D. Woolley & Associates
LAND SURVEYING AND MAPPING

May 2, 2016

To Whom It May Concern:

I am a licensed professional land surveyor and owner/principal of D. Woolley & Associates, Inc. ("D. Woolley"). My Curriculum Vitae is attached to this letter as **Exhibit 1**.

I am intimately familiar with the area on which the property owned by Ms. Rickley and Ms. Roit (the "Subject Property") is located. D. Woolley has performed surveys on the Subject Property, and the adjoining properties. D. Woolley was also part of the court approved and sanctioned professional team involved in remediations done on the property located at 3925 Malibu Vista Drive (the "Goodfriend Property") in 2012 and 2014 as well as the installation of the SWPCP measures on the property located at 18460 Coastline Drive (the "Yazdani/Yang Property"). D. Woolley's work on these properties has included several detailed surveys over the last ten (10) years. Thus, my knowledge of this area includes personal observations, boundary surveys, monitoring surveys, and topographical mapping, research and analysis.

During my work on the hillside where these properties are located, Judge Norman Tarle (presiding over a portion of the corresponding litigation), needed to address slight differences among various professional land surveyors' work product, including surveyors for Caltrans and the State of California. I worked with the different private surveying companies and Caltrans survey personnel to find and resolve slight variations in the properties' land surveys, as is common in survey practice. In working with these professionally licensed individuals and comparing and contrasting our data and techniques, ultimately it was confirmed that D. Woolley had accurately mapped the hillside. I am proud to say that, on multiple occasions, D. Woolley's land surveys were adopted by the Court.

While slight differentiations in land surveys are sometimes encountered and resolved by expanding mapped areas to points which can be relied upon and cross-referenced (i.e. a more intricate and advanced survey), the mapping of the bluffs for these properties is simplistic and can be verified by decades of topographic maps. The mapping of these bluffs should never be in error, let alone in gross error.

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The County Regional Planning Department seeks to rely on a bluff map asserting that the proposed remedial pile project on the Subject Property is within 50 feet of the coastal bluff. A copy of this County Bluff Map ("County Bluff Map") is attached hereto as **Exhibit 2**. In addition to this County Bluff Map, I have also been provided with definitions of bluff, bluff edge, and coastal bluff. It is my opinion and that the County Bluff Map (**Exhibit 2**) is grossly inaccurate. The basis of my opinion is clearly demonstrated in the referenced exhibits.

Attached hereto as **Exhibit 3** is a bluff map I prepared ("Woolley Bluff Map") based on topographical surveys performed by D. Woolley agreeing with the plethora of maps that I reviewed in this area (as well as the information I possess through my extensive experience at the Subject Property). As can be discerned from the Woolley Bluff Map, the Subject Property project is ***not*** within 50 feet of the coastal bluff. In fact, it is not within 100 feet of the coastal bluff. Indeed, this is a straightforward matter. Standing on the bluff edge and using a tape measure, a person can demonstrate the gross inaccuracy of the County Bluff Map. This is more clearly demonstrated by the "Bluff Photo Exhibit" I have prepared and attached to this letter as **Exhibit 4**.

The County's error is several-fold. Primarily, the County is relying on a map with minimal detail being used for a purpose not intended. For instance, the most detail that could be gleaned from the County's map are contours with 2 foot spacing. In contrast, D. Woolley's contour map has one-half foot contours. Additionally, the County has presented a map taken from a perspective several thousand feet above the properties that encompass Pacific Coast Highway, Topanga Canyon Boulevard, a major portion of Sunset Mesa and the descending coastal and canyon hillsides. Viewing the County's map (at the neighborhood level and not the project level), it is understandable how the County would mistake the mere presence of contours as being the top of the bluff. However, that mistake is below the standard of care in professional land surveying in determining the top of the bluff.

Working with generalized, imprecise data what the County has created is an arbitrary "top of bluff" that is not only inconsistent with conditions on the ground, but also inconsistent with the requirement that the County make these determinations location specific. In this case, the true grade break, defining the top of bluff, exists approximately 20 feet outside of the property line of the Subject Property. Had the County taken the minimal step, once their information was questioned, of merely zooming in at lot level of the County's topographic map (dealing with the individual lot versus drawn when looking at the entire neighborhood, i.e., the data in their possession), any reasonably competent land surveyor would have recognized his/her error and corrected it. Compounding the issue is the fact that these determinations are often made by planning staff who, in most instances, are not licensed land surveyors.

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To further illustrate my point, please refer to **Exhibit 4** (the Bluff Photo Exhibits consisting of three (3) photos and an exhibit generated from the County GIS-NET 3 website map delineating the locations where each of the 3 photos was taken, sheet 1 of 4). The first of the three photos, sheet 2 of 4, is taken standing on Pacific Coast Highway looking up to the bluff edge. I have delineated the chain link fence with a D. Woolley employee standing on the ocean side of the fence. For clarity, and as demonstrated in my mapping exhibit, the fence line does not denote the property line or the top of bluff. The second photo, sheet 3 of 4, shows the reverse image, i.e., from near top of bluff looking down to PCH and photo point A, with the same chain link fence in the foreground. The third photo, sheet 4 of 4, shows the lower lot of the Rickley/Roit residence standing in approximately the same location as where the County draws its 50 foot offset line and approximately 150 feet from the actual bluff edge. Additionally, the photo contains a line depicting the claimed coastal bluff edge – not the 50 foot offset – per the County Bluff Map. As is apparent, this line is not and cannot be the bluff edge, and this erroneous drawing of a bluff edge should be corrected by the County.

I am happy to speak with the County's personnel who devised the County Bluff Map, and provide any information in D. Woolley's possession. I am confident that these errors can be resolved in short order. I frequently work with government agencies, and I would be willing to assist the County in this straightforward matter - free of charge.

I was also provided with the "H1" mapping prepared by the County ("County H1 Map"). As a preliminary matter, unfortunately, the County H1 Map is below the standard of care in the land surveying industry. (For example, it places an H1 habitat over Pacific Coast Highway and on the roof of a gas station.) It would be imprudent for anyone, let alone a governmental entity, to utilize this map, especially when fees are collected and people's property rights are impacted. Additionally, it is my understanding that the County H1 Map is intended to reflect a protected habitat. I have worked on the Subject Property for at least ten (10 years), and, in that time, the lower lot has always been landscaped with ice plant and a few palm trees.

Turning to the Yazdani/Yang Property, I originally conducted a survey/topography of this property after then owner Yazdani conducted an illegal grading project. I compared the survey done by D. Woolley with a prior survey performed by Arthur Gapasin (commissioned by owner Yazdani). The grading far exceeded the County Code 50 cubic yards exemption by 6-fold, and additionally, exceeded the exempt contour modification as the illegal grading with lifts up to 3 feet in height.

One of the issues requiring investigation was a negative soil quantity of 200 cubic yards between the two surveys. It was apparent that the whaler wall built by Caltrans, which wraps the toe of the hill beneath these properties, was visually discernible under all properties with the exception of the Yazdani/Yang Property. In a subsequent survey, I was able to determine that 270 of dirt

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completely covered Caltrans whaler wall. That data lead me to conclude that the soil from the Yazdani/Yang Property was pushed over the bluff edge.

Additionally, when D. Woolley surveyed the Yazdani/Yang Property, it was utilized as trash storage. Prior to the Yazdani ownership and as reflected in photographs which predated my experience at the Yazdani/Yang Property, the property's original owner (dating back to 1960s), Edward Stanger, had landscaped this property with fruit trees, pine trees, oleanders, and vegetable gardens. After the denuding of the Stanger landscaping by the illegal grading, the SWPCP measures were subsequently installed and remain in place, covering the hillside with visqueen, jute net, sandbags, and silt fencing. The property remains in this state today.

Therefore, it is my professional opinion, that the County H1 Map is inaccurate and does not reflect the conditions on the ground in the past or in the present. If you have any questions regarding this letter or my opinions, or if you need additional information, please call (714) 734-8462 or email me directly at DWoolley@DWoolley.com.

Sincerely,
D. Woolley & Associates, Inc.

David E. Woolley
President and Owner

DEW:cr

Enclosures

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EXHIBIT 1

CURRICULUM VITAE

David E. Woolley

Certified Fraud Examiner
Professional Land Surveyor
D. Woolley & Associates, Inc. (dwoolley.com) and
Harbinger Analytics Group (harbingerag.com)
2832 Walnut Avenue, Suite A, Tustin, California 92780
Tel: 714-734-8462
dwoolley@dwoolley.com

PROFESSIONAL LICENSES

- Certified Fraud Examiner
- California Professional Land Surveyor ("PLS") License No. 7304
- Nevada Professional Land Surveyor License No. 13299

Mr. Woolley is the only Certified Fraud Examiner and Professional Land Surveyor in the United States.

AFFILIATIONS

- Association of Certified Fraud Examiners – Associate Member
- California Land Surveyors Association (CLSA) - Orange County Chapter President 2012, 2014; Legislative Chairman 1999 - Present
- CLSA – Director 2002-Present
- CLSA State Legislative Committee - Member
- CLSA Professional Development Program - Member 2010-2011
- Land Surveyors Advisory Council on Technical Standards (LSACTS) – Vice Chair
- American Council of Engineering Companies (ACEC) – Member

PROFESSIONAL EXPERIENCE

President/Owner:	Harbinger Analytics Group, Tustin, CA (2010 to Present)
President/Owner:	D. Woolley & Associates, Inc., Tustin, CA (2003 to Present)
Vice President:	Johnson-Frank & Associates, Anaheim, CA (1998-2003)
Chief of Parties:	Huitt-Zollars, Irvine, CA (1997-1998)
Surveyor's Office:	County of Orange, Santa Ana, CA (1988-1997)

NOTABLE ACCOMPLISHMENTS

Labor Compliance: Mr. Woolley has extensive hands on experience and legal knowledge of labor law compliance obtain through paying prevailing wages correctly for many years, employee management and legal research and writing.

Complex Boundary and Title Review Issues: A cornerstone for D. Woolley & Associates is the ability to resolve complex boundary and title review issues and providing surveys for people involved in litigation. Acting extensively as an expert witness and consulting expert, David Woolley assists attorneys in understanding and analyzing real property boundary and land title issues, fraud, standard of care and professional negligence issues.

Peer Consultant: Mr. Woolley is recognized throughout California as a boundary and title expert. He is often asked to review and/or perform surveys for other professional land surveyors, particularly when such projects may be subject to litigation.

SPECIALIZED COMPETENCE

Expert: Land surveying; labor compliance and payment of prevailing wage, standard of care/negligence; land title; construction surveying; boundary line determination and analysis; boundary disputes; deed/contract interpretation; boundary reconstruction; easement analysis and construction; map preparation, the California Business & Professions Code and the Subdivision Map Act; ALTA surveys; documentation of construction defects; settlement/displacement surveys.

Mediation: Mr. Woolley has sought additional education and certification from UC Irvine. He saw the value in mediating (alternative dispute resolution or ADR) between conflicting parties. This allows the most knowledgeable boundary person (the surveyor) to assist the parties in boundary resolution without costly litigation - valuable for the client as well as the attorneys. Land title problems often involve boundary disputes between neighbors that can become very emotional, very quickly. With mediation training, he has been able to work with the parties and their counsel to come to a resolution both parties can live with without the need to lengthy and expensive civil litigation.

Certified Fraud Examiner: Mr. Woolley completed his Certified Fraud Examiner training in July 2010 and has utilized this training extensively in his work for D. Woolley and for Harbinger Analytics Group during investigations of land title problems, mortgage fraud and what is wrong with the entire MERS system. This training is also crucial for investigation and analysis of labor compliance by contracting firms.

SELECTED AUTHORED PUBLICATIONS

MERS: The Unreported Effects of Lost Chain of Title on Real Property Owners, Hastings Business Law Journal (Summer 2012) by David Woolley and Lisa Herzog.

Adam Levitin, Georgetown Law Professor and nationally recognized author on mortgage fraud, quoted the Hasting Business Law Journal article written by David Woolley and Lisa Herzog in his recent Duke University Law Review article.

Published under Land Surveyors Advisory Council on Technical Standards (LSACTS)

- *Land Surveyor Liability* (May 2010)
- *Land Surveyor Liability, A Land Surveyor's Guide to Defamation and Free Speech* (August 2010)
- *Ground Leases/Leasehold Estates and the Surveyor* (December 2010)
- *Land Surveyor Liability, The Land Surveyor As An Expert Witness In Litigation - Procedures, Techniques, and Liabilities* (January 2011)
- *California Licensee Employee Liability* (2011)
- *Land Surveyor Negligence* (December 2012)

BACKGROUND AND HONORS

* Geophysical Surveying Curriculum
  National College, Rapid City, South Dakota

* Land Surveying Curriculum
  Santa Ana Community College, Santa Ana, California

* Legislative Chairman California Land Surveyor's Association
  Orange County Chapter (1999-Present)

* Authored Assembly Bill 557 (AB 557)
  Modifying the Subdivision Map Act (1993)

* Consultant to Professional Land Surveyors (Peer to Peer)
  On boundary, mapping , title, and survey analysis (Ongoing)

* CLSA Professional Development Program
  One of 25 Land Surveyors to complete the program (2010- 2011)

* Authored Assembly Bill AB1855
  Modifying sections of the Business & Professions Code (2014)

* Currently Opposing Two Proposed Changes to Title 16 of the California Code of Regulations
  Dealing with professional licensee discipline becoming tied to "Crimes and Acts" without a court conviction in violation of due process rights (2014 – Present).

CLASS INSTRUCTOR FOR

Engineering 118 and 119
18 week course, Rancho Santiago Community College, Santa Ana, California,
1991 - 1996

Ethics, Standards of Care and the Business & Professions Code for the California Land Surveyor
8 week course, Rancho Santiago Community College, Santa Ana, California.
2009 – Present

EXPERT TESTIMONY

Mr. Woolley has been qualified as an expert witness to testify at trial in both California and in the United States Federal Courts. Most notably, in 2012, Mr. Woolley served as an expert witness for the United States in a case with damages in the hundreds of millions of dollars. The 40+ land surveying cases that Mr. Woolley was retained for involved:

- Encroachments
- Trespass
- Landslide
- Surveyor negligence and standard of care
- Q&A for depositions
- Preparation for deposition
- Real Estate Fraud
- Review of deposition transcripts
- Writing technical reports
- Technical review of settlement documents
- Preparing declarations
- Exhibits
- Trial preparation

PRO BONO HIGHLIGHTS

Pro Bono Services:
D. Woolley regularly performs pro-bono surveys for members of the public that may not be able to afford a property survey.

California State Senator, Bob Margett:
D. Woolley conducted a survey for constituent, Mr. Ewing Chow.

Orange County Council Boy Scouts of America, Costa Mesa, CA:
Mr. Woolley assisted Troop 90 in receiving their Surveying Merit Badge in January 2010.

GUEST LECTURER

Pepperdine University:

In Fall 2010, Mr. Woolley was a guest speaker for "*Managing Within The Legal, Ethical and Governmental Environment*" at Pepperdine University Graziadio Graduate School of Business and Management. He spoke about the history of the land title system and real property case history.

Federal Employment and Housing Administration (FEHA):

In 2012, Mr. Woolley was invited to and spoke at a closed and confidential conference sponsored by the Federal Employment and Housing Administration attended by FEHA Investigators, FBI Agents, Secret Service Agents, U.S. Attorneys and other government officials. In attendance at three sessions involving residential mortgage backed securities, Mr. Woolley taught about the history of land title registry, emerging CMBS market issues and the MERS landscape. He has taught similar seminars to the same types of individuals here in California.

American Congress of Surveying Mapping:

ACSM/NSPS ALTA Standards and How They Relate to Section 8762 of the Professional Land Surveyor's Act." (2007)

California State University Fresno:

Mr. Woolley has been an invited guest speaker for California State University Fresno for several years. He has lectured on the surveyor's code of conduct, standard of care, the procedures the Board of Professional Engineers and Land Surveyors utilize with enforcement cases.

California Land Surveyor's Associations:

Mr. Woolley has been the guest speaker for the California Land Surveyor's Association for the counties of Orange, Los Angeles, Riverside, Desert Chapter (Palm Springs), San Bernardino, and San Diego. *"ALTA/ACSM Standards and How They Relate to Business & Professions Section 8762."*

California Land Surveyor's Associations – Northern Counties Chapter:

Mr. Woolley was a guest speaker for the CLSA Northern Counties Chapter Conference, *"Records of Survey and the Business & Professions Code for the California Surveyor."*

Land Surveyor Prep Class (2007 – 2010):

Mr. Woolley has taught a 14 to 18 week class at his office for sub-professionals, to prepare to them for California PLS exams.

Professional Land Surveyors of Oregon (PLSO) (2011):

Mr. Woolley spoke at the PLSO Conference in Salem, Oregon. The 6 hour engagement included land surveyor liability, standard of care, and ethics. His presentation also included case law review and the role of an expert witness.

Quang Tran
T Engineering Group, Inc.
2219 E. Thousand Oaks Blvd., #405
Thousand Oaks, Ca. 91362

5/2/2016

CALIFORNIA COASTAL COMISSION
Attn: Steve Hudson

RE: Challenge of Director's Determination Regarding Letter of Exemption Request No. 2016000925

To whom it may concern:

I am a civil engineer and was retained to design an emergency retaining pile project at 3929 Malibu Vista Drive. I have been provided with a letter authored by Barbara Carey dated April 29, 2016 rejecting the request for CDP exemption based on three assumptions. I address each below.

Assumption 1: that the project is within the 50 foot setback of the "coastal bluff edge".

I have been physically on this site at minimum 25 times. The bluff edge delineation on these properties is clear both visually and topographically. I have reviewed D. Woolley & Associates' topographic map and it is consistent with my observations and knowledge of this site. I was additionally provided with the County's coastal bluff determination and find it not only to be in error, but, having spent a considerable amount of time trying to ascertain how they arrived at their setback, was unable to find anything in the record that supports their determination.

Assumption 2: that the project is designed with 200 cubic yards of cut.

The genesis of this project was the homeowners noting movement of the house proper. That movement was confirmed in a topographic comparison study performed by D. Woolley & Associates on February 08, 2016. Immediately thereafter, I was retained to design an emergency pile plan to stop the creep and protect the home.

In so doing, I addressed this issue to Regional Planning, and specifically Marie Waite. At the time of our first meeting, I had a general overview of the geotechnical properties of this hillside and the site to be able to have a reasoned discussion, but borings, lab testing, and geotechnical analysis upon which my design is currently based, were unavailable. Nonetheless, to avoid delay, I provided Regional Planning with the outermost worst case scenarios so that the project would not later be placed in the position of expanding and having to begin the process anew.

I believe that this was clearly conveyed and Ms. Waite opined at the time that, given that worst case scenario and the location of the project, she believed that the project would proceed with a CDP exemption, and advised that there was no need for me to begin the process of an emergency Coastal permit. Given my knowledge of the process, this concurred with my own determination and evaluation. Ms. Waite also indicated that, given the emergency nature of the project, I could anticipate receiving Regional Planning approval within two weeks. Subsequently, numerous phone calls to Ms. Waite went unreturned.

On a parallel track, I continued to work with Building and Safety, and have refined the project given precise data based on studies performed by geotechnical and soil engineering professionals. As anticipated, we are nowhere near the worst case scenario provided to Ms. Waite, and, as the County is well aware, we are far below the

200 cubic yard cut. The latest design plan, which I have no reason to believe will not be accepted by Building and Safety, has 26 c.y. of cut.

Assumption 3: that the subject site is within or near H1 habitat

Ms. Carey references within her letter LIP Section 22.44.820 (A)(l)(b)(ii) which states in part that an exemption would not apply wherein the project is

ii. Any significant alteration of land forms including the movement of cut and/or

fill material, removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, ***or in H1 or H2 habitat areas*** [Emphasis added]

Although Ms. Carey seems to rely on the 50 foot coastal bluff setback versus the proximity to an H1 habitat, I have been additionally provided with the County's H1 map blanketing these properties.

Generally, the broad strokes with which this H1 area map is drawn is concerning. It purports to give H1 habitat protection to Pacific Coast Highway, a parking lot, a portion of a gas station building, etc.

Further, it maps a section of 3929 Malibu Vista Drive and 18460 Coastline Drive as of "highest biological significance, rarity, and sensitivity". However, the landscaping of 3929 Malibu Vista Drive consists of ice plant with scattered palm trees, and, as such, does not fall into the H1 category.

The property at 18460 Coastline Drive was subject to illegal grading projects, the last known of which was in 2006. In the course of that cut and fill, the property was denuded and it appears that approximately 270 cubic yards of dirt, plant material, and topsoil were pushed over the coastal bluff edge. That illegal grading was cited by the

Coastal Commission, and was the subject of numerous court orders, including an order to place and maintain SWPCP measures on that property.

As part of that court order, I was approved by the Superior Court to act as the civil engineer to design and implement the SWPCP, and prepare the As-Built plans for submission to the County. The SWPCP, as denoted by the As-Built plans, encompasses the entire rear yard of that property which is covered by visqueen, jute net, and sand bags. That SWPCP work was done, approved, and registered with the County in 2013, and those measures are now required to remain in place.

I hope the above clarifies the site as it exists and the plan as designed, so that you can have a full and proper basis for determining the applicability of a Coastal exemption based on the facts. If there is additional data that you would find helpful or if I can clarify any of the above, please do not hesitate to contact me.

Sincerely,

Quang Tran, P.E.
T. Engineering Group, Inc.

REGISTERED PROFESSIONAL ENGINEER
QUANG T. TRAN
No. 70820
Exp. June 20/7
CIVIL
STATE OF CALIFORNIA