AGENDA ITEM NO. 6
(a, b, c, d)

PROJECT NO. 94-165-(3)
TR34289

ADDITIONAL CORRESPONDENCE RECEIVED SINCE JULY 23, 2009

REGIONAL PLANNING COMMISSION PUBLIC HEARING

AUGUST 5, 2009

July 30, 2009

Via UPS

John Fletcher
Fletcher, White & Adair
28925 Pacific Coast Hwy, 2nd Floor
Malibu, CA 90265

RE: VTTM 34289 (Reddy)

Dear Mr. Fletcher:

We are in receipt of your letter dated July 9, 2009. Although dated July 9, 2009, the envelope in which the letter arrived was postmarked July 14, 2009 and we did not receive the letter in our office until the end of last week. As such, with only several days left before the August 5, 2009 hearing date, we are unable to accommodate your client's request to "stake the proposed easement, notating the various elevation changes on the stakes."

However, we believe that Exhibit A which was attached to our July 7, 2009 correspondence does in fact demonstrate that our client is not proposing any improvements on Mr. Doyle's property. The referenced Exhibit A, which utilized as its base a topographical survey prepared by a licensed surveyor, shows that the pilasters are located well within Mr. Doyle's property boundaries and that the grading required to create the initial 32 ft. turning radius is entirely on our client's property. The project civil engineer will be in attendance at the August 5, 2009 continued Regional Planning Commission hearing to attest to this fact.

If your client has any additional concerns or questions, please do not hesitate to contact us.

Sincerely,
SCHMITZ & ASSOCIATES, INC.

Donna Shen Tripp
Regional Manager

CC: Dr. Reddy
Fred Gaines, Esq.
Jodie Sackett, County of Los Angeles Department of Regional Planning

SCHMITZ & ASSOCIATES INC.
PROVIDERS OF LAND USE PLANNING
FOR A BETTER COMMUNITY

SCHMITZ & ASSOCIATES, INC.

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28925 PACIFIC COAST HIGHWAY
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Sender's E-Mail:
jfletcher@fwalaw.com

July 9, 2009

Don Schmitz
Schmitz & Associates
29350 Pacific Coast Hwy, Suite 12
Malibu, CA 90265

Re: Our client: Mike Doyle
VTTM 34289-(3); CUP 94-165-(3); OTP 2007-000011-(3)

Dear Mr. Schmitz:

I am in receipt of your July 7, 2009 correspondence regarding your client Dr. Reddy and our client, Mike Doyle.

Exhibit A which you have attached to your correspondence does not support your claim that there is a 32' turning radius outside Mr. Doyle's pilasters and available to him to utilize.

However, if you would like my client to consider this possibility, I propose that you stake the proposed easement, notating the various elevation changes on the stakes. Once this has been completed, I suggest that all parties involved meet at the site to discuss the matter further in an effort to resolve the matter.

If you have any questions regarding the above, please contact me immediately.

Very truly yours,

FLETCHER, WHITE & ADAIR

John R. Fletcher

JRF/dis
cc: Mike Doyle

LAW OFFICES OF
FLETCHER, WHITE & ADAIR
28925 PACIFIC COAST HIGHWAY
SECOND FLOOR
MALIBU, CALIFORNIA 90265

LOS ANGELES CA 900

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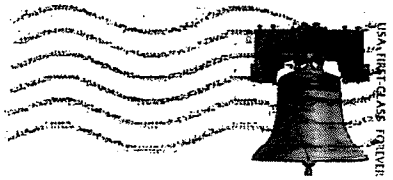

Don Schmitz
SCHMITZ & ASSOCIATES
29350 Pacific Coast Highway, Suite 112
Malibu, CA 90265

90265+3370

May 26 , 2009

Los Angeles County
Department of Regional Planning
320 West Temple St.
Los Angeles , Ca. 90012

JUN - 8 2009

Re : Vesting Tentative Tract Map No. 34289
Easement Rights

Dear Commissioners ,

On May 20 , 2009 a hearing was held to act on the above project . A decision was postponed until August to allow the applicant to acknowledge my easement and present a solution that does not interfere with it . I have read the staff report posted on the internet and have some concerns .

A certified copy of my easement No. 88-8530 was hand delivered to the Commission at the time of the hearing on May 20 , 2009 . This easement is for three parcels , lots 128 , 129 and 130 which are all owned by me . I am enclosing another copy of this easement with this letter .

The Whitson Engineering design shows moving my easement and leaving a gap in a retaining wall to access my house on lot 130 . This suggested relocation of my easement is without my permission and unacceptable to me . I access my other two lots , 128 and 129 , over the same easement and the Whitson suggested design would completely obstruct this access with a wall 16 feet high .

On page 14 of 17 of the staff analysis , the second paragraph states that staff would not support a relocation of easement No. 8 as shown on the tentative map . Yet the staff recommendation is to approve the map with conditions of which one of them is not supporting relocating easement No. 8 . You can't do both . Ether you approve the map as it is designed showing easement No. 8 relocated (which staff does not support) or you disapprove the submitted design and have it redrawn without interfering with my easement .

On page 12 of 20 ERB minutes near the bottom it is stated that :" There will be a civil suit with Mr. Doyle over drive positioning ". On page 2 of 17 , item 10 in the draft report the permittee is required to defend the County from any claim . What is happening here is that the staff report acknowledges that I will have to spend a large amount of money to protect my rights if the map is approved as drawn but the County has it's costs covered by the permittee if the Commissions decision is contested .

The solution is not that difficult . Lot 6 shows using Baller Road for access . The map should be redesigned to allow all of the building sites to use Baller Road . My easement should not be compromised . At the hearing on May 20 this was suggested and Mr. Schmitz stated such access would have an affect on other easements to the north . There was no concern on his part about how the current design affects my easement . The County decision should not have a built in requirement that I will have to litigate because the applicant has requested approval of a plan that ignores my rights . I have already had to spend a lot of money trying to protect myself from a speculator's project . I will contact my Supervisor Zev Yaroslavsky for help if necessary .

Sincerely ,

Mike Doyle

Mike Doyle
4130 Latigo Canyon
Malibu , Ca. 90265

cc: Mr. Jodie Sackett