudslides several times in the past!
STREET NAME: Seaboard Rd.

60. Name: Emily Cable (ekcable@gmail.com) on 2019-12-12 22:46:32
Comments:
STREET NAME: 20241 Piedra chica Rd.

61. Name: Dana Krupinski (dana.krupinski@gmail.com) on 2019-12-17 21:09:27
Comments:
STREET NAME:

62. Name: Hak Wong (hpwbigrock@yahoo.com) on 2020-02-01 02:20:04
Comments: Better late than never for corrective actions.
STREET NAME: Inland Lane

63. Name: Dorina schiro (dgschiro@yahoo.com) on 2020-02-06 22:01:33
Comments:
STREET NAME: Inlandlane

64. Name: Rosemarie Ihde (rosemarie.ihde@gmail.com) on 2020-03-04 00:43:06
Comments:
STREET NAME: 20246 Piedra Chica Road

65. Name: John Cadarette (jcadarette@thecclarogroup.com) on 2020-06-03 01:57:51
Comments:
STREET NAME: Seaboard Road

66. Name: Joanne gorby (malibublondes@aol.com) on 2020-06-03 03:01:46
Comments:
STREET NAME: Inland In

67. Name: Adele Glatis (adeleuddo@gmail.com) on 2020-06-03 04:47:31
Comments:
STREET NAME: Seaboard Rd.

68. Name: Christopher Glatis (cgman103@gmail.com) on 2020-06-03 05:11:41
Comments:
STREET NAME:

69. Name: Dawn Kelmenson (dawnalanekelmenson@gmail.com) on 2020-06-03 06:01:55
Comments:
STREET NAME: Roca Chica

70. Name: Wade Major (wm@lakemajor.com) on 2020-06-03 06:09:33

Comments: For what we've paid, for as long as we've paid, it's unconscionably derelict that the dewatering installations have fallen into disrepair. The annual assessment is supposed to keep them consistently functional AT ALL TIMES. At the very least there should be an investigation and an accounting for why this was allowed to happen. And the cost of remedying the situation should fall on those who allowed it to happen - not the homeowners.

STREET NAME:

71. Name: Nathalie D Smith (smitti@aol.com) on 2020-06-03 08:15:05
Comments: Please put a moratorium on development in Big Rock until we get a scientific answer from the City with regards to the stability of our hill.
STREET NAME: Big Rock drive

72. Name: Anthony Ellrod (aje@manningllp.com) on 2020-06-03 13:42:23
Comments:
STREET NAME: Roca Chica

73. Name: Jennifer Apel (jenapel@me.com) on 2020-06-03 15:14:53
Comments:
STREET NAME:

74. Name: Doug Bruce (dbfoto@gmail.com) on 2020-06-03 17:06:06
Comments:
STREET NAME: Seaboard road!

75. Name: Sheryl Myerson (sherylmyerson@gmail.com) on 2020-06-03 18:29:43
Comments: Yes - we need sustainable management of existing hillsides, not more development!
STREET NAME: Seaboard Road

76. Name: Jay Dunitz (lobstrlovr@gmail.com) on 2020-06-03 18:35:48
Comments:
STREET NAME: Seaboard Road

77. Name: Lindsay Luzader (lluzader3@gmail.com) on 2020-06-03 19:48:01
Comments:
STREET NAME: Inland In

78. Name: Steven Vahedi (stevenvahedi@gmail.com) on 2020-06-03 21:18:27
Comments:
STREET NAME: Piedra Chica Rd

79. Name: Hooshang Vahedi (hooshangvahedi63@gmail.com) on 2020-06-03 21:19:36
Comments:
STREET NAME: Piedra Chica Rd

-
80. Name: Gerhard Ihde (gerhard.ihde@gmail.com) on 2020-06-03 22:21:05
Comments: No new construction in an active landslide area.
STREET NAME: Piedra Chica Road
-
81. Name: Juergen Cords (Cordsmm@verizon.net) on 2020-06-04 02:18:38
Comments:
STREET NAME: 20400 Little Rock Way
-
82. Name: John McNeil (johnlmcneil25@gmail.com) on 2020-06-04 04:01:54
Comments:
STREET NAME: Big Rock Drive
-
83. Name: K Hill (kraig.malibu@gmail.com) on 2020-06-04 04:03:27
Comments: A basic problem is that there is no executive authority to evaluate the outputs of the monitoring and render an expert opinion on the current stability of the local geology. Fugro does the monitoring, pulls all the data together in an annual report, but no one puts their name on the line to say what it all means. In the early years, Bign Yen would render an opinion. Nowadays, I guess it should be City geologist Chris Dean – or perhaps a (Fugro) consultant specialized in slides and dewatering – but it seems the City is reluctant to draw conclusions from the data, out of concern that any subjective interpretation could expose them to liability. That’s my speculation.
- There has been some some movement of the hill in recent years, perhaps in isolated areas. Given the variety of observations made by neighbors – some factual, some more circumstantial – it would be prudent for the City to impose a moratorium on any further development that adds fixtures (sinks, toilets, etc) or otherwise increases water inputs to the hill (within that constraint, if you want to remodel or make an addition, that should be okay). A moratorium, especially because no authority will put its name on the line to certify the hill’s safety – apart from the City’s implicit assumption that it’s safe.
- Note that just because the contract is up for renewal and out for bid, it doesn’t mean that Fugro won’t still be the selected contractor (unless you know something I don’t).
- For years I’d read the annual report without questioning its findings too cynically. As I’ve looked closer in the past few years, that has changed. It’s clear that Big Rock is not getting what it’s paying for. The FinanceDTA report, on page 9 of 31 of the staff report, has a list of “facilities and maintenance financed.” Some significant number of those wells, hydraugers, etc have not been functional for years. For example, three hydraugers on my property have not worked for about 20 years. When Bing Yen was running the show, a guy called John would come once a month to monitor, clean and maintain the hydraugers. He stopped coming about 20 years ago. So it appears that, for those three hydraugers at least, the district has been billed for 20 years for nothing. I’ve heard anecdotally of other equipment on the hill not having worked for a long time too, but I’ve not made any sort of inventory of it. If you know of equipment that hasn’t worked for a long time, let the Council know – because it appears we’re still being billed for a lot of it.
STREET NAME: Seaboard
-

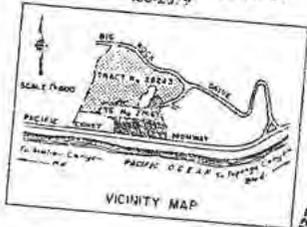
84. Name: PAUL Berning (paulberning@verizon.net) on 2020-06-05 02:42:10
Comments:
STREET NAME: 20309 SEABOARD ROAD
-
85. Name: Jim Dooley (jimd3spam@gmail.com) on 2020-06-29 23:16:58
Comments:
STREET NAME: 20832 Big Rock Drive
-
86. Name: RICHARD EHRMAN (richardkehrman@gmail.com) on 2020-06-30 02:40:49
Comments: Thank u
STREET NAME: Big rock drive
-
87. Name: Herb Tannen (herbtannen@herbtannen.com) on 2020-06-30 12:57:10
Comments:
STREET NAME: Pinnacle Way
-
88. Name: Shelley Pedersen cox (shelleypcox@gmail.com) on 2020-06-30 15:32:46
Comments:
STREET NAME: 20470 Seaboard Road
-
89. Name: Janet Fulk (fulk@usc.edu) on 2020-07-01 18:42:02
Comments:
STREET NAME: 20790 Rockpoint Way
-
90. Name: Joyce Hoover (cathy@ponywagon.com) on 2020-07-01 18:43:51
Comments:
STREET NAME: Big Rock Dr. Malibu
-
91. Name: Dean Wilcox (blucojoldings@gmail.com) on 2020-09-18 02:37:35
Comments:
STREET NAME: Roca Chica
-

#3 TRACT 27463
 LOTS 1-15
 malibu estates

Exclusive Agents



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



A Hanson Homes, Inc. Development



aligns Tr. 26878

- Black Circles refer to Tract 27463
- White Circles refer to Tract 26263

*#3
 purple*

Tract 3

DECLARATION OF ESTABLISHMENT
OF
COVENANTS, CONDITIONS AND RESTRICTIONS

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 15 inclusive of tract 27463 as per map recorded in book 701 at page 70,71 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 provisions, limitations, restrictions, covenants, easements and reservations shall be binding on all parties and all persons 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 2,000 square feet for a dwelling of more than one story.

(b) No lot shall be used except for residential purposes. Except for lots 5 and 7, no building shall be erected, altered, placed or permitted to remain on any lot 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 either of lots 5 and 7 of the above tract other than one detached single family dwelling of not more than two stories in height and not exceeding twenty-five (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 side 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 (c), 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 2,4,5,7,8,9,10,11 and 12 in the event the Regional Planning Commission or other governmental agencies will allow lesser distance. In addition, the lots 2,4,5,7,8,9,10,11 and 12 will have no construction or permanent structures within the "Geological hazard Area" as shown on the recorded tract map of Tract No. 27463.

(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 of 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 external design with the existing structures in the tract and as to the 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 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 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.

(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 the aforesaid tract shall consent in writing to become or members of the Malibu Mutual Drainage Company, a non-profit California corporation, organized for the purpose of providing for the maintenance of sub-surface 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 Mutual Drainage Company. All lots

tract shall be subject to assessment in the manner specified in the Articles of Incorporation and the By-laws of said Malibu Mutual Drainage Company and any such assessment is hereby deemed to be a lien on the lot so assessed.

THIS COMPANY HAS BEEN DISSOLVED. NO LONGER EXISTS.

(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 of 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 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, restrictions, 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 dominate tenement or servient tenement as the case may be.

It is further provided, as to the owner and owner's successors in interest of any lot or lots in said tract, the provisions, limitations, conditions, restrictions, covenants, 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 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, restriction, covenants, easements or reservations by judgement or court order, shall in no way affect any of the other 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 _____
Ray K. Cherry, Assistant Secretary

MODIFICATION OF
DECLARATION OF ESTABLISHMENT
OF COVENANTS, CONDITIONS, RESTRICTIONS

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 15 inclusive of tract 27463 as per map recorded in book 701 at pages 70 and 71 in the office of the County Recorder of Los Angeles; 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 332 in the Office of the County Recorder of Los Angeles County, which Declaration imposes certain restrictions 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):

For the purposes of this paragraph (c), 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 in 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 2,4,5,7,8,9,10,11,12 in the event the Regional Planning Commission or other governmental agencies will allow a lesser distance. In addition, the lots 2,4,5,7,8,9,10,11 and 12 will have no construction or permanent structures within the "Geological Hazard Area" as shown on the recorded tract map of tract 27463.

IN WITNESS WHEREOF, CAVE CLUB, INC., has hereunto subscribed its corporate name and affixed its corporate seal this 28th day of October, 1965.

CAVE CLUB, INC.

BY _____
John H. Hadley, President

BY _____
Ray K. Cherry, Assistant Secretary

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

KNOW ALL MEN 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 15 inclusive of tract 27463 as per map recorded in book 701 at pages 70 and 71 in the office of the County Recorder of Los Angeles; 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 332 in the office of the County Recorder of Los Angeles County, which declaration imposes certain restrictions on the aforementioned real property; and

WHEREAS, CAVE CLUB, INC. desires to further 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 as modified by the aforesaid modification of 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).

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 side 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 (c), 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 in 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 lots 3 and 6.

The above listed requirement of twenty (20) foot setback to the front lot line shall not apply to lots 2,4,5,7,8,9,10,11 and 12 in the event the Regional Planning

Commission or other governmental agencies will allow a lesser distance. In addition, the lots 2,4,5,7,8,9,10,11,12 will have no construction or permanent structures within the "Geological Hazard Area" as shown on the recorded tract map of tract 27463.

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

CAVE CLUB, INC.

BY _____
John H. Hadley, President

BY _____
Ray K. Cherry, Assistant Secretary

Section 3. Zoning Text Amendment.

Malibu Municipal Code Chapter 17.45 is hereby amended to read as follows:

Chapter 17.45

17.45.010. Title.

This Chapter shall be known as the "Citywide View Preservation and Restoration."

17.45.020. Purpose.

A. The purpose of this Chapter is to establish a right for property owners to preserve a primary view that existed on or after February 13, 2012 and to restore a pre-existing view, as defined in this Chapter, which has been significantly obstructed by foliage, while striking an equitable balance between the right to reasonable use of one's property including the maintenance of privacy and the right to protection against unreasonable loss of views. This Chapter applies to all properties within the City's permitting jurisdiction, excluding state and county-owned properties.

B. This Chapter is not intended to encourage or result in the clear-cutting or substantial denuding of any property of its trees by overzealous application of provisions of this Chapter. 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.

C. This Chapter is not intended to affect, and shall not be construed as affecting, Chapter 17.43 (View Restoration and Preservation for Malibu Country Estates).

17.45.030. Definitions.

The following definitions shall apply for purposes of this Chapter.

- A. "Arbitration" means a voluntary legal procedure for settling disputes and leading to a determination of rights of parties, usually consisting of a hearing before an arbitrator where all relevant evidence may be freely admitted.
- B. "Arbitrator" means a mutually agreed upon neutral third party professional intermediary who conducts a hearing process, and who hears testimony, considers evidence and makes decisions for the disputing parties.
- C. "Certified arborist" means an individual certified as an arborist by the International Society of Arboriculture (ISA).
- D. "Claimant" means a property owner who alleges that foliage is causing a significant obstruction of a primary view.

DATE				STREET #	STREET NAME	DESCRIPTION		SQ FOOT INCREASE OR OWTS	SQ FOOT INCREASE
1. 10/22/2001	Closed	PA	01-070	20620	WHITECAP WAY	NSFR w/basement, 3-car garage, pool, decks & guesthouse	Storage		
12/3/2001	Closed	PPR	01-238	20620	WHITECAP WAY	10/7/2004 NSFR w/ grg, guesthouse and pool/spa	Storage		
2/16/2005	Expired	CDP	05-031	20620	WHITECAP WAY	11/7/2006 NSFR, G/house, pool	OnBase	approval for 6292 sq ft residence plus pool	
11/3/2008	Expired	APR	08-122	20620	WHITECAP WAY	12/17/2008 Revisions to CDP for NSFR	OnBase		
4/30/2009	Closed	PA	09-008	20620	WHITECAP WAY	5/7/2009 Lot Merger & develop-ment questions	Storage		
7/20/2010	Needs Final Ins	CDP	10-033	20620	WHITECAP WAY	8/7/2012 NSFR, (N)OWTS, height over 18 ft	Onsite		
8/29/2003	Closed	PA	03-057	20636	WHITECAP WAY	NSFR w/attached 2-car garage, guesthouse & pool; setback determination	Storage		
10/7/2004	Closed-Inactivity	APR	04-080	20636	WHITECAP WAY	NSFR 2 story pool & spa	Storage		
2/16/2005	Expired	CDP	05-032	20636	WHITECAP WAY	9/18/2007 NSFR, subterranean garage, pool, attached guest unit	OnBase		
2. 9/28/2007	Closed-Denied	AP	07-011	20636	WHITECAP WAY	4/28/2008 Appeal of PC approval of NSFR	Onsite	approval for 7100 sq ft plans	
3. 11/11/1993	Closed	PV	93-003	20650	WHITECAP WAY	12/3/1993 Fire rebuild 5 bedroom house	OnBase	3200 to 4444 in 2000	1244
3/23/2000	Closed	PPR	00-047	20650	WHITECAP WAY	8/4/2000 demo ESFR, construct NSFR	Storage		
3/28/2005	Closed	PA	05-022	20650	WHITECAP WAY	4/7/2005 Substantial conformance, geo review	Storage		
6/21/2007	Closed	PA	07-035	20655	WHITECAP WAY	6/28/2007 Setback Det.	OnBase	?	
12/19/2006	Closed	ACDP	06-134	3800	SEAMOOR DR	3/12/2007 OWTS	Storage		
4. 3/22/2007	Closed	APR	07-040	3800	SEAMOOR DR	9/11/2007 Add to ESFR and Int Remodel	Onsite	8x16 spa	
2/24/2010	Closed	APR	10-009	3800	SEAMOOR DR	6/10/2010 New Pool/Landscape	Storage	433 sq ft addition	433
5. 12/16/2008	Closed	APR	08-141	3812	SEAMOOR DR	2/24/2009 Add to ESFR, Int remodel	Storage	45 sq ft addition	45
6.12/13/2007	Closed	APR	07-151	20364	SEABOARD RD	1/3/2008 After- the- fact add to ESFR 21 sq. ft. to bath. *CE*	Storage	200 sq ft addition	200
7.12/14/2010	Closed	APR	10-068	20364	SEABOARD RD	3/25/2011 Accessory Structure in Rearyard 180 sq.ft.	Onsite		
8. 12/15/2016	Open	APR	16-085	20418	SEABOARD RD	Addition and remodel to existing single-family residence	Onsite	?	
9. 8/9/2004	Closed	APR	04-054	20538	SEABOARD RD	2/14/2005 Addition	Storage	390 sq foot second floor addition, breezway enclosure	
10. 4/6/2004	Closed	OC	04-045	20542	SEABOARD RD	interior remodel; no increase in square footage, no change to footprint, no increase in height		391+167 office	558
11. 8/24/2004	Closed	APR	04-061	20542	SEABOARD RD	10/7/2004 extension of bedrooms. Not to extend past existing roof	OnBase	428 sq ft addition	428
*11/25/2019	Open	CDP	19-082	20542	SEABOARD RD	Addition, increase to height, roof deck, and remodel	Onsite-Copy Room		
11/25/2019	Closed	ARC	19-060	20542	SEABOARD RD	12/16/2019 Arc Phase 1	Planner Desk		
12. 7/1/2002	Closed	PPR	02-108	20649	SEABOARD RD	4/14/2004 Addition to media room	OnBase	add 664 sq ft	664
3/27/2003	Closed	OC	03-019	20649	SEABOARD RD	4/23/2003 Interior remodel to existing residence. Switching location of existing master bedroom with the existing master	OnBase		
12/16/2019	Closed	OC	19-323	20649	SEABOARD RD	12/16/2019 Roof mounted solar	Onsite		
13. 1/9/2013	Needs Final Ins	CDP	13-003	20706	SEABOARD RD	1/20/2015 482 sq. ft. addition to ESFR, (N) OWTS	Onsite	512 sq ft addition new OWTS	512
8/8/2017	Needs Final Ins	CDPA	17-006	20706	SEABOARD RD	2/20/2018 Amendment to CDP 13-003 for a Replacement SFR	Onsite		
5/16/2012	Withdrawn	ECDP	12-004	20725	SEABOARD RD	Slope repair	Destroyed		
5/31/2012	Closed	APR	12-027	20725	SEABOARD RD	7/9/2012 Slope Repair	Onsite	grading for slope repair	
14. 4/26/2000	Closed-Inactivity	PPR	00-090	20755	SEABOARD RD	Two story addition appr 400 sw ft exercise room	Destroyed	400 sq ft addition	400
15. 5/31/2001	Closed	PPR	01-124	21100	SEABOARD RD	NSFR	Storage	10517 sq ft structure - 4 of them!	
6/4/2001	Closed	PPR	01-131	21100	SEABOARD RD	NSFR - MANUFACTURED (CONVERTED TO CDP 04-051)	Storage	need road access to build	
5/23/2002	Closed	PA	02-030	21100	SEABOARD RD	ARC REVIEW	Storage		
4/8/2004	Closed	PPR	04-050	21100	SEABOARD RD	New 10,647 s.f. SFR, 3,940 s.f. basement, tennis court and pool.	Storage		
10/28/2004	Closed-Inactivity	APR	04-091	21100	SEABOARD RD	Access Road	Storage		
16. 11/18/2004	Open	CDP	04-051	21100	SEABOARD RD	10/7/2008 Seaboard Access Road & NSFR	Onsite-Copy Room	breitman	
17. 4/20/1994		PV	94-083	20355	Seaboard Road	rebuild SFR		269 sq ft addition	269
18. 11/17/1993		PV	93-009	20384	Seaboard Road	rbld 4 bdrm house		129.5 sq ft extension	129.5
19. 1/24/1994		PV	94-013	20394	Seaboard Road	temp. plcmnt of trlr.		121 sq ft addition	121
20. 6/15/1994		PV	94-121	20468	Seaboard Road	rebuild SFR			
10/5/1994		PV	94-185	20468	Seaboard Road	Rebuild SFR		690 sq ft addition	690
11/19/1993		PV	93-012	20470	Seaboard Road	rebuild storage room			
21. 5/12/1994		PPR	94-064	20470	Seaboard Road	relocate garage		685 sq ft addition	685
22. 4/23/2002		PA	02-022	20536	Seaboard Road	Addition / remodel		?	
23. 4/19/1994		PV	94-082	20542	Seaboard Road	rebuild SFR		428 sq ft addition	428
24. 8/13/1997		PPR	97-200	20585	Seaboard Road	Garage Addition		643 sq ft addition	643
5/19/2000		PPR	00-090	20649	Seaboard Road	2 story addition			
4/12/2001		PA	01-023	20649	Seaboard Road	Arch. Review			

25.	5/31/2001		PPR	01-124	20649	Seaboard Road	Repair of Seaboard Road		434 sq ft addition		434
26.	6/11/2001		PPR	01-131	20755	Seaboard Road	NSFR		2568 sq ft addition		2568
										total 10197 sq ft 30 X 75pool and 5x8spa	
27.	7/1/2002		PPR	02-108	21298	Seaboard Road	Addition above garage		2003 huge addition to make an 8408 sq foot home, 1200 sq ft guest house with 1927 basement		7597
3/27/2003			OC	03-019	21298	Seaboard Road	Interior remodel				
28.	1/22/2009	Closed	APR	09-001	20418	ROCA CHICA DR	8/22/2009 New Pool/Spa	Storage	23x37 pool 6x6 spa		
10/19/2010	Closed	OC	10-130	20435	ROCA CHICA DR	10/19/2010 Ext. Improvements	OnBase	no change			
29.	5/29/2012	Closed	ECDP	12-005	20455	ROCA CHICA DR	6/21/2012 OWTS failure	Onsite	new owts		
10/1/2012	Closed	ACDP	12-069	20455	ROCA CHICA DR	3/12/2013 (N) OWTS follow-up to ECDP for failed system	Onsite				
2/7/2017	Open	APR	17-012	20458	ROCA CHICA DR	Repair existing foundation	Planner Desk	same			
30.	8/16/2012	Withdrawn	OC	12-127	20464	ROCA CHICA DR	AFT Mailbox in PROW	Destroyed	1135 sq ft addition		1135
8/16/2012	Closed	PVD	12-075	20464	ROCA CHICA DR	12/17/2012 PVD-Ordinance	OnBase				
31.	1/5/2004	Closed	PA	04-001	20474	ROCA CHICA DR	2/10/2004 Maximum square footage & setbacks	OnBase	1255 sq ft addition		1255
5/19/2009	Closed	PA	09-011	20484	ROCA CHICA DR	9/11/2009 Geo Review	Storage				
32.	4/5/2012	Open	CDP	12-028	20484	ROCA CHICA DR	NSFR with FOS and OWTS setback variance	Planner Desk	assumption of risk signed		
33.	10/9/2009	Closed	APR	09-084	20485	ROCA CHICA DR	11/3/2009 200 Sq.ft. Accessory Building	OnBase	200 sq ft shed		200
6/20/2013	Closed	OC	13-118	20485	ROCA CHICA DR	6/24/2013 New Sliding Glass Doors, Exterior Planter, Deck and Firepit	OnBase				
34.	6/27/2018	Pre-BPC	APR	18-030	20485	ROCA CHICA DR	3/18/2019 pool/spa and wood deck	Planner Desk	14x9 elevated pool		
10/20/2008	Closed	ACDP	08-101	20534	ROCA CHICA DR	6/30/2009 OWTS	Onsite				
35.	12/10/2008	Closed	ECDP	08-084	20534	ROCA CHICA DR	12/18/2008 OWTS failure	Onsite	add seepage pit		
3/28/1994			SPR	94-014		Roca Chica Drive	room addition				
36.	10/31/2002		OC	02-030	20494	Roca Chica Drive	Addition of 220 sq. feet		220 sq ft		220
1/13/1994			PV	94-012	20514	Roca Chica Drive	rebuild structure		no change		
9/16/1994			PV	94-176	20514	Roca Chica Drive	Rebuild SFR				
37.	10/15/1998	Closed	PA	98-012	20713	ROCKCROFT DR	11/2/1998 New 2-story single family residence	OnBase	3986 sq ft new build		3986
1/12/1999	Closed	PPR	99-003	20713	ROCKCROFT DR	6/21/1999 NSFR, garage, basement	Storage				
8/11/2006	Closed	PA	06-051	20713	ROCKCROFT DR	8/31/2006 Previously approved pool & spa with existing CDP - new BBQ and bar sinks, FP, hardscape	OnBase				
9/26/1995	Closed	PV	95-013	20723	ROCKCROFT DR	SFR Fire Rebuild	Storage				
38.	2/18/1999	Withdrawn	PPR	99-026	20723	ROCKCROFT DR	9/16/1999 Addition to Existing SFR (2896 sq ft)	Storage	1440 sq ft addition		1440
12/9/2009	Expired	APR	09-100	20723	ROCKCROFT DR	2/9/2010 New Garage	Onsite				
4/14/1994	Closed	PV	94-075	20725	ROCKCROFT DR	Promises - SFR Fire Rebuild	Storage				
1/28/2009	Closed-Inactivity	APR	09-004	20725	ROCKCROFT DR	Add to ESFR, Int remodel Bath Add 22 Sq. Ft.	Storage				
39.	7/17/2018	Waiting for CDP	ECDP	18-007	20725	ROCKCROFT DR	10/8/2018 New AOWTS to replace failing system, addressing related Code Enforcement	Onsite	1487 sq ft addition new OWTS		1487
1/22/2019	Closed	ARC	19-003	20725	ROCKCROFT DR	1/24/2019 Phase 1 ARC	OnBase				
*9/3/2019	Pre-BPC	ACDP	19-066	20725	ROCKCROFT DR	10/29/2019 (N) OWTS (Follow-up to ECDP)	Onsite				
3/5/2015	Closed	SEP	15-005	20729	ROCKCROFT DR	3/24/2015 Parking for SEP 15-004 @ 3655 McAnany	Destroyed				
40.	5/26/2015	Closed	SEP	15-031	20729	ROCKCROFT DR	6/2/2015 Parking for SEP 15-030	Destroyed	1664 sq ft addition in '94		1664
1/22/2019	Closed	ARC	19-002	20729	ROCKCROFT DR	1/24/2019 Phase 1 ARC	OnBase	oct, 2019			
41.	*2/19/2019	Pre-BPC	ACDP	19-008	20729	ROCKCROFT DR	10/15/2019 Replace/upgrade existing OWTS	Planner Desk	drug abuse recovery rehab 7500 gallon microseptic tank 909 sq ft addition. 35 employees, 6 program participants		909
42.	9/16/1994		SPR	94-052	20600	Rockcroft Drive	rebuild SFR				
43.	1/12/1999		PPR	99-003	20628	Rockcroft Drive	NSFR		39 sq ft addition		39
44.	10/15/1998		PA	98-012	20659	Rockcroft Drive	NSFR		new spa 9x7		
2/18/1999			PPR	99-026	20659	Rockcroft Drive	Addition to SFR		1476 new sq footage		1476
4/14/1994			SPR	94-018	20713	Rockcroft Drive	2nd story addition		pool		
45.	2/1/1995		PV	95-013	20713	Rockcroft Drive	Rebuild SFR		3986 sq ft incl basement		
4/14/1994			PV	94-075	20723	Rockcroft Drive	rebuild SFR				
1/31/1995			SPR	95-005	20723	Rockcroft Drive	add. on fire rebuild		no change		
2/16/1994			PV	94-030	20725	Rockcroft Drive	rbld fire dmugd SFR				
46.	10/6/1994		PV	94-188	20725	Rockcroft Drive	Rebuild SFR		2106 sq ft addition		2106

47.	6/15/1994		PV	94-119	20173	Rockport way	rebuild SFR		7883 total sq ft incl basement - at least 3000 sq ft more		3000
48.	2/2/1995		PV	95-024	20670	Rockpoint Road	Rebuild SFR		8x25 ft pool 8 ft jacuzzi	1617 sq ft addition	1617
49.	3/3/1994		SPR	94-015	20700	Rockpoint Road	room addition		1180 to 4300		3120
	3/3/1994		PV	94-043	20765	Rockpoint Road	Rebuild SFR				776
	10/21/1994		PV	94-200	20782	Rockpoint Road	Rebuild SFR				59
	10/28/1999		PPR	99-214	20790	Rockpoint Road	Fire rebuilt SFR				
50.	10/11/2000		PPR	00-157	20790	Rockpoint Road	Fire rebuild (+ 10%)		409 sq ft plus 1277 sq ft guest house and garage		409
	1/31/1995		PV	95-009	20797	Rockpoint Road	Rebuild SFR		land		1277
	12/14/1995		LLA	95-009	20782	Rockpoint Way	lot merger				
	10/12/2000	Closed	PPR	00-157	20782	ROCKPOINT WAY	6/27/2001 NSFR (fire rebuild)	Storage	no increase		
	4/1/2009	Waiting for CDP	ECDP	09-011	20782	ROCKPOINT WAY	4/23/2009 Slope Failure	Onsite	new retaining wall		
	8/18/1994		PV	94-160	20173	Rockport Way	Rebuild SFR				
	7/31/1996		PPR	96-155	20173	Rockport Way	Trailer f.Fire Rebuild				
51.	6/18/1997		ND	97-019	20178	Rockport Way	Addition		3176 to 4845		1669
	9/21/2001		MA	01-028	20178	Rockport Way	New Spa				
	3/18/1997		PPR	97-060	20725	Rockport Way	Erosion Control		?		
	7/18/2013	Closed	PA	13-015	20121	ROCKPORT WAY	8/13/2013 Pre App Geo question	Destroyed	vacant land		
	1/31/1995	Closed	PV	95-009	20173	ROCKPORT WAY	1/5/1996 Fire Rebuild SFR	Storage			
52.	10/28/1999	Needs Final Ins	PPR	99-214	20173	ROCKPORT WAY	Fire Rebuild SFR	Temp Onsite	original house 1629 Hagg to 7883		6254
53.	12/30/2004	Closed	APR	04-109	20471	ROYAL STONE DR	7/26/2005 New swimming pool, spa, pool equipment	Storage	43x18 pool plus 8 ft spa		
	6/26/2018	Needs Final Ins	APR	18-029	20494	ROYAL STONE DR	10/2/2018 Interior & Exterior Remodel; Foundation Reinforcement	Onsite	no change in sq ft		
	10/21/2004	Closed	APR	04-081	20247	PIEDRA CHICA RD	Demolish and rebuild 1038 sf. Construct 1150 addition, remodel existing structure	Storage			
54.	7/28/2005	Closed	ACDP	05-133	20247	PIEDRA CHICA RD	8/25/2005 Addition	Storage	758 sq ft addition - height 11 ft		758
	7/10/1997		SPR	97-041	20548	Pinnacle Way	Addition to SFR		to not go against LIP 6.4		
55.	7/10/1997		PPR	97-158	20548	Pinnacle Way	Addition		2051 sq ft addition - 28 ft		2051
	1/26/2001		PA	01-006	20564	Pinnacle Way	Approval for pool				
	6/25/2002		PPR	02-102	20564	Pinnacle Way	New Pool, spa and decks				330
57.	7/8/1996	Closed	PPR	96-138	20548	PINNACLE WAY	8/30/1996 Patio Enclosure		410 sq ft		410
	7/10/1997	Closed	PPR	97-158	20548	PINNACLE WAY	10/14/1998 Addition to an existing residence		1660 sq ft in '99		1660
	9/30/1994		PPR	94-147	19334	Pacific Coast Hwy.	add. To SFR		51 fixtures		
	1/6/2000		PA	00-001	19334	Pacific Coast Hwy.	NSFR		n/a		
	4/6/1994		PV	94-071	19355	Pacific Coast Hwy.	repair damaged SFR		?		
	5/24/1994		PPR	94-071	19355	Pacific Coast Hwy.	trellis addition				
	5/11/1995		PPR	95-071	19355	Pacific Coast Hwy.	trellis				
59.	4/3/1998		PPR	98-077	19355	Pacific Coast Hwy.	Addition		500 sq ft garage conversion		1100
60.	8/29/1994		PV	94-163	19419	Pacific Coast Hwy.	Rbid SFR + struct.		1100 sq ft		
	11/14/1994		PPR	94-164	19419	Pacific Coast Hwy.	remodel exist. SFR				
61.	3/29/1994		PPR	94-030	19562	Pacific Coast Hwy.	room addition		960 sq ft in '96		960
	8/5/1993		PPR	93-191	19710	Pacific Coast Hwy.	repair of seawall				
	1/13/1994		PPR	94-003	19710	Pacific Coast Hwy.	room addition				
62.	3/29/1994		VAR	94-013	19710	Pacific Coast Hwy.	room addition		600 sq ft		600
63.	4/8/1999		PPR	99-068	19710	Pacific Coast Hwy.	Cellar addition		350 sq ft		350
	8/17/1993		PPR	93-200	19722	Pacific Coast Hwy.	underpin retain. wall		seawall repair		
	9/15/2000		PPR	00-147	19728	Pacific Coast Hwy.	NSFR		n/a		
	7/16/1998		PPR	98-187	19780	Pacific Coast Hwy.	Rep. Exist. Bulkhead		n/a		
64.	9/30/1998		PPR	98-259	19854	Pacific Coast Hwy.	Remodel and add.		782 sq ft		782
	6/19/2000		PPR	00-103	19854	Pacific Coast Hwy.	Covered patio + add.				
65.	8/19/1998		PPR	98-219	19862	Pacific Coast Hwy.	New SFR 3403 sq ft		increase of 2003 sq ft		2003
									sea wall on slope in excess of 2:1/2:1		
66.	7/20/1993		PPR	93-181	19900	Pacific Coast Hwy.	block wall		3403 sq ft home & septic		3403

10/16/2000	PPR	00-159	19940	Pacific Coast Hwy.	NSFR		nothing there	
67. 1/7/2000	PPR	00-004	19944	Pacific Coast Hwy.	NSFR	new construction		
68. 10/16/2000	PPR	00-160	19944	Pacific Coast Hwy.	NSFR		13689 apartment no geology req'd	
69. 8/28/1997	PPR	97-218	19948	Pacific Coast Hwy.	Rep. Wall + New wall	new construction		
1/7/2000	PPR	00-003	19948	Pacific Coast Hwy.	NSFR		2500 g owt	
3/1/1999	PPR	99-033	20016	Pacific Coast Hwy.	New septic + seawall		new owt 750 g	
70. 3/3/1999	PPR	99-037	20016	Pacific Coast Hwy.	Addition and repair		204 sq ft	204
71. 3/15/1995	PPR	95-037	20026	Pacific Coast Hwy.	interior remodel		950 sq ft addition	950
72. 5/30/1995	PPR	95-087	20054	Pacific Coast Hwy.	room addition		increase in owt to 54 fixture units	400
73. 3/13/1996	PPR	96-049	20132	Pacific Coast Hwy.	Deflection Wall		830 sq ft increase	830
74. 2/10/1997	ND	97-002	20140	Pacific Coast Hwy.	Lot depth and size		299 sq ft increase	299
9/5/1996	VAR	96-019	20288	Pacific Coast Hwy.	For Min. Depth			
75. 8/20/1998	PPR	98-221	20288	Pacific Coast Hwy.	Joining parcel into one	joining units into one	increase by 749 sq ft	749
3/18/1999	PPR	99-074	20288	Pacific Coast Hwy.	Remove walls			
7/3/2001	CUP	01-004	20630	Pacific Coast Hwy.	4-plex remodel			
6/16/1994	TPM	12634	94	20648	Pacific Coast Hwy.			
76. 8/17/1999	PPR	99-162	20648	Pacific Coast Hwy.	Addition and new roof		split in two	
6/16/1994	LLA	94-003	20653	Pacific Coast Hwy.	convert apt. to condo			
6/16/1994	VAR	94-020	20653	Pacific Coast Hwy.	convert apt. to cond.			
77. 3/4/1999	PPR	99-039	20653	Pacific Coast Hwy.	Convert to condos		split in two	
10/20/1997	PPR	97-265	20656	Pacific Coast Hwy.	Rep.+ Repl. Sea wall		no change 10 - 4	
78. 10/20/1997	PPR	97-266	20700	Pacific Coast Hwy.	Rep Repl. Sea wall		6345 sq ft apt built in 1961 no geology report req'd	
7/25/1995	TM	51880	95	20710	Pacific Coast Hwy.		repair to sea wall etc 10.000+ home	
6/1/1994	TTM	51880	94	20718	Pacific Coast Hwy.			
79. 3/18/1999	PPR	99-051	20718	Pacific Coast Hwy.	Addition		300 sq ft	300
80. 5/20/1999	PPR	99-106	20722	Pacific Coast Hwy.	Remodel		114 sq ft	114
10/26/2000	PPR	95-063	20722	Pacific Coast Hwy.	Revision of NSFR			
81. 4/26/1995	PPR	95-063	20726	Pacific Coast Hwy.	NSFR		2458 sq ft home	2458
4/26/1995	VAR	95-003	20726	Pacific Coast Hwy.	stringline/setback rev.			variance for slope
4/27/1995	PPR	95-064	20726	Pacific Coast Hwy.	NSFR			
2/6/1998	LLA	98-003	20726	Pacific Coast Hwy.	Lot Line Adjust.			
9/6/2001	PA	01-055	20726	Pacific Coast Hwy.	Clode clarification, height of beachfront structure			
82. 4/26/1995	VAR	95-004	20732	Pacific Coast Hwy.	stringline/setback rev.		2744 sq ft	2744
10/8/1999	PPR	99-196	20732	Pacific Coast Hwy.	Legalize addition			variance for slope
83. 10/26/2000	PPR	95-064	20732	Pacific Coast Hwy.	Revision of NSFR		3755/479	3755
5/28/1998	PPR	98-136	20748	Pacific Coast Hwy.	Addition			
84. 11/17/1998	PA	98-014	20748	Pacific Coast Hwy.	NSFR		368 sq ft	368
3/26/1996	PM	24375	93	20758	Pacific Coast Hwy.	Condo Conversion		
85. 1/28/1999	PPR	99-016	20758	Pacific Coast Hwy.	NSFR		2257/360	
86. 2/3/1999	PA	99-002	20802	Pacific Coast Hwy.	Addition + remodel		630 sq ft	630
87. 9/13/1994	PV	94-172	3648	Mcanany Way	Rebuild SFR		3742 sq ft increase plus pool	3742
9/19/1995	PPR	95-135	3648	Mcanany Way	pool/spa			extra bedroom s/bathrooms
9/3/1999	PPR	99-173	3648	Mcanany Way	Guardhouse/gate			
88. 10/21/1997	PPR	97-267	20229	Inland Lane	234 sq. ft. Addition		234 sq ft addition adding extra master bath	234
1/27/1994	PV	94-019	20252	Inland Lane	replace SFR			
3/16/2001	MA	01-018	20259	Inland Lane	Retaining wall + deck		repair retaining wall to up slope	

89.	2/1/1995	PV	95-018	20272	Inland Lane	Rebuild SFR			317 sq ft addition	317
90.	5/16/2000	PPR	00-085	20753	Cool Oak Way	Remodel and Addition			800 sq ft addition	800
10/4/1994		PV	94-183	20771	Cool Oak Way	Rebuild SFR				
8/6/1998		PPR	98-211	20771	Cool Oak Way	Reconstr.burnout res.				
11/9/2000		PPR	00-175	20771	Cool Oak Way	Rev.of appr. SFR				
91.	2/15/2001	AP	01-004	20771	Cool Oak Way	Cabana			2400 inc 3459 plus 550	3459
12/4/2014	Closed	OC	14-274	19900.5	BIG ROCK DR	12/5/2014 WTF upgrade	OnBase		?	
9/13/2004	Closed	CDP	04-022	20000.5	BIG ROCK DR	7/18/2005 Drainage Improvement	Storage		?	
2/11/2015	Closed	PA	15-001	20085	BIG ROCK DR	1 question pre app	OnBase		?	
12/3/2014	Closed	OC	14-265	20111.5	BIG ROCK DR	12/5/2014 WTF upgrade	OnBase		?	
6/2/1994	Closed	PV	94-114	20203	BIG ROCK DR	Fire Rebuild - 2 story SFR	Storage		same	
92.	10/1/2002	PPR	02-166	20340	BIG ROCK DR	2/19/2003 swimming pool	Storage		add over 400 sq ft pool	
3/29/2000	Closed	PA	00-012	20503	BIG ROCK DR	4/10/2000 Setback Determination	OnBase			
5/18/2000	Closed	PPR	00-088	20503	BIG ROCK DR	3/13/2001 fire rebuild, two story NSFR	PRR			
9/12/2011	Closed-Inactivity	ACDP	11-045	20503	BIG ROCK DR	Demo (E) site, NSFR, garage, and OWTS	OnBase		same	
93.	1/4/2016	Open	CDP	16-001	20503	BIG ROCK DR	Demo ESFR and build NSFR	Onsite	1482/471	1482
1/4/2016	Closed	ARC	16-001	20503	BIG ROCK DR	1/7/2016 Phase 1	OnBase			
94.	7/29/2002	Closed	PPR	02-121	20563	BIG ROCK DR	10/16/2003 424 sq.ft. 2nd story addition to existing 2-story residence.		424 sq ft	424
12/15/2005	Closed	ECDP	05-066	20727	BIG ROCK DR	12/28/2005 Slope failure	Storage		winter rains	
2/27/2006	Closed	APR	06-012	20727	BIG ROCK DR	9/14/2006 Repair slope failure	Storage			
5/25/2016	Closed	ZV	16-001	20771	BIG ROCK DR	6/2/2016 Zoning Verification	OnBase			
95.	12/13/2016	Closed	PA	16-014	20771	BIG ROCK DR	1/23/2017 Pre App to determine setbacks	OnBase	7195 sq ft landscaping, 3692 sq ft hardscaping	
*10/31/2017	Closed	PA	17-014	20771	BIG ROCK DR	11/15/2017 Pre-App for Geology review of proposed slope stabilization with pool and retaining walls	OnBase		9X74.5ft swimming pool, 9X21.5 ft spa	
3/15/2018	Closed	ARC	18-006	20771	BIG ROCK DR	3/26/2018 Phase 1 Arc Report	OnBase		based on min 28 year old geological reports	
*3/15/2018	Needs Final Ins	APR	18-010	20771	BIG ROCK DR	8/2/2018 Site stabilization caissons, new swimming pool w/spa, retaining walls, and landscaping	Onsite			
96.	3/17/2004	Closed	PPR	04-036	20779	BIG ROCK DR	5/18/2004 Addition - 77 SF	Storage	547 sq ft new pool, 77 sq ft increase in 2004	77
1/11/2017	Closed	ARC	17-002	20779	BIG ROCK DR	1/12/2017 Phase 1 ARC report	OnBase			
1/11/2017	Closed	APR	17-006	20779	BIG ROCK DR	9/18/2017 New deck, pool, spa, and associated equipment	Onsite			
97.	10/16/2008	Closed	APR	08-116	20826	BIG ROCK DR	5/18/2009 Add & Remodel to ESFR, N Pool/spa	Storage		1078
11/9/2009	Closed	OC	09-162	20826	BIG ROCK DR	11/9/2009 Fire Pit & Garden Wall	OnBase			
4/29/2004	Closed-Inactivity	PPR	04-057	20851	BIG ROCK DR	Increase size of pool and decrease depth; add retaining walls; relocate pool equipment; r/r asphalt driveway with pavers				
10/24/2005	Closed	APR	05-075	20851	BIG ROCK DR	6/28/2006 Unpermitted retaining walls, pool, drainage mods			no change	
3/23/2006	Closed	ECDP	06-008	20851	BIG ROCK DR	4/24/2006 OWTS failure				
98.	7/3/2006	Closed	ACDP	06-063	20851	BIG ROCK DR	8/28/2006 OWTS			
*11/20/2019	Open	APR	19-155	20860	BIG ROCK DR	(N) in-ground pool and spa	Planner Desk			
3/17/2008	Needs Final Ins	APR	08-027	20863	BIG ROCK DR	7/6/2009 New Pool/Spa with Pool Equip.	Storage			
9/19/2012	Closed	APR	12-050	20863	BIG ROCK DR	11/14/2012 Remodel and addition to ESFR	Onsite			
99.	7/15/2016	Needs Final Ins	APR	16-077	20863	BIG ROCK DR	7/23/2018 Code enforcement- ATF accessory structure	Onsite	888 sq ft studio added	888
4/23/1997		PPR	97-097	20779	Big Rock Drive	New Spa + Driveway				
7/11/1994		LLA	94-004		Big Rock Drive					
100.	7/22/1994	PV	94-143	20054	Big Rock Drive	rebuild SFR			4438 sq ft in 1995	1592
8/17/1994		SPR	94-041	20054	Big Rock Drive	rebuild SFR				
101.	6/15/1994	PV	94-120	20085	Big Rock Drive	rebuild SFR			3215 sq ft in 1994	321
2/8/1996		PPR	96-024	20085	Big Rock Drive	New Spa				
6/13/1996		PPR	96-126	20085	Big Rock Drive	Garden Wall				
10/26/1994		PV	94-209	20109	Big Rock Drive	Rebuild SFR				
8/5/1996		PPR	96-161	20109	Big Rock Drive	Rev. to Fire Rebuild				
102.	8/5/1996	SPR	96-032	20109	Big Rock Drive	Rev. to fire rebuild			3747 sq ft in 1997	410
103.	6/2/1994	PV	94-114	20203	Big Rock Drive	rebuild SFR			1523 sq ft in 1995 TO 1550	27
6/23/1994		PV	94-129	20330	Big Rock Drive	rebuild SFR				
104.	8/23/1994	SPR	94-043	20330	Big Rock Drive	rebuild SFR			3637 sq ft in 1994	291
105.	3/28/1994	PV	94-063	20340	Big Rock Drive	Rebuild SFR		2265	3109 sq ft in 1994 884	884
106.	9/8/1994	PV	94-167	20350	Big Rock Drive	Rebuild SFR		3267	3386 119 sq ft add	119

107. 5/15/1995		PPR	95-078	20358	Big Rock Drive	basement	2295 sq ft	5006 sq ft in 1994 2711 sq ft add	2711
1/31/1995		PV	95-011	20503	Big Rock Drive	Rebuild SFR			
3/29/2000		PA	00-012	20503	Big Rock Drive	Setback determin.			
108. 5/18/2000		PPR	00-088	20503	Big Rock Drive	fire rebuild	1503 sq ft	2241 sq ft in 2001 738 sq ft add	738
109. 7/18/1997		PPR	97-172	20505	Big Rock Drive	2067 sq. ft. SFR		2971 in 1999 844 sq ft increase	844
9/15/1997		SPR	97-054	20505	Big Rock Drive	New 3,250 sq ft SFR			
110. 8/22/1997		PPR	97-210	20507	Big Rock Drive	358 sq. ft. Addition		2984.75 in 1999 358 sq ft addition	358
9/4/1997		MM	97-018	20507	Big Rock Drive	Setback			
11/2/1999		PPR	99-217	20507	Big Rock Drive	Retaining wall			
12/8/1993		PPR	93-244	20509	Big Rock Drive	temp. mobilehome			
12/8/1993		PV	93-036	20509	Big Rock Drive	temp. mobilehome			
3/14/1994		PV	94-051	20509	Big Rock Drive	SPR + fire rebuild			
111. 3/15/1994		SPR	94-011	20509	Big Rock Drive	2nd story rebuild		4159 sq ft in 1995	
11/20/1995		PV	95-031	20563	Big Rock Drive	Fire rebuild			
5/7/1996		PPR	96-094	20563	Big Rock Drive	Trailer & Fire Rebuild			
112. 7/29/2002		PPR	02-121	20563	Big Rock Drive	Addition to second floor		added 424 sq ft	424
Onsite		PPR	97-224	20563	Big Rock Drive	Revetement Fence			
113. 5/9/1994		PV	94-097	20721	Big Rock Drive	rebuild SFR		increase by 404 sq ft	404
11/23/1993		PV	93-015	20734	Big Rock Drive	rbld deck/pool/shed...			
10/12/1994		PV	94-191	20743	Big Rock Drive	Rebuild SFR			
114. 11/7/1997		SPR	97-069	20743	Big Rock Drive	7364 sq ft fire rebuild	4375 sq ft	6087 in 1998 plus increase in 87 sq ft in garage	
115. 8/9/1994		PV	94-152	20765	Big Rock Drive	rebuild SFR		1799 sq footage add	1799
116. 11/28/1994		SPR	94-066	20765	Big Rock Drive	rebuild SFR+add.2nd		3152 3702 550 sq ft addition	550
4/23/1996		PPR	96-081	20765	Big Rock Drive	Pool, Spa			
6/27/1996		PPR	96-135	20765	Big Rock Drive	Grading Revision			
10/15/1996		PPR	96-232	20765	Big Rock Drive	New Deck 390 sq. ft.			
2/26/1997		PPR	97-038	20765	Big Rock Drive	Retaining Wall			
5/12/1998		PPR	98-113	20765	Big Rock Drive	Remove wall			
12/2/1999		PPR	99-234	20765	Big Rock Drive	Ret.wall fence+gate			
117. 3/22/1994		PV	94-056	20776	Big Rock Drive	NSFR	2399	increase of 830.5 sq ft in 1995 3273	830.5
1/3/1994		PV	94-002	20777	Big Rock Drive	replace SFR			274
5/25/1994		PV	94-111	20777	Big Rock Drive	placement of trailer			
118. 6/16/1994		PV	94-122	20779	Big Rock Drive	rebuild SFR	increase by 77 sq ft		77
8/29/2003		PA	03-058	20826	Big Rock Drive	Pre-ap. For variance determination			
119. 12/27/1993		PV	93-034	20851	Big Rock Drive	rebuild SFR		2800 2910 in 1994 110 sq ft	110
1/3/1994		PV	94-003	20860	Big Rock Drive	rebuild shed			
1/31/1995		SPR	95-006	20871	Big Rock Drive	Rebuild SFR+2nd st.	slope stability test completed and passed - 25% greater		
120. 1/31/1995		PV	95-012	20871	Big Rock Drive	Rebuild SFR	original sq ft 2500, 1965	add to 3100 plus 428 garage + 1028 sq ft addition	increase in 20 fixtures 1998
6/30/1997		PPR	97-151	20871	Big Rock Drive	6' High Wall			1028
121. 4/7/1994		PV	94-072	20933	Big Rock Drive	rebuild SFR	original sq ft 2820, 1981	new sq footage 5945, 1998 plus 400 sq ft guest house	4675 structure, 1998
7/18/1997		SPR	97-046	20933	Big Rock Drive	7235 sq ft NSFR			1998
8/1/1997		PA	97-003	20933	Big Rock Drive	Setback			400
8/31/1998		PPR	98-228	20933	Big Rock Drive	NSFR 2-story			

109045

121 NEW BUILDS WITH ADDITIONS IN BIG ROCK MESAS ASSESSMENT DISTRICT SINCE 1992 BING YEN REPORT COMPLETED
includes 20 homes on PCH but still over 80 homes on Big Rock's hill! At least 30 new OWTS increased.

TOTAL ADDED SQ FOOTAGE

18 new pools/spas

109,045

THIS DOES NOT INCLUDE BREITMAN, OR THE TWO APPROVED PROJECTS
ON WHITECAP WAY FOR OVER 15,000 SQ FT OR ANY POOLS OR SPAS

MISSING SOME DATA AS WELL SO LIKELY WELL OVER 100K SQ FOOTAGE ADDED SINCE 1992

Lilly Rudolph

From: Ron Underwood
Sent: Monday, November 2, 2020 4:08 PM
To: Lilly Rudolph
Subject: 20272 Inland Lane

Dear Ms. Rudolph,

I am writing to you to object to the variances being considered for the construction of a two story home at 20272 Inland Lane. As a resident of Pacific Coast Highway, I am concerned about the plans for the home proposed to be on the bluff overlooking the highway. Please enforce the safety factor of 1.5 as all of the Big Rock area requires.

I appreciate your consideration of the safety for all residents of Big Rock.

Thank you.

Ron Underwood

Lilly Rudolph

From: Richard Mollica
Sent: Monday, November 2, 2020 4:28 PM
To: Lilly Rudolph
Cc: Aaron Gribben
Subject: FW: 20272 Inland Lane

Hi Lilly,
Lets be certain to include this a correspondence. Perhaps Aaron can upload it to OnBase for you.

Richard Mollica, AICP
Acting Planning Director
City of Malibu
310-456-2489 Ext. 346

-----Original Message-----

From: Ron Underwood
Sent: Monday, November 2, 2020 4:08 PM
To: Richard Mollica <rmollica@malibucity.org>
Subject: 20272 Inland Lane

Dear Mr. Mollica,

I am a resident of Pacific Coast Highway in Big Rock and would like to express my concern for the proposed construction of a two story home on the edge of the bluff at 20272 Inland Lane. Please enforce the safety factor of 1.5 for the proposed construction as all of the Big Rock area requires.

I appreciate your consideration of the safety for all residents of Big Rock.

Thank you.

Ron Underwood

Kathleen Stecko

Subject: 20272 Inland Lane - CDP 19-001 Request for Continuance

Received

12/4/20

Planning Dept.

From: Dr. Sadiqa Stelzner

Sent: Thursday, December 3, 2020 10:03 PM

To: Kathleen Stecko

Subject: Re: 20272 Inland Lane - CDP 19-001 Request for Continuance

Thank you for the up date. We are very concerned about a possible landslide. My property is in Piedra cChica Rd one street above, I noticed there is a flooring dipping , I thought it is a water issue. I had an expert come in for inspection but they did not find any moisture. There is a drainage pipe and water well in front of my property.. We had a broken well pump issue. The city came and replaced it but the pump is not working and the water plate is high. My neighbor's driveway has many deep cracks by the well too. We are afraid we may be facing a landslide. I would like city help to investigate this issue ASAP. The rainy season is on our way and we do not want more water build up and a major disaster of landslide for many properties here. Pls direct or advise us about this urgent issue. I appreciate your kind attention on this urgent matter.

thank you,

On Thu, Dec 3, 2020 at 3:17 PM Kathleen Stecko <kstecko@malibucity.org> wrote:

*You have received this email because you are listed as an interested party for Item No. 5.E. (20272 Inland Lane – CDP No. 19-001) on the next Planning Commission meeting agenda

The applicant has requested a continuance of this item to the January 4, 2021 Regular Planning Commission meeting; staff is in agreement with this request.

The request will be considered by the Planning Commission when they review and approve the meeting agenda at the beginning of the Monday, December 7, 2020 Regular Planning Commission meeting.

Regards,

Kathleen Stecko

Administrative Assistant

City of Malibu

Planning Department

23825 Stuart Ranch Road

Malibu, CA 90265

Phone: (310) 456-2489, ext. 374

Fax: (310) 456-7650

Connect with the City of Malibu!



Date Received 12/4/20 Time 8:00 AM
Planning Commission meeting of 12/7/20
Agenda Item No. 5E
Total No. of Pages 1

CC: Planning Commission, PD, Recording Secretary, Reference Binder, File

Received

12/2/2020

Planning Dept.

From: [Jason Ernst](#)
To: [Jason Ernst](#)
Subject: FW: Worry
Date: Wednesday, December 02, 2020 3:16:49 PM

From: Connie Goetz <[REDACTED]>
Sent: Wednesday, December 2, 2020 1:01 PM
To: paul.shin@dot.ca.gov <paul.shin@dot.ca.gov>
Cc: Lilly Rudolph <ludolph@malibucity.org>
Subject: Worry

Dear People:

On behalf of all of us who live on PCH and who see daily the water and dirt and stones and rocks runoff from Big Rock, please do not consider adding to the danger. To build too close to the cliff edge is obscenely foolish. Everyone needs to think about the earth and the safety of all of us here. Please deny any permits or variances to 20272 Inland Ln so the rest of us can be safe. PCH needs all the help it can get!

Thank you

Peter and Connie Goetz

Sent from my iPhone

Kathleen Stecko

Subject: 20272 Inland Lane, Item 5E, Dec 7 2020

From: Norman Haynie
Sent: Thursday, December 3, 2020 12:54 PM
To: Richard Mollica <rmollica@malibucity.org>
Cc: 'Jon Congdon' 'Fred Gaines'
Subject: 20272 Inland Lane, Item 5E, Dec 7 2020

Received
12/3/20
Planning Dept.

Dear Richard:

In light of the substantial number of people that will likely want to comment on the proposed house at 20272 Inland Lane and the fact that the project is at the very end of a very long agenda for Monday's Planning Commission hearing, I have discussed the situation with the property owner, Jon Congdon, and with Planning Commission Chair Mazza, and the applicant is requesting to be continued to the next Planning Commission meeting and to be first on the agenda, i.e. Item 4A.

Thank you for your help in this matter.

Norman R. Haynie
Project Representative

CC: Planning Commission, PD, Recording
Secretary, Reference Binder, File

Date Received 12/3/20 Time 1:00 PM
Planning Commission meeting of 12/7/20
Agenda Item No. 5E
Total No. of Pages 1

Received

11/25/20

Planning Dept.

FRED GAINES
SHERMAN L. STACEY
LISA A. WEINBERG*
REBECCA A. THOMPSON
NANCI SESSIONS-STACEY
KIMBERLY A. RIBLE
ALICIA B. BARTLEY

LAW OFFICES OF
GAINES & STACEY LLP
16633 VENTURA BOULEVARD, SUITE 1220
ENCINO, CA 91436-1872

TELEPHONE (818) 933-0200
FACSIMILE (818) 933-0222
INTERNET: WWW.GAINESLAW.COM

* a professional corporation

November 25, 2020

VIA EMAIL ONLY kstecko@malibucity.org

John Mazza, Chair
City of Malibu Planning Commission
c/o Kathleen Stecko, Administrative Office Assistant
23825 Stuart Ranch Road
Malibu, CA 90265-4861

Re: 20272 Inland Lane
Coastal Development Permit Amendment, Variance, Site Plan Review and Minor
Modification - No. 19-001
Hearing Date: December 7, 2020
Support for Project Approval

Dear Chair Mazza and Honorable Commissioners:

This office represents applicant The Jonathan L. Congdon Revocable Trust (“Congdon” or “Applicant”) with regard to the proposed Coastal Development Permit (“CDP”) and related entitlements No. 19-001, for the property located at 20272 Inland Lane (the “Property”). The proposed CDP will allow for the building of a new a two-story home to replace the previous home which was destroyed by fire (the “Project”). We have reviewed the Staff Report and agree with its findings and conclusions. The Applicant accepts the proposed Conditions of Approval.

We have also reviewed the public correspondence submitted in opposition to the Project by neighboring property owners. We submit this letter to respond to those concerns. **For the reasons stated in the Staff Report and below, we respectfully request that the Project be approved pursuant to staff’s recommendation.**

I. INTRODUCTION.

A. The Project.

The Applicant seeks approval to allow the construction of a new two-story, 3,792 square foot single-family residence on the Property. The Project is consistent with the City’s Local Coastal Program (“LCP”) with regard to height, allowed square footage, impermeable lot coverage and non-exempt grading, and should be approved. The only entitlement requests sought are: (1)

Date Received 11/25/20 Time 5:00 PM
Planning Commission meeting of 12/7/20
Agenda Item No. 5E
Total No. of Pages 5

CC: Planning Commission, PD, Recording
Secretary, Reference Binder, File

Coastal Development Permit; (2) Minor Modification for partial reduction of an east side yard; (3) Site Plan Review for maximum height of 24 feet; and (4) Variance from City geotechnical standards for factor of safety. The requested variance would be required for the development of any home on the Property, and in fact, for any property located in the Big Rock Neighborhood and affected by the Big Rock Mesa Landslide.

B. The Facts Support Findings for Project Approval.

As detailed in the Staff Report, the facts in this case support making the required findings for each of the entitlement requests. As discussed in detail below, the opponents fail to present any argument or evidence that would justify denial of the Project, and as such, the Project should be approved.

II. THE PROJECT IS ENVIRONMENTALLY EXEMPT FROM CEQA.

Staff has appropriately found that the Project qualifies for a categorical exemption from CEQA pursuant to CEQA Guidelines § 15303(a) - construction of one new single family residence. The Staff Report details findings that support that none of the six exceptions to the use of a categorical exemption applies. It is the burden of a party challenging an exemption determination to show that the project is not exempt because it falls within one of the exceptions listed in the CEQA guidelines. *Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249.

Opponents claim that the Project falls into the “unusual circumstances” exception to the categorical exemption. CEQA Guidelines § 15300.2(c) (“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.”) Opponents point to the Project’s grading and location to argue that there are “unusual circumstances” present. However, they fail to address the crucial element of the exception: they present no evidence that any purported unusual circumstance leads to “a reasonable possibility that the [Project] will have a significant effect on the environment. . . .” Without this crucial element, there is no exception available and the Project is *de facto* categorically exempt. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1097.

We note that this Supreme Court case, and its follow-up decision after remand, holds that a large house built on a steep hillside lot is not within the “unusual circumstances” exception to CEQA categorical exemptions. The Court reasoned that even though that house would be larger than other houses in the area and would be located in an area designated as a potential landslide, there was a site-specific geological study, the house was a single-family residence in a residential zone, and was in-fill development. *Berkeley Hillside Preservation, supra; Berkeley Hillside Preservation v. City of Berkeley* (2015) 241 Cal.App.4th 943. The Supreme Court held that a proper “unusual circumstances” analysis looks at the conditions in the immediate neighborhood to determine whether the environmental effects of a proposed project are unusual or typical. *Berkeley Hillside Preservation, supra*, 60 Cal.4th at 1118-1119. Here, similar to the home

considered in *Berkeley Hillside Preservation*, the Project is similar in size and massing to other homes in the neighborhood (i.e all of the homes lived in by the opponents).

III. THE REQUESTED VARIANCE IS LEGALLY AND FACTUALLY JUSTIFIED.

Despite the Staff Report’s detailed findings in support of the Project’s requested variance, and technical reports cited in support thereof, opponents suggest that the requested variance should not be granted because staff relies on technical reports commissioned by the Applicant in making its findings. This position is not supported by law.

To support a variance, the record must contain substantial evidence in support of each of the required findings. *Eskeland v. City of Del Mar* (2014) 224 Cal.App.4th 936, 949. Substantial evidence has been defined to include fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact. Pub. Res. Code § 21080(e)(1). “Substantial evidence is not argument, speculation, [or] unsubstantiated opinion or narrative...” Pub. Res. Code § 21080(e)(2). Here, the Applicant has submitted various expert technical supports to the City to support that the Project will not result in an increased threat of landslide, slope instability, or any other geologic hazard. This is the precise type of evidence that the law contemplates the City rely on as substantial evidence in support of a variance request.

IV. THE VARIANCE IS REQUIRED TO AVOID A TAKING.

The requested variance is required for the development of the Property with a home of any design. As detailed in the Staff Report, it was not feasible for even the previously approved project to meet the LCP’s standards for slope stability, and a variance was previously granted based upon extensive geologic and geotechnical engineering studies that were reviewed and approved by City geotechnical staff. Relative to the pending Project, City geotechnical staff has reviewed the revised design and updated geotechnical reports and has determined that the Project will not adversely affect the stability of the slope. No evidence in the record supports a contrary conclusion.

In fact, as described in the Staff Report: “The proposed site design and construction measures are anticipated to produce a higher degree of site and structure performance than what previously existed on the site.” This is supported by the findings of the Project’s civil, structural and geotechnical engineers. As found by the Project Engineering Group: “all specific designs and measures included in the QCMM will increase the safety of the site as well as adjacent properties.” As stated by GeoConcepts: “Our recommendations provide an increase in the safety relative to the current conditions and previous development on the subject site.”

Given that neither the previously approved project or the current Project will adversely affect slope stability, the Staff Report’s finding that the Project as proposed, with the narrower design, reduced footprint, and lower finished elevation is the environmentally superior design is well supported. *See Eskeland v. City of Del Mar, supra* 224 Cal.App.4th at 955 [“Looking at the

John Mazza, Chair
City of Malibu Planning Commission
November 25, 2020
Page 4

various alternatives, the siting of the home with the front yard Variance was found to be the best alternative to achieve development that would preserve public and private scenic views...”]

The facts is that denial of the requested variance will result in the Applicant being deprived of privileges enjoyed by others in the vicinity, including the opponents themselves, whose homes are all maintained on the exact same landslide. As detailed in the Staff Report, the granting of a variance is required in this instance in order to allow viable economic use of the Property, and to avoid an unconstitutional taking of private property and corresponding liability for the City.

As the Staff Report states: “Requiring the proposed development to provide a factor of safety of 1.5 (static) and a factor of safety of 1.1 (pseudostatic) would likely constitute a taking of private property. Therefore, the proposed project should be allowed to avoid a taking.” “Approval of the variance from the required geotechnical standard for factor of safety will permit the construction of the residence on the property; otherwise, the property could not be developed. Any development on the site would require a variance from this standard.”

V. CONCLUSION.

As set forth above, the Staff Report properly recommends approval of the Project and finds that the Project is categorically exempt from CEQA. The Staff Report correctly makes the necessary findings for approving the CDP, Minor Modification for a reduced side yard, Site Plan Review, and the Variance. The opponents have provided no evidence to the contrary. The home has been designed to be as minimally impactful as possible. The Congdons deserve to receive the same treatment as their neighbors. We respectfully request that this Commission approve the Project.

Thank you for your consideration of this matter.

Sincerely,

GAINES & STACEY LLP

Fred Gaines

By
FRED GAINES

cc: All Commission Members (Via Email)
Richard Mollica, Acting Planning Director (Via Email)
Lilly Rudolph, Planner (Via Email)

John Mazza, Chair
City of Malibu Planning Commission
November 25, 2020
Page 5

bcc: Jon Congdon (Via Email)
Norman R. Haynie (Via Email)
Alicia B. Bartley, Esq. (Via Email)

Lilly Rudolph

From: Jo Drummond [REDACTED]
Sent: Saturday, December 19, 2020 8:08 AM
To: Lilly Rudolph; Hak Wong; Bruce Silverstein
Cc: Joanne Gorby; Dorina Schiro; andy.cho@dot.ca.gov; Jefferson Wagner; Steve Uhring; Mikke Pierson; John Mazza; Dee Dee Graves; Christopher Cunningham; Georgia Goldfarb
Subject: Re: Request to continue the Congdon case

This case for 20272 Inland Lane – CDP No. 19-001 should definitely be one of the investigated permits for any impropriety. Things do not add up at all from non noticed residents to alternative physics to implied permit application extensions to factor of safety and obstructed view violations.

Thanks, Jo Drummond

On Saturday, December 19, 2020, 06:31:00 AM PST, Hak Wong [REDACTED] wrote:

Lilly My Dear:

Ooops, I am afraid the sh*t just hit the fan! Guess we should expect reckoning times a-coming. Someone has to look under the belly of the City, to shine a harsh light on irregular transactions with public servants. Wasn't it delicious the way Bruce excoriated the City Attorney and Manager? Wonder if Feldman's going to retire and stay home too. Maybe she has pet babies to take care of.

It behooves you to continue the Jon Congdon case to whenever. It will be difficult to wriggles pass when the City is under magnified scrutiny in the foreseeable future. I have already been in contact with Zuma Jay and Bruce about the puzzling twisted logic and irregular process that Jo Drummond and I encountered in dealing with the City. We just can't figure out your upside theory of the lower part obscuring a planned illegal taller part, since we are not from the tribe of earthworms. And I can't stop the symphony of 'Implied Application' in the city hall echoing in my head. We will share these and more. I still have not heard how your department will spin around the low safety factor of Big Rock, and not to build below 1.5. Caltrans attorney, Andy Cho, and my PCH neighbors would like to know, and I'll keep them informed.

I am So glad that we may meet again. After all, what do I know about these Alternative Physics? I only graduated from Harvard with a Magna. Maybe when we get to be in front a kind judge, he/she will explain the nuances in how west coast city works to an Ivy Leaguer. Toodaloo.

[Sent from Yahoo Mail on Android](#)



HERON
MAPS

(310) 317-1515
20756 SEABOARD RD.
MALIBU CA 90265

ATTACHMENT 9





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, December 7, 2020, at 6:30 p.m.** on the project identified below which will be held via teleconference only in order to reduce the risk of spreading COVID-19 & pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and the County of Los Angeles Public Health Officer's Safer at Home Order.

COASTAL DEVELOPMENT PERMIT NO. 19-001, VARIANCE NO. 19-001, SITE PLAN REVIEW NO. 19-001, AND MINOR MODIFICATION NO. 19-001 - An application to construct a new 3,792 square foot, two-story single-family residence, plus a 602 square foot attached two-car garage with storage, a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system including a variance from the City's geotechnical standards for factor of safety, a site plan review for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and a minor modification for the reduction of the required side yard setback

LOCATION / APN / ZONING: 20272 Inland Lane / 4450-012-032 / Single-family Low Density (SFL)
APPLICANT / OWNER: Blue Onyx Design and Engineering, Inc. / Jonathan Congdon
APPEALABLE TO: City Council and California Coastal Commission
ENVIRONMENTAL REVIEW: Categorical Exemption CEQA Guidelines Section 15303(a)
APPLICATION FILED: January 3, 2019
CASE PLANNER: Lilly Rudolph, Contract Planner, lrudolph@malibucity.org (310) 456-2489, ext. 374

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 by contacting the Case Planner during regular business hours. You will have an opportunity to testify during 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. To view or sign up to speak during the meeting, visit malibucity.org/virtualmeeting.

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 emailed to psalazar@malibucity.org within ten days following the date of action and the filing fee shall be mailed to Malibu Planning Department, attention: Patricia Salazar, 23825 Stuart Ranch Road, Malibu, CA 90265. Payment must be received within 10 days of the appeal deadline. Appeal forms may be found online at www.malibucity.org/planningforms. If you are unable to submit your appeal online, please contact Patricia Salazar by calling (310) 456-2489, extension 245, at least two business days before your appeal deadline to arrange alternative delivery of the appeal.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Planning Commission's approval directly to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. More information may be found online at www.coastal.ca.gov or by calling 805-585-1800.

RICHARD MOLLICA, Acting Planning Director Date: November 12, 2020

PROPERTY ADDRESS:
 2012 INLAND LANE
 MALIBU CA 90265

ASSessor'S PARCEL NUMBER:
 4430-00-012 LOS ANGELES COUNTY

LEGAL DESCRIPTION:

PARCEL 1

LOT 10 OF TRACT NO. 21463 IN THE CITY OF MALIBU COUNTY OF LOS ANGELES STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 201 PAGES 20 AND 21C MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY HEREBY THAT PORTION OF SAID LOT 10 DESCRIBED AS FOLLOWS BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 10 WITH THE SOUTHERLY LINE OF INLAND LANE A PRIVATE STREET AS SHOWN ON MAP OF TRACT 21463 THEREAFTER ALONG THE NEARLY LINE OF SAID LOT 10 AS FOLLOWS: SOUTH 28 DEGREES 08 MINUTES 00 SECONDS EAST 83.00 FEET SOUTHEASTERLY ALONG A CURVED CORNER CONVERSE NORTHEASTERLY HAVING A RADIUS OF 70 FEET THROUGH A CENTRAL ANGLE OF 49 DEGREES 00 MINUTES 36 SECONDS AN ARC DISTANCE OF 101.11 FEET SOUTHEASTERLY 40 MINUTES 00 SECONDS EAST 3.00 FEET THENCE LEAVING SAID BOUNDARY LINE NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 70 FEET FROM A TANGENT BEARING NORTH 70 DEGREES 00 MINUTES 36 SECONDS WEST THROUGH A CENTRAL ANGLE OF 47 DEGREES 30 MINUTES 22 SECONDS AN ARC DISTANCE OF 85.55 FEET THENCE NORTH 75 DEGREES 11 MINUTES 00 SECONDS WEST 18.94 FEET TO SAID BOUNDARY LINE NORTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 70 FEET FROM A TANGENT BEARING NORTH 70 DEGREES 00 MINUTES 36 SECONDS WEST THROUGH A CENTRAL ANGLE OF 4 DEGREES 29 MINUTES 00 SECONDS AN ARC DISTANCE OF 8.50 FEET TO THE POINT OF BEGINNING

PARCEL 2

THAT PORTION OF LOT 10 OF TRACT NO. 21463 IN THE CITY OF MALIBU COUNTY OF LOS ANGELES STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 201 PAGES 20 AND 21C MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 10 WITH THE SOUTHERLY LINE OF INLAND LANE A PRIVATE STREET AS SHOWN ON SAID MAP OF TRACT NO. 21463 THEREAFTER ALONG SAID SOUTHERLY LINE SOUTH 70 DEGREES 00 MINUTES 36 SECONDS EAST 44.30 FEET TO AN ANGLE POINT THEREAFTER SOUTH 70 DEGREES 00 MINUTES 36 SECONDS WEST 8.00 FEET THENCE NORTH 70 DEGREES 00 MINUTES 36 SECONDS WEST 45.50 FEET TO SAID SOUTHERLY LINE OF INLAND LANE THENCE ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING

DATE OF SURVEY:

THE SURVEY OF N 06° 10' 44" E & 326' THE CENTERLINE OF INLAND LANE AS SHOWN ON TRACT NO. 21463 IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 201 PAGES 20-21 IN THE OFFICE OF THE RECORDER OF SAID COUNTY WAS MADE AT THE DATE OF BEGINNING FOR THIS SURVEY.

BOUNDARY:

MLB#1: 20.06 LACD ON SAC R/L NE (DP COND APPROX E 1/4 SEC 10-20-01) 8.534 ± 0.002 PACIFIC COAST HWY TRM S/D D/L

EXTENSIONS SHOWN ON THIS MAP ARE BASED ON HAZARDOUS MATERIAL

NOTES:

1. THIS SURVEY WAS PERFORMED WITH PRELIMINARY TITLE REPORT FROM LAWYERS TITLE FILE NO. 20153227 AND CALIFORNIA TITLE COMPANY ORDER NO. 40-009449-64.

2. PERTAINING TO SURVEY AND TOPG MAP IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN ON THIS MAP DRAWING ELEVATIONS AT CORNER POINTS CONTROLING THE DESIGN SHALL BE VERIFIED BY CORRECT LOCATION AND LEVELS PRIOR TO FINAL DESIGN SUBMITTAL.

3. UTILITIES IF LOCATED ARE BY SURFACE EVIDENCE ONLY (MANHOLES, WATER METERS, GAS METERS, POWER PILES, ETC.)

4. ITEM #3 OF THE LANDAU TITLE REPORT IS UNPLATTABLE

5. ITEM #6 OF THE LAWYERS TITLE REPORT - INDICATIONS WERE REJECTED.

6. ASSESSOR'S PARCEL NUMBER OF DRIVEWAY EASEMENTS IDENTIFYING WITH 4430-00-012 AND 4430-00-012

AREA:

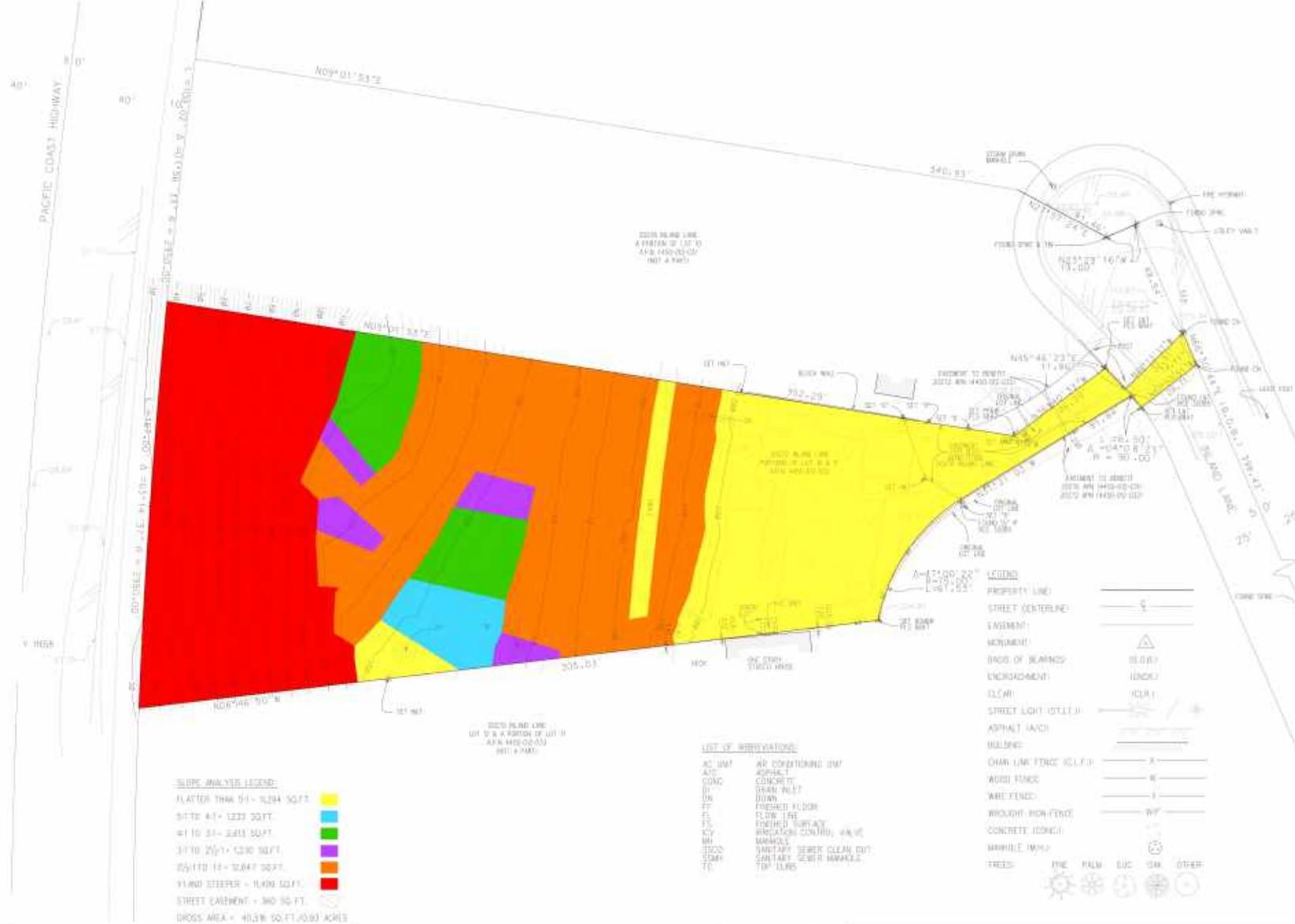
GROSS AREA = 40.59 SQ. FT./0.93 ACRES

STREET EASEMENT = 340 SQ. FT.

NET AREA (GROSS MINUS STREET EASEMENT) = 40.26 SQ. FT./0.92 ACRES

NET AREA (GROSS MINUS STREET EASEMENT) = 40.26 SQ. FT./0.92 ACRES

NOTE: (05/16/18) SLOPE ANALYSIS PREPARED USING 10 CONTOUR INTERVALS PER REQUEST OF CLIENT



SLOPE ANALYSIS LEGEND:

FLATTER THAN 5% - 12.94 SQ.FT.	Yellow
5% TO 4% - 1233 SQ.FT.	Light Green
4% TO 3% - 2483 SQ.FT.	Green
3% TO 2% - 1230 SQ.FT.	Light Blue
2% TO 1% - 3247 SQ.FT.	Blue
1% AND STEEPER - 1406 SQ.FT.	Dark Blue
STREET EASEMENT - 340 SQ.FT.	Red
GROSS AREA = 40.59 SQ.FT./0.93 ACRES	
NET AREA (GROSS MINUS STREET EASEMENT) = 40.26 SQ.FT./0.92 ACRES	

LIST OF INVESTIGATIONS:

AC UNIT	AIR CONDITIONING UNIT
ASPH	ASPHALT
CONC	CONCRETE
DRNK PFLT	DRINK FOUNTAIN
DN	DOWN
FF	FRESH FLOOR
FLW TRM	FLOW TRIM
FS	FINISHED SURFACE
ICV	IRREGULAR CURB, GRAVE
MN	MANHOLE
SDC	SEWAGE TREATMENT PLANT
SDM	SEWAGE TREATMENT PLANT
TC	TOP OF CURB

LEGEND:

PROPERTY LINE	—
STREET CENTERLINE	—
EASEMENT	—
MONUMENT	△
BOUNDARY BEARING	(B.B.)
ENCROACHMENT	(ENCR)
CLEAR	(CLR)
STREET LIGHT (SCALE)	—
ASPHALT (ACH)	—
WALLING	—
CHAIN LINK FENCE (CLF)	—
ADDS FENCE	—
WIRE FENCE	—
ROUGH BOUNDARY	—
CONCRETE (CONC)	—
MANHOLE (MAN)	—
TREES	—

COLOR CODED SLOPE ANALYSIS

DATE: 05/16/18	DRAWN BY: JON CONDON	CHECKED BY: JON CONDON
PROJECT: 2012 INLAND LANE	CLIENT: COSCARI ARCHITECTS	SCALE: 1" = 20'
PROJECT ADDRESS: 2012 INLAND LANE, MALIBU, CA 90265	PROJECT PHONE: (310) 317-1111	PROJECT FAX: (310) 317-1111

Scale 1" = 20'

Graphic scale bar showing 0, 20, 40, 60 feet.

PROPERTY ADDRESS:
 20272 INLAND LANE
 MALIBU CA 90265

ASSESSOR'S PARCEL NO.'S:
 4450-012-032 (LOS ANGELES COUNTY)

LEGAL DESCRIPTION:
 PARCEL 1:

LOT 11 OF TRACT NO. 27463, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70 AND 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPT THEREFROM THAT PORTION OF SAID LOT 11 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 11 WITH THE SOUTHERLY LINE OF INLAND LANE (A PRIVATE STREET) AS SHOWN ON SAID MAP OF TRACT 27463; THENCE ALONG THE BOUNDARY LINE OF SAID LOT 11 AS FOLLOWS: SOUTH 28 DEGREES 59 MINUTES 00 SECONDS EAST 83.00 FEET; SOUTHEASTERLY ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 70 FEET, THROUGH A CENTRAL ANGLE OF 49 DEGREES 06 MINUTES 38 SECONDS AN ARC DISTANCE OF 60 FEET AND SOUTH 6 DEGREES 46 MINUTES 50 SECONDS EAST 0.50 FEET; THENCE LEAVING SAID BOUNDARY LINE, NORTHWESTERLY ALONG A CURVE HAVING A RADIUS OF 75 FEET, FROM A TANGENT BEARING NORTH 79 DEGREES 18 MINUTES 26 SECONDS WEST, THROUGH A CENTRAL ANGLE OF 47 DEGREES 00 MINUTES 22 SECONDS AN ARC DISTANCE OF 61.53 FEET; THENCE NORTH 31 DEGREES 21 MINUTES 03 SECONDS WEST 81.84 FEET TO SAID HEREIN BEFORE MENTIONED SOUTHERLY LINE OF INLAND LANE; THENCE EASTERLY ALONG SAID INLAND LANE, BEING A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 90 FEET THROUGH A CENTRAL ANGLE OF 4 DEGREES 08 MINUTES 17 SECONDS AN ARC DISTANCE OF 6.50 FEET TO THE POINT OF BEGINNING

PARCEL 2:
 THAT PORTION OF LOT 10 OF TRACT NO. 27463, IN THE CITY OF MALIBU, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70 AND 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT 10 WITH THE SOUTHERLY LINE OF INLAND LANE (A PRIVATE STREET) AS SHOWN ON SAID MAP OF TRACT NO. 27463; THENCE ALONG SAID EASTERLY LINE, SOUTH 27 DEGREES 00 MINUTES 00 SECONDS EAST 44.39 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 9 DEGREES 01 MINUTES 53 SECONDS WEST 6.00 FEET; THENCE NORTH 36 DEGREES 40 MINUTES 34 SECONDS WEST 45.58 FEET TO SAID SOUTHERLY LINE OF INLAND LANE; THENCE ALONG SAID INLAND LANE TO THE POINT OF BEGINNING.

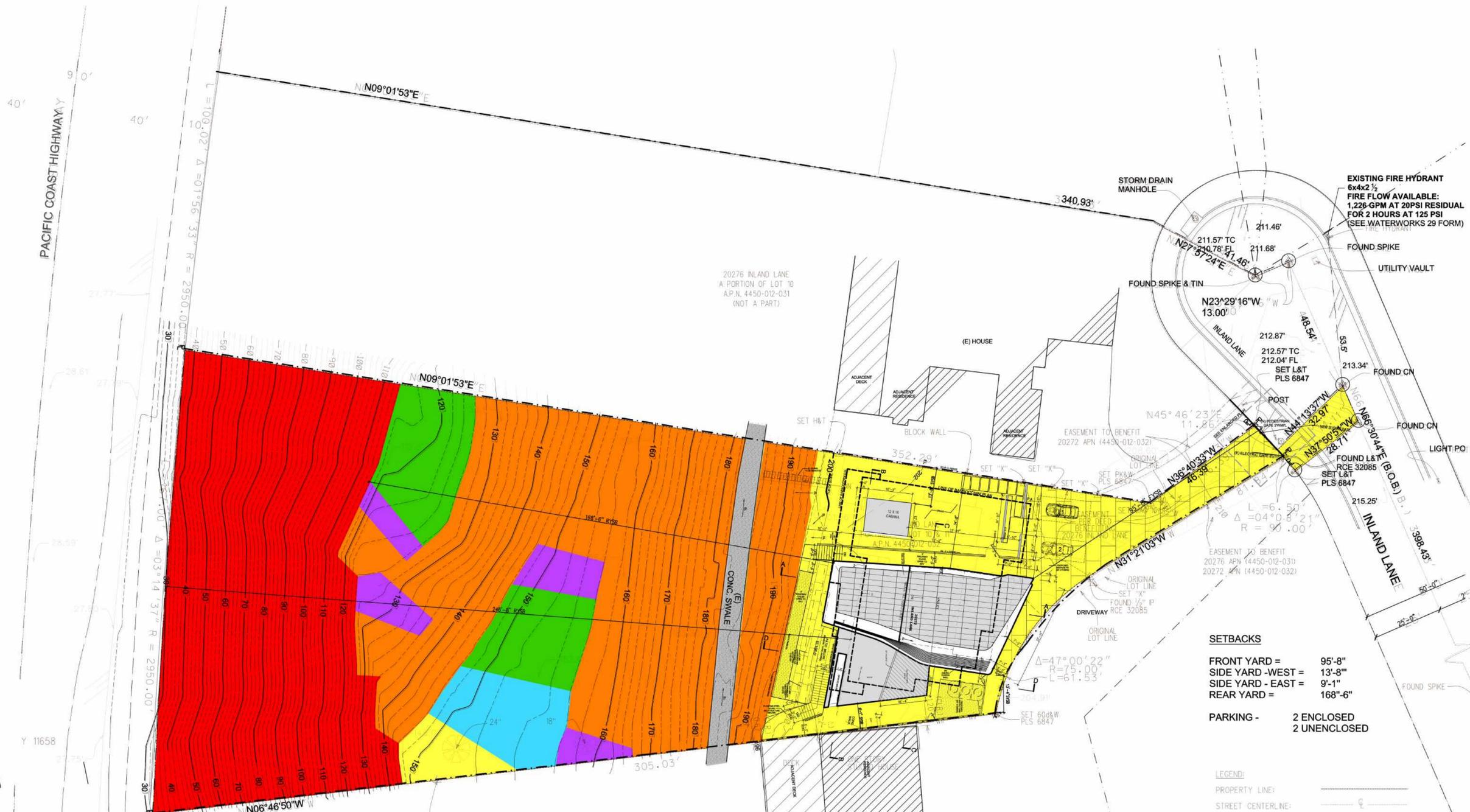
BASIS OF BEARINGS:
 THE BEARING OF N 66° 30' 44" E ALONG THE CENTERLINE OF INLAND DRIVE, AS SHOWN ON TRACT NO. 27463 IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 701, PAGES 70-71, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCH MARK:
 MALIBU 28.016 LACO BM TAG IN NE COR CONC APRON @ E P/L HSE (2003) 8.539 *20152 PACIFIC COAST HWY 1M S/O C/L

ELEVATIONS SHOWN ON THIS MAP ARE BASED ON NAVD 1988 DATUM.

- NOTES:
- THIS SURVEY WAS PERFORMED WITH PRELIMINARY TITLE REPORT FROM LAWYERS TITLE FILE NO. 21530077 AND CALIFORNIA TITLE COMPANY ORDER NO. 410-1179448-64.
 - PERTAINING TO SURVEY AND TOPO MAP, IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM CONTOURS SHOWN ON THIS MAP, GROUND ELEVATIONS AT CRITICAL POINTS CONTROLLING THE DESIGN SHOULD BE VERIFIED BY DIRECT LOCATION AND LEVELS PRIOR TO FINAL DESIGN ADOPTION.
 - UTILITIES, IF LOCATED, ARE BY SURFACE EVIDENCE ONLY. (MANHOLES, WATER METERS, GAS METERS, POWER POLES, ETC.)
 - ITEM #3 OF THE LAWYERS TITLE REPORT IS UNPLOTTABLE.
 - ITEM #6 OF THE LAWYERS TITLE REPORT - DEDICATIONS WERE REJECTED.
 - ADDED 05/31/13 STAKING OF DRIVEWAY EASEMENTS BENEFITTING APN 4450-012-031 AND APN 4450-012-032

AREA:
 GROSS AREA = 40,516 SQ. FT./0.93 ACRES
 STREET EASEMENT = 360 SQ. FT.
 NET AREA (GROSS MINUS STREET EASEMENTS) = 40,156 SQ. FT./0.92 ACRES



SLOPE ANALYSIS LEGEND:

FLATTER THAN 5:1 = 11,294 SQ. FT.	Yellow
5:1 TO 4:1 = 1,233 SQ. FT.	Light Blue
4:1 TO 3:1 = 2,613 SQ. FT.	Green
3:1 TO 2 1/2:1 = 1,230 SQ. FT.	Purple
2 1/2:1 TO 1:1 = 12,647 SQ. FT.	Orange
1:1 AND STEEPER = 11,499 SQ. FT.	Red
STREET EASEMENT = 360 SQ. FT.	White with diagonal lines
GROSS AREA = 40,516 SQ. FT./0.93 ACRES	
NET AREA (GROSS MINUS STREET EASEMENTS AND SLOPES 1:1 AND STEEPER) = 28,657 SQ. FT./0.66 ACRES	

NOTE: 05/16/16 SLOPE ANALYSIS PREPARED USING 10' CONTOUR INTERVALS PER REQUEST OF CLIENT

LIST OF ABBREVIATIONS:

AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
ICV	IRRIGATION CONTROL VALVE
MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

LIST OF ABBREVIATIONS:

AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
ICV	IRRIGATION CONTROL VALVE
MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

SETBACKS

FRONT YARD = 95'-8"
 SIDE YARD - WEST = 13'-8"
 SIDE YARD - EAST = 9'-1"
 REAR YARD = 168'-6"

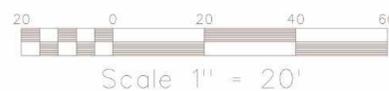
PARKING -
 2 ENCLOSED
 2 UNENCLOSED

LEGEND:

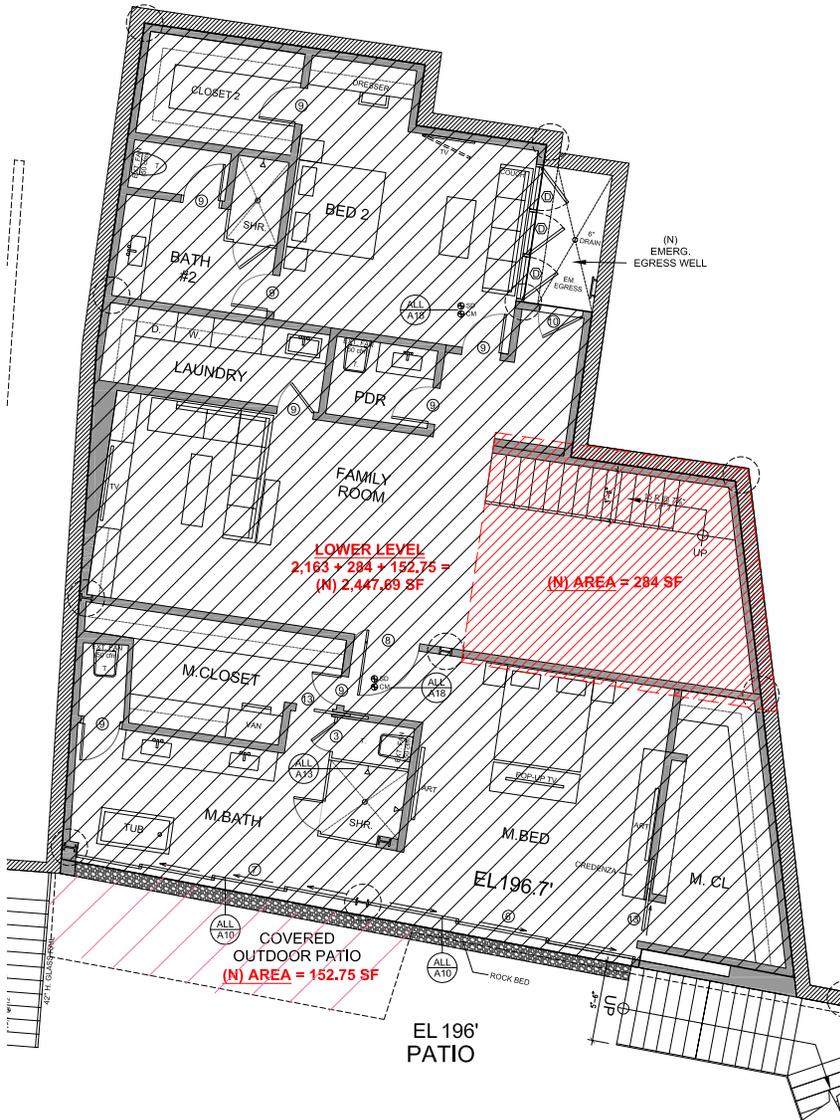
PROPERTY LINE:	---
STREET CENTERLINE:	---
EASEMENT:	---
MONUMENT:	---
BASIS OF BEARINGS:	(B.O.B.)
ENCROACHMENT:	(ENCR.)
CLEAR:	(CLR.)
STREET LIGHT (ST.LT.):	---
ASPHALT (A/C):	---
BUILDING:	---
CHAIN LINK FENCE (C.L.F.):	X
WOOD:	W
WIRE:	II
WROUGHT IRON FENCE (W.I.F.):	WIF
MANHOLE:	MH
TREES:	T

***REFERENCE ENLARGED ROOF PLAN SHEET A2**

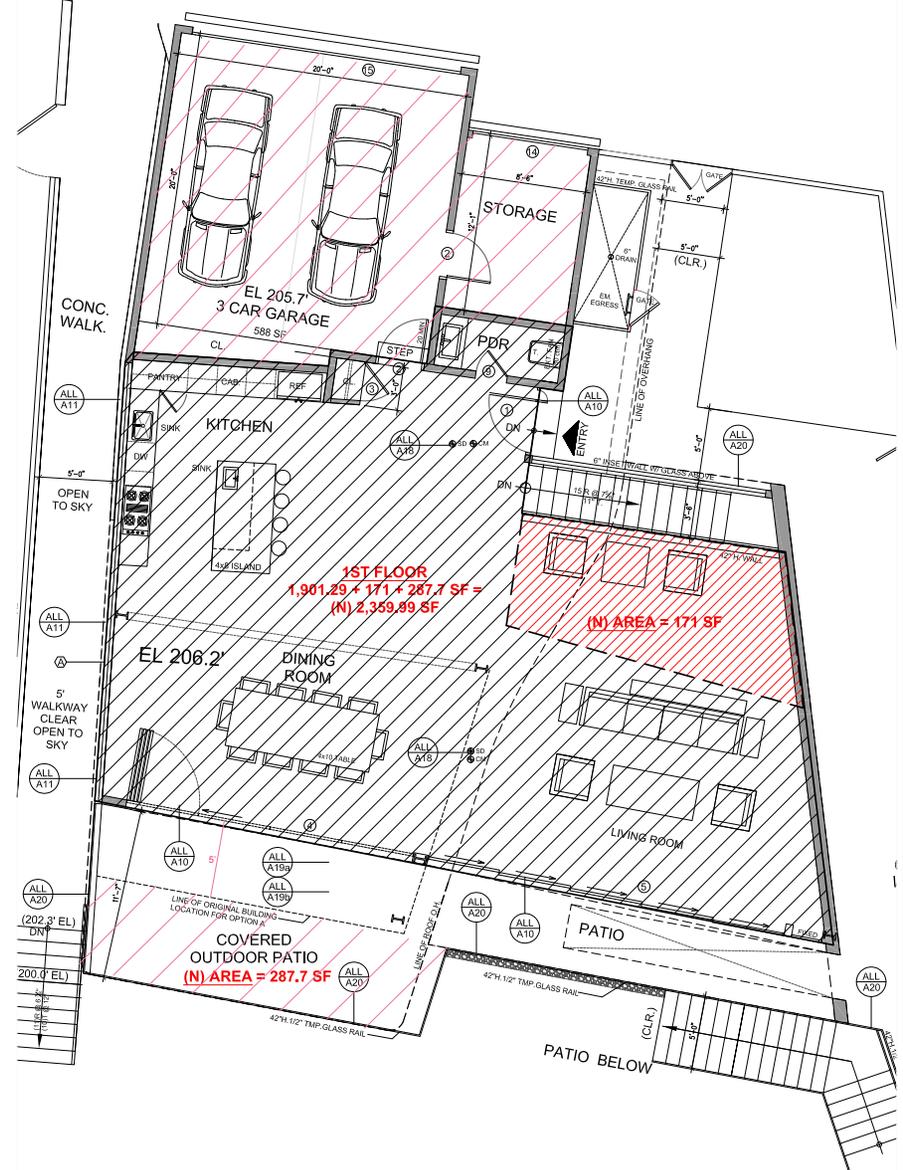
PROPOSED SITE-ROOF PLAN
 SCALE 1/16" = 1'-0"



REVISIONS: 4/24/12 EDIT 5/7/13 SEE NOTE 6 7/21/14 EDIT 5/16/16 SEE SLOPE NOTE SURVEYED BY: RS, JF, TW DRAWN BY: GS, DS, KS, AML	SURVEYED FOR: JOHN CONGDON c/o JOHATHEN DAY COSCIA-DAY ARCHITECTS 747 INDIANA AVENUE VENICE, CA 90291	SURVEYED BY: 	SCALE: 1" = 20' JOB NO.: CON114SLOPE SURVEY DATE: 4/3-4/11, 4/24/11 5/31/13, 7/21/14 SHEET: TS-3
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SF ANALYSIS
LOWER LEVEL
 2,447.69 SF SCALE 1/4" = 1'-0"



SF ANALYSIS
FIRST FLOOR
 2,359.99 SF SCALE 1/4" = 1'-0"

CITY STAMPS
<p>SF ANALYSIS SCALE 1/4" = 1'-0"</p>
<p>SQUARE FOOTAGE</p> <p>LOWER LEVEL = 2,447.69 SF</p> <p>UPPER LEVEL = 2,359.99 SF</p> <p>CABANA 12x16 = 192 SF</p> <p>Roof Overhang (North Side) = 30.12 SF</p> <p>TOTAL DEVELOPMENT = 5,028.80 SF (TDSF)</p>

Coscia Day
 architecture + design

20272 NEW RESIDENCE
 20272 INLAND LANE
 MALIBU, CA 90265

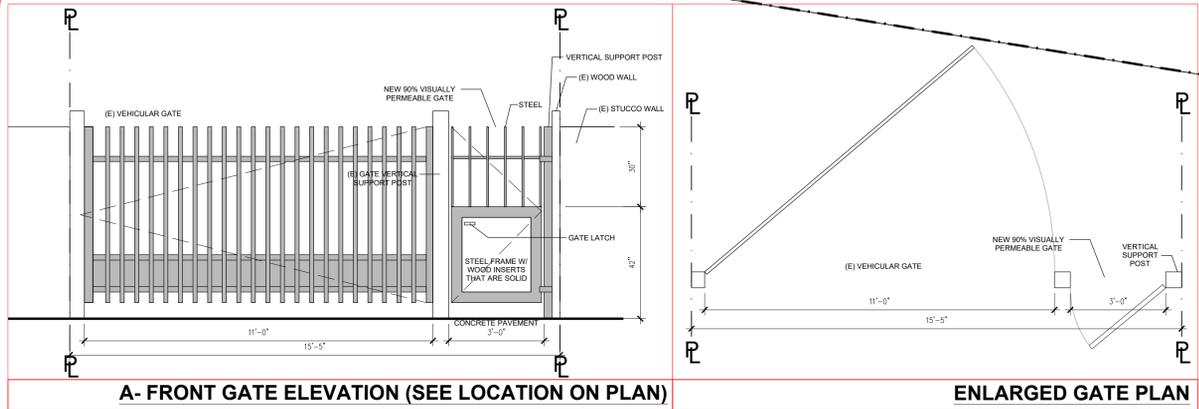
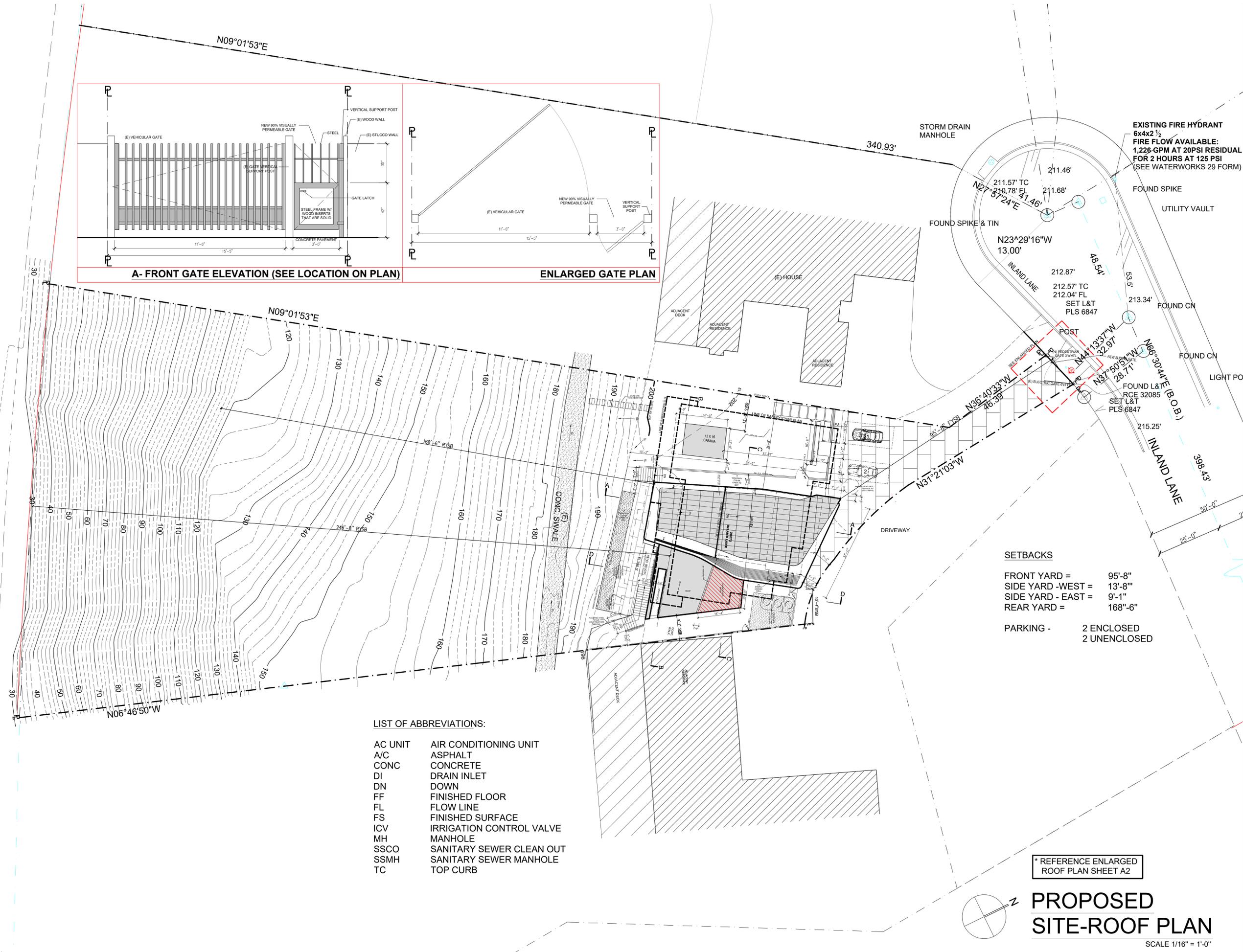
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05-08-21	
7-24-21	

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Date: 04/11/18
 Project Name:
 Coordinator: J.D.
 Drawn By: E.R.
 Checked By:
 Sheet Number:

A-SF



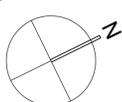
SETBACKS
 FRONT YARD = 95'-8"
 SIDE YARD - WEST = 13'-8"
 SIDE YARD - EAST = 9'-1"
 REAR YARD = 168'-6"

PARKING -
 2 ENCLOSED
 2 UNENCLOSED

LIST OF ABBREVIATIONS:

AC UNIT	AIR CONDITIONING UNIT
A/C	ASPHALT
CONC	CONCRETE
DI	DRAIN INLET
DN	DOWN
FF	FINISHED FLOOR
FL	FLOW LINE
FS	FINISHED SURFACE
ICV	IRRIGATION CONTROL VALVE
MH	MANHOLE
SSCO	SANITARY SEWER CLEAN OUT
SSMH	SANITARY SEWER MANHOLE
TC	TOP CURB

* REFERENCE ENLARGED ROOF PLAN SHEET A2



PROPOSED SITE-ROOF PLAN

SCALE 1/16" = 1'-0"

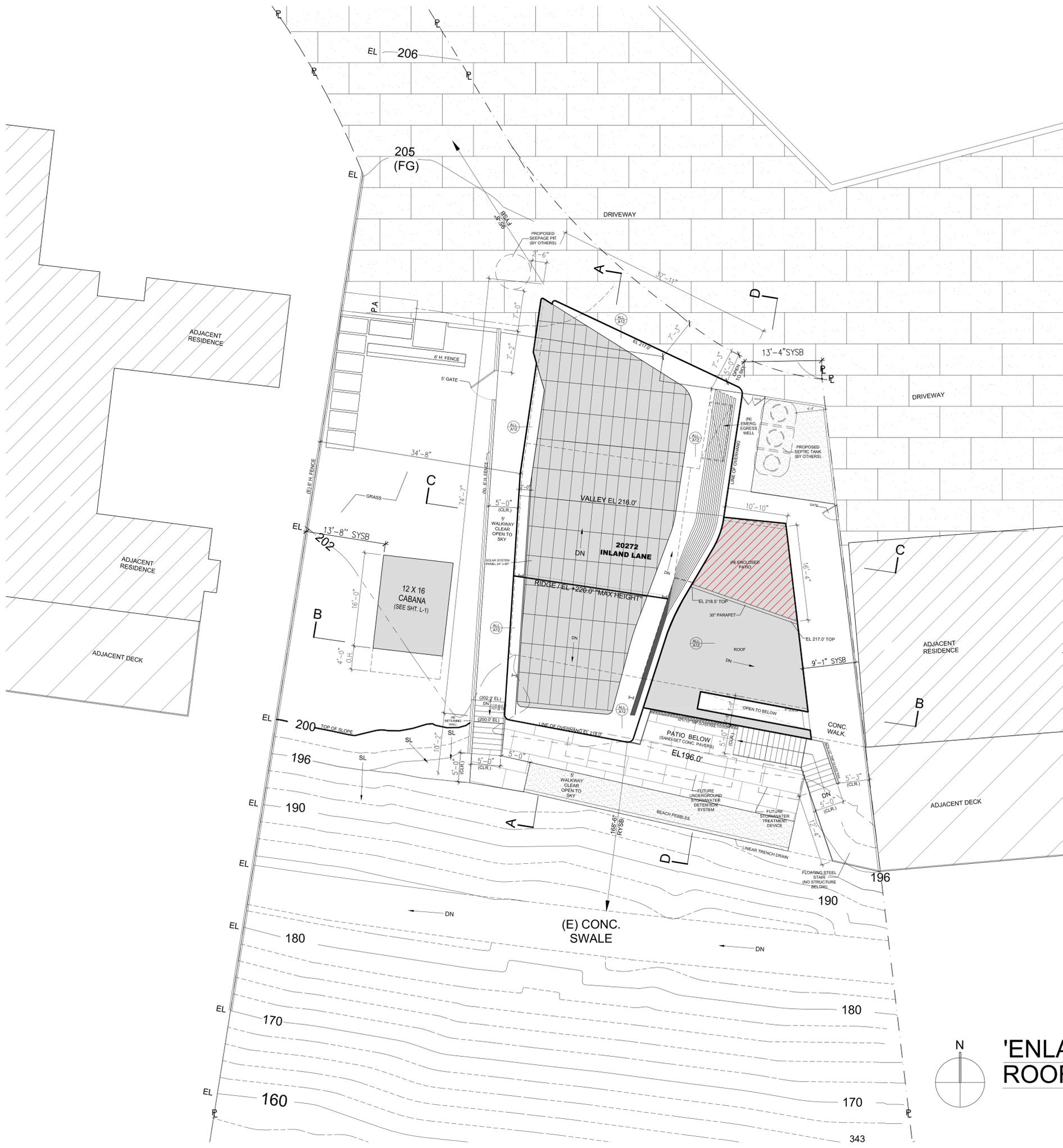
REVISIONS:

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05-11-20	



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Date:	10/04/17
Project Name:	
Coordinator:	J.D.
Drawn By:	IR
Checked By:	
Sheet Number:	



**'ENLARGED'
ROOF PLAN**
SCALE 1/8" = 1'-0"

FIRE DEPARTMENT NOTES

**CITY OF MALIBU
CONSTRUCTION NOTES FOR VERY HIGH FIRE HAZARD SEVERITY ZONE**

ROOFING - SEC. 704.A.1:
 - ROOF COVERING TO BE CLASS "A".
 - WOOD SHINGLES OR SHAKES NOT PERMITTED

WHERE ROOF COVERING PROVIDES A SPACE BETWEEN THE ROOF COVERING AND ROOF DECKING, THE SPACE SHALL:
 - BE CONSTRUCTED TO PREVENT THE INTRUSION OF FLAMES & EMBERS, OR
 - BE FIRESTOPPED WITH APPROVED MATERIALS, OR
 - HAVE ONE LAYER OF No. 72 ASTM CAP SHEET INSTALLED OVER THE COMBUSTIBLE DECKING.

ROOF VALLEYS - SEC. 704.A.1.3
 WHEN PROVIDED, VALLEY FLASHING SHALL BE NOT LESS THAN 0.019-INCH (No. 26 GALVANIZED SHEET GAGE) CORROSION-RESISTANT METAL, INSTALLED OVER A MINIMUM 3/8-INCH WIDE UNDERLAYMENT CONSISTING OF ONE LAYER OF No.72 ASTM CAP SHEET RUNNING THE FULL LENGTH OF THE VALLEY.

ROOF GUTTERS - 704A.1.5
 ROOF GUTTERS SHALL BE PROVIDED WITH THE MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER.

ATTIC VENTILATION - SEC. 704A.2:
GENERAL - SEC. 704A.2.1
 ROOF AND ATTIC VENT SHALL:
 - RESIST THE INTRUSION OF FLAME AND MEMBERS INTO THE ATTIC AREA, OR
 - SHALL BE PROTECTED BY CORROSION-RESISTANT, NONCOMBUSTIBLE WIRE MESH WITH A 1/2 INCH OPENINGS, OR
 - ITS EQUIVALENT.

EAVE OR CORNICE VENTS - 704A.2.2
 VENTS SHALL NOT BE INSTALLED IN EAVES AND/OR CORNICES.
 EXCEPTION: EAVE AND CORNICE VENTS MAY BE USED PROVIDED THEY RESIST THE INTRUSION OF FLAME AND BURNING EMBERS INTO THE ATTIC AREA. WIRE MESH IS NOT PERMITTED.

EAVE PROTECTION - SEC. 704A.2.3
 EAVES AND SOFFITS SHALL:
 - MEET THE REQUIREMENTS OF SFM 12-7A-3, OR
 - BE PROTECTED BY IGNITION-RESISTANT MATERIAL, OR
 - BE CONSTRUCTED OF NONCOMBUSTIBLE CONSTRUCTION ON THE EXPOSED UNDERSIDE.

EXTERIOR WALLS - SEC. 704A.3:
GENERAL - SEC. 704A.3.1
 EXTERIOR WALL SHALL BE:
 - APPROVED NONCOMBUSTIBLE, OR
 - IGNITION-RESISTANT MATERIAL, OR
 - HEAVY TIMBER, OR
 - LOG WALL CONSTRUCTION, OR
 - SHALL PROVIDE PROTECTION FROM THE INTRUSION OF FLAMES AND EMBERS IN ACCORDANCE WITH STANDARDS SFM 12-7A-1.

EXTERIOR WALL COVERINGS - SEC. 704.3.1.1
 EXTERIOR WALL COVERING SHALL:
 - EXTEND FROM THE TOP OF FOUNDATION TO THE ROOF, AND
 - TERMINATE AT 2-INCH NOMINAL SOLID WOOD BLOCKING BETWEEN RAFTERS AT ALL ROOF OVERHANGS, OR
 - IN CASE OF ENCLOSED EAVES, TERMINATE AT THE ENCLOSURE.

EXTERIOR WALL VENTS - SEC. 704A.3.2.1
 EXTERIOR WALL VENTS SHALL:
 - RESIST THE INTRUSION OF FLAME AND EMBERS INTO THE STRUCTURE, OR
 - BE SCREENED WITH A CORROSION RESISTANT NONCOMBUSTIBLE WIRE MESH WITH 1/2 INCH OPENINGS.

EXTERIOR GLAZING AND WINDOW WALLS - SEC. 704A.3.2.2
 EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS AND GLAZED OPENING WITH EXTERIOR DOOR SHALL:
 - BE INSULATING-GLASS UNITS/MULTI-PANE GLAZING UNITS WITH A MINIMUM OF ONE TEMPERED PANE, OR
 - BE CLASS BLOCK UNITS, OR
 - HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20-MIN, OR
 - CONFORM TO THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-2.

EXTERIOR DOOR ASSEMBLIES - SEC. 704A.3.2.3
 EXTERIOR DOOR ASSEMBLIES SHALL:
 - CONFORM TO THE PERFORMANCE REQUIREMENTS OF STANDARD SFM 112-7A-1, OR
 - BE APPROVED NONCOMBUSTIBLE CONSTRUCTION, OR
 - BE OF SOLID CORE WOOD HAVING STILES AND RAILS NOT LESS THAN 3/8-INCH THICK WITH INTERIOR FIELD PANEL THICKNESS NOT LESS THAN 1-1/4-INCH THICK, OR SHALL HAVE A FIRE-RESISTANCE RATING OF NOT LESS THAN 20-MINUTES (ASTM E 2074), OR
 - NONCOMBUSTIBLE OR EXTERIOR FIRE-RETARDANT TREATED WOOD MAYBE USED FOR VEHICLE ACCESS/GARAGE DOORS.

DECKING, FLOORS, UNDER FLOOR AND APPENDAGE PROTECTION - SEC. 704A.4
DECKING SURFACES - SEC. 704A.4.1
 DECKING, SURFACES, STAIR TREADS, RISERS AND LANDINGS OF DECKS, PORCHES AND BALCONY WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL COMPLY WITH ONE OF THE FOLLOWING:
 - SHALL BE CONSTRUCTED OF IGNITION-RESISTANT MATERIALS AND PASS THE PERFORMANCE REQUIREMENT OF SFM STANDARD 12-7A-4, PARTS A & B, OR
 - SHALL BE CONSTRUCTED WITH HEAVY TIMBER, EXTERIOR FIRE-RETARDANT-TREATED WOOD, OR APPROVED NONCOMBUSTIBLE MATERIALS, OR
 - SHALL PASS THE PERFORMANCE REQUIREMENTS OF SFM 12-7A-4, PART A, 12-7A-4.7.5.1 ONLY WITH SPECIFIED PEAK HEAT RELEASE RATE. (SEE CODE SECTION FOR ADDITIONAL REQ.)
 - NOTE: THE USE OF PAINTS, COATINGS, STAINS OR OTHER SURFACE TREATMENT ARE NOT AN APPROVED METHOD OF PROTECTIONS AS REQUIRED IN THIS CHAPTER.

UNDERSIDE OF APPENDAGES AND FLOOR PROTECTIONS - SEC. 704A.4.2
 THE UNDERSIDE OF CANTILEVERED AND OVERHANGING APPENDAGES AND FLOOR PROJECTIONS SHALL:
 - MAINTAIN THE IGNITION RESISTANT INTEGRITY OF EXTERIOR WALLS, OR
 - THE PROJECTION SHALL BE ENCLOSED TO THE GRADE.

ADDITIONAL NOTES:

- 1) FIRE DEPARTMENT VEHICULAR ACCESS ROADS MUST BE INSTALLED AND MAINTAINED IN A SERVICABLE MANNER PRIOR TO AND DURING THE TIME OF CONSTRUCTION. (FIRE CODE 501.4)
- 2) BUILDING ADDRESS NUMBERS SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 0.5 INCH. (FIRE CODE 505.1)
- 3) ALL REQUIRED PUBLIC FIRE HYDRANTS SHALL BE INSTALLED, TESTED AND ACCEPTED PRIOR TO BEGINNING CONSTRUCTION. (FIRE CODE 501.4)
- 4) PROVIDE AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM AS SET FORTH CODE 903. PLANS SHALL BE SUBMITTED TO THE SPRINKLER PLAN CHECK UNIT FOR REVIEW AND APPROVAL PRIOR THE INSTALLATION. (FIRE CODE 903.1)
- 5) ROOF GUTTERS SHALL BE PROVIDED WITH A MEANS TO PREVENT THE ACCUMULATION OF LEAVES AND DEBRIS IN THE GUTTER. (FIRE CODE 4710.1.4)
- 6) 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 (FIRE CODE 4708.3)
- 7) CLEARANCE OF BRUSH AND VEGETATIVE GROWTH SHALL BE MAINTAINED PER FIRE CODE 317.2.2
- 8) THE REQUIRED FIRE FLOW FOR PUBLIC HYDRANTS AT THIS LOCATION IS 1,000 GPM, AT 20 PSI RESIDUAL PRESSURE, FOR A DURATION OF 2 HOURS OVER AND ABOVE MAXIMUM DAILY DOMESTIC DEMAND. FIRE CODE 507.3 AND FIRE DEPARTMENT REGULATION 8 AND APPENDIX B.
- 9) THE INSPECTION, HYDROSTATIC TEST AND FLUSHING OF THE FIRE SPRINKLER PIPING SHALL BE WITNESSED BY AN AUTHORIZED FIRE DEPARTMENT REPRESENTATIVE. FIRE CODE 901.6

CITY STAMPS

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architecture + design

745 Indiana Ave.
Venice Beach, CA
90291

310 399 1613
cosciaday.com

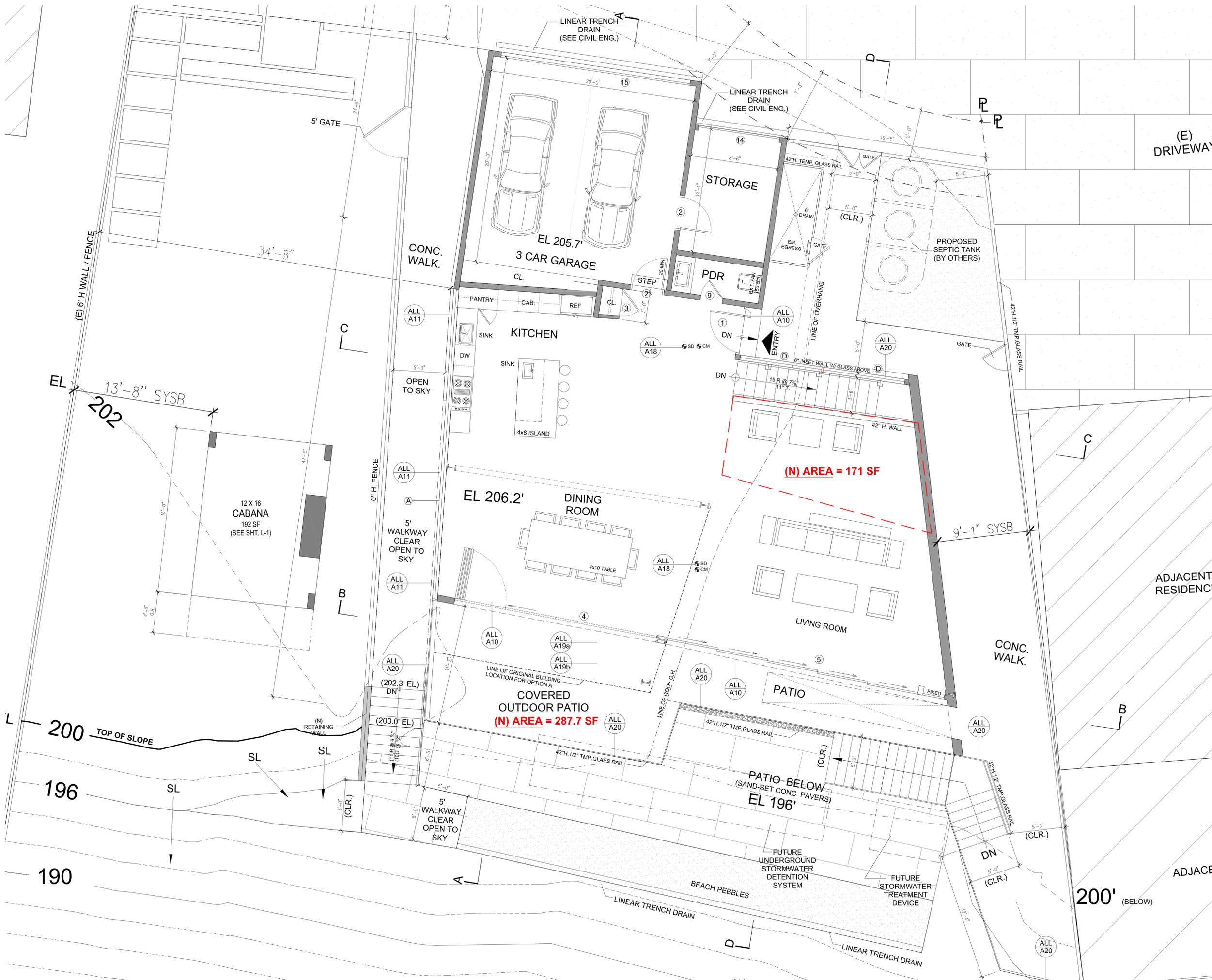
20272 NEW RESIDENCE
20272 INLAND LANE
MALIBU, CA 90265

REVISIONS:

01-30-20

STAMP:

Date: 04/11/18
 Project Name:
 Coordinator: J.D.
 Drawn By: IR
 Checked By:
 Sheet Number:
A2



CITY STAMPS

Coscia Day
architecture + design

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Unit E
Santa Monica, CA
90405
310.399.1613
cosciaday.com

20272 NEW RESIDENCE
20272 INLAND LANE
MALIBU, CA 90265

REVISIONS:

01-30-20	
05-28-21	

STAMP:

FIRST FLOOR PLAN (GROUND)

2,359.99 SF SCALE 1/4" = 1'-0"

LOWER LEVEL =	2,447.69 SF
UPPER LEVEL =	2,359.99 SF
CABANA 12x16' =	192 SF
Roof Overhang (North Side) =	30.12 SF
TOTAL DEVELOPMENT =	5,029.80 SF (TDSF)

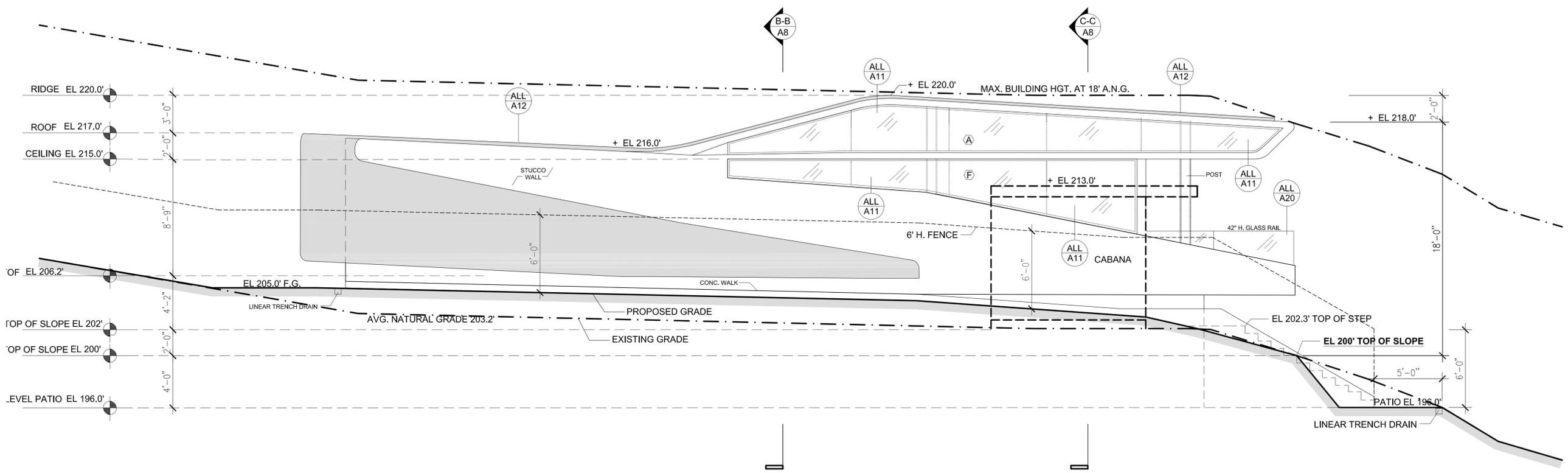
Date: 04/11/18
Project Name:
Coordinator: J.D.
Drawn By: J.R.
Checked By:
Sheet Number:
A3

STAMPS:

01-30-20

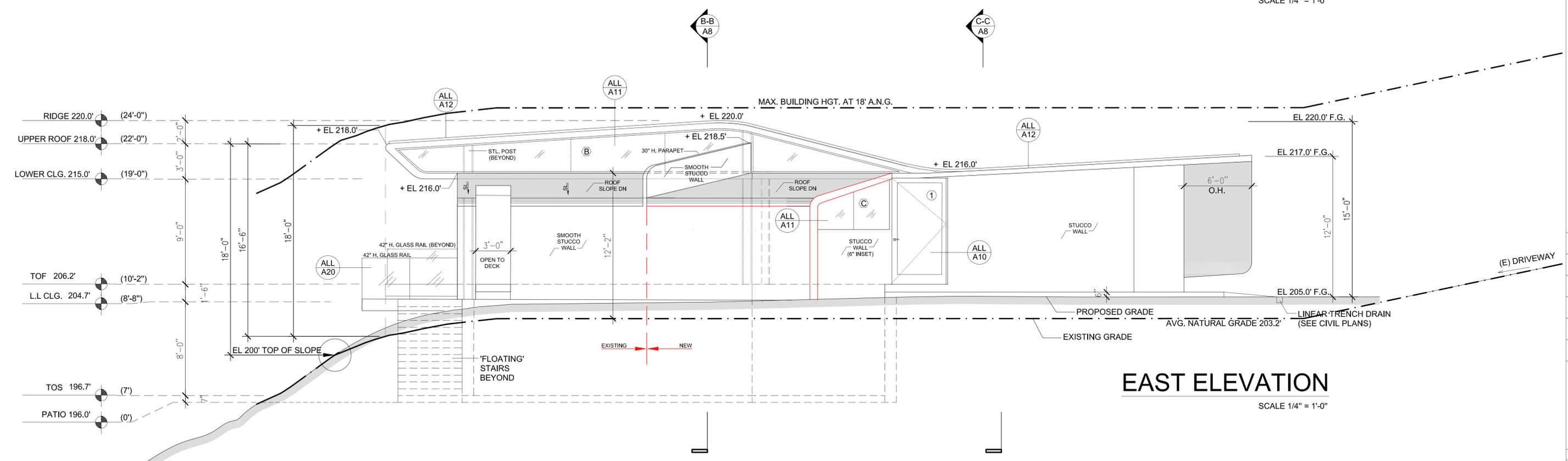


Date: 04/11/18
Project Name:
Coordinator: J.D.
Drawn By: IR
Checked By:
Sheet Number:



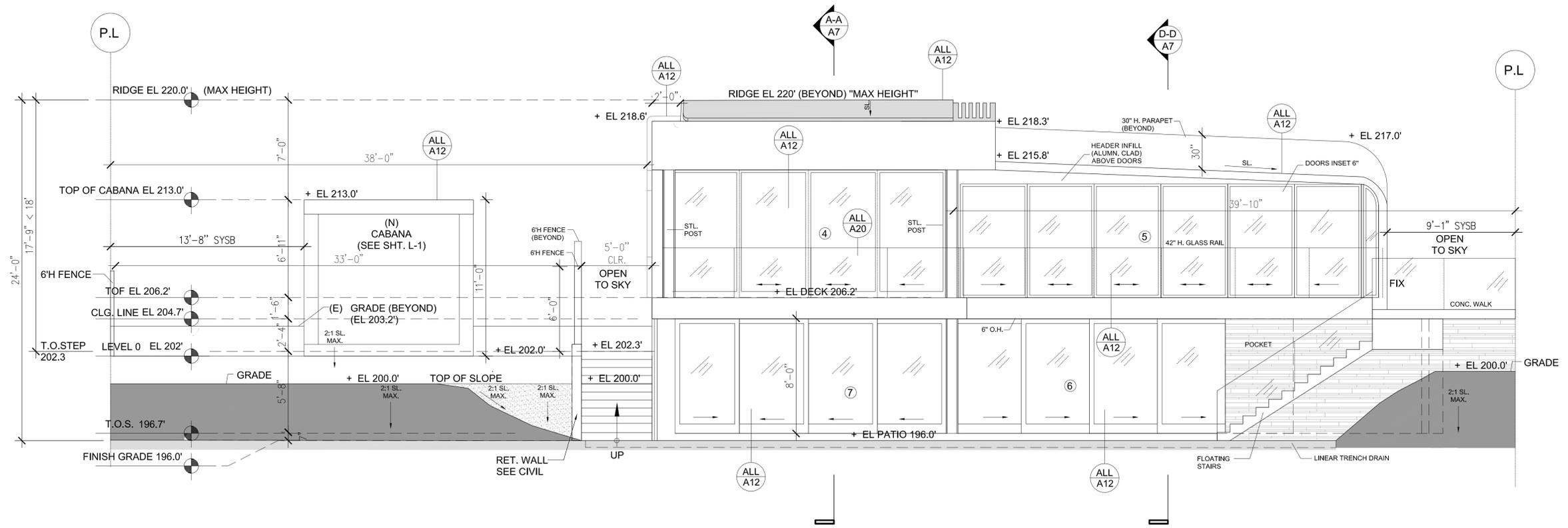
WEST ELEVATION

SCALE 1/4" = 1'-0"



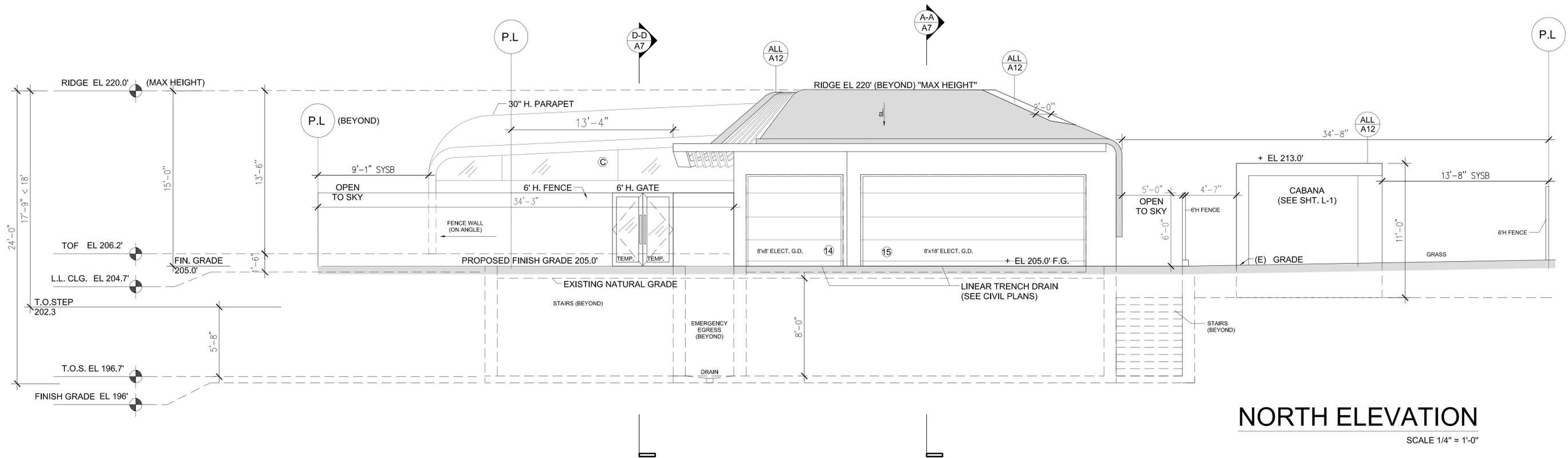
EAST ELEVATION

SCALE 1/4" = 1'-0"



SOUTH ELEVATION

SCALE 1/4" = 1'-0"



NORTH ELEVATION

SCALE 1/4" = 1'-0"

STAMPS:

01-30-20



Date: 04/11/18

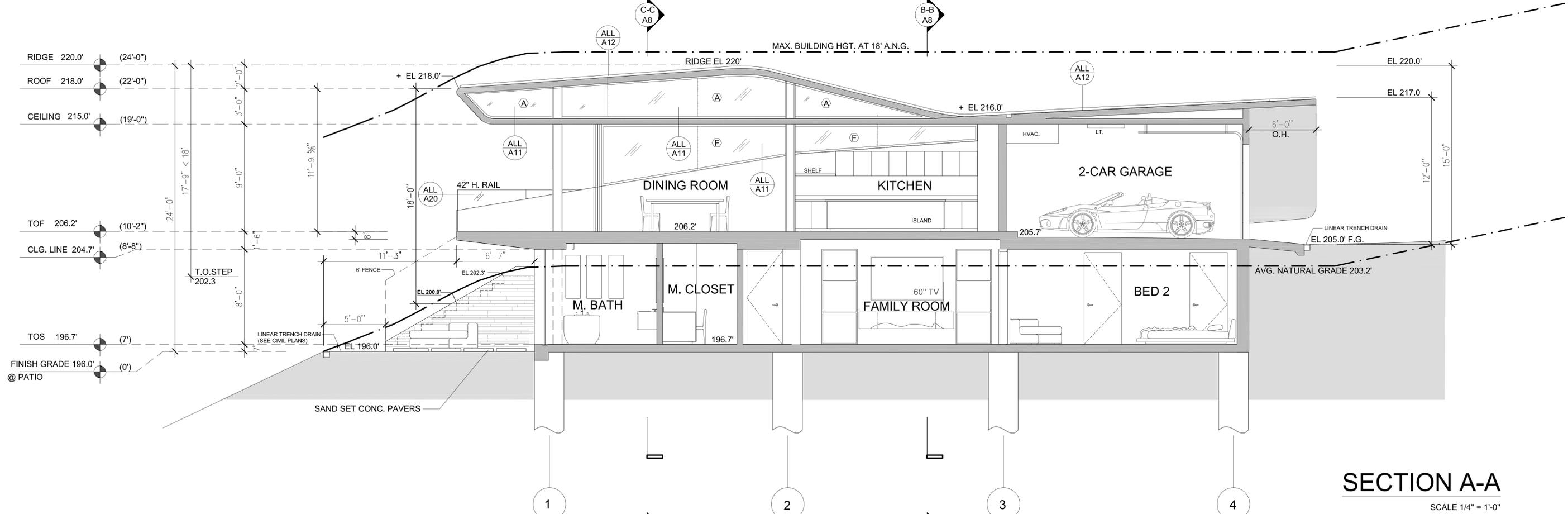
Project Name:

Coordinator: J.D.

Drawn By: IR

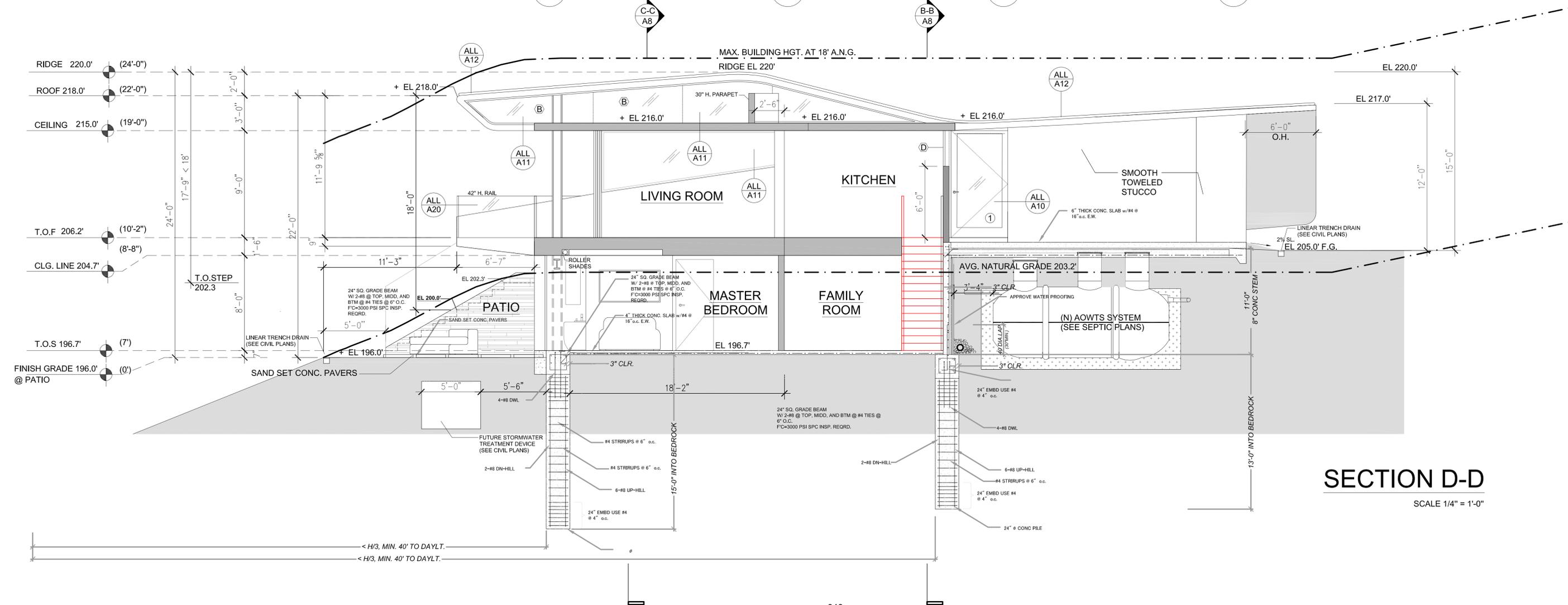
Checked By:

Sheet Number:



SECTION A-A

SCALE 1/4" = 1'-0"



SECTION D-D

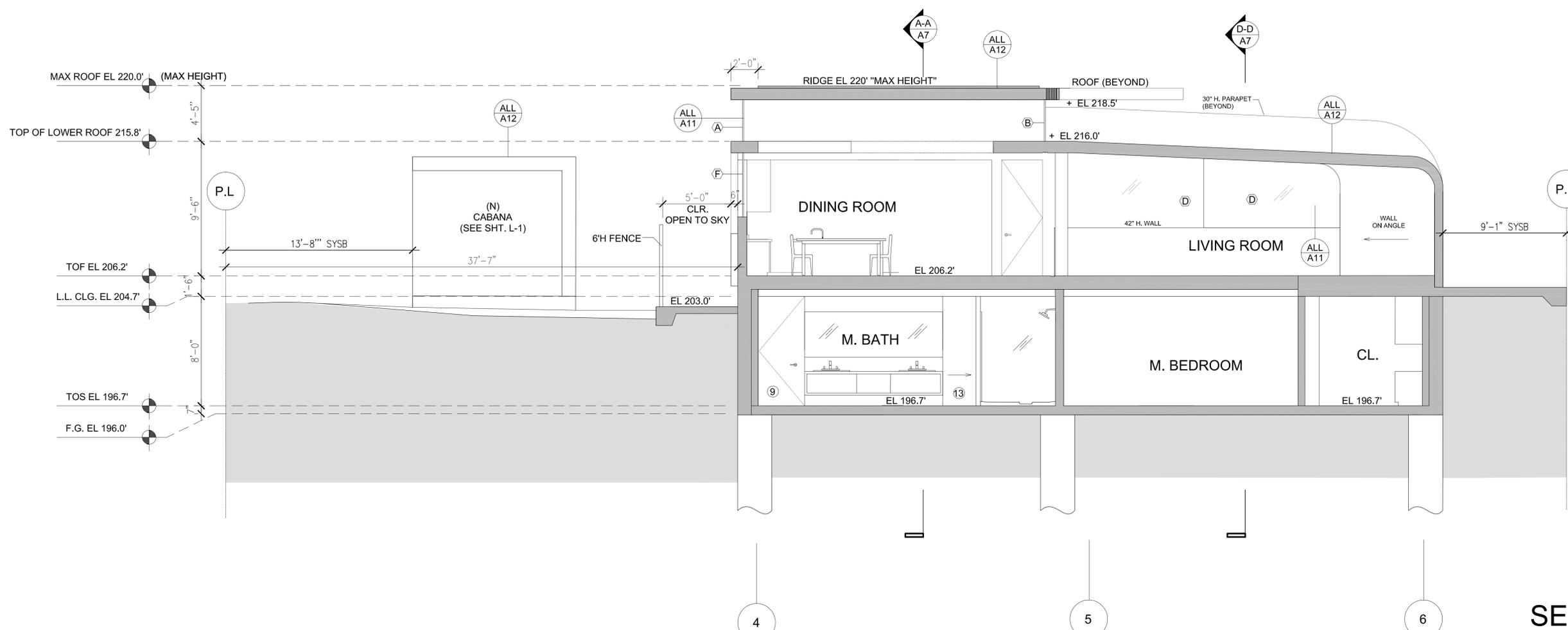
SCALE 1/4" = 1'-0"

STAMPS:

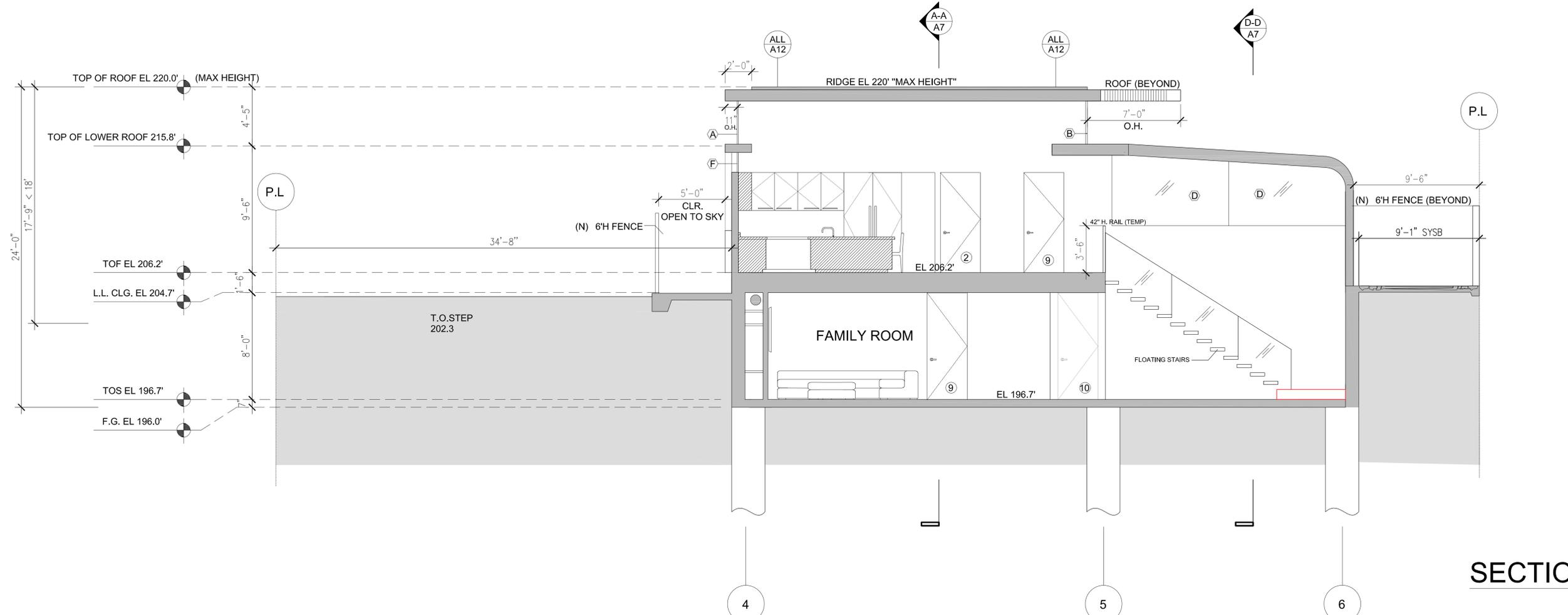
01-30-20



Date: 04/11/18
Project Name:
Coordinator: J.D.
Drawn By: IR
Checked By:
Sheet Number:



SECTION B-B
SCALE 1/4" = 1'-0"



SECTION C-C
SCALE 1/4" = 1'-0"

STAMPS:

01-30-20



Date: 04/11/18
Project Name:
Coordinator: J.D.
Drawn By: IR
Checked By:
Sheet Number:

Lilly Rudolph

From: Kathleen Stecko
Sent: Tuesday, January 5, 2021 8:45 AM
To: Lilly Rudolph
Subject: FW: Coastal Development Permit 19-001, variance 29-001 etc - 20272 inland lane - Jan 4 Planning Commission hearing

Good morning Lilly,

I didn't see you copied on this correspondence that you will need should an appeal to City Council be filed, so I'm sending it to you now.

Thank you,

Kathleen

From: Jo Drummond <[REDACTED]>
Sent: Monday, January 4, 2021 11:17 PM
To: Planning Commission <planningcommission@malibucity.org>; John Mazza <Res02igz@gte.net>; Chris Marx <chrismalibupc@gmail.com>; Jeffrey D Jennings <jdjenningslaw@gmail.com>; Kathleen Stecko <kstecko@malibucity.org>; David Weil <davidweil@gmx.com>
Cc: Hak Wong <[REDACTED]>; Colin Drummond <[REDACTED]>; Christopher Cunningham <[REDACTED]>; Eric Sosa <[REDACTED]>; Ellen Relles <[REDACTED]>; Doug Stewart <[REDACTED]>; Sadiqa Stelzner <[REDACTED]>; Dee Dee Graves <[REDACTED]>; Dean Wilcox (Neighbor) <[REDACTED]>; Georgia Goldfarb <[REDACTED]>; jeff grier <[REDACTED]>; Judy Shockley <[REDACTED]>; Armin Dolan <[REDACTED]>; Kraig Hill <[REDACTED]>; Hooshang Vahedi <[REDACTED]>; Andy@DOT Cho <[REDACTED]>; Paul Boulet <[REDACTED]>; Erin Scott <[REDACTED]>; Frank Albino <[REDACTED]>; Kenneth Chiate <[REDACTED]>; John Cadarette <[REDACTED]>; James Sarantinos <[REDACTED]>; Dean Wilcox Neighbor <[REDACTED]>; Connie Goetz <[REDACTED]>; Bruce Silverstein <[REDACTED]>; Peter Monge <[REDACTED]>; Janet Fulk <[REDACTED]>; Dad <[REDACTED]>; J. & H. Cords <[REDACTED]>; Marilou Hamill <[REDACTED]>; Eugene Michael <[REDACTED]>; Amy Otis <[REDACTED]>; Tony Ellrod <[REDACTED]>; Hank Corwin <[REDACTED]>; Lyuba Chumak <[REDACTED]>; Georg Treu <[REDACTED]>; Rosie Strickland <[REDACTED]>; Adele Uddo <[REDACTED]>; Chris Glatis <[REDACTED]>; Sheryl Myerson <[REDACTED]>; Adriana Cherry <[REDACTED]>; Brandon Cherry <[REDACTED]>; Wade Major <[REDACTED]>; Ken Button <[REDACTED]>; Hooshang Vahedi <[REDACTED]>; Stephen Vahedi <[REDACTED]>; Alex Pitschka <[REDACTED]>; July Krause <[REDACTED]>; Kelmenson <[REDACTED]>; Dawn Alane-Kelmenson <[REDACTED]>; Paul Berning <[REDACTED]>; Asha Randall <[REDACTED]>; Betty Keefe <[REDACTED]>; Pearl Burns <[REDACTED]>; Lisa Fisher <[REDACTED]>; Patricia Neuray <[REDACTED]>; Wade Major <[REDACTED]>; Una Damon <[REDACTED]>; Kristine Szabo <[REDACTED]>; Emily Cable <[REDACTED]>; Terry Davis <[REDACTED]>

Subject: Re: Coastal Development Permit 19-001, variance 29-001 etc - 20272 inland lane - Jan 4 Planning Commission hearing

Honorable Planning Commissioners,

We're not sure how you all went from the project not satisfying the variance requirement of a pseudostatic study to determine seismic activity which Mark, the applicant's geologist, said they would fail if they completed to approving this project with just two votes to 1 and making the opposition appeal to city council. This just does not make sense especially after two commissioners voted to deny the project at first based on the variance on factor of safety issues.

We are highly concerned with how the planning commission acts on issues that they just don't want to deal with. It's very simple. We are in an active landslide area and as David Weil posed the question to Don Michael during the meeting that we really should not allow for any development in big rock that adds water to the hill as it does exacerbate the landslide movement we are already experiencing. That's what 94 residents of the BRM Landslide assessment district signed a petition to the City for.

We hope the city council hearing on development and factor of safety in big rock on February 22 will resolve things once and for all for all of our safety here in Big Rock and on pch.

Thank you,

Jo & Colin Drummond on behalf of Friends of Big Rock

On Jan 2, 2021, at 11:08 AM, Jo Drummond [REDACTED] wrote:

Honorable Planning Commissioners,

I hope this coming year will be bright for all and it starts out with our safety in mind.

Per the City Council meeting on November 9, 2020, City Council will be bringing back an item to a meeting that will address a moratorium on the approval of development in the landslide area of Big Rock given the factor of safety of projects in the area can never reach the standard of 1.5 necessary to build. A petition signed by 94 residents in the Big Rock Landslide Assessment District supporting this is attached in the google drive. As ED (Don) Michael has written in his attached below Nov, 2018 geotechnical report of the area, the factor of safety is "dangerously low" with cracking showing up at the periphery of the landslide that the City has yet to address or refute. This cracking is not located near any active slope inclinometer so has not been measured by Yeh & Associates (photos attached).

Dewatering can only do so much for the stability as there are other factors, such as the lower coefficient of friction that Don Michael has presented, that has made building in Big Rock and especially the lower Mesa bluff region on Inland Lane questionable. The figures presented in the applicant's geotechnical report do not reach the 1.5 factor of safety standard required in the code. Their report claims a factor of safety of 1.37 which the former City geologist, Don Kowalewsky, states uses incorrect rock strength and water level data. Correctly applied, Kowalewsky states their factor of safety would be much lower. Reports attached in google drive.

Attached in Table 7-4, Bing Yen reported that only a low factor of safety of 1.2 could be achieved for the southeast mesa and eastern bluff region where this property is located. When Bing Yen's study was completed in 1992 the estimations for groundwater effect on the gross factor of safety were based on the assumption that the total daily average water consumption (imported water) would

remain at 132,000 gpd (attached below). The last 6 months of water consumption in Big Rock in 2020, according to LA Public Works, is 173,000 gpd. Therefore, this increase of water into the Mesas would also cause a reduction in factor of safety, especially when the average total dewatering and hydrauger production was only 57,852 gpd (33% of the 173,000 and is about half of the output as compared to 15-28 years ago: Fugro 2019-2020 attached below).

CEQA exemptions should not apply as there is a significant impact to the landslide area given the current low factor of safety, as well as the cumulative impact of an additional project adding water to the Mesa after over 100,000 sq ft of additions, rebuilds and new builds have been approved in the assessment district since Bing Yen's general geotechnical report was published in 1992 (spreadsheet of construction attached below). There is also the unusual circumstances of the dewatering system not being able to increase the factor of safety appropriately at the moment so that we are in need of a new assessment district. "The cumulative effects of increased rainfall, increased water demand and disposal, sea level rise, and potential seismicity along regional active faults should require a CEQA report on the cumulative effects for any project on the landslide that would require increased water usage and disposal." H Gary Green Sept 27, 2020 geotechnical review attached.

Neither Yeh & Associates or City public works have completed any slope stability studies and neither have responded to questions regarding the cracking at the periphery of the landslide that the BRMPOA has requested an answer to, for almost two years.

The perched conditions along Inland Lane impedes drainage in the area and on the property, which can cause saturation if a septic system is installed and lead to slope failure. The lack of drainage and perched conditions on the proposed build site is seen in the attached photos of large puddles after it rains, taken this week and two years ago.

A case study on the Big Rock slide history titled, "Malibu Landslide: Massive Litigation" (Shurman & Slosson, 1992) describes the landslide and current conditions in detail. We've highlighted the attachment with supporting evidence from p 49 on to easily read. Some city departments have told residents that this build will make the hillside stronger. This is contradicted by the study on p 59: "The landslide cannot be fused because of its great volume and its heterogeneity."

The study on p 81 goes on to say: "Septic systems with their substantial and steady effluent input to the groundwater regime have been and will continue to be a major contributing factor to instability. Somehow it does not make sense to permit a huge release of subsurface effluent and then require its extraction before it can do any harm; a procedure not only inefficient and expensive but subject to myriad human and mechanical errors." On p 60 it refers to our current problem of the dewatering system not being enough to keep the hill completely stable in Big Rock: "Dewatering alone probably cannot stabilize the steep bluffs along the PCH." Yeh & Associates stated in their presentation that our water levels are low, comparing them to 1983 and 1991 levels, however they didn't account for the drought of the last 20 years approximately. Our current higher water levels are due to the "man-made water" Don Kowalewsky discusses in his supporting geotechnical reports.

Please see my first email to you all below: from 1993-2003 Bing Yen, and then in 2004/2006/2017 Fugro, documented rockfall and "bluff failure" occurring above PCH (where hydraugers and other dewatering equipment have been delicately placed). Allowing a build on the cliffside increases the risk of further rockfall and bluff failure. Also 10.4 of the LIP requires a setback of 100 ft, so the footprint of the project at the cliff's edge fails to meet the setback standard. The code requires a factor of safety of 1.5 and to be well set back of the slope. There is no precedent for a house in Big Rock

being built on the cliffside bluffs. Pls review all our notes in the previous email below for the other fact-based reasons this build cannot be approved.

The proposed variance for this project was based on a Quality Control Maintenance Manual that clearly states "that the manual is not intended to preclude distress from the BRM Landslide and cannot cover every conceivable hazard that can arise." (attachment 6 - QCMM Dated Sept 19, 2017 in CDP). It was also based on a previous approval, however that home was 1) not placed on the cliffside and was of lower height, not two storied, and, 2) did not take into consideration the low safety factor in Big Rock at present.

Finally, the city needs to be questioned on its policy of allowing an increased level of development in the BRM landslide area under the present condition of a "dangerously low" safety factor. BRMPOA submitted Don Michael's report to the city almost 2 years ago and although some repairs to the dewatering equipment has been completed due to this report, there has been a failure to undertake a program addressing the conditions described above.

Thank you for your time and for your service to our community.

Jo & Colin Drummond

On Friday, October 2, 2020, 02:53:00 PM PDT, Jo Drummond [REDACTED] wrote:

Honorable Planning Commissioners,

On Nov. 2 please do not approve the above CDP and variance, modifications, etc on the location in Big Rock of 20272 Inland Lane. These plans should be dismissed.

CEQA exemptions should not apply given the cumulative and significant impact of the landslide that has a factor of safety close to unity (1) due to ongoing creep movement not the legal 1.5 necessary for new builds. No variance can be given for a factor of safety this low. Since the upgrade of the dewatering system 25 years ago there has been the cumulative factor of additional water added to our sensitive geology in our hill by over 100,000 sq ft of new builds and additions and over 35 OWTS and 18 pools and spas that can leak and overflow into our hill. Earlier this year, Patricia Salazar of your planning department helped me compile a spreadsheet of all the builds in the area since 1992 (see attached). All of the slope stability studies by the applicant do not take this into account and base their findings on bing yen's report from 25 years ago before this much increased development. As well they referred to aerial photographs from 1928 & 1952 long before the BRM landslide occurred.

The build does not pass geological standards for a build in an active landslide area. It has moved off its original footprint by over 50% which should disqualify it as a rebuild. As a new build there should be stricter geological standards. It is also going over its original 15 ft high roofline that goes against our Big Rock CC&Rs (attached) and will block significant scenic views enjoyed by other homeowners thus going against Malibu city codes. **CC&Rs create the neighborhood character of a community.** As per the excerpt from Malibu City code attached under purpose, see item B last sentence, the city has set a precedent and recognized CC&Rs when it comes to View Preservation. The home does not match the neighborhood's character in its overhanging uber modern design and will attract more developers to big rock to increase home sizes and continue to risk landslide and likely cause another big landslide reactivation in Big Rock. Last time this happened our homes dropped below 50% in values and lives were endangered. The CC&Rs state that a home must be set back at least 15 ft from the rear property line. No house has been built in the cliffside for good reason.

As you can see in the photo below the potential home is perched on a sensitive oceanside cliff which holds all kinds of dewatering equipment where there have been multiple bluff failures damaging hydrauger equipment over the years as per Bing Yen and Fugro monitoring reports (see attached photo of extreme large rockfall damaged cage covering hydrauger directly below project site). The hydraugers have these damaged cages to protect them from constant rockfall. The cliff has a history of large rock slides during our rainy seasons which has thrown boulders & slope debris onto and across PCH (see attached article). There is supposed to be a minimum 50-100 foot setback as per building code but this is perched right on the cliff's edge that is set to erode at minimum 1.5" per year, possibly 3" per year that would be an extra 18-20 ft in 75 years of erosion and the city code requires 100 years of erosion control setback. It is also subject to sea level rise which advances erosion. The City, Caltrans and beyond would be liable if something would happen should development cause death or injury to someone on or living on pch (see attached article re: encinitas rockslide caused by overdevelopment). There also exists no 1.5 factor of safety line on this bluff so no build should be allowed here period:

" 10.4 DEVELOPMENT STANDARDS

.....

D. All new development located on a bluff top shall be setback from the bluff edge a sufficient distance to ensure that it will not be endangered by erosion or threatened by slope instability for a projected 100 year economic life of the structure. In no case shall development be set back less than 100 feet. This distance may be reduced to 50 feet if the City geotechnical staff determines that either of the conditions below can be met with a lesser setback. This requirement shall apply to the principle structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems etc. Ancillary structures such as decks, patios and walkways that do not require structural foundations may extend into the setback area but in no case shall be sited closer than 15 feet from the bluff edge. Ancillary structures shall be removed or relocated landward when threatened by erosion. Slope stability analyses and erosion rate estimates shall be performed by a licensed Certified Engineering Geologist and/or Geotechnical Engineer, or a Registered Civil Engineer with experience in soil engineering. Generally, one of two conditions will exist:

1. If the bluff exhibits a factor of safety of less than 1.5 for either gross or surficial landsliding, then the location on the bluff top at which a 1.5 factor of safety exists shall be determined. **Development shall be set back a minimum distance equal to the distance from the bluff edge to the 1.5 factor-of-safety-line,** plus the distance that the bluff might reasonably be expected to erode over 100 years. These determinations, to be made by a state-licensed Certified Engineer Geologist, Registered Civil Engineer, or Geotechnical Engineer, shall be based on a site-specific evaluation of the long-term bluff retreat rate at this site and shall include an allowance for possible acceleration of historic bluff retreat rates due to sea level rise."

In the attached planning doc re: EIR completed in 2013 for the Crummer project at 20400 PCH (which still has not been built as they suddenly tried to change the development to hotels??), which has a similar blufftop distance to the ocean, the erosion back then was conservatively set at 0.2 ft per year. That would be 20 ft of erosion over 100 years. That proposed development was ordered to be set back by over 100 ft for each lot.

A variance cannot be granted as the safety of the public is at risk as well as the community of Big Rock:

17.72.060 "The commission may approve and/or modify an application for a variance in whole or in part, with or without conditions, provided that it makes all of the following findings of fact:

B. The granting of such variance or modification 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."

We cannot take these risks for granted when this project already states that “the adjacent residents and foundations may be adversely affected by the proposed construction and demolition procedures on the subject site.” This is clearly stated on the geotechnical review sheet attached dated May 6, 2016 under building plan check stage review.

The sandstone is already porous and falls easily and there are risks to people driving on the pch as well as our own landslide reactivation when adding water into the hillside as the current septic system plans will do. We talked to Paul Shin in permits at caltrans, copied here, about this and he says it's the city's job to protect the integrity of the hillside and ensure the safety of pch with any projects that are in application. Caltrans must be informed of projects that could negatively affect PCH and the homes down there so they can weigh in. So we hope you can see the affects on not only our community but the safety of PCH. Both the County and Caltrans were found responsible for the original landslide so the City and Caltrans must protect residents from a known hazard now. I've copied the deputy attorney for DOT, Andy Cho, here so he is informed of our correspondence.

As previously submitted to you there should be no development in a very high fire severity zone period. In the 1993 fire flames ravaged up and across the hillside and burned down the property on the original lot and several homes on Inland Lane and Rockport Way.

There is a puddle on Inland Lane across from a dewatering well ironically with septic inside that has not ever dissipated that shows the perched nature of the area which makes septic systems less viable and spreading horizontally into the ground rather than vertically causing groundwater mounding which causes damages to structures, soil saturation which weakens the soil, and health issues. Taken from section 4.4.4 OWTS Analysis Limitation from ED Michael's attached report on the area, "does not address the fundamental problem presented...that of a perched condition which unquestionably limits the extent to which it may be useful for spreading OWTS effluent without either groundwater mounding or otherwise flowing in response to gradient." The county has tested this puddle where it showed possibly to be coming from a septic field above and referred this to the city for testing but the city still has not done so. Below is also a photo taken at the site at 20272 Inland Lane on March 26, 2018 - note the standing water at the potential build site showing these perched conditions where the water doesn't drain properly and floods regularly.

The site has expansive soils on the property which have not been properly evaluated. “Of the various geologic hazards that affect the State of California, **expansive** soils have caused millions of dollars in damages, particularly to single-family residences and private property improvements. The State Department of Natural Resources estimates that to the year 2000, **expansive** soils will be a 150 million dollar problem in the state.” Malibu general plan 5.2.2. Expansive soils also prevent proper drainage as indicated with the standing water and septic will fail. All this needs to be taken in consideration and this build as it is designed right now must not be approved. It is already well known that the eastern Mesa is an area of low permeability where water can become trapped and therefore a greater risk of landslide.

I have attached a petition signed by over 90 residents in Big Rock, that you have already been delivered, asking for a moratorium on development here in Big Rock until the stability can be determined and our dewatering equipment no longer deteriorated as it is currently and running at optimal levels. Yeh & Associates will be giving a presentation on the state of our dewatering equipment on Oct 6 (we have many questions for them) but NOT of the **slope stability** of the area so this case should be delayed until this can be completed or added to the scope of the BRM Assessment District. Again the geologist, ED Michael, who you've all heard, who predicted the last landslide here to the year has warned us that we are close to unity in our current factor of safety due to recent movement he's discovered and overdevelopment plus a deteriorated dewatering system. I'll add a closeup taken on sept. 24 of the bottom of the cliff from this build where dewatering equipment

is located and note this duct taped unattached broken pipe just holding up another hydrauger pipe system as just one of many examples of deterioration.

Our dewatering system only produces about half of what we did just over 10 years ago. See attached graphs from 2019 & 2007 as compared to water consumption which is even higher today.

I've also added a geological review written by H. Gary Greene who agrees with ED Michael's findings and also discusses the cumulative affect of earthquake faults in the area, sea rise at the toe of the landslide just below this build and increased development in detail for further evidence that CEQA exclusions should not apply to this build. He also mentions the possibility of masking of groundwater levels of inclinometers close to dewatering wells. There had been regular movement and high groundwater levels in inclinometer SP-33 near the property for years. The wells are also very close by and groundwater readings could be inaccurate and masking actual high local levels and regular movement. Only recent aerial images can detect movement and the applicant only used data from 1928 & 1952 in their geological reports before the landslide occurred to guage measurements of this.

There are also many burrowing animals in big rock that can destabilize the site and cliffside further. We have them all over Piedra Chica rd just above this property and they are known to be in the hillside.

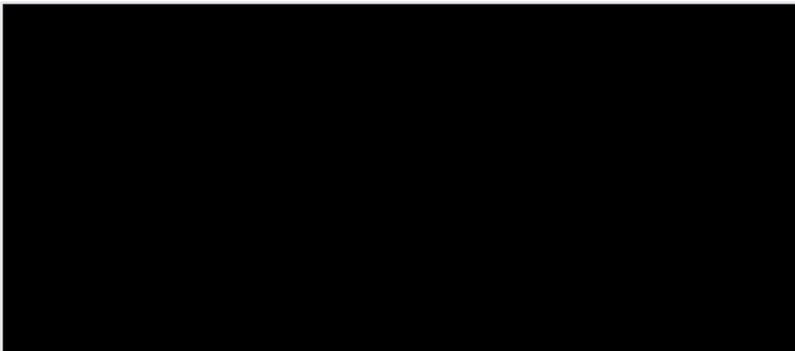
Thanks very much and please stop this build,

Jo Drummond on behalf of Friends of Big Rock

[From the Archives: Boulder enters Malibu garage](#)



[Family sues state, city, others over Encinitas bluff collapse that killed three](#)



Family sues state, city, others over Encinitas bluff collapse that kille...

An Encinitas woman, her mother and her mother's sister died in the August 2019 collapse at Grandview Beach

<https://www.malibucity.org/DocumentCenter/View/1022/Section-55---Geology-and-Soils?bidId=>

All attachments for the first and second email are included here and a majority are in the google drive link in one pdf below.

[attachmentsfor20272inlandlanecase2.pdf](#)



attachmentsfor20272inlandlanecase2.pdf

<DOCUMENT10-2018.11.20 - Geologic Aspects Of Redevelopment Big Rock Mesa Landslide Area.pdf>

<bingyen1992brmwaterconsumption.jpg>

<Big Rock Geological Additions etc 1992-2019.xlsx>

<dewateringandconsumption2008.jpeg>

<dewateringandconsumption2020.jpeg>

**NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL**

The Malibu City Council will hold a public hearing on **MONDAY, August 23, 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. 21-002 – An appeal of the Planning Commission's approval of Coastal Development Permit No. 19-001 for the construction of a new 4,838 square foot, two-story single-family residence, including a 602 square foot attached two-car garage with storage, plus a detached 192 square foot cabana, hardscape, grading, drainage, and installation of a new onsite wastewater treatment system; including Variance No. 19-001 from the City's geotechnical standards for factor of safety, Site Plan Review No. 19-001 for the roof height in excess of 18 feet, up to 24 feet for a flat roof, and Minor Modification No. 19-001 for the reduction of the required side yard setback

Location:	20272 Inland Lane
APN:	4450-012-032
Zoning:	Single Family Low Density (SFL)
Applicant:	Blue Onyx Design and Engineering, Inc.
Owner:	Jonathan Congdon Limited Trust
Appellant:	Hak Wong
Environmental Review:	Categorical Exemption CEQA Guideline Section 15303(a)
Appealable to:	California Coastal Commission
Application Filed:	January 3, 2019
Appeal Filed:	January 14, 2021
Case Planner:	Lilly Rudolph, Contract Planner (310) 456-2489, extension 250 lrudolph@malibucity.org

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Planning Commission has analyzed the project and found it 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 this project (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 this matter 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.

COASTAL COMMISSION APPEAL – For projects appealable to the Coastal Commission, an aggrieved person may appeal the City Council's approval to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or by calling 805-585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

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

Richard Mollica, Planning Director

Publish Date: July 29, 2021