

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday, July 22, 2012 at 9:30 a.m.

**Private Residence-
31330 Broad Beach Road, Malibu, California 90265**

Closed Sessions Matters

Under this item, the GHAD Board shall meet in a closed session to discuss matters pursuant to Government Code Sections 54956.8 and 54956.9 (a).

None.

Regular Session Matters

1) Call to Order

2) Roll Call

3) Adoption of Agenda

4) Approve Summary of Actions from June 3, 2012 Meeting

Recommendation: Chair to conduct vote on approving Summary of Actions from June 3, 2012 Meeting. If passed, Chair to sign Summary of Actions.

5) Ceremonial/Presentations

None.

6) Consent Calendar

None.

7) Public Hearings

None.

8) Old Business

- a. Permitting and Regulatory Process. Report to include project regulatory status summary, including:

- (i) Recent meeting with CCC and SLC staffs and subsequent events
- (ii) RWQCB update
- (iii) APTR status
- (iv) City of LA update- potential alternate borrow site investigation. (GHAD Project Counsel)

Recommendation: Develop strategy to finalize permitting and related matters.

- b. Discussion of Budget. Discussion of current financial status and credit facility. (Chair Karno, Board Members Levitan and Marquis)

Recommendation: Subject to guidance from Board.

- c. New Moffat & Nichol Contract. Report on execution of new contract for coastal engineering services for beach restoration. (GHAD Project Counsel)

Recommendation: Report on execution of contract; no recommendation..

- d. BBGHAD Website Update. Report on update and completion of GHAD web site and current platform (Board Member Levitan).

9) **New Business**

None.

10) **GHAD Boardmember Reports**

11) **GHAD Officer Reports**

- a. Treasurer's Report. (GHAD Treasurer)
- b. GHAD Manager Report (GHAD Manager)

12) **Public Comment - Non-Agenda Items**

Communications from the public concerning matters which are not on the agenda but for which the GHAD Board has subject matter jurisdiction. The GHAD Board may not act on non-agendized matters except to refer the matters to staff or schedule the matters for a future agenda:

- a. Public Comment on Non-Agendized Items

13) **Future Meeting**

Next Meeting: August __, 2012; __:00 a.m./p.m. Location: TBD, Malibu, CA

14) **Adjournment**

AGENDA ITEM 4

**SUMMARY OF ACTIONS
BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT
BOARD OF DIRECTORS
REGULAR MEETING
JUNE 3, 2012
31330 BROAD BEACH ROAD, MALIBU, CALIFORNIA**

1. CALL TO ORDER

Chair Karno called the meeting to order at 8:30 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan, Board Member Lotman, Board Member Marquis, and Advisor Goss.

ABSENT: None.

GHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): GHAD Manager Jeff Adams (telephone), GHAD Clerk and Treasurer Barbara Hamm, GHAD Engineer Russ Boudreau, and GHAD Project Counsel Ken Ehrlich.

Closed Session: Following Roll Call, the GHAD Board with Engineer Boudreau and Project Counsel Ehrlich went into Closed Session to give direction to negotiators Chair Karno, Vice Chair Grossman, Board Members Marquis, Lotman, and Levitan, Engineer Boudreau, and Project Counsel Ken Ehrlich in connection with real estate issues regarding potential future seaward boundary and future seaward lateral access from the mean high tide line of 6525 Point Lechuza - 30708 Pacific Coast Highway, Malibu California 90265. GHAD Project Counsel Ehrlich announced that the GHAD negotiators are Chair Karno, Vice Chair Grossman, Board Members Lotman, Marquis and Levitan, Engineer Boudreau, and GHAD Project Counsel Ehrlich; the agency negotiators are Curtis Fossum, Charles Lester, Eric Gilles, Shelli Haaf, Steve Hudson, Jack Ainsworth and Alex Helperin.

At approximately 9:45 a.m., the Closed Session ended and the Board reconvened in Regular Session. GHAD Project Counsel Ehrlich announced that the Board had given the negotiators direction to negotiate the pending real estate issues with the Coastal Commission and the State Lands Commission.

3. ADOPTION OF AGENDA

The Chair recognized the GHAD Clerk. GHAD Clerk Barbara Hamm reported that the meeting Agenda was posted on May 31, 2012, at 8:30 a.m. within the boundaries of the GHAD. Board Member Lotman moved, and Board Member Marquis seconded, that the Agenda be approved with no changes. The Motion approving the Agenda passed 5-0.

4. APPROVED SUMMARY OF ACTIONS FROM APRIL 29, 2012 MEETING

Board Member Lotman moved, and Board Member Marquis seconded, the approval of the Summary of Actions from the April 29, 2012 meeting. The Motion passed 5-0.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

A. Permitting and Regulatory Process. The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich reported that the GHAD's response letter to the State Lands Commission's April 2012 Notice of Incomplete Application had been sent. Project Counsel also stated that Moffatt & Nichol's draft Technical Report is due to be circulated within the next 10 days and, with Board Member Marquis, updated the Board regarding recent meetings with dredge contractors.

Mr. Ehrlich then sought Board input on the non-real estate issues anticipated to be discussed at the June 7, 2012 meeting with the staffs of the Coastal Commission and State Lands Commission. The following issues and recommendations were discussed:

(i) Revetment Alignment: The existing revetment ECDP calls for the possibility of relocating or removing the easternmost 1,300' of the existing revetment. To date, no agency has requested the movement or removal of this portion of the revetment. The Chair recognized Vice Chair Grossman, who commented that the issue of relocating the easternmost portion of the revetment should be open for discussion with the agencies in the context of other permitting issues and conditions. Vice Chair Grossman moved, and Board Member Marquis seconded, that the GHAD should agree to relocate the easternmost portion of the revetment no more than 15 feet landward. The Motion passed 5-0. Vice Chair Grossman also suggested that once the Coastal Commission develops permit conditions, the GHAD should request a refund of the \$189,000 currently on deposit and allocated for the potential removal of this portion of the revetment.

(ii) Project Duration: The Chair recognized Project Counsel Ehrlich who briefed the Board that, to date, the GHAD has offered a 20 year nourishment obligation and permissive nourishment in perpetuity at the GHAD's discretion thereafter in exchange for the GHAD's right to maintain the revetment permanently. Vice Chair Grossman moved, and Board Member Marquis seconded, a GHAD commitment of no more than two (2) major beach nourishments (one per decade), encompassing a total of 20 years. In addition, the Board

recommended to the negotiators to attempt to ensure a permanent entitlement for the nourishment so that future entitlements and permitting, beyond 20 years, would not be necessary. The Motion passed 5-0.

(iii) Linkage of Revetment Permitting and Nourishment Permitting: The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich stated that the agencies appear strongly inclined to link the permitting for the revetment and the nourishment -- in contrast to the GHAD's proposal for perpetual permitting of the nourishment and revetment following a 20-year nourishment commitment. The Chair recognized Vice Chair Grossman, who stated that the GHAD should maximize its ability to negotiate future terms and alter its position later. The Chair recognized Board Member Marquis, who stated that the GHAD should agree to linking the nourishment commitment and the revetment permitting during the June 7, 2012 meeting with the agencies. The Chair recognized Board Member Levitan, who stated that the GHAD's position on this point should be negotiable during the June 7, 2012 meeting. Board Member Levitan moved, and Board Member Lotman seconded, that the GHAD's position on this issue should be negotiable during the June 7, 2012 meeting. The Motion passed 5-0.

(iv) Dune Construction and Maintenance: Board Member Lotman moved, and Board Member Levitan seconded, that the GHAD should agree: (1) to develop and maintain restored dunes (GHAD to be responsible for restoration of the dune area itself, but not vegetation); (2) that removal of non-native dune vegetation and replacement with natural, native vegetation should be paid for and maintained by individual GHAD property owners with respect to their respective properties; (3) that the failure of any individual homeowner to comply with vegetation responsibilities is enforceable by the agencies according to law; and (4) that an alleged vegetation-based violation shall not be the basis for claiming that the GHAD has violated any CDP or Lands Commission-issued Lease or constitute the basis for termination of the CDP or Lease. The Motion passed 5-0.

(v) Trancas-Only Sand: The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich stated that, if it becomes uneconomical or impossible for the GHAD to use the same Hopper Dredge to be used for the San Diego area nourishment project, the potential exists to use up to 750,000 cubic yards of relatively fine-grained sand from seaward of Trancas Canyon to complete the initial nourishment, and achieve significant cost savings over the Dockweiler Beach sand option. The Chair recognized Board Member Marquis, who moved, seconded by Board Member Lotman, that the GHAD's position regarding Trancas-only sand be negotiable at the June 7, 2012 meeting. The motion passed 4-0. (Board Member Levitan was temporarily absent during the vote on this Motion, and rejoined the meeting following the vote.)

(vi) Public Benefits Study: The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich stated that, after previously expressing inconsistent positions, the agencies recently requested that the GHAD conduct a study of the project's benefits. Previously, Moffatt & Nichol had estimated the cost for such project at approximately \$50,000. The Chair recognized Vice Chair Grossman, who stated that the \$50,000 estimate is excessive for the proposed study. Vice Chair Grossman further suggested that any proposed public benefits study should not include any analysis or estimate of the property tax increment or increased property tax revenues resulting from the project. The Chair recognized Board Member Levitan, who stated that the cost estimate for the report appears excessive and further questioned the need for

such a report. The Chair recognized Board Member Marquis, who stated that, as a result of hearing the agencies' respective positions regarding our project, he perceived a genuine need for the GHAD to quantify the benefit for the agencies. Board Member Marquis moved, and Vice Chair Grossman seconded, that the GHAD agree to conduct a public benefits study, but that the GHAD should retain control of the scope and cost of the report. The Motion passed 5-0.

(vii) Use of Restored Dune/Existing Revetment as Last Resort for Public Access in the Event of Erosion: The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich stated that, in previous meetings, Coastal Commission staff members stated their desire for the revetment and/or the restored dune to serve as public access to the beach in the event of future erosion to the dry sand beach. The Chair recognized Board Member Marquis, who stated that he would be against use of the dune or the revetment as a public access source of last resort. Board Member Marquis moved, and Vice Chair Grossman seconded, that the GHAD should assert at the June 7, 2012 meeting that the dune and/or revetment should not be used for public access, but that the GHAD should be negotiable and open to other alternatives. The Motion passed 5-0.

(viii) Participation at June 7, 2012 Meeting: The Chair stated that an issue has arisen regarding Board participation at the June 7, 2012 meeting. The Chair noted that Vice Chair Grossman has stated his desire to participate in the meeting via telephone and cannot appear in person due to a previous commitment. Board Member Marquis has made himself available for the June 7, 2012 meeting, but feels that the GHAD's position would be compromised if one Board Member would appear in person and another via telephone. The Chair recognized Vice Chair Grossman, who stated that he has invested significant time into this project, remains deeply committed to the project, and remains respectful of all of his neighbors and GHAD Board Members. Vice Chair Grossman further stated that he very much desires to participate in the June 7, 2012 meeting, but due to unchangeable commitments, cannot appear in-person in San Francisco for the meeting. Instead, he can only participate via telephone. Vice Chair Grossman further stated that he has another immediate commitment and must depart the meeting, but respects the Board's ultimate position on the issue. At this time, Vice Chair Grossman left the meeting.

The Chair recognized Advisor Goss. Advisor Goss stated that, regardless of the Board's decision, Board Member Marquis must attend the June 7 meeting. The Chair recognized Project Counsel. Project Counsel Ehrlich stated that Board Member Marquis has participated in all of the previous meetings with Lands Commission and Coastal Commission staff and is needed to maximize the effectiveness of the GHAD at the meeting. Chair Karno further stated that Board Member Marquis is essential to an effective project and added that the combination of Vice Chair Grossman and Board Member Marquis is a compelling combination. The Chair further stated that Vice Chair's experience as a former Coastal Commissioner and historic involvement in Broad Beach issues renders him essential for the June 7th meeting. The Chair requested a motion that Board Member Marquis be urged to reconsider his position and participate in person, regardless of Vice Chair Grossman's participation by telephone. The Chair recognized Board Member Levitan. Board Member Levitan stated that, while Vice Chair Grossman and Board Member Marquis in fact constitute a compelling combination, he believes value exists in having two in-person representatives as well. The Chair asked if Board Members Levitan or Lotman could participate in the June 7, 2012 meeting in San Francisco. Board

Member Lotman stated that, coincidentally, he had early morning business in San Francisco anyway and could participate. Board Member Levitan stated that, if necessary, he could participate in San Francisco as well. Board Member Levitan moved, and Board Member Lotman seconded, that the GHAD should have two in-person representatives at the June 7, 2012 meeting. The Motion passed 3-1 with the Chair opposing.

B. Discussion of Budget and Proposed Corrective Measures. The Chair recognized Board Member Marquis. Board Member Marquis asserted that a \$1,000,000 gap exists between current funds on hand and the anticipated necessary permitting/entitlement funding until the end of December 2012. Board Member Marquis estimated that, at the present spending rate and based on projections of anticipated costs, current GHAD funding should be exhausted by the end of July or early August 2012. The Chair recognized Advisor Goss. Advisor Goss reported that, at the Chair's request, Advisor Goss had assumed the task of contacting GHAD members who had not yet voluntarily contributed to the project's funding. Advisor Goss stated that he had already made at least 25 calls to non-contributors, and received varying responses. For example, Advisor Goss reported that the Malibu Bay Company's representative stated that it needed an additional two weeks to determine its position on voluntary contributions. Advisor Goss was informed that at least two voluntary contributions were in the mail and also promised to report to the GHAD clerk within one week of any additional developments.

The Chair expressed the need for the Board to take action to collect additional funding to get through the permitting expenses. The Chair requested a Motion and Resolution to authorize the Chair and/or Board Member Marquis to approach a reputable bank to negotiate and obtain a credit facility in excess of \$1,000,000 and no more than \$3,000,000 with terms mutually acceptable to the GHAD and the bank. The Chair further requested that the Motion and Resolution include a provision that, in the event a line of credit cannot be obtained through reasonable means or terms, that Chair Karno or Board Member Marquis be granted the ability to negotiate and obtain a loan or loans from a single or multiple parcel owners within the GHAD (or their agents) in excess of \$1,000,000 and no more than \$3,000,000 with terms acceptable to the GHAD and the funding sources. Board Member Marquis so moved. The Chair recognized Advisor Goss, who asserted that the Board would be well served to pursue both funding options concurrently. The Chair recognized Board Member Levitan, who seconded the Motion and Resolution on the floor. The Motion carried 4-0.

C. Proposed New Moffatt & Nichol Contract. The Chair recognized Project Counsel Ehrlich. Project Counsel Ehrlich referred Board members to the Staff Report for this agenda item, and summarized the Staff Report. Board Member Lotman moved, and Board Member Marquis seconded, that Project Counsel Ehrlich should finalize negotiations with Moffatt & Nichol for a new engineering services contract in accordance with the Staff Report for Agenda Item 8C. Board Member Marquis seconded the motion. The Motion carried 4-0.

D. Future Management of BBGHAD Web Site. The Chair recognized Project Counsel Ehrlich, who discussed the need for appropriate support for the GHAD's web site in light of the fact that the current web site manager is leaving her position. Board Member Levitan and Advisor Goss both recommended the use of Square Space as a platform for the GHAD web site. Board Member Levitan volunteered to assume responsibilities of moving the current web site from the current provider to Square Space. Board Member Levitan then moved that: (1)

under guidance and direction from Board Member Levitan, the Board should attempt to use Square Space to support the current web site, and (2) in the event that such arrangement proves infeasible, then, under Board Member Levitan's guidance and direction, the GHAD shall retain an outside consultant, such as Sari Karplus, for web site support and development. Board Member Lotman seconded the Motion. The Motion carried 4-0.

9. NEW BUSINESS

None.

10. GHAD BOARD MEMBER REPORTS

None.

11. GHAD OFFICER REPORTS

A. Treasurer's Report. The GHAD Treasurer reported that, as of May 31, 2012, the GHAD had \$505,083 on hand. The GHAD Treasurer also predicted that, after June or July 2012, the cash on hand would likely be zero in light of current debts and responsibilities. The GHAD Treasurer reiterated that the GHAD must obtain funds to operate after the end of June or July 2012.

B. GHAD Manager Report. The GHAD Manager (Jeff Adams) reported that the County Assessor's office is anticipated to receive in the coming week the necessary documentation to finalize and confirm that the assessment will appear on the County's next-issued property tax bills.

12. PUBLIC COMMENTS

None.

13. FUTURE MEETING

The Chair announced that the next GHAD Board Meeting is scheduled for July 22, 2012, at 31330 Broad Beach Road, Malibu, California 90265 at 9:30 a.m.

14. ADJOURNMENT

Board Member Lotman moved, and Board Member Levitan seconded, a motion to adjourn. The Motion passed 4-0.

Approved and adopted by the Broad Beach GHAD
Board on July __, 2012.

NORTON KARNO, Chair

ATTEST:

BARBARA HAMM, GHAD Clerk

AGENDA ITEM 8a.

fa

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



CURTIS L. FOSSUM, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service from TDD Phone 1-800-735-2929
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-2555
Contact FAX: (916) 574-1835

June 29, 2012

File Ref: W26420

Kenneth A. Ehrlich
Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067-4308

**SUBJECT: Status of the Broad Beach Geologic Hazard Abatement District
Application for a New Lease of State Land for the Broad Beach
Restoration Project, City of Malibu, Los Angeles County**

Dear Mr. Ehrlich:

Staff of the California State Lands Commission (Commission) has reviewed the items submitted by Moffat & Nichol on behalf of the Broad Beach Geologic Hazard Abatement District, as requested in staff's incomplete application notification letter dated April 18, 2012, to determine if the additional information provided is sufficient for your application to be considered complete as provided by law and the Commission's application requirements. According to the information provided, the application is still incomplete and the following items must be submitted:

1. Public Access -

- *A bona fide mitigation plan to offset or compensate for the loss of existing lateral public access easements.*

Your response to staff's initial request is a restatement of proposed project elements previously presented, and does not represent a mitigation plan sufficient to offset or compensate for the loss of existing lateral public access easements. The existing easement interests involve public access rights across private property, whereas your proposal to create a uniform lateral public access easement 25 feet seaward of the toe of the revetment primarily involves land that is already in the public domain. Such an easement on State land is neither required nor appropriate, and therefore cannot be considered as a means to offset or compensate for the loss of existing lateral public access easements. As originally requested, please provide a bona fide mitigation plan to offset or compensate for the loss of existing lateral public access easements.

- *A site plan and associated project design plans substantially representing the final project proposal, to include all existing vertical and lateral public access easements, and any new public access easements required for project approval.*

At the June 7, 2012 meeting between representatives of the Broad Beach Project, State Lands Commission staff, and Coastal Commission staff, a series of plan sheets showing possible scenarios for the landward relocation of the emergency revetment were presented. As the landward relocation of the revetment represents a significant change in the project proposal, please provide a comprehensive plan set incorporating all current proposed project elements.

- *Information regarding the proposed use of an alternative staging area within a parcel located between 31212 and 31202 Broad Beach Road.*

While no mention was made of the alternate staging area between 31212 and 31202 Broad Beach Road, your response indicated that an alternate staging location has been identified at 30732 Pacific Coast Highway (PCH). Please confirm that the 31212/02 Broad Beach Road site is not being considered for staging, and to better understand the level of potential impact for the proposed alternative construction staging location at the 30732 PCH site, please provide a description of existing ownership, site conditions, and uses. Also, please provide the following information for the 30732 PCH site:

- Existing characteristics of the site regarding soil compaction (foot paths, parking areas, etc.) and erosion, non-native and invasive plants, habitat value and sensitive habitats (native plants, wetlands, wildlife, etc.), topography and hydrologic characteristics, soil characteristics, etc.
- Any existing uses of the site.
- Copies of any authorization(s) obtained to use the site, and if not yet obtained, the status of the process required to secure authorization.

2. Storm Drainage –

- *A plan set, to include at minimum a plot plan and elevation plan, identifying: any recorded easements for existing storm water conveyance structures; the owners and/or responsible parties for each and if any authorizations are required to modify such structures; the locations of all existing storm drain outlets along the project reach that will be modified and or affected by the Project; and a plan detailing how existing storm drain outlet structures will be extended/incorporated into the proposed dune and beach fill area, to include a representative detail of such drainage outlet.*

Attachment D of your response letter is labeled as representing the existing storm drain outlets. Attachment D appears to show the drainage conveyance structures extending from Broad Beach Road seaward to the approximate ordinary low tide line (substantially seaward of the existing revetment). However, your written response describes the drainage outlets as possibly requiring modification if the drains are located within the proposed dune

footprint (at the approximate location of the existing revetment). Your response also explains that the intention is to avoid modification of the drainage outlets if possible. The Attachment D illustrations and the written response appear to be inconsistent. Please clarify, and as previously requested, please provide a plan, to include an overhead plan view and cross section profile, illustrating and describing how these structures will be incorporated within and be unaffected by the proposed dune and beach design. Please clarify whether any consultation has occurred with the applicable city of Malibu department regarding the proposed project's potential effects to these structures, and if known, please identify the specific department within the city of Malibu that has authority over these structures. Also, please identify the permitting and approval process for potential modification of these structures, as well as the consultation and permitting/approval process for construction of the emergency revetment over these drainage structures.

3. Dune Restoration Plan –

- *A Landscaping Plan for the proposed dune restoration, including a dimensional Site Plan identifying the location of the dune system in relation to the existing temporary rock revetment along its length, and a list of proposed plant species.*

With respect to the requested Landscaping Plan, your response letter indicates that, "Dimensions are still to be determined, but the work will be initiated next month." Please provide a Landscaping Plan with dimensions as requested, as soon as such a plan has been prepared.

Upon receipt and review of all of the above items, you will be notified if your application is complete. Once your application has been determined complete, the Commission must act on your application as provided by law.

Please be advised that the Commission cannot consider your application until all the above items have been received, so you are encouraged to submit them as soon as possible in order for us to continue processing your application in a timely manner.

Should you have any questions on this matter, please contact me via telephone at (916) 574-2555 or via email at Kenneth.Foster@slc.ca.gov.

Sincerely,



Kenneth Foster
Public Land Management Specialist

Cc: Broad Beach Geologic Hazard Abatement District
c/o Zan Marquis
Marquis Property Company, Ltd.
29169 Heathercliff Road, Suite 212
Malibu, CA 90265

Chris Webb, Russ Boudreau, Tonia McMahon
Moffatt & Nichol
3780 Kilroy Airport Way, Suite 600
Long Beach, CA 90806

Shelli Haaf - CSLC
Jason Ramos - CSLC
Colin Connor - CSLC

AGENDA ITEM 8a.(ii)

Ehrlich, Kenneth A.

From: Fossum, Curtis@SLC [Curtis.Fossum@slc.ca.gov]
Sent: Friday, July 20, 2012 11:17 AM
To: Zan; Foster, Kenneth@SLC; Lunetta, Kim@SLC
Cc: Ehrlich, Kenneth A.; Russ; cwebb@moffatnichol.com; Marshall.Grossman@bingham.com
Subject: RE: Broad Beach Restoration Project: Phil King Econ Study

Zan – thank you for the study. I have begun reading it and hope to complete it this weekend. I will be scheduling a meeting of our staff early next week and following that will contact you for a conference call.

Curtis L. Fossum
Executive Officer
Calif. State Lands Commission
100 Howe Ave., Suite 100 S.
Sacramento, CA 95825-8202
916-574-1800 (office)
916-574-1810(fax)

curtis.fossum@slc.ca.gov
<http://www.slc.ca.gov>

PRIVILEGE AND CONFIDENTIALITY NOTICE

This message and its contents, together with any attachments, are intended only for the use of the individual to whom or entity to which it is addressed and may contain information that is legally privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are hereby notified that any dissemination, distribution, or copying of this communication and any attachments or other use of a transmission received in error is strictly prohibited. If you have received this transmission in error, please notify me immediately at the above telephone number or return email and delete this message, along with any attachments, from your computer. Thank you.

From: Zan [mailto:zancl@aol.com]
Sent: Thursday, July 19, 2012 5:40 PM
To: Foster, Kenneth@SLC; Fossum, Curtis@SLC
Cc: Kenneth A. Ehrlich; Russ; cwebb@moffatnichol.com; Marshall.Grossman@bingham.com
Subject: Broad Beach Restoration Project: Phil King Econ Study

Mr Curtis Fossum
Mr Ken Foster
State Lands Commission

Gentlemen

As requested by the State Lands Commission, we are pleased to provide a draft report addressing the Public Benefits associated with our proposed project to restore Broad Beach. We look forward to your input.

The public benefits resulting from the overall restoration project are self evident. They include restoration of the beach and the enrichment of the beach experience with fully restored and

7/20/2012

properly planted dune areas. They also include a resulting wide sandy beach available to the public as a de facto extension of the public Zuma beach, as well as increased sand for Zuma Beach itself. All of this is at private expense with no public financing. This project has required and will continue to require the support of all property owners including those fifty percent or so where there is currently no public grant of lateral access. While we would hope that this draft report by Phil King adequately resolves the question of mitigation, I would also like at the opportunity to discuss the matter with Mr. Fossum in a telephone conference at your earliest convenience. I would even fly to Sacramento discuss.

Is there some time on Friday, Monday or Tuesday we could speak?

Sincerely
Zan Marquis
Broad Beach GHAD Board Member
Office 310 457 3606
Mobile 323 605 6207

Begin forwarded message:

From: "Boudreau, Russ" <rboudreau@moffattnichol.com>
Date: July 19, 2012 5:13:33 PM PDT
To: "zancl@aol.com" <zancl@aol.com>
Subject: Phil King Econ Study

Russell H. Boudreau, PE
Moffatt & Nichol
3780 Kilroy Airport Way ■ Long Beach, CA 90806 ■ P 562.426.9551 ■ F 562.424.7489

Creative People, Practical Solutions. ■ L ■ F
www.moffattnichol.com

7/20/2012

Kenneth A. Ehrlich
Direct: (310) 785-5395
Fax: (310) 712-3395
KEhrlich@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 72321-0002

June 21, 2012

VIA FIRST CLASS MAIL

Dr. L.B. Nye, Unit Chief - TMDLs & Standards
Regional Water Quality Control Board
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Re: Section 401 Water Quality Certification for Long Term Shore and Dune
Restoration at Broad Beach in Malibu, CA; Annual progress report
regarding status of the Long Term Beach Nourishment and Sewage
Management Plan.
File No: 11-011

Dear Dr. Nye:

On behalf of the Broad Beach Geologic Hazard Abatement District ("BBGHAD"), this letter provides the Regional Water Quality Control Board ("RWQCB") with an updated status of the long term plan ("Plan") for beach nourishment and sewage management within the confines of the BBGHAD: 6525 Point Lechuza - 30708 Pacific Coast Highway in Malibu, California. This letter fulfills the request of the February 3, 2010 modification to the § 401 Water Quality Certification No. 10-003, which requires the submission of an annual progress report on June 30th of each year. We submit this update letter and attachments on behalf of the applicant of the BBGHAD.

As the results of the first phase of the OSWT relocation analysis were finalized in March 2012, the BBGHAD did not previously have access to the necessary information to provide an OSWT status update to the RWQCB for the years 2010 and 2011. The BBGHAD submits these results and information to meet the June 30, 2012 report submittal requirement as required under § 401 Water Quality Certification No. 10-003. Accordingly, this submittal is intended to satisfy the submittal requirement for the years 2010, 2011 and 2012. We trust that the RWQCB is amenable to this submittal schedule due to the previous information gaps and

constraints. The BBGHAD intends to fully comply with all requirements of the 401 certification 10-003.

Status of Planning for Long Term Beach Nourishment and Dune Restoration

Over the last two and a half years, the BBGHAD has diligently worked with all regulatory agencies to identify and assemble the vast array of technical, biological resource, legal and other data required to design and obtain approval for the optimal project.

When the TPOA transitioned into the BBGHAD (Fall 2011), the applicant became an assessment district exempt from CEQA in accordance with Public Resources Code § § 21080(b)(4) and 26559. The restoration project's lead agency, the California State Lands Commission ("SLC"), did not accept the applicant's request for a waiver from the exemption and determined that completion of an Analysis of Public Trust Resources ("APTR") would be the process by which the SLC will analyze the impacts and effects of the subject project. We understand that the APTR will contain largely the same information and level of analysis as that dictated by CEQA.

A list of the analyses, engineering design submittals, studies and reports completed in support of the project and the APTR appears below:

Engineering design submittals and support documents:

- Temporary Emergency Revetment As-Built Drawings - Includes Existing Broad Beach Development, Topography, Surveyed MHTLs, Public Access & Onsite Wastewater Treatment System Locations
- Coastal Engineering Appendix to APTR by Moffatt & Nichol
- Sampling and Analysis Plan, Addendum to Plan and Results Report by Moffatt & Nichol (approved by the Dredging Material Management Team ("DMMT"))
- Coastal Geomorphology Studies by Everts Coastal
- Proposed Project – 30% Plan Set by Moffatt & Nichol
- Beach Profile Surveys by Coastal Frontiers Corporation
- Wave Uprush Analysis Calculations by Moffatt & Nichol
- Septic System Relocation Analysis by Topanga Underground
- Broad Beach Dune Restoration Recommendations Outline by WRA Environmental Consultants

Existing Biological and Cultural Resource Findings for both Broad Beach and proposed dredge sites:

- Snowy Plover Monitoring Report (Revetment Construction) by Chambers Group, Inc.

- Snowy Plover and Grunion Monitoring Report (Revetment Toe Survey) by Chambers Group, Inc.
- Reconnaissance Survey of Marine Biological Resources at Broad Beach by Chambers Group, Inc.
- Broad Beach Dune and Habitat Assessment by WRA Environmental Consultants
- Broad Beach Special Status Plant Survey by WRA Environmental Consultants
- Biological Survey of Proposed Sand Source Sites by Chambers Group, Inc.
- Cultural Resources Investigation Report (Dockweiler and Trancas) by John A. Hildebrand of the Scripps Institution of Oceanography

With the exception of the Coastal Engineering Appendix, which is undergoing a last round of edits, all of the documents above have been made available to Valerie Carrillo Zara of your office via the Moffatt & Nichol sharefile site for which access instructions have been sent to her directly.

Table 1 below shows the applications submitted to regulatory agencies to date. A summation of the status of the approval process for each submittal follows as well.

Table 1 – Regulatory Agency Applications Submitted to Date

Agency Name	Application	Date Submitted	Agency Project No.
Regional Water Quality Control Board (RWQCB)	401 Certification	1-26-11	11-011
State Lands Commission (SLC)	Request to adopt Lead Agency Role and approve project.	3-22-11	W26420
California Coastal Commission (CCC)	Coastal Development Permit (CDP)	7-21-11	4-10-003
U.S. Army Corps of Engineers (USACE)	Sections 10/404 Permits	8-17-11	SPL-2011-00333-SLP
City of Malibu	Coastal Development Permit (CDP)	12-13-10	Not Assigned as CCC took over as agency issuing CDP

California State Lands Commission ("CSLC") – Although now CEQA exempt, the CSLC continues to serve as the lead agency for the project. Since submitting a project application on March 22, 2011, a number of requests for additional information have been received from CSLC and addressed. A survey of the as-built emergency revetment was completed at the SLC request

and is also available on the sharefile site referenced above. BBGHAD and its engineering consultant, Moffatt & Nichol, are working closely with the CSLC and the agency's consultant, AMEC, to complete the APTR.

U.S. Army Corps of Engineers ("USACE") - Since submitting an application for project approval under Sections 10 and 404 on August 17, 2011, two requests for additional information have been received from USACE; the BBGHAD has fulfilled both requests. The BBGHAD response to the first request was submitted on December 16, 2011 and forwarded the response to the second request on April 4, 2012. These responses provide detail on the proposed beach and dune source offshore sites as well as proposed dredge volumes.

California Coastal Commission ("CCC") - The BBGHAD submitted an initial request for issuance of a Coastal Development Permit (CDP) to the CCC on July 21, 2011. The CCC deemed this application incomplete largely due to the pending nature of the then-required CEQA document. The BBGHAD has held a number of meetings with CCC representatives to discuss project data and public access needs. The project design and alternatives requirements requested by the CCC have been addressed in the Coastal Engineering Appendix to the APTR. The BBGHAD anticipates submitting a complete CDP application by June 30, 2012.

City of Malibu ("City") - A CDP application was submitted to the City on December 13, 2010, but was not processed as the CCC was determined to be the lead agency for Coastal Act purposes. Nonetheless, local approval will be required as part of the Coastal Act process and will be accomplished through a consolidated CDP process.

Other agency approvals for the project may be required from the County of Los Angeles and Caltrans. Input from the California Department of Fish & Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service. All pertinent agencies will be solicited via the RWQCB, CCC, SLC and USACE application approval processes as well as the APTR review process. The BBGHAD continues to coordinate with public interest groups such as Surfrider, the Santa Monica Baykeeper, and Heal the Bay to provide project information and solicit input.

Status of OSWT Management Plan

The long term project at Broad Beach contemplates the additional submission of a long term plan for beach restoration and the replacement of OSWTs with a more centralized wastewater treatment system or other updates to existing OSWTs. In its February 3, 2010 modification to § 401 Water Quality Certification No. 10-003, the RWQCB requested that "*the plan shall be completed and ready for implementation by June 30, 2013*". The BBGHAD intends to fully comply with the conditions of the 401 Certification.

Planning for the long term management of the OSWTs is very much underway. The broadstroke management options under consideration are the following:

- 1) Upgrade the septic system at every GHAD member property along Broad Beach to "Malibu secondary/tertiary" treatment similar to that required for various Malibu Civic Center properties;
- 2) Eliminate all septic systems and implement an offsite management solution with all waste material being piped to this offsite location;
- 3) Create a hybrid solution whereby the leach fields would be maintained and an off-site treatment facility would be created.

Individual Site Analysis

As an initial planning step in the exploration of these options for long term OSWT management planning process, the BBGHAD hired a consultant, Topanga Underground. Topanga Underground ("TU") is a local engineering contracting firm with extensive experience in design and construction of onsite wastewater treatment systems, especially in Malibu. TU has had prior experience working on a number of the site properties. The BBGHAD tasked TU with analyzing each property at the proposed project site to examine the possibility of relocating the existing OSWT systems so that they all were ultimately located on the land (north) side of the site structures. TU began this work in 2011. The preliminary results of the TU analysis are summarized in the following section. The TU analysis data and summary are provided with this communication as Attachment A.

TU based its analysis on data obtained during site inspections as well as from City of Malibu files, Los Angeles County Health Department files, County Tax Records, and its own files. City of Malibu sewage design flows were used to determine the area required for a leach field. The design flow was based on 150 gallons per occupant flows as TU used the assumption that a leach field installed for any of the systems to be converted would be based on the City's maximum loading rate of 2 gal/sq/ft/per day.

The TU analysis segregated the proposed project site into 3 reaches along Broad Beach Rd.:

East	–	30760 to 30916 Broad Beach Rd.
Middle	–	30918 to 31122 Broad Beach Rd.
West	–	31134 to 31346 Broad Beach Rd.

TU examined a total of 79 properties. Based on the aforementioned design flows, the TU analysis analyzed the feasibility of relocating the existing OSWT systems north of the southernmost structure on the property. Their conclusions are shown for each study section in Table 2 below.

Table 2 - Topanga Underground Relocation Feasibility Summary

Location of OSWT	Site Study Section			TOTALS
	East	Middle	West	
No portion of OSWT located on beach side of structures	6	12	14	32
Some or all of OSWT located on beach side of structures	11	25	11	47
	Of which	Of which	Of which	Of which
OSWT Relocation Feasibility				
Relocation not practical	9	13	9	31
Relocation possible	2	12	2	16

For those properties for which an OSWT relocation was considered feasible, TU further completed an estimation of relocation cost. TU estimated the cost of designing, obtaining approval, constructing and completing the CDP paperwork at \$125,000 per system on average.

The estimated cost of converting foundations to a caisson/grade beam configuration was \$50,000.00 per site.

In summary, TU determined that, for 31 of the analyzed properties, it is not practical to relocate the OSWT system. For 16 of the properties, it was determined that adequate space existed to relocate at a combined estimated cost of \$2,570,000.00.

Conclusions based on TU analysis results

The BBGHAD continues to process and analyze the TU results due to the predominant finding of relocation infeasibility as well as the steep relocation estimated cost. It remains to be determined whether or to what degree existing OSWT relocation can occur.

Communication with County of Los Angeles Department of Public Works Sewer Maintenance

In support of option 2 above, which seeks to explore the option of implementing an offsite management solution of an offsite location processing all waste materials, the BBGHAD contacted the County of Los Angeles Department of Public Works Sewer Maintenance Division on March 21, 2012 to ask the following questions:

- 1) Does the Trancas WTP have excess capacity to handle waste from at least 114 additional sites (including one commercial facility)?
- 2) If no such capacity exists, (a) whether building the necessary capacity would be feasible at the Trancas WTP site, and (b) if feasible, the approximate cost of creating such additional capacity.

The Sewer Maintenance Division's March 28, 2012 response specifies that the Trancas Water Pollution Control Plant (TWPCP) does not have additional treatment or disposal capacity to serve the additional sites and that it would not be feasible to expand the facility. A copy of the County of Los Angeles response is provided for the Board's reference as Attachment B.

Additional reports completed in support of the long term project are available on the project's sharefile site and are being made available to RWQCB personnel as requested during the April 6, 2012 meeting. Access instructions have been forwarded by the applicant's engineering consultant to RWQCB representative, Valerie Carrillo Zara.

OSWT Management Plan – Next Steps

The extensive effort required in applying to the various regulatory authorities for final permitting for the beach and dune restoration project currently demands the majority of the BBGHAD's time and resources. However, the BBGHAD anticipates retaining a consultant in due course to explore alternatives and solicit recommendations for treatment options to further develop the long-term OSWT management plan.

401 Certification for Long Term OSWT Plan

The BBGHAD plans to pursue the long-term OSWT plan as a follow up project to the long term beach restoration plan. The primary agencies involved in the restoration project, the CCC, SLC, and USACE, uniformly informed the BBGHAD that they preferred the OSWT project to form a separate and distinct "project" for regulatory and permitting purposes. The BBGHAD intends to file a 401 certification application for the long term OSWT plan in due course.

CEQA Compliance

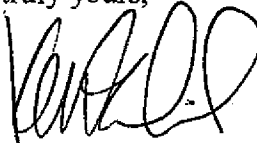
As communicated to the RWQCB during the April 6, 2012 meeting, the SLC has deemed the project exempt from CEQA and will not accept the applicant's request for a waiver from the exemption. The SLC has determined that it will complete an APTR to analyze the impacts and effects of the subject project. The Coastal Commission will also conduct an independent analysis of the project in connection with its Coastal Development Permit process. The RWQCB has asserted that it understands this situation and it will not affect the RWQCB's permitting process for this project.

We appreciate the RWQCB's understanding of the project and its willingness to work within our desired schedule. The BBGHAD reiterates its intention to provide the RWQCB with all necessary documentation in support of 401 certification authorization both issued and in process.

Dr. L.B. Nye
June 21, 2012
Page 8

Feel free to contact our office with questions or comments, and we look forward to hearing from the RWQCB staff.

Very truly yours,



KENNETH A. EHRLICH,
a Professional Corporation of
Jeffer Mangels Butler & Mitchell LLP

KAE:pjo-

cc: Francine Diamond, LARWQCB Chair
Mary Ann Lutz, LARWQCB Vice-Chair
Madelyn Glickfeld, LARWQCB Board Member
Steve Blois, LARWQCB Board Member
Maria Mehranian, LARWQCB Board Member
Charles Stringer, LARWQCB Board Member
Marshall Grossman, BBGHAD Vice Chair

ENCL.

Attachment A – Topanga Underground Studies
Attachment B – Communication from County of Los Angeles, Department of Public Works
Sewer Maintenance Division

All other reports have been made available to Valerie Carrillo Zara of the RWQCB via the Moffatt & Nichol sharefile site.

TOPANGA UNDERGROUND

21300 DEERING COURT, CANOGA PARK, CALIFORNIA 91304

CALIFORNIA CONTRACTORS LICENSE # 319004

"A" GENERAL ENGINEERING "B" GENERAL BUILDING "C42" SANITATION SYSTEMS

Ph: 818-251-1980

Ph: 310-455-2189

Fax: 818-888-0114

email: Info@TopangaUnderground.com

web: www.TopangaUnderground.com

File: 10937-000.401.REPORT-OWTS-STATUS.DOC

REPORT

ONSITE WASTEWATER TREATMENT SYSTEM

LOCATION INVESTIGATION

DECEMBER13, 2011

Zan Marquis

C/O

Moffatt & Nichol

3780 Kilroy Airport Way, Suite 600

Long Beach, California 90806

Att: Russell Boudreau

Project Address: Broad Beach Road, Malibu Ca, 90265

Sites: Approximately 70 sites

Jurisdiction: City of Malibu

California Coastal Commission

Regional Water Quality Control Board

This constitutes a **REPORT** summarizing our finding relative to the existing location of the Onsite Wastewater Treatment Systems and the possibility of relocating the system so that they all were located on the Land (North) side of the site structures. The report is broken down into three sections, defined by the aerial data supplied by Moffatt & Nichol.

01.00 East Section (30760 to 30918)

There are a total of 18 sites in this section. Most of the sites in this section are single lot sites. There are several double lots and a single 3 lot site. There is also an additional single (3 lot) site that is not part of the project.

5 of the sites have their system presently located so that no portion of the system is located on the beach (south) side of the structures.

P-10937-000---OWTS---INVESTIGATION

Page 1 of 6 12/13/2011 1200 Hrs

13 of the sites have either all or part of their systems located on the south side of the south structure. In most cases it is the leach fields that are on the south side with some of the tanks located north of the southernmost structure.

At 11 of the 13 sites it would be very difficult to impossible to reconstruct the systems so that all components were north of the southernmost structure. When the required setbacks from property lines and structures is taken into consideration, there is not sufficient area in the driveways and in some cases the internal landscapes areas to construct the required sq. ft. of leaching system and the treatment part of the systems.

Two of the sites (30760 & 30860) have sufficient area however it would require the system to be located adjacent to and under the tennis court at 30860 and would require the internal yard at 30760 to be demolished and rebuilt. Placing the filed under the TC does not meet the code requirement that precludes an impervious surface over a leach field.

Of the 13 systems that have components south of structures all but one are conventional system approved by the Los Angeles County, prior to the City of Malibu. To meet the present code, even if it were possible to re-locate the system they would all have to meet the City of Malibu present code. This would require then to be re-constructed as "Alternative" type system meeting the City Tertiary requirements for effluent quality. The treatment components, for this type of system, required more space than the existing conventional tanks in these systems. This presents additional issues due to the area constraints.

We do not believe that it is feasible to relocate the systems.

INDIVIDUAL SITE ANALYSIS

The analysis is based on data obtained from either the City of Malibu files, Los Angeles County Health Department files, County Tax Records and our files and a brief site inspection.

Sewage Design flows were based on City of Malibu 150 gallons per occupant flows with 2 occupants in the first bedroom of any living unit + 150 gallons per 1 occupant in all additional bedrooms. The Design Flow is being used as we believe that the leach field installed for any of the systems that are converted will be sized based on the City's maximum loading rate of 2 gal/sq/ft/per/day. This dictates the area that must be reserved for the Field.

Note that now that the water main in Broad Beach Road has been replaced it is located near the C/L of the street. The code requires that there be a 10' separation between the public water main and any component of the septic system.

30760: APN: 4469-026-002

City of Malibu & Tax records. The site sewage load is based on 8 bedrooms. The design load is 1200 GPD. The area required for a new leach field is 600 sq. ft. The system is a conventional system installed prior to the 1997 approval. The system consists of a 1500 gallon tank located in the east side of the yard between garages and the main house. There are two leach fields, one in the south (beach) side of the main house and one in the driveway at the N/W corner of the site. There is sufficient yard area between the main house and the garage to replace the beach side field and replace the septic tank with the Advanced Treatment type of equipment. The City will require that the conventional septic tank be changed to an "Alternative Type" of system. The estimated cost of preparing the plans, obtaining the City approval and constructing the new system is \$ 120,000.00 plus the cost of removing & replacing the landscaping and hardscaping.

30800: APN: 4469-026-012

City of Malibu & Tax records. This sites system is located north of the house & garage. No part of the system is located on the beach.

30804: APN: 4470-026-028

City of Malibu & Tax records. The site sewage load is based on 4 bedrooms. The design load is 750 GPD. The system is a conventional system installed prior to the 2004 approval. We believe the system dates from 1986. The system consists of a 3000 gallon tank located in the east side of the yard south of the main house. The 850 sq. ft. leach field is also located south of the main house. There is not sufficient room to reconstruct this system in the small yard area between the garage & the main house and the driveway in front of the garage.

30810: APN: 4470-013-002

TU Files. The site sewage load is based on 4 bedrooms. The design load is 750 GPD. The system is a conventional system installed in 1999. The system consists of 1500 gallon tank, a pump station and a 384 sq. ft. leach field. The tank and pump station are in the N/W corner of the yard between the house and the garage and the leach field in between the garage and the street. The pump station was required as the field is above the elevation of the septic tank. This system is all north of the main house.

30826: APN: 4470-013-004

TU Files. The site sewage load is based on 3 bedrooms. The design load is 600 GPD. The system is a conventional system installed in 1974. The system consists of 1000 gallon tank and what we believe is a 220 sq. ft. leach field. The tank and the field are in the yard south of the house. There is not sufficient area on the site and in the driveway to reconstruct this system and convert it to Advanced Treatment.

30830: APN: 4470-013-005

City of Malibu & Tax records. The site has two separate systems. Based on the Tax Roll data I suspect that the main house contains 2 bedrooms with a design load of 450 GPD. The tank is a 750 gallon unit located in the east side of the yard between the two structures. It is connected to a 10' x 30' +/- leach field that runs along the east site of the main house. The second system is connected to a garage structure that contains 4 bedrooms. This has a design load of 750 GPD. The system consists of a 1250 gallon tank and a 450 sq. ft. leach field at the south end of the main house. There does not appear that there is sufficient area to relocate the 450 sq. ft. leach field to the north end of the site.

30838: APN: 4470-013-006

City of Malibu Files. Based on the Tax Roll data the main house contains 2 bedrooms with a design load of 450 GPD. The tank is probably a 750 gallon unit and the leach field is probably 250 sq. ft. Both the tank and the field are located south of the house. As the house is small and located at the very north end of the site I suspect the OWTS is near the south end of the house and is as far from the beach as it can be located. There is no area north of the house.

30842: APN: 4470-013-007

City of Malibu Files. Based on the approved plan the residence has 4 bedrooms and a design load of 750 GPD. The tank is a 1500 gallon unit with an effluent pump station, located along the east P/L at the north end of the main house. This discharges to a 450 sq. ft. leach field at the south end of the house. There is not sufficient area in the drive to construct a replacement 450 sq. ft. leach field.

30846: APN: 4470-013-008

City of Malibu Files. Based on the approved plan the residence has 4 bedrooms and a design load on 900 GPD. The tank is a MicroSepTec ES-12 unit with an effluent pump station, located along the east P/L north of the main house. This discharges to a 698 sq. ft. pressure dosed leach field between the main house & the garage. No portion of this system is south of the main residence.

30860: APN: 4470-013-009 & 010 & 011

This shows on the tax rolls as three sites 30852-30856 -30860
It was combined in 1997 as a single site.

City of Malibu Files. Based on the approved 1997 plan this is a 5 bedroom residence and the design flow is 900 gpd. The existing conventional system consists of a 1500 gallon tank and a 584 sq. ft. leach field. The system is completely located on the south side of the house. The only available area to relocate the system would be to place it under the apron portions of the tennis court. The code does not permit impervious surfaces over leach fields. If this could be mitigated the system could be relocated. The estimated cost is \$ 120,000.00 plus the cost of mitigation & tennis court repairs.

30866: APN: 4470-013-012

City of Malibu Files. Based on the approved plan the residence has 4 bedrooms and a design load of 750 GPD. The system was constructed in 2008 and consists of a MicroSepTec ES-12 unit located in the drive at the north end of the site. An Effluent Pump Station discharges to a 622 sq. ft. GeoFlow leach field located at the south end of the main house patio. There is no area to relocate the Leaching system to a location other than where it is.

30870: APN: 4470-013-013

City of Malibu Files. Based on the approved plan the residence has 3 bedrooms and a design load on 750 GPD. The tank is a conventional 1000 gallon unit and it drains into a 364 sq. ft. leach field. Both the Tank & the Field are located in the yard north of the house and south of the garage. This site does not impact the beach.

30874: APN: 4470-013-014

City of Malibu Files. Based on the approved plan the main residence has 3 bedrooms, the guest house has 1 bedroom and a design load of 900 GPD. The tank is a conventional 3000 gallon unit and it drains into a 414 sq. ft. conventional leach field with 2' of extra rock. Both the Tank & the Filed are located in the yard north of the house and south of the garage. This site does not impact the beach.

30900: APN: 4470-013-015

City of Malibu Files. Based on the approved 1999 plan the residence & guest house have 5 bedrooms and a design load on 1050 GPD. The tank is a conventional 1500 gallon unit and it drains into a 346 sq. ft. conventional leach field. Both the Tank & the Field are located in the yard south of the main house. There is no area to relocate this system.

30904: APN: 4470-013-016

TU Files. This is an AS-BUILT plan we prepared in 2004. Based on the approved plan the residence & guest house have 5 bedrooms and a design load on 1050 GPD. The tank is a conventional 1500 gallon unit and it drains into a 414 sq. ft. pressure dosed conventional leach field with 2' of extra rock. Both the Tank & the Field are located in the yard south of the main house. There is no area to relocate this system.

30908: APN: 4470-013-017

City of Malibu files. Based on the 1992 approved plan the residence & guest house have 6 bedrooms and a design load on 1050 GPD. The tank is a conventional 1500 gallon unit and it drains into a 560 sq. ft. conventional leach field. The Tank is located on east side of the main house approximately 40' north of the beach end of the house. The Leach Field is located in the yard south of the main house. With required structural setbacks from structures there is no area to relocate this system.

30916: APN: 4470-013-018

TU files. This system is an Alternative Type system installed in 2006. The entire system is contained within the yard on the west side of the residence, No portion of the system is south of the house.

30918: APN: 4470-013-019

City of Malibu & County Tax files. Based on the 1983, approved plan the residence has a conventional system consisting of a 1500 gallon tank, a conventional leach field located between the house & the garage and a pump supplied leach field south of the house. The south leach field could be abandoned if the original leach field was removed and rebuilt. This would trigger the City into requiring that the system be converted to an Alternative Type system. The estimated cost of designing & constructing the Alternative System is \$ 125,000.00.

Sincerely
Topanga Underground



Richard N. Sherman

TOPANGA UNDERGROUND

21300 DEERING COURT, CANOGA PARK, CALIFORNIA 91304

CALIFORNIA CONTRACTORS LICENSE # 319004

"A" GENERAL ENGINEERING "B" GENERAL BUILDING "C42" SANITATION SYSTEMS

Ph: 818-251-1980

Ph: 310-455-2189

Fax: 818-888-0114

email: Info@TopangaUnderground.com

web: www.TopangaUnderground.com

File: 10937-000.402.REPORT-OWTS-STATUS.DOC

REPORT

ONSITE WASTEWATER TREATMENT SYSTEM

LOCATION INVESTIGATION

JANUARY 15, 2012

Zan Marquis

C/O

Moffatt & Nichol

3780 Kilroy Airport Way, Suite 600

Long Beach, California 90806

Att: Russell Boudreau

Project Address: Broad Beach Road, Malibu Ca, 90265

Sites: Approximately 70 sites

Jurisdiction: City of Malibu

California Coastal Commission

Regional Water Quality Control Board

This constitutes a **REPORT** summarizing our finding relative to the existing location of the Onsite Wastewater Treatment Systems and the possibility of relocating the system so that they all were located on the Land (North) side of the site structures. The report is broken down into three sections, defined by the aerial data supplied by Moffatt & Nichol.

Note that we are not Foundation Contractors. The estimates shown that include foundation work are educated guesses. The estimates are based on the cost of designing, obtaining approval, constructing and completing the CDP paperwork being in the range of \$ 125,000.00 per system. This is an average. The estimated cost of converting foundations to a caisson/grade beam configuration is \$ 50,000.00 per site. This is a guess.

01.00 Mid Section (30924 to 31122)

There are a total of 37 sites in this section. Most of the sites in this section are single lot sites. There is one 2 lot and two 3 lot site, at the west end of this section.

10 of the sites have their system presently located so that no portion of the system is located on the beach (south) side of the structures.

24 of the sites have either all or part of their systems located on the south side of the south structure. In most cases it is the leach fields that are on the south side with some of the tanks located north of the southernmost structure.

13 of the 24 sites do not have sufficient area to relocate the systems.

11 of the sites appear to have sufficient area to relocate the systems. In most cases there would be substantial damage to landscaping & hardscaping and the foundations of those portions of the structures adjacent to the reconstructed systems would have to be on Caisson & Grade Beam foundations to permit reduced setbacks to structures. The present code is 8' separation.

INDIVIDUAL SITE ANALYSIS

The analysis is based on data obtained from either the City of Malibu files, Los Angeles County Health Department files, County Tax Records and our files and a brief site inspection.

Sewage Design flows were based on City of Malibu 150 gallons per occupant flows with 2 occupants in the first bedroom of any living unit + 150 gallons per 1 occupant in all additional bedrooms. The Design Flow is being used as we believe that the leach field installed for any of the systems that are converted will be sized based on the City's maximum loading rate of 2 gal/sq/ft/per/day. This dictates the area that must be reserved for the Field.

Note that now that the water main in Broad Beach Road has been replaced it is located near the C/L of the street. The code requires that there be a 10' separation between the public water main and any component of the septic system.

30918: APN: 4470-013-019

City of Malibu-Tax records-TU Files.

Single Lot Site

The site sewage load is based on 4 bedrooms. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system originally installed in 1954. The system consists of a 1500 gallon tank located in the west side of the yard between garage and the main house. The original field, also located between the house and the garage must have started to fail in 1983, at which time an additional pump station & field was constructed at the south end of the site. The 1983 approval (L.A. County) shows an additional "Future" field south of the 1983 field. We do not believe this has ever been built.

There appears to be sufficient area to build a complete new Alternative Type system in the area between the house and the garage and between the garage & the street. The existing system in this area would have to be removed. The leach field or fields, south of the main residence, could then be abandoned in place.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 120,000.00 plus the cost of removing & replacing the landscaping and hardscaping in the construction area.

30924: APN: 4470-013-020-SINGLE LOT SITE

City of Malibu - Tax records - TU Files.

Single Lot Site.

The site sewage load is based on 5 bedrooms. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system originally installed in 1962. The system consists of a 2 ea. 1200 gallon tank located in the east side of the yard between garage and the main house. The original field and a future field (1200 sq. ft. total) are located south of the main house on the beach side of the house.

There is not sufficient area to duplicate the system in the available area at the north end of the site,

30928: APN: 4470-013-021

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on 8 bedrooms. The design load is 1350 GPD. The area required for a new leach field is 675 sq. ft.

The system is a conventional system installed in 1989. The system consists of a 2000 gallon septic tank, and a 675 sq. ft. leach field, all located at the south end of the house on the beach.

There is not sufficient area on the site to relocate the system.

30930: APN: 4470-013-022

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on 6 bedrooms. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an Alternative Type system installed in 2010. The system consists of a MicroSepTec ES-25 unit with disinfection, located between the garage & the street and a 677 sq. ft. leach field located at the south end of the residence.

There is not sufficient area on the site to relocate the system.

30936: APN: 4470-013-023

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on 5 bedrooms. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1969. The system consists of a 1500 gallon tank and a 540 sq. ft. leach field, all located at the south end of the residence. There is an 18" storm drain, from PCH that enters the site in the west side of the driveway and runs down the west side of the site to the beach.

There may be sufficient area in the driveway to install a complete new Alternative System. This may require that the 18" storm drain be relocated to the west P/L and the front of the garage foundation be converted is a Pile & Grade Beam type of foundation to reduce the setback requirements.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 175,000.00 including the cost of the relocation of the storm drain and the reconstruction of the garage foundation.

30940: APN: 4470-013-024

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on 3 bedrooms main house & a 1 bedroom guest unit. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1993. The system consists of a 1000 gallon tank and a 520 sq. ft. leach field, all located between the main house & the garage.

No portion of the system is south of the house.

30944: APN: 4470-013-025

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on a 4 bedroom residence & a 1 bedroom guest unit. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an Alternative system installed in 2005. The system consists of a 1500 gallon septic tank, a 3000 gallon septic tank, a 1500 gallon recirculation tank, 3 ea. AX-20 ADVANTEX Treatment Units and a two leach fields with a combined area on 1022 sq. ft. The tanks and treatment units are located north of the main residence and the garage and the leach field is located south of the main house, on the beach.

There is not sufficient area remaining north of the house & garage to move the leach field from its present location.

30948: APN: 4470-013-026

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 5 bedroom residence. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a Conventional system installed in 1960. The system consists of a 1500 gallon septic tank and a 390 sq. ft. leach field. The tank and leach field are located north of the house between the house and the garage.

30952: APN: 4470-013-027

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a Conventional system installed in 1985. The system consists of a 1500 gallon septic tank and a 562 sq. ft. leach field. The tank is between the house and the garage. The field is south of the house, on the beach.

There appears to be sufficient area to rebuild the system as an Alternative Type system to a location north of the house. It may require that the foundation for the south side of the garage be converted to pile & grade beams to reduce the setback requirements.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 175,000.00 including the cost of the reconstruction of the garage foundation.

30956: APN: 4470-014-001

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a Conventional system installed in 1948. The system consists of a 1000 gallon septic tank a 370 sq. ft. leach field. The field was rebuilt in 1960, per the records. The tank and field are located south of the residence on the beach.

There does not appear to be sufficient area to relocate the system to the area between the house and the garage.

30962: APN: 4470-014-002

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on an 8 bedroom residence. The design load is 1350 GPD. The area required for a new leach field is 675 sq. ft.

The system is a Simi-Alternative system installed in 2001. The system consists of a 2500 gallon septic tank, a screened duplex pump, located in the tanks second compartment and a pressure dosed 720 sq. ft. bottomless, intermittent sand filter type of leach field. The tank is located under the drive at the north end of the site and the field is located in about the center of the site.

No portion of the OWTS system is located south of the house, on the beach.

30966: APN: 4470-014-003

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 6 bedroom residence. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a Conventional system installed in 1991. The system consists of a 1500 gallon septic tank and a 570 sq. ft. leach field. The tank is in the drive north of the garage. The field is south of the house, on the beach.

There is not sufficient area to relocate the system as an Alternative Type system.

30970: APN: 4470-014-004

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 6 bedroom residence. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a Conventional system installed in 1991. The system consists of a 1500 gallon septic tank and a 550 sq. ft. leach field. The tank and the field are both located south of the house on the beach.

There is not sufficient area to relocate the system as an Alternative Type system.

30974: APN: 4470-014-005

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system installed in 1977. The system consists of a 750 gallon tank and a 165 ft. leach line, all located north of the main house.

No portion of the system is south of the house.

30978: APN: 4470-014-006

Los Angeles County - Tax records

The site is a single lot.

The site sewage load is based on 3 bedrooms main house. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a conventional system installed in 1952. The system consists of a 1000 gallon tank and a 240 sq. ft. leach field, all located north of the main house.

No portion of the system is south of the house.

30980: APN: 4470-014-007

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1983 when the house was remodeled. The system consists of a 1200 gallon tank and a 720 sq. ft. leach field. The tank is located north of the house and the field is south of the house.

There is not sufficient area to relocate the field north of the house.

31000: APN: 4470-014-008

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house and a 1 bedroom guest unit. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system installed in 1961. The system consists of a 1500 gallon tank and a 480 sq. ft. leach field. The tank is located north of the house and the field is south of the house.

There is sufficient area to relocate the field north of the garage. This may require modifications to the garage foundation to permit reduced setbacks.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 175,000.00 including the cost of the reconstruction of the garage foundation.

31008: APN: 4470-014-009

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 3 bedrooms main house. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a conventional system installed in 1999. The system consists of a 1500 gallon tank and a 780 sq. ft. leach field. The tank and field are both located between the house & the garage.

No portion of the system is located south of the house.

31012: APN: 4470-014-010

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house and a 1 bedroom guest unit. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 2003. The system consists of a 3000 gallon tank and a 450 sq. ft. leach field. The tank is located north of the house and the field is south of the house.

There is sufficient area to relocate the field to the lawn area between the house & the garage. This would probably trigger the conversion of the conventional septic tank to a Alternative type of system. The existing tank could remain as part of the new system. In addition, this may require modifications to the garage foundation to permit reduced setbacks.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 175,000.00 including the cost of the reconstruction of the garage foundation.

31016: APN: 4470-014-011

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 3 bedrooms main house. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a conventional system installed in 1990. The system consists of a 1500 gallon tank and a 600 sq. ft. leach field. The tank is located north of the west garage and the field is south of the house.

There is sufficient area to relocate the field to the lawn area between the house & the split garages. This would probably trigger the conversion of the conventional septic tank to a Alternative type of system. The existing tank could remain as part of the new system. In addition, this may require modifications to the garage & house foundation to permit reduced setbacks.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 225,000.00 including the cost of the reconstruction of the garage foundation.

31020: APN: 4470-014-012

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system probably installed in 1962. The system was reapproved for a remodel in 1983. The original system consisted of two septic tanks of unknown size. I suspect they are 1000 gallon units. Both tanks were connected to a single 600 sq. ft. leach field. The 1983 approval required that another 600 q. ft. leach field be added to the system. The entire system is located south of the main house.

There is not sufficient area to relocate the field to any other location on the site.

31022: APN: 4470-014-013

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system probably installed in 1955. I suspect the tank is a 1000 gallon unit and has a 200 sq. ft. leach field. Both the tank and field are located north of the house.

No portion of the OWTS is located south of the house.

31026: APN: 4470-014-014

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house and a 1 bedroom guest unit. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1997. The tank is a 1500 gallon unit and has a 330 sq. ft. leach field. Both the tank and field are located north of the house.

No portion of the OWTS is located south of the house.

31030: APN: 4470-014-015

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1988. The system consisted of a 1200 gallon septic tank and a 450 sq. ft. leach field. The tank is located between the house and the garage. The leach field is located south of the house, on the beach. There is a 100% Future field shown between the garage & the road. The Beach side field could be abandoned and the Future constructed. This would probably trigger the conversion of the system to an Alternative type.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 125,000.00, with no the cost of the reconstruction of the garage foundation.

31034: APN: 4470-014-016

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1958. The system consisted of a 1200 gallon septic tank and a 450 sq. ft. leach field and a 450 sq. ft. leach field. The tank is located in a yard north of the house and the field is located on the beach.

There does not appear to be sufficient area to relocate the field off the beach.

31038: APN: 4470-014-017

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house and a 1 bedroom guest unit. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an alternative type system approved in 2009. The system consisted of a es-12 MicroSepTec treatment system and a 526 sq. ft. leach field. The Tank is between the garage & the street and the field is on the beach south of the house.

There is not sufficient area to relocate the field off the beach.

31042: APN: 4470-014-018

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedrooms main house and a 1 bedroom guest unit. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an alternative type system approved in 2010. The system consisted of a es-12 MicroSepTec treatment system and a 501 sq. ft. leach field. The Tank and field are both located between the house & the garage.

No portion of the system is on the beach.

31048: APN: 4470-014-019

To be included in the final report.

31052: APN: 4470-014-020

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 3 bedrooms main house. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a conventional system installed in 1974. The system consisted of a 1500 gallon septic tank and a 570 sq. ft. leach field. The tank and field are located on the beach south of the house.

There does not appear to be sufficient area to relocate the system off the beach.

31054: APN: 4470-014-021

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1988. The system consisted of a 1500 gallon septic tank is located between the house & the garage. The field is located on the beach south of the house.

There does not appear to be sufficient area to relocate the field off the beach.

31058: APN: 4470-014-022

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1988. The system consisted of a 1500 gallon septic tank and a 564 sq. ft. leach field. Both the tank and field are located on the beach south of the house. There is a 100% Future field shown between the garage & the road. The Beach side field could be abandoned and the Future constructed. This would probably trigger the conversion of the system to an Alternative type.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 125,000.00, with no the cost of the reconstruction of the garage foundation.

31064: APN: 4470-015-030

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system installed in 1992. The system consisted of a 1500 gallon septic tank and a 364 sq. ft. leach field. The tank is located between the garage and the street. The field is located on the beach south of the house.

There appears to be sufficient area between the house and the garage to construct the leach filed in this area. This would probably trigger the conversion of the system to an Alternative type.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 125,000.00, with no the cost of the reconstruction of the landscaping.

31070: APN: 4470-015-031

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system installed prior to 1991. The system consisted of a 1500 gallon septic tank and a 384 sq. ft. leach field. The tank and field are both located between the garage and the main house

No portion of the OWTS is located on the beach.

31100: APN: 4470-015-004

City of Malibu - Tax records

The site is a double lot.

The site sewage load is based on 7 bedrooms main house. The design load is 1250 GPD. The area required for a new leach field is 600 sq. ft.

The system is a conventional system installed in 1992. The system consisted of a 1500 gallon septic tank and a 870 sq. ft. leach field. The tank and field are boyh located at the south end of the main house on the beach. is located between the garage and the street. The field is located on the beach south of the house.

There appears to be sufficient area between the garage and the street to construct a complete new system. This would probably trigger the conversion of the system to an Alternative type and would require that the front to the garage be converted to a caisson type foundation.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 250,000.00, including the cost of converting the garage foundation.

31108: APN: 4470-015-029

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1987. The system consisted of a 1500 gallon septic tank and a 598 sq. ft. leach field. The tank is located near the garage north of the pool and the leach field is south of the house on the beach.

There is a Future field shown between the garage and the street. This could be constructed and the beach field abandoned. Again I suspect this would trigger the conversion of the system to an Alternative and could require foundation modifications to the garage.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 200,000.00, including the cost of converting the garage foundation.

31118: APN: 4470-015-027

City of Malibu - Tax records

The site is a double lot. It INCLUDES WHAT WAS 31112 BB RD.

The site sewage load is based on 4 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an Alternative system installed in 2009. The system consisted of a 3000 gallon septic/treatment tank and a 659 sq. ft. leach field. The tank and field are located north of the house near BB Rd.

No portion of the system is located on the beach.

31122: APN: 4470-015-007

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1986. The system consisted of a 1200 gallon septic tank and a 562 sq. ft. leach field. The tank and field are both located south of the house on the beach.

There does not appear sufficient area to relocate the system to a location off the present location.

Sincerely
Topanga Underground

A handwritten signature in black ink that reads "Richard Sherman". The signature is written in a cursive, slightly stylized font.

Richard N. Sherman

TOPANGA UNDERGROUND

21300 DEERING COURT, CANOGA PARK, CALIFORNIA 91304

CALIFORNIA CONTRACTORS LICENSE # 319004

"A" GENERAL ENGINEERING "B" GENERAL BUILDING "C42" SANITATION SYSTEMS

Ph: 818-251-1980

Ph: 310-455-2189

Fax: 818-888-0114

email: Info@TopangaUnderground.com

web: www.TopangaUnderground.com

File: 10937-000.403.REPORT-OWTS-STATUS.DOC

REPORT

ONSITE WASTEWATER TREATMENT SYSTEM

LOCATION INVESTIGATION

FEBRUARY 27, 2012

Zan Marquis

C/O

Moffatt & Nichol

3780 Kilroy Airport Way, Suite 600

Long Beach, California 90806

Att: Russell Boudreau

Project Address: Broad Beach Road, Malibu Ca, 90265

Sites: Approximately 70 sites

Jurisdiction: City of Malibu

California Coastal Commission

Regional Water Quality Control Board

This constitutes a **REPORT** summarizing our finding relative to the existing location of the Onsite Wastewater Treatment Systems and the possibility of relocating the system so that they all were located on the Land (North) side of the site structures. The report is broken down into three sections, defined by the aerial data supplied by Moffatt & Nichol.

Note that we are not Foundation Contractors. The estimates shown that include foundation work are educated guesses. The estimates are based on the cost of designing, obtaining approval, constructing and completing the CDP paperwork being in the range of \$ 125,000.00 per system. This is an average. The estimated cost of converting foundations to a caisson/grade beam configuration is \$ 50,000.00 per site. This is a guess.

01.00 West Section (31134 to 31346)

There are a total of 26 sites in this section. Most of the sites in this section are single lot sites. There is one 3 lot and three 2 lot sites, in this section.

?? of the sites have their system presently located so that no portion of the system is located on the beach (south) side of the structures.

?? of the sites have either all or part of their systems located on the south side of the south structure. In most cases it is the leach fields that are on the south side with some of the tanks located north of the southernmost structure.

?? of the 26 sites do not have sufficient area to relocate the systems.

?? of the sites appear to have sufficient area to relocate the systems. In most cases there would be substantial damage to landscaping & hardscaping and the foundations of those portions of the structures adjacent to the reconstructed systems would have to be on Caisson & Grade Beam foundations to permit reduced setbacks to structures, The present code is 8' separation.

INDIVIDUAL SITE ANALYSIS

The analysis is based on data obtained from either the City of Malibu files, Los Angeles County Health Department files, County Tax Records and our files and a brief site inspection.

Sewage Design flows were based on City of Malibu 150 gallons per occupant flows with 2 occupants in the first bedroom of any living unit + 150 gallons per 1 occupant in all additional bedrooms. The Design Flow is being used as we believe that the leach field installed for any of the systems that are converted will be sized based on the City's maximum loading rate of 2 gal/sq/ft/per/day. This dictates the area that must be reserved for the Field.

Note that now that the water main in Broad Beach Road has been replaced it is located near the C/L of the street. The code requires that there be a 10' separation between the public water main and any component of the septic system.

31134: APN: 4470-015-033

City of Malibu-Tax Records-TU Files.

Three Lot Site.

The site sewage load is based on 5 bedrooms. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is an Alternative type system installed in the past 2 years. The system consists of a MicroSepTec (ES-12) gallon treatment unit and a 590 sq. ft. leach field. The system is between the house and the street,

No portion of the system is on the beach.

31138: APN: 4470-015-011-SINGLE LOT SITE

City of Malibu - Tax records - TU Files.

Single Lot Site.

Adjacent to a beach access (West Side).

The site sewage load is based on 5 bedrooms. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1988. The system consists of a 1500 gallon tank and a 562 sq. ft. leach field located south of the house on the beach.

There is not sufficient area to relocate the system between the garage and the street.

31202: APN: 4470-015-012

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on 5 bedrooms. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft.

The system is a conventional system installed in 1989. The system consists of a 1500 gallon septic tank, and a 565 sq. ft. leach field, all located north of the house.

No portion of the system is on the beach.

31212: APN: 4470-015-014

City of Malibu - Tax records – TU Files.

The site is a single lot.

The site sewage load is based on 4 bedroom main house & a 2 bedroom guest unit. The design load is 1200 GPD. The area required for a new leach field is 600 sq. ft.

The system is a alternative system installed in 2002. The system consists of a 4000 gallon tank and a 528 sq. ft. Bottomless Intermittent Sand Filter. The tank is between the garage and the street and the Sand Filter is located north of the main house.

No portion of the system is on the beach.

31214: APN: 4470-015-015

City of Malibu - Tax records – TU Files.

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The area required for a new leach field is 450 sq. ft. This is a rebuild of an existing house.

The system is a conventional system installed prior to 1989 and modified in that year. The seepage pit and the effluent pump station pre-dates 1988 approval. The pit was empty at the time of the approval. A metered test was run on the pit and the rate was 8800 gallons per day. The approval required that the existing septic tank be removed and replaced with a 1500 gallon unit.

No portion of the system is south of the house.

31220: APN: 4470-015-016

City of Malibu - Tax records – TU Files.

The site is a single lot.

The site sewage load is based on a 4 bedroom residence. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1966. The system consists of a 1500 gallon septic tank, a 3000 gallon septic tank and a 840 leach field. The system is located south of the house on the beach.

There is not sufficient area remaining north of the house & garage to move the leach field from its present location.

31224: APN: 4470-015-017

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 2 bedroom residence. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a Conventional system originally installed in 1969. The system consisted of a 750 gallon septic tank and a 300 sq. ft. leach field. The "Future" 300 sq. ft. leach field was installed in 1989. The tank and both leach fields are located south of the house on the beach.

There is not sufficient area, north of the house, to relocate the system.

31228: APN: 4470-015-018

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a Conventional system originally installed in 1954 or 1969. The system consisted of a 1200? gallon septic tank and a 200+/- sq. leach field. In 1991 the field failed and a new 500 sq. ft. field was constructed. The original tank was left in place.

The entire system is south of the house on the beach.\

There is not sufficient area either between the house and the garage or between the garage and the street to relocate the system.

31232: APN: 4470-015-019

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence plus a 1 bedroom guest unit. The design load is 9 GPD. The flow rate required for seepage pits is 7500 GPD.

The system is a Conventional system installed in 2000. The system consists of a 1500 gallon septic tank a 6' x 12' BI seepage pit with a 7' cap depth.

The Tank is located north of the main house and includes an Effluent pump station. The pit is located in the drive north of the garage. At the time the system was s, field both the Present & Future pits were installed.

No portion of the system is south of the main house.

31236: APN: 4470-015-020

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence plus a 1 bedroom guest unit. The design load is 9 GPD. The flow rate required for seepage pits is 7500 GPD.

The system is a Conventional system installed in 2000. The system consists of a 1500 gallon septic tank a 6' x 12' BI seepage pit with a 7' cap depth.

The Tank is located north of the main house and includes an Effluent pump station. The pit is located in the drive north of the garage. At the time the system was s, field both the Present & Future pits were installed.

No portion of the system is south of the main house.

31240: APN: 4470-??? 014-003

City of Malibu - Tax records.

The site is a single lot.

The site sewage load is based on a 3 bedroom residence. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a Conventional system installed in 1967?. The system consists of a 1000 gallon septic tank and two 108 sq. ft. leach fields. The tank and one field are located north of the house between the house & the garage. The other field is south of the house on the beach.

There is not sufficient area on the site to relocate the south field. Both fields are necessary to obtain the required area for the leaching system.

31250: APN: 4470-015-032

City of Malibu - Tax records - TU Files.

The site is a four lot site.

The site sewage load is based on a 7 bedroom residence. The design load is 1200 GPD. The area required for a new leach field is 600 sq. ft.

The system is a Conventional system installed in 1989. The system originally consisted of a 2000 gallon septic tank and a 660 sq. ft. leach field. The tank and the field were both located south of the house on the beach. At the time the system was constructed it was some 50' from water.

In 1992 the original leach field failed. We went in and constructed the "FUTURE" field in the east side of the south yard. We constructed a 924 sq. ft. pressure dosed Infiltration (Plastic Chambers) type of field. The original field was disconnected. We recommended that an additional 2000 gallon septic tank be installed. I do not believe this was ever done.

There may be sufficient area to relocate the system by utilizing a 10' strip across the entire front of the site adjacent to the street. This is approximately 1500 sq. ft. as the site is 160' wide. The systems several houses to the east are using short seepage pits next to the road for disposal. The north end or the non play area along the east side of the Tennis Court, outside the play area, on the east side of the site could also be used. This may compromise the use of the court.

The estimated cost of installing an Alternative Type System and a new leaching system is probably in the \$ 200,000.00 range.

31260: APN: 4470- 015-025

City of Malibu - Tax records - TU Files.

The site is a single lot.

The site is being re-developed and the new system is totally north of the house.

No portion of the system is on the beach.

31272: APN: 4470-016-002

Los Angeles County - Tax records - TU Files

The site is a three lot site (160' wide).

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is an Alternative system installed by TU in 2002. The entire system is north of the house adjacent to Broad Beach Road.

No portion of the system is on the beach.

31280: APN: 4470-016-003

City of Malibu - Tax records

The site is a two lot+ site (105' wide).

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system installed in 1988 when the house was remodeled. The system consists of a 2750 gallon tank and a 625 sq. ft. leach field. The tank and field are located south of the house on the beach.

With the existing improvements, there is not sufficient area to relocate the system north of the house.

31284: APN: 4470-016-004

City of Malibu - Tax records - TU Files

The site is a single lot.

The site sewage load is based on 4 bedrooms main house. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system installed in 1966. The system consists of a 1200 gallon tank and a 500 sq. ft. leach field. The tank and field are both located north of the house.

No portion of the system is on the beach.

31302: APN: 4470-016-037

City of Malibu - Tax records

The site is a almost a double lot.

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system installed in 1984. The system consists of a 1500 gallon tank and a 563 sq. ft. leach field. The tank and field are both located between the house & the street.

No portion of the system is located south of the house.

31310: APN: 4470-016-036

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system probably installed in 1974. The system consists of a 1000? gallon tank and a 266 sq. ft. leach field. The tank and field are both located north of the house in the yard.

No portion of the system is located on the beach.

31316: APN: 4470-016-031

City of Malibu - Tax records - TU Files

The site is a double lot.

The site sewage load is based on 6 bedrooms main house. The design load is 1050 GPD. The area required for a new leach field is 525 sq. ft.

The system is a conventional system probably installed in 1974. The system consists of a 1500 gallon tank and a 562 sq. ft. leach field. The tank is located north of the house and the leach field is located south of the house on the beach.

There appears to be sufficient area to relocate the field to the lawn area north of the house as there is a 585 sq. ft. Future field shown on the plans. There also sufficient area east of the house to install the tanks for an Alternative type system.

The estimated cost of preparing the plans, obtaining the City approval & constructing the new system is \$ 150,000.00 excluding the cost of relandscaping

31322: APN: 4470-016-028

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 4 bedroom main house. The design load is 750 GPD. The area required for a new leach field is 375 sq. ft.

The system is a conventional system probably installed in 1979. I suspect it is a 1200 gallon unit. The tank is connected to a 3 leach line system of about 300 sq. ft. The entire system is located north of the main house under a brick patio.

No portion of the system is south of the house on the beach.

31324: APN: 4470-016-027

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system installed in 1972. T tank is a 1000 gallon unit and has a 375 sq. ft. leach field. Both the tank and field are located south of the house on the beach.

There is not sufficient area on the site to relocate the system.

31330: APN:4470-016-008

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system installed in 1956. The tank is probably a 750 gallon unit and has to seepage pits. Both the tank and pits are located in the yard in the N/E corner of the site.

No portion of the OWTS is located south of the house.

31336: APN: 4470-016-010

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 3 bedrooms main house. The design load is 600 GPD. The area required for a new leach field is 300 sq. ft.

The system is a conventional system modified in 1996. The system consisted of an existing 1000 gallon septic tank and a 207 sq. ft. leach field. The existing field was disconnected and an additional 8.5 x 20' field constructed.

The tank and the new field are located south of the house, on the beach.

There does not appear to be sufficient area to relocate the system off the beach end of the site.

31340: APN: 4470-016-011

City of Malibu - Tax records

The site is a single lot.

The site sewage load is based on 2 bedrooms main house. The design load is 450 GPD. The area required for a new leach field is 225 sq. ft.

The system is a conventional system installed in 1969. The system probably consisted of a 750 gallon septic tank and a 200 sq. ft. leach field. The tank and field are both located between the house and Broad Beach Road.

No portion of the system is located on the beach.

31346 APN: 4470???-014-017

City of Malibu - Tax records - TU Files

The site is a single lot.

The site sewage load is based on 5 bedrooms main house. The design load is 900 GPD. The percolation rate required of the seepage pits is 7500 GPD

The system is a conventional type system approved in 1986. The system consisted of a 1500 gallon tank, an Effluent pump station and two 10' seepage pits.

The tank is located at the south end of the house adjacent to the north end of the pool and the two pits are in the driveway. The pits have been tested and exceed the minimum percolation rate.

There is not sufficient area to relocate the tank to the North end of the site.

Sincerely
Topanga Underground

A handwritten signature in black ink that reads "Richard Sherman". The signature is written in a cursive, slightly stylized font.

Richard N. Sherman

PROJECT 10937-000-460.SUMMARY

TU 3/5/2012

ADDRESS	OWTS TYPE CON/ADV	LOCATE TREAT	LOCATE DISPOSAL	RE LOCATE YES NO	COST IF PRACTICAL	NOTES
---------	-------------------------	-----------------	--------------------	---------------------------	-------------------------	-------

30760	CON	LAND	BOTH	YES-?	\$120,000.00	POSSIBLE
30800	CON	LAND	LAND	DONE	\$0.00	DONE
30804	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30810	CON	LAND	LAND	DONE	\$0.00	DONE
30826	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30830	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30838	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30842	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30846	ADV	LAND	LAND	DONE	\$0.00	DONE
30860	CON	BEACH	BEACH	YES-?	\$125,000.00	POSSIBLE
30866	ADV	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30870	CON	LAND	LAND	DONE	\$0.00	DONE
30874	CON	LAND	LAND	DONE	\$0.00	DONE
30900	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30904	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30908	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30916	ADV	LAND	LAND	DONE	\$0.00	DONE
30918	CON	LAND	BEACH	YES-?	\$125,000.00	POSSIBLE
30924	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30928	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30930	ALT	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30936	CON	BEACH	BEACH	YES-?	\$175,000.00	POSSIBLE
30940	CON	LAND	LAND	DONE	\$0.00	DONE
30944	ALT	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30948	CON	LAND	LAND	DONE	\$0.00	DONE

30952	CON	LAND	BEACH	YES-?	\$175,000.00	POSSIBLE
30956	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30962	ALT-SIME	LAND	LAND	DONE	\$0.00	DONE
30966	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
30970	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
30974	CON	LAND	LAND	DONE	\$0.00	DONE
30978	CON	LAND	LAND	DONE	\$0.00	DONE
30980	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
31000	CON	LAND	BEACH	YES-?	\$175,000.00	POSSIBLE
31008	CON	LAND	LAND	DONE	\$0.00	DONE
31012	CON	LAND	BEACH	YES-?	\$175,000.00	POSSIBLE
31016	CON	LAND	BEACH	YES-?	\$225,000.00	POSSIBLE
31020	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31022	CON	LAND	LAND	DONE	\$0.00	DONE
31026	CON	LAND	LAND	DONE	\$0.00	DONE
31030	CON	LAND	BEACH	YES-?	\$125,000.00	POSSIBLE
31034	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
31038	ALT	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
31042	ALT	LAND	LAND	DONE	\$0.00	DONE
31048	CON	LAND	LAND	DONE	\$0.00	DONE
31052	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31054	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
31058	CON	BEACH	BEACH	YES-?	\$125,000.00	POSSIBLE
31064	CON	LAND	BEACH	YES-?	\$125,000.00	POSSIBLE
31070	CON	LAND	LAND	DONE	\$0.00	DONE
31100	CON	BEACH	BEACH	YES-?	\$350,000.00	POSSIBLE
31008	ALT	LAND	BEACH	YES-?	\$200,000.00	POSSIBLE
31118	ALT	LAND	LAND	DONE	\$0.00	DONE
31122	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31134	ALT	LAND	LAND	DONE	\$0.00	DONE
31138	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31202	CON	LAND	LAND	DONE	\$0.00	DONE
31212	ALT	LAND	LAND	DONE	\$0.00	DONE
31214	CON	LAND	LAND	DONE	\$0.00	DONE

31220	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31224	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31228	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31232	CON	LAND	LAND	DONE	\$0.00	DONE
31236	CON	LAND	LAND	DONE	\$0.00	DONE
31240	CON	LAND	BEACH	NO	\$0.00	NOT PRACTICAL
31250	CON	BEACH	BEACH	YES-?	\$200,000.00	POSSIBLE
31260	ALT	LAND	LAND	DONE	\$0.00	IN PROCESS
31272	ALT	LAND	LAND	DONE	\$0.00	DONE
31280	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31284	CON	LAND	LAND	DONE	\$0.00	DONE
31302	CON	LAND	LAND	DONE	\$0.00	DONE
31310	CON	LAND	LAND	DONE	\$0.00	DONE
31316	CON	LAND	BEACH	YES-?	\$150,000.00	POSSIBLE
31322	CON	LAND	LAND	DONE	\$0.00	DONE
31324	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31330	CON	LAND	LAND	DONE	\$0.00	DONE
31336	CON	BEACH	BEACH	NO	\$0.00	NOT PRACTICAL
31340	CON	LAND	LAND	DONE	\$0.00	DONE

\$2,570,000.00



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 28, 2012

IN REPLY PLEASE
REFER TO FILE: **SM-1**

Mr. Kenneth A. Ehrlich
Jeffer Mangels Butler and Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

Dear Mr. Ehrlich:

REQUEST FOR CONNECTION BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT TRANCAS WATER POLLUTION CONTROL PLANT

The County of Los Angeles Department of Public Works Sewer Maintenance Division received your letter dated March 21, 2012, inquiring about available wastewater treatment capacity at the Trancas Water Pollution Control Plant (WPCP). Our response to your questions is summarized below:

1. *Does the Trancas WTP have excess capacity to handle waste from at least 114 additional sites (including one commercial facility)?*

The Trancas WPCP does not have additional treatment or disposal capacity to serve the additional sites. The Trancas WPCP was recently rehabilitated in 2008, and the project was designed, permitted, and approved to only serve the properties located within the existing boundaries of the Trancas Zone of the Consolidated Sewer Maintenance District.

2. *If no such capacity exists, (a) whether building the necessary capacity would be feasible at the Trancas WTP site, and (b) if feasible, the approximate cost of creating such additional capacity.*

Due to the limited footprint of the treatment plant site and the leachfield disposal area, it would not be feasible to expand the facility.

Mr. Kenneth A. Ehrlich
March 28, 2012
Page 2

If you have any questions, please contact Mr. Jeff Bouse, Sewer Maintenance Division,
at (626) 300-3373 or jbouse@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works



KEITH E. LEHTO
Assistant Deputy Director
Sewer Maintenance Division

44
KT

KT:sb

H:\SMHOME\GYoung\Memos.Letters\2353.docx

AGENDA ITEM 8a.(iv)

Ehrlich, Kenneth A.

From: Michael Kaplan [michael.kaplan@lacity.org]

Sent: Monday, July 16, 2012 9:35 AM

To: Ehrlich, Kenneth A.

Subject: Update

Ken:

I am in South Carolina for the week, but I do have access to E-mail. I wanted to give you an update on what is going on.

It appears that after the tidelands and submerged lands were granted to the City between 1917-1945, the City made a grant back to the State in our about 1948. However, it is not clear whether the City grant in 1948 did or did not include the submerged lands. If it did then the City is out of the picture. I have asked one of our title examiners to go down to the title plant today to see if he can get that information and he is supposed to be doing that today.

If the City did not convey title to the submerged lands in 1948, then it is my understanding that the site is under the control of the City's Department of Recreation and Parks, although I am attempting to clarify that with the attorney who is responsible for that department.

Assuming Rec and Parks has control of the submerged lands in this area then it would up to their board to approve the dredging of the sand.

When I hear back from the title examiner I will give you a further update.

Michael Kaplan

*****Confidentiality Notice *****

This electronic message transmission contains information from the Office of the Los Angeles City Attorney, which may be confidential or distribution or use of the content of this information is prohibited. If you

7/19/2012

AGENDA ITEM 8b.

**THE BOARD OF DIRECTORS OF BROAD BEACH GEOLOGIC HAZARD
ABATEMENT DISTRICT**

Adopted this Resolution on June 3, 2012, by the following vote:

AYES: Karno, Levitan, Lotman, and Marquis.

NOES: None.

ABSENT: Grossman

ABSTAIN: None.

RESOLUTION NO. 2012/05

**RESOLUTION APPROVING THE PURSUIT OF A LINE OF CREDIT OR,
ALTERNATIVELY, OTHER MEANS OF FINANCING PRIOR TO RECEIPT OF
INCOME STREAM FROM ASSESSMENTS**

WHEREAS, on September 12, 2011, the Malibu City Council adopted Resolution No. 11-41, approving and ordering the formation of the Broad Beach Geologic Hazard Abatement District (GHAD), as a distinct and separate legal entity from the City, and appointing five landowners from within the GHAD boundaries to serve as the initial Board of Directors;

WHEREAS, the GHAD Board recognizes that the GHAD is a political subdivision of the State of California, governed in accordance with GHAD Law (Pub. Res. Code §§ 26500 *et seq.*) and a legal entity that is separate and distinct from the City of Malibu and that the GHAD operations are independent of the City functions;

WHEREAS, on October 9, 2011 the GHAD Board conducted its first meeting and at its meeting on November 6, 2011, the GHAD Board adopted the Plan of Control which sets forth the duties and responsibilities of the GHAD;

WHEREAS, the GHAD has been formed to devise and implement beach protective and repair improvements at Board Beach, including beach nourishment and rehabilitation measures, in addition to other improvements (Project), as set forth in the Plan of Control and as allowed by GHAD Law (Public Resources Code §§ 26500 *et seq.*);

WHEREAS, in order to pay for the cost and expenses of constructing and maintaining the improvements for the Broad Beach GHAD as described in the GHAD Plan of Control, pursuant to Public Resources Code sections 26500 *et seq.*, it will be necessary to provide for a reliable source of funding;

WHEREAS, Public Resources Code section 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the GHAD to pay for the construction and maintenance of GHAD improvements. Article

XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment;

WHEREAS, an Engineer's Report has been prepared by a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651(a) and section 4(b) of Article XIII(D) of the California Constitution, and adopted by the GHAD Board as part of Resolution No. 2012/01. The Engineer's Report dated January 18, 2012 explains the purpose of the GHAD and provides the estimated budget, the total assessment that will be chargeable to the territory within the GHAD, the proposed estimated assessment to be levied against each parcel within the GHAD, and a description of the method used in formulating the estimated assessment;

WHEREAS, on January 22, 2012 the GHAD Board, after considering the Engineer's Report, adopted Resolution No. 2012/01 declaring its intent to order an assessment based on the Engineer's Report and in accordance with the requirements of Article XIII(D) of the California Constitution and Public Resources Code § 26651, and fixing a hearing for March 11, 2012 to consider the proposed assessment, tabulate properly submitted ballots, and consider any protests against the assessment;

WHEREAS, on March 11, 2012, the GHAD Clerk tabulated the sealed ballots and weighted them according to the proportional financial obligation on the affected property. The GHAD Clerk certified the tabulation of the ballots and the GHAD Board accepted this certification pursuant to Resolution No. 2012/03;

WHEREAS, based upon the tabulation of the ballots, the GHAD Board found that a majority protest did not exist on the Assessment, and therefore, authorized the levy of the Assessment pursuant to Public Resources Code section 26653 and Article XIII(D), Section 4 of the California Constitution, and ordered that the amount of the Assessment against each parcel within the GHAD shall be as provided in the Engineer's Report;

WHEREAS, California law permits the GHAD to borrow or otherwise incur debt, obtain funding from any public or private source, and repay any financial assistance accepted pursuant to Public resources Code §§ 26591, 26593, and 26594;

WHEREAS, to date, the GHAD's permitting and entitlement efforts for the beach restoration project have been funded by a loan from the Trancas Property Owners Association (TPOA) and voluntary loans from parcel owners within the GHAD boundaries; and

WHEREAS, if not supplemented, current GHAD funding is likely to be expended within the coming months.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. Based upon these facts and circumstances, and while all reasonable efforts shall be made to complete necessary project permitting and entitlement work in a cost effective manner, the Board finds that a need exists for funding in excess of \$1,000,000 to complete the

AGENDA ITEM 8c.

ENGINEERING SERVICES AGREEMENT

THIS ENGINEERING SERVICES AGREEMENT ("Agreement") is made and entered into as of November 6, 2011 by and between the Broad Beach Geologic District (hereinafter "BBGHAD") ("Owner") whose address is C/O Zan Marquis, Marquis Property Company, Ltd., 29169 Heathercliff Road, Malibu, CA 90265 and Moffatt & Nichol ("Engineer"), whose address is 3780 Kilroy Airport Way, Suite 600, Long Beach, California 90806.

OWNER and ENGINEER HEREBY AGREE AS FOLLOWS:

1) SPECIFICATION OF THE WORK

Engineer to furnish Civil Engineering Services as outlined in this Agreement, **Exhibit "A"** (Scope of Work) attached hereto and include, generally coastal engineering services including site surveys, shoreline studies, beach nourishment and shore protection design. The parties acknowledge that there exists an Agreement dated June 12, 2009 between Engineer and the Trancas Property Owner's Association (TPOA) which includes an ongoing scope of work which preceeded that set forth in Exhibit A to this Agreement. Owner and Engineer agree that the work performed pursuant to this Agreement shall be compensated for by BBGHAD.

2) DESIGNATION OF PROJECT, OWNER AND CONTRACT PRICE

2.1 Engineer shall furnish the labor and materials specified in Article One of this Agreement for engineering work at the property (the "PROPERTY" or the "JOB SITE") described as the "Broad Beach Restoration Area". All of the Work (as hereinafter defined) is to be done and completed in a manner consistent with the standards of the industry and the terms of this Agreement. Compensation owing to Engineer shall be as set forth on **Exhibit "A"**. Payments of the Contract Price shall be made as follows: Engineer shall submit invoice(s) for engineering work, accompanied by material and/or labor releases and waiver of lien as required by Owner. Progress payments shall be for actual services performed and shall be due and owing upon Engineer's submittal of any invoice. Past due amounts shall include a late payment finance charge which will be computed at the periodic rate of 1% per month, and will be applied to any unpaid balance 30 days after the date of the original invoice. The Owner shall provide any objections to an invoice in writing to the Engineer within fifteen (15) days of invoice submittal.

2.2 The Engineering Work is to be performed and materials furnished therefore in strict conformity with all City, County, Federal and State regulations.

3) TIME FOR PERFORMANCE OF THIS AGREEMENT

3.1 Engineer agrees to commence office and/or field work necessary as requested by Owner to diligently execute the "Work" as stipulated in this Agreement, and put forth reasonable efforts to meet any milestone dates set forth herein.

3.2 This article is for the benefit of Owner, and Engineer agrees that Owner may enforce this Article directly against Engineer. If in the reasonable judgment of Owner the Work of Engineer is not proceeding in accordance with the provisions of this Agreement, or Engineer has breached any other provision of this Agreement, or should the Engineer at any time refuse, fail or neglect to perform to the satisfaction of Owner, then Owner may cancel this Agreement upon five (5) calendar days written notice to the Engineer.

4) BASIC SERVICES

4.1 General - Engineer's Basic Services shall consist of those services described in Article 1 and such other services as are customarily furnished in accordance with generally accepted engineering practice in connection with the Work. When any of the Engineer's services are to be performed by consultants or subcontractors to the Engineer, the selection of consultants or subcontractors shall be subject to Owner's prior written approval. Any such consultants, together with any technicians or design professionals, as may be required to enable Engineer properly to perform Engineer's Basic Services and

Additional Services (as defined in Section 5), shall be employed at Engineer's own cost and expense, shall be duly licensed in their respective fields of specialization by the appropriate governmental authorities and shall be approved in writing by Owner, provided that nothing herein contained shall be deemed to create any contractual relationship between Owner and any consultant, subcontractor or other professional so employed by Engineer. Engineer shall be fully responsible to Owner for the services rendered by such consultants.

4.1.1 The Engineer is an independent contractor performing professional consultant services for the Work and is responsible for methods and means used in performing the services under this Agreement, and this is not a joint venture with Owner or an employee of Owner.

4.1.2 Engineer's services shall be performed in character, sequence and timing so as to allow coordination with those of Owner's other consultants for the Project.

4.1.3 Engineer shall recommend to Owner the obtaining of such investigations, surveys, tests, analyses and reports as may be necessary for the proper execution of Engineer's services. The Engineer may rely upon such information, and shall not be responsible for such information's verification or completeness, except to the extent that Engineer was responsible for completing the recommended investigations, surveys, tests, analyses and reports.

4.1.4 Engineer shall provide progress copies of drawings, reports, specifications and other necessary information to Owner and Owner's other consultants. Engineer shall coordinate all aspects of the Work designed by Engineer, and Engineer shall also become familiar with the work designed by Owner's other consultants as necessary for the proper coordination of the Project.

4.2 Schematic Design Phase (or Reasonable Equivalent)

4.2.1 Engineer shall ascertain the requirements for the Work within Engineer's area of expertise and shall confirm such requirements to Owner.

4.2.2 Engineer shall develop and review alternative systems with Owner, attend necessary conferences, prepare necessary analysis, drawings and other documents, be available for general consultation, and make recommendations regarding basic systems for the Work. When necessary, Engineer shall consult with public agencies and other organizations concerning applicable structural requirements, utility services and any other applicable requirements.

4.2.3 Engineer shall consult with Owner and its consultants regarding estimates of probable construction costs.. Any such estimates represent Engineer's commercially reasonable judgment as a design professional and is for the general guidance of the Owner. Since the Engineer has no control over labor and material, or over competitive bidding or market conditions, the Engineer does not guarantee the accuracy of such estimates as compares to Contractor bids or actual Client Cost.

4.3 Design Development Phase (or Reasonable Equivalent)

4.3.1 When authorized by Owner, Engineer shall prepare the design development documents from the schematic design studies approved by Owner. Such documents shall consist of drawings and other documents to fix and describe the Work, including materials, equipment, component systems and types of construction as may be appropriate, all of which are to be approved by Owner.

4.3.2 Engineer shall assist Owner and/or its general contractor in the preparation of a statement of the probable construction costs for the Work, subject to limitations noted above.

4.3.3 Engineer shall consult as needed with the staffs of any governmental agencies with jurisdiction over the Work to explain the Work and the documents prepared by Engineer and to support Owner's permit applications.

4.4 Construction Documents Phase (or Reasonable Equivalent)

4.4.1 Upon approval of the design development documents, and authorization from Owner to proceed, Engineer shall prepare, on the basis of the approved design development documents, working drawings and specifications for the Work setting forth in detail the requirements for the construction of the Work, all of which shall be subject to reasonable approval by Owner. Engineer shall prepare the drawings and specifications (the "Construction Documents") in such format as Owner may reasonably require. Engineer shall prepare the Construction Documents so as to comply with all applicable codes, including, without limitation, the City of Malibu Building Code.

4.4.2 Engineer shall assist Owner and/or General Contractor in the preparation of a final statement of probable construction costs for the Work, subject to limitations above.

4.4.3 Engineer shall consult with the appropriate public agencies, prepare the necessary documents for site and other permits in connection with the Work and assist Owner in obtaining all necessary permits in connection with the Work, and will, at Owner's request and acting as Owner's agent obtain said permits. Engineer shall exercise all due and reasonable care in assisting the Owner in obtaining such permits, but the issuance of these permits is under the authority of the appropriate issuing agency, and the Engineer is not responsible for and does not guarantee any result.

4.4.4 Engineer shall coordinate its work with all other consultants to produce a set of coordinated Construction Documents that have a minimum amount of inconsistencies, in accordance with the standards in the industry practice.


4.5 Construction and Inspection Phase

4.5.1 The Construction and Inspection Phase will commence upon the first construction activity for the Project. The Construction and Inspection Phase will terminate when the Project has been completed and all statutory lien periods have expired. Engineer shall observe the actual construction of the Project, as provided herein, but Owner shall provide administration of the Construction Contract with the General Contractor.

4.5.2 As a representative of Owner during the Construction and Inspection Phase, Engineer shall advise and consult with Owner, and as directed by Owner, forward instructions to the General Contractor. Engineer shall have authority to act on behalf of Owner only to the extent expressly provided in this Agreement or otherwise agreed upon in writing by Engineer and Owner. This Agreement, the Construction Documents and any other agreements or documents entered into between Engineer and Owner or reviewed or approved by Engineer relating to the Project are herein collectively referred to as the Project Documents.

4.5.3 Engineer shall visit the Project site at intervals appropriate to the stage of construction for the Work and as may be necessary to discharge Engineer's obligations hereunder, to familiarize itself with the progress and quality of the Work and to determine if the Work is proceeding in general accordance with the Project Documents and the Construction Contract. Engineer shall notify Owner in writing immediately upon noting any omissions, defects or deficiencies. In carrying out its responsibilities, Engineer shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work; provided, however, that Engineer shall give Owner prompt notice of any construction means, methods, techniques or procedures, in connection with the Work which Engineer in the course of performing its limited duties hereunder observes and which Engineer believes to be in violation of this Agreement, the Construction Contract or the Project Documents, any applicable laws or regulations, or commonly accepted practices in the construction industry. The observation services described herein shall not relieve or otherwise limit the Contractor's sole responsibility to ensure that the project is completed in strict conformance to the approved plans and specifications, customs and industry standards and all applicable codes or ordinances.

4.5.4 Engineer shall assist Owner in conducting inspections with respect to the Work, to determine dates of completion or otherwise, and shall review and approve, or take other appropriate action on, the Contractor's list of items to be completed or corrected and shall forward the list to Owner for final disposition. As used in this Paragraph "approve" shall mean that Engineer does not take exception to the Contractor's list of items to be completed or corrected. Engineer will forward to Owner for Owner's



review as-built drawings and any related documents assembled by the Contractor with respect to the Work.

4.5.5 Within the time parameters set forth in the Project Documents, Engineer shall review and approve, or take other appropriate action upon, the Contractor's submittals such as shop drawings, product data and samples with respect to the Work. As used in this Paragraph, "approve" shall mean that Engineer does not take exception to the Contractor's submittals. Such action shall be taken with reasonable promptness so as to cause no delay.

4.5.6 Engineer shall assist Owner in preparing change orders with respect to the Work for Owner's approval and execution in accordance with the Contract Documents. Engineer shall recommend to Owner minor changes in the Work not involving an adjustment in the Contract Sum or an extension of the Contract Time, which are not inconsistent with the intent of the Contract Documents.

4.5.7 Engineer shall approve, subject to prior written concurrence by Owner, the substitution of any materials or equipment for those required by the working drawings and specifications for the Project and approve, subject to written concurrence by Owner, the laboratory reports on such substituted materials or equipment. Engineer shall assist Owner in determining whether Owner shall reject work, which does not conform to the Project Documents or the Construction Contract, or whether special inspection or testing is required. As used in this Paragraph "approve" shall mean that Engineer does not take exception to the substitution.

4.5.8 Engineer shall at all times have access to the Work wherever it is in preparation or progress.

4.5.9 Upon request of Owner, Engineer shall furnish to Owner, with reasonable promptness, written interpretations of the Contract Documents prepared by Engineer if, in the opinion Owner, such interpretations are necessary for the proper execution or progress of the Work. Engineer shall render written recommendations, within a reasonable time, on all claims, disputes and other matters in question between Owner and the Contractor relating to the execution or progress of the Work or the interpretation of the Contract Documents.

4.5.10 In providing services under this Agreement, the Engineer shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession practicing under similar circumstances at the same time and in the same or similar locality. It is understood and agreed that the obligation of the Engineer is to provide services to this Standard of Care, but is not a guarantee of any specific results, and elements of these services may be significantly impacted by forces of nature over which the Engineer has no control.

5) ADDITIONAL SERVICES

5.1 When directed in writing by Owner, and agreed to by Engineer, Engineer shall provide additional services not otherwise included as Basic Services under this Agreement ("Additional Services"). The nature of such Additional Services shall be set forth in writing specifically referring to this Agreement, and all terms of this Agreement shall apply to such Additional Services except as expressly provided otherwise in said writing. The following services shall be Additional Services:

5.1.1 Making measured drawings or verifying the accuracy of drawings or other information furnished by Owner.

5.1.2 Providing consultation concerning replacement of any portion of the Work damaged by wave damage or other cause during construction except that caused by Engineer.

5.1.3 After completion of construction with respect to the Work, providing extensive assistance in the utilization of any equipment or system installed in the Project such as preparation of operation or maintenance manuals, training of personnel for operation and maintenance, and consultation during operation to the extent not performed by the Contractor.

5.1.4 Preparing to serve or serving as an expert witness in connection with any public hearing, arbitration proceeding or legal proceeding, in excess of Engineer's preparation for appearance and appearance at the public hearings or proceedings specified in Article 4 above, but only to the extent that such participation by Engineer is not the result of any actual or alleged errors, omissions or other wrongdoing by Engineer.

5.1.5 Providing planning surveys, site evaluations, environmental studies or comparative studies of prospective sites, and preparing special surveys, studies and submissions required for approvals of governmental authorities or others having jurisdiction over the Project.

5.1.6 Preparing drawings, specifications and supporting data, and providing other services in connection with change orders provided such change orders are not required by any ambiguity, inconsistency, error or omission of Engineer.

5.1.7 Making major revisions in drawings, specifications, or other documents requested in writing by Owner or required by governmental authorities during the permit approval process or at any time thereafter, when such revisions are inconsistent with previous written approvals of Owner and are not caused by an error or omission of Engineer.

5.1.8 Preparing sets of reproducible record prints of drawings showing significant changes in the Work made during construction based on marked-up prints, drawings, and other data furnished by the Contractor, but only to the extent such changes are not the result of errors or omissions by Engineer.

5.1.9 Providing additional services, whether they be of the nature described herein as Basic Services or Additional Services, required by any default by the Contractor under the Construction Contract or Contractor's failure to perform its services under the Construction Contract in accordance with the terms thereof, provided that such default or failure to perform is not caused in whole or in part by any act of omission of Engineer.

6) REIMBURSABLE COSTS

6.1 Reimbursable Expenses - In addition to the compensation provided for in Articles 4 and 5, Owner will reimburse Engineer for actual and reasonable expenses incurred in the interest of the Project by Engineer and Engineer's consultants for the following items, only:

6.1.1 Travel and subsistence outside of the greater Los Angeles area if required in connection with Engineer's performance of this Agreement if requested in advance in writing by Owner. Air travel expenses shall not exceed that charged for coach class and hotel expenses shall not exceed that which would be considered reasonable and normal for the city involved.

6.1.2 Reproduction of drawings, specifications, reports and other documents.

6.1.3 Data processing and photographic reproduction techniques when used in connection with Additional Services.

6.1.4 Long distance telephone calls (including facsimile transmissions) and shipping and postage charges.

6.1.5 Services of special consultants, if required and authorized in advance in writing by Owner.

6.1.6 If authorized in advance in writing by Owner, overtime work requiring higher than regular rates.

6.1.7 Renderings, models and mock-ups requested by Owner.

6.2 Basic Services Excluded - Except as specifically provided above, Engineer shall not be

entitled to any reimbursement from Owner for expenses incurred by Engineer in connection with the performance of Engineer's obligations under this Agreement.

7) ACCOUNTING RECORDS

7.1 Engineer shall maintain full and complete books and records of all reimbursable expenses incurred in connection with the performance of this Agreement on a generally recognized accounting basis and shall maintain full and complete records of all services performed by Engineer's personnel subject to compensation. All of said books and records shall be available during normal business hours for examination by Owner and/or Owner's authorized representatives.

8) OWNERSHIP OF DOCUMENTS

8.1 Property of Owner - All drawings, specifications, computations, sketches, test data, survey results, models, photographs, renderings and other materials prepared by Engineer, its consultants or subcontractors, in connection with the performance of the services called for under this Agreement, and all copyrights, rights of reproduction and other interests relating thereto, are and shall remain the property of Owner, upon payment in full. In the event of termination prior to completion of the Project, Owner will own and have the right to use on this project all such material without any additional compensation. Owner shall not use materials prepared by Engineer on any other project. Owner agrees, to the fullest extent of the law, to indemnify and hold harmless from any claim, liability or cost arising or allegedly rising out of improper re-use or modification of the materials prepared by the Engineer. Owner shall be entitled to the exclusive use of all the documents referenced in this Section 8.1, and no use thereof shall be made without the prior written consent of Owner.

8.2 Cooperation - Owner reserve(s) the right to employ other engineers and consultants in connection with the Project, and Engineer shall cooperate with such other engineers and consultants as required to facilitate completion of the Project, and Engineer shall, as part of its Basic Services, be required to coordinate its Engineering Services work with the work of any such other engineers and consultants, though Engineer shall have no responsibility for any portion of the work performed by such other parties.

9) ASSIGNMENT

9.1 Engineer understands that, in September 2011, the BBGHAD was formed in accordance with California law. As of February 21, 2012, Owner assigned the previous TPOA-Engineer Agreement to the BBGHAD, and notified Engineer of such assignment. In the future, Owner shall have the right to assign this agreement upon mutual written agreement between the parties. Engineer understands and acknowledges that Owner and the assignee will rely upon the reports, conclusions, opinions, recommendations and other work product prepared and performed by Engineer in its performance of this Agreement. To the extent this Agreement confers rights upon Owner, those rights shall also extend to the assignee, and all of Engineer's obligations shall extend to both Owner and any such assignee.

10) OWNER'S RIGHT TO WITHHOLD PAYMENTS

10.1 Owner shall have the right to withhold from payments due to Engineer such sums as are reasonably necessary to protect it against any loss or damage which may result from negligence or unsatisfactory work by Engineer, failure by Engineer to perform its obligations, or claims filed against Engineer or Owner relating to Engineer's services. Any sums withheld from Engineer as provided in this Section 10 and subsequently determined to be due and owing to Engineer shall be immediately paid to Engineer.

11) INSURANCE

11.1. Engineer shall, at its own expense, secure and maintain the following insurance in forms and from insurers acceptable to Owner:

- (i) WORKERS' COMPENSATION and EMPLOYERS' LIABILITY INSURANCE

including coverage under the U.S. Longshoremen's and Harbor worker's Act and affording thirty days written notice of cancellation to Owner. The amount and scope of such insurance shall be the greater of (1) the insurance currently maintained by Engineer (2) any amounts and scope required by statute or other governing law, or (3) the following:

Bodily Injury by accident - \$1,000,000 each accident
Bodily Injury by disease - \$1,000,000 policy limit
Bodily Injury by disease - \$500,000 each employee

(ii) GENERAL LIABILITY INSURANCE on a per OCCURRENCE basis in an amount equal to the greater of (1) the insurance currently maintained by Engineer or (2) \$3,000,000 per occurrence; and such insurance shall include, but not be limited to, the following coverage's:

- 1) Premises and Operation coverage with X, C and U exclusions deleted, if applicable.
- 2) Owner's and Contractor's Protective coverage.
- 3) Products and Completed Operation coverage.
- 4) Blanket Contractual coverage, including both oral and written contracts.
- 5) Personal Injury coverage.
- 6) Broad Form Property Damage coverage, including completed operations.
- 7) An endorsement naming Owner as additional insureds, including completed operations coverage.
- 8) An endorsement affording thirty days notice to Owner in the event of cancellation of coverage.
- 9) An endorsement providing that such insurance as is afforded under Engineer's policy is primary insurance as respects Owner and that any other insurance maintained by Owner is excess and noncontributing with the insurance required hereunder.

No endorsement limiting or excluding a required coverage is permitted. Claims-made coverage is not acceptable. NOTE: ISO FORM B (CG2010) OR EQUIVALENT ADDITIONAL INSURED ENDORSEMENT IS REQUIRED.

(iii) BUSINESS AUTO LIABILITY INSURANCE in an amount equal to the greater of (1) the insurance currently maintained by Engineer or (2) \$2,000,000; and including the following coverages:

- 1) Owned Autos,
- 2) Hired or Borrowed Autos,
- 3) Non-owned autos,
- 4) An endorsement naming Owner as additional insureds, and
- 5) An endorsement affording thirty days written notice of cancellation to Owner in event of cancellation of coverage. No endorsement limiting or excluding a required coverage is permitted. Claims-made coverage is not acceptable.

(iv) PROFESSIONAL LIABILITY INSURANCE in an amount equal to the greater of (1) the insurance currently maintained by Engineer or (2) \$3,000,000; on a claims-made basis. Said insurance shall be maintained at all times during Engineer's performance under the Agreement, and for a period of five years following completion of the work by Engineer and its acceptance by Owner.

11.2. Engineer shall deliver to Owner written evidence of the above insurance coverages, including the required endorsements, prior to commencing work under the Agreement; and the production

of such written evidence shall be an express condition precedent, notwithstanding anything to the contrary in the Agreement, to Engineer's right to be paid any compensation under the Agreement. Moreover, Engineer shall provide Owner with evidence, on a semi-annual basis, that Engineer has maintained the insurance coverages required in this Section 11 for all prescribed periods. Owner's and/or Owner's failure, at any time, to object to Engineer's failure to provide the specified insurance or written evidence thereof (either as to the type or amount of such insurance), shall not be deemed a waiver of Owner's right to insist upon such insurance later.

11.3. Engineer shall maintain all of the foregoing insurance coverages until the work under the Agreement is fully completed by Engineer and accepted by Owner except as to (1) the Products and Completed Operations coverage under the GENERAL LIABILITY INSURANCE, which shall also be maintained for a period of ten years following completion of the work by Engineer and its acceptance by Owner, and (2) ERRORS AND OMISSIONS INSURANCE, which shall also be maintained for a period of five years following completion of the work by Engineer and its acceptance by Owner., if such coverage is reasonably available.

11.4. The insurance requirements in this section shall not in any way limit, in either scope or amount, the indemnity obligations separately owed by Engineer to Owner under this Agreement.

11.5. If Engineer fails to secure and maintain the required insurance, Owner shall have the right, but not the obligation, to secure same for Engineer, in which case Owner can either (1) deduct the premium costs for such insurance from monies otherwise owed to Engineer under this Agreement, or (2) charge Engineer for such premium costs paid or incurred by Owner.

11.6 The Engineer and its Subconsultants shall name the BBGHAD, its Board, and the TPOA as an additional insured on its insurances policies required under this Agreement, with the exception of professional liability and workers compensation. In the event a Subconsultant is unable to satisfy insurance requirements, such requirements may be revised, subject to the written approval of the Owner, which shall not be unreasonably withheld.

12) INDEMNIFICATION


12.1 Engineer shall indemnify, defend and hold harmless Owner and all its directors, officers, managers, partners, members, agents, and employees, and their respective affiliates (collectively, "Owner Parties") from and against any and all claims, demands, suits, actions, losses, claims, liabilities, injuries, costs and expenses to the extent arising out of, caused by, or related to Engineer's or its employees', agents' or sub-consultants' negligent acts, errors or omissions relating in any way to the Work. Engineer's duty to indemnify the Owner Parties shall not exist if the alleged injuries or damages sustained by the claimant are the result solely of Owner's gross negligence or willful misconduct. This indemnification provision shall survive the expiration or termination of this Agreement.

12.2 Notwithstanding any other provision of this Agreement, neither the Owner nor the Engineer shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages of any nature (regardless of whether such damages are alleged to have risen from negligence; breach of contract; or other act, error or omission, or from any other cause whatsoever; or any combination of the foregoing) including but not limited to diminished values of properties arising out of or connected in any way the Project or to this Agreement.

12.3 To the maximum extent permitted by law, Consultant's liability for damages incurred by Owner shall be capped at the greater of (a) Three Million Dollars (\$3,000,000), or (b) the amount of the Engineer's fees earned and payable hereunder.

13) TERMINATION

13.1 In the event Engineer makes an assignment for the benefit of creditors, files a petition of bankruptcy, has a petition of bankruptcy filed against it, suffers or permits an attachment, levy, or



execution to remain against any materials or monies due the Engineer, Owner shall be entitled to cancel this Agreement forthwith in addition to any other remedies Owner may have by this Agreement or by law provided.

13.2 In the event the construction project, which is the subject of this Agreement, is terminated prior to its completion, Engineer shall be entitled only to payment for the work actually completed by it at the pro-rata of the Agreement Price set forth herein.

13.3 Owner reserve(s) the right to terminate this Agreement with or without cause, and Engineer reserves the right to terminate this Agreement with cause, with seven (7) calendar days written notice. In the event of termination without cause, Engineer shall be entitled to payment for all services rendered and all reimbursable costs incurred by Engineer up to the date of termination, in accordance with the payment provisions of this Agreement. Prior to Owner terminating this Agreement for cause, Owner shall provide written notice to Engineer specifying the basis for the termination of this Agreement, and Engineer shall have fifteen (15) days to cure or correct the matter, to Owner's sole satisfaction, in which case the Agreement may continue, or Owner shall have the right to terminate the Agreement, but such termination shall be deemed a termination without cause.

13.4 In the event this Agreement is terminated for cause, Engineer shall be entitled to payment for all services rendered and all reimbursable costs incurred by Engineer up to the date of termination, less damages incurred by Owner as a result of the actions giving rise to Engineer's termination for cause, including costs and expenses incurred by Owner for corrective work necessitated by Engineer's errors or omissions. Owner shall have the right to withhold final payment pending Owner's determination of such damages that Owner is likely to incur.

13.5 Engineer shall promptly, at no cost to Owner, correct work failing to conform to the requirements of this Engineering Agreement, whether observed before or for a period of one (1) year after completion of the services called for in this Agreement. If Engineer, within five (5) working days of receiving written notice of Owner's request for such correction(s), fails to initiate such correction(s), Owner may make any necessary corrections, in which case Engineer shall, in addition to all other remedies available to Owner under this Agreement and under the law, reimburse Owner for all such corrective work within ten (10) days' written notice by Owner to Engineer requesting same.

13.6 In the event Owner fails to make any payments provided herein when payable as provided above or otherwise causes a breach of this Agreement. Engineer may upon not less than fourteen (14) days' written notice to Owner terminate this Agreement, and termination may only proceed if Owner fails to make such payment within fourteen (14) days after receipt of such written notice or cure the breach.

13.7 Engineer shall insert into all contracts it enters into with consultants and/or subcontractors, the termination provisions set forth in this Section 13.

13.8 In addition to the ability of the Owner to terminate this Agreement for cause, as set forth in Paragraph 13.3 above, the Owner shall have the right to terminate this Agreement without cause at any time by giving the Engineer five (5) days written notice. Upon receipt of such notice, the Engineer shall immediately terminate performance of its services under this Agreement and make every reasonable effort to mitigate the Owner's losses as a result of such termination. Upon such termination without cause, the Engineer shall retain all sums of money paid to the Engineer through the date of notice of termination, and the Owner shall pay to the Engineer (i) all retention, if any, then held by the Owner, and (ii) a sum of money equal to the cost of all services performed by the Engineer for which payments have not then been made. Following the effective date of such termination, the Engineer shall have no further liability under this Agreement other than with respect to matters which occurred and services which were performed prior to such effective date. If this Agreement is terminated without cause, all liability of the Owner to the Engineer shall cease and be extinguished except for the Owner's obligation to pay the Engineer the amounts set forth in this Paragraph.

14) MISCELLANEOUS

14.1 Owner shall have the right to increase or decrease the scope of services and work to be



provided by Engineer, upon mutual agreement with Engineer. All such modifications to this Agreement shall be in writing and in the event that Owner increases the scope of services or work, Engineer's compensation shall be modified accordingly.

14.2 Neither party shall be liable for delay in performing or failure to perform obligations under the Contract if the delay or failure results from events or circumstances that: (i) are outside its reasonable control and/or (ii) could not have been reasonably foreseen in the exercise of ordinary care.

14.3 Both Engineer and Owner shall be deemed to have cooperated in the drafting of this Agreement. Therefore, no ambiguity in this Agreement (if any exists) shall be construed against either Engineer or Owner.

14.4 This Agreement and any addendum or modification thereto shall be interpreted in accordance with the laws of the State where the Project site is located, and venue for any action or proceeding arising out of or related thereto shall also be where the Project site is located.

14.5 The use of paragraph headings or titles in this Agreement shall not in any way serve to limit or restrict the rights or obligations contained in this Agreement.

14.6 Any dispute or claim arising out of this Agreement shall be resolved as follows: Owner and Engineer will first attempt to negotiate in good faith to resolve the dispute. If negotiations are unsuccessful, Owner and Engineer agree to submit to one half-day mediation session before a professional mediator experienced in the subject matter of the dispute. In the event the dispute or any issues remain unresolved following such mediation, the disagreement shall be decided by such remedies of law as they are available to the parties. This Agreement shall be governed by the laws of the State of California.

14.7 This Agreement may be executed in any number of identical counterparts, each of which shall be an original, but all of which, together, shall constitute one and the same document. Delivery of facsimile or "PDF" copies of executed signature pages of this Agreement shall have the same effect as originals.

ENGINEERING FIRM:

Moffatt & Nichol

By: *A. M. Nichol*

Name: *John A. McCloskey*

Its: *B.U.L.*

OWNER:

Broad Beach Geologic Hazard Abatement District

By: *Norton S. Karno*

Name: *NORTON S. KARNO*

Its: *CHAIRMAN OF BOARD OF DIRECTORS*

EXHIBIT "A"

SCOPE OF WORK, SCHEDULE AND FEES EXHIBIT A SCOPE OF SERVICES

PHASE 2 – FIELD INVESTIGATIONS

The goal of this phase is to perform the field investigations and studies required to advance the project design to the 30% stage to allow the BBGHAD to select an alternative for the Final Engineering and provide supporting documentation for the regulatory process. All of these Phase 2 tasks were initiated and significant efforts completed under the prior TPOA amended contract. The following summarizes remaining scope items to be completed under the new BBGHAD contract.

NOTE: SINCE ALL PHASE 2 WORK COMPRISES FIXED SCOPE AND DELIVERABLE EFFORTS, THESE TASKS ARE CONTRACTED ON A FIXED-PRICE BASIS.

Task 2.3 – Beach Profile Surveying in Spring and Fall Seasons – Continue to survey beach sand profiles in the spring and fall seasons at five locations along Broad Beach. Beach profiles extend from the landward extent of the dune out to a water depth of 30 feet relative to Mean Lower Low Water (MLLW). This is the active beach zone that experiences both seasonal and annual shifts that are critical to quantify for design and regulatory purposes. These data are useful for tracking the movement of the position of the shoreline over time, and for estimating changes in beach sand volume over time and space when combined with the aerial photography analysis. Rates of sand loss from the beach or gains to the beach can be accurately estimated from these data. They are one of the most useful planning and design data sets, and will be the primary future monitoring requirement of several permit agencies.

Beach profiles were measured in fall 2009, fall 2010, and spring and fall 2011. One more set of beach profiles is scoped to be measured in spring 2012. A fall 2012 survey will need to be commissioned at a later date to represent the pre-construction condition, assuming a fall/winter start-up. The agencies will also require monitoring after construction, and the total duration of monitoring will be specified as permit conditions for the project. The beach profiling will be completed by the Coastal Frontiers Corporation. Reports will be provided upon completion of each profile survey.

Task 2.4 – Biological Assessments

- A. ***Survey Biology of Two Sand Source Sites*** – The prior TPOA amended contract included a biological survey of one sand borrow site. The project has now been refined to include two offshore sand borrow sites: Offshore Dockweiler for coarse beach sand and offshore Trancas for finer dune restoration sand. Efforts by the marine biology subconsultant – Chambers Group Inc. (CGI) - include characterization of marine biological resources at the offshore sand source sites (referred to as "borrow areas"). Each borrow area will require one day to survey and the survey will consist of two to four SCUBA dives. CGI will take diver core samples to characterize the biological community in a lab. Fifteen 10 centimeter-by-10 centimeter diver cores will be gathered in each borrow area. Cores will be sieved through a 1 millimeter mesh screen. CGI will prepare a report of the findings that will be sufficient for use in permitting and environmental review. Data in the report will also be extremely useful in determining potential constraints in concept design. The report will be provided as electronic and hardcopy and data will be archived in the

project Geographic Information System (GIS) data base developed by M&N, and made available to the BBGHAD.

- B. *Conduct Broad Beach Dune and Habitat Assessment Reconnaissance* – WRA completed their initial report identifying and characterizing native dune habitat for the purpose of developing an initial constraints map for planning purposes. The purpose of the report was to provide descriptions of the on-site native dune habitat, and report any sensitive species or other sensitive habitats (ESHA's). Based upon agency input, additional special status plant field surveys and reporting were required and are included in this scope.

Task 2.5 – Bathymetric Survey of Borrow Sites - A hydrographic survey of the sand borrow sites and discharge pipeline corridor off Broad Beach will need to be conducted in early 2012. The present contract can be amended at that time to include this effort.

Task 2.6 – Archeological Assessment of Borrow Site Material – The EIR requires an assessment of potential borrow site material to investigate the existence of any archeological resources such as shipwrecks, bones, etc. The subconsultant responsible for this work is Professor John Hildebrand of Scripps Institution of Oceanography.

PHASE 3 – PROJECT ENTITLEMENT

Phase 3 work includes providing technical support as well as coordination / facilitation of project entitlement, including acquisition of permits and the environmental review process.

NOTE: SINCE ALL PHASE 3 WORK COMPRISES AS-NEEDED SUPPORT WITHOUT A CLEAR DEFINITION OF EFFORT AND SCOPE, THESE TASKS ARE CONTRACTED ON A TIME-AND-MATERIALS BASIS PER THE ATTACHED RATE SCHEDULE.

Task 3.2 – Apply for Permits – The following permits will be required for project entitlement and are in various stages of completion / review:

- A. *Coastal Development Permit (CDP) from the City of Malibu* - This permit will cover all work performed within the Coastal Zone landward of the Mean High tide Line (or MHTL, approximately above an elevation of +5' above Mean Lower Low Water, or MLLW), which is within the City's approved Local Coastal Plan (LCP) jurisdiction. An abbreviated project description will be prepared sufficient for this application that will enable the City to solicit services of an environmental planning firm to prepare the CEQA/NEPA document. The project description will include a long-term plan for the beach, and presentation of project alternatives. All components of the project will be included in the Project Description.
- B. *Encroachment Permit from the County of Los Angeles* - This permit is required to work within land owned or administered by the County of LA. It includes public access ways at Broad Beach, and the parking area along Zuma Beach.
- C. *Coastal Development Permit from the California Coastal Commission (CCC)* - The CCC's jurisdiction for this project is seaward of the MHTL (below +5' MLLW), but they can also appeal the City's CDP for certain areas above the jurisdictional line.
- D. *Section 401C Water Quality Certification from the Regional Water Quality Control Board* - This permit covers work within waters of the U.S., which includes lakes, streams, groundwater and the ocean below the MHTL.
- E. *Lease of State Lands from the California State Lands Commission (CSLC)* - This covers work seaward of the MHTL (below +5' MLLW).
- F. *Sections 10 and 404 Permit from the U.S. Army Corps of Engineers* - These permits are required for any work within waters of the U.S. (i.e., ocean) below the MHTL. No fee is required.

Task 3.3 – Follow-up with Permit Agencies During Processing – M&N will continue to follow-up with each of the permitting agencies during processing to expedite processing and respond to requests for additional information, as needed.

Task 3.4 – Attend Meetings with Agencies – M&N will continue to attend meetings with the agencies as needed to discuss the project and any controversial issues that may arise.

Task 3.5 – Attend Hearings – M&N will attend agency hearings to present the project and answer technical questions if they arise. The City, the CCC and the CSLC all require that the project be brought before the public for approval. A total of one hearing is assumed for each agency, for 3 hearings total to be attended.

Task 3.6 – Perform Environmental Review - The project must comply with the California Environmental Quality Act (CEQA). As the lead agency under CEQA, the CSLC has hired a consultant to prepare the EIR. M&N and our team of subconsultants will continue to provide technical support and represent the BBGHAD's interests, and to proactively manage environmental impacts and mitigation requirements. Specific scope items include providing ongoing technical documentation, attend on-site and coordination meetings and telecoms, ongoing refinement of the Project Description, review and response to comments by reviewing agencies and the public, and provide consultation and review of documents prepared by the EIR consultant on the BBGHAD behalf.

PHASE 4 – PRELIMINARY ENGINEERING AND SCHEMATIC DESIGN

NOTE: SINCE ALL PHASE 4 WORK COMPRISES FIXED SCOPE AND DELIVERABLE EFFORTS, THESE TASKS ARE CONTRACTED ON A FIXED-PRICE BASIS.

Task 4.1 – Evaluation of the Causes of Erosion – This task was identified at 95% complete under the prior TPOA amended contract. Remaining effort includes completion of the technical report summarizing the findings. This technical report will be submitted as part of the overall EIR supporting technical documentation.

Task 4.2 - 30% Engineering Design Of Project Elements – This task was completed under the prior TPOA amended contract, except for preparation of the schematic design for the dune restoration element of the project. This effort will be provided by WRA and will include the following work products:

- Schematic / illustrative grading plans for two prototype dune areas
- Schematic / illustrative cross sections for two prototype dune areas
- Proposed topographic contours and site plan layout in AutoCAD
- Plant palette and associated plant photographs
- Technical memorandum summarizing the schematic design – draft and final.

**EXHIBIT B
FEES**

PHASE/TASK NO.	TASK DESCRIPTION	BUDGET AMOUNT	FEE BASIS
2.0	FIELD INVESTIGATIONS		
2.3	BEACH PROFILE PROGRAM	\$11,880	FIXED FEE
2.4	BIOLOGICAL ASSESSMENTS	\$42,130	FIXED FEE
2.6	ARCHEOLOGICAL ASSESSMENT OF BORROW MATL	\$10,000	FIXED FEE
3.0	PROJECT ENTITLEMENT		
3.2	APPLY FOR PERMITS	\$25,000	T&M
3.3	FOLLOW-UP W AGENCIES DURING PROCESSING	\$50,000	T&M
3.4	ATTEND MEETINGS W AGENCIES	\$10,000	T&M
3.5	ATTEND HEARINGS	\$12,000	T&M
3.6	ENVIRONMENTAL REVIEW - SUPPORT EIR/EA PROCESS	\$168,000	T&M
4.0	PRELIMINARY ENGINEERING & SCHEMATIC DESIGN		
4.1	EVALUATE CAUSES OF EROSION	\$7,000	FIXED FEE
4.2	30% ENGINEERING DESIGN	\$25,000	FIXED FEE
	TOTAL	\$361,010	

RATE SCHEDULE FOR PROFESSIONAL SERVICES

	<u>CLASSIFICATION</u>	<u>HOURLY RATES</u>
PROFESSIONALS	Supervisory Engineer/Scientist	\$ 215.00
	Senior Engineer/Scientist	\$ 197.00
	Engineer/Scientist III	\$ 185.00
	Engineer/Scientist II	\$ 164.00
	Engineer/Scientist I	\$ 143.00
	Staff Engineer/Scientist	\$ 114.00
TECHNICIANS	Senior Technician	\$ 158.00
	Designer	\$ 147.00
	CADD II	\$ 121.00
	CADD I	\$ 92.00
CLERICAL	Word Processing	\$ 92.00
	General Clerical	\$ 74.00
SPECIAL	Principal Engineer/Scientist	\$ 240.00
	Court Appearances	\$ 300.00

REIMBURSABLE EXPENSES (Unless Otherwise Provided in Written Agreement)

Subcontracts or Outside Services		Cost +10%
Reproductions	-In House	
	Mylar Plots (B/W)	\$2.00/SF
	Color Plots	\$4.00/SF
	Vellum Plots (B/W)	\$1.00/SF
	Bond Plots (B/W)	\$0.50/SF
	Drawing Reproduction	Cost +15%
	Document Reproduction	\$0.10/sheet
	-Outside Reproduction	Cost +15%
Travel	Company Auto	Prevailing IRS
	Rental Vehicle	Cost
	Airfare	Cost
	Meals and Lodging	Cost

AGENDA ITEM 11a.

**Broad Beach GHAD
Cash Flow**

Cash in Bank : 5/31/12 532,248.10

Sources of Cash:

Advances from Individual Homeowners (Actuals)-Jun 18,000.00

All Invoices Paid thru 6/30/12

Oct/Nov Invoices

Paid

Morgan Miller Blair	13,189.25	6,689.25
Moffatt & Nichols		23,524.31
ENGEO		2,012.50
State Lands Comm-Consulting Costs		14,701.00
Wendel Rosen		304.50
Verizon		37.64
California Coastal Commission		40,000.00
State Water Resources Control Board		58,340.00
Square Space-Web site expenses		170.00
Barbara Hamm-reimb Time & Expenses Mar & Apr		
Bank charges-cks and endorsement stamp		

Cash Paid Out (139,089.95)

Cash Balance as of 6/30/12 411,158.15

Sources of Cash:

Advances from Individual Homeowners

Current Payables in hand:

ENGEO	3,725.00
Jeffer Mangels	100,873.66
Moffatt & Nichol	40,761.03
Wendel Rosen	174.00
State Lands Commission	29,799.39
Verizon	38.03
Topanga Underground	
Total Invoices Due	(175,371.11)

Estimated Cash on Hand - 7/22/12 235,787.04

Forecasted Invoices thru July

Moffatt & Nichols	58,238.97
ENGEO	3,775.00
State Lands- AMEC Earth & Environ	23,957.61
Administration	3,826.00

Total Forecasted (89,797.58)

Estimated Cash on Hand - 7/31/12 145,989.46

Broad Beach GHAD
 Projection thru 12/31/12
 AS of: 7/20/22

	Costs/Cash Transferred, 2011	Actuals Paid Nov & Dec, 2011	Actuals Paid JAN - JUN, 2012	Projection Jul, 2012	Projection Aug, 2012	Projection Sep, 2012	Projection Oct, 2012	Projection Nov, 2012	Projection Dec, 2012	Totals
Uses:										
Expenses transferred from FS acct-2011	2,332,211									2,332,211
Moffatt & Nichols-Approved		40,000	132,702							172,702
Moffatt & Nichols-Projected		64,063	223,250	39,000	43,000	30,000	17,000	17,000	65,000	498,313
Moffatt & Nichols-Final Engr & Constr Documents/Bid				60,000	60,000	45,000	25,000	20,000		210,000
Moffatt & Nichols-Constr Support/Mgmt/Monitor/Surveys								100,000	150,000	250,000
Project Construction-Hard Cost										-
Project Construction-20% Contingency										-
GHAD Bond Legal										-
GHAD Bond Underwriting										-
Jeffer Mangels		75,000	379,169	100,874	40,000	40,000	40,000	40,000	40,000	755,042
ENGEO		16,077	29,604	7,500	7,500	7,500	7,500	7,500	7,500	90,681
Morgan, Miller & Blair			13,189							13,189
Beil,McAndrews & Hiltachk			2,500							2,500
Wendel Rosen			39,624	174						39,798
Colantuono & Levin, PC			1,945							-
PSOMAS										-
Fee-City of Malibu										-
Fee- Coastal Commission			40,000							40,000
Fee-Water Board			58,340							58,340
Fee-Fish & Game					7,172					7,172
Fee-Army Corp of Engr ?										-
Fee- LA County Fees for using Bulldozer on beach?										-
Fee- State Lands Commission additional Permit fees										-
State Lands Comm-Staff Costs		10,067	45,975	23,958	10,000					90,000
EIR Consultant- AMEC Earth & Environ			91,185	29,799	107,520	138,161				366,666
Quality Mapping			1,176							1,176
Topanga Underground			7,000							7,000
AON-E&O Insurance										-
Office / Phone/Web Site/Coping/Transcripts			5,331	38						5,369
Accounting Administration			9,041	3,826	1,800	1,800	1,800	1,800	1,800	21,867
Soft Cost Contingency										-
Total Uses	2,332,211	205,207	1,080,030	285,169	276,992	282,461	91,300	188,300	264,300	4,962,026
Sources of Cash:										
Advances from Individual Homeowners (Actuals)	1,580,278	66,250	1,370,500							3,017,028
Add Advances from Individual Revetment Homeowners	261,579									261,579
Advances from TPOA General Fund	550,000	200,000								750,000
GHAD Bond										-
GHAD ASSESSMENTS										-
Additional Source of Cash-Line of Credit/loan										-
Repayment of Advances to Homeowners										-
Repayment of Advances to TPOA General Fund										-
Total Sources	2,391,857	266,250	1,370,500	-	-	-	-	-	-	4,028,607
Cummulative Running Balance	59,645	120,689	411,159	145,989	(131,003)	(393,464)	(484,764)	(671,064)	(935,364)	(933,419)

Budgeted Time Frames assume GHAD Bond closing in Dec, 2012 and Start of construction Feb, 2013
 Assumes GHAD assessments to HO to start in Dec 2012