

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641-0142

Filed: 8/15/95
49th Day: 10/3/95
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Staff: CAREY
Staff Report: 10/23/95
Hearing Date: 11/14-17/95
Commission Action:



STAFF REPORT: REGULAR CALENDAR

TU18a

APPLICATION NO.: 4-92-114

APPLICANT: Thomas Shinmoto

AGENT: Alexander Magana

PROJECT LOCATION: 21909 Saddlepeak Road, Malibu, Los Angeles County

PROJECT DESCRIPTION: Construction of 7,070 sq. ft., 32 ft. high above existing grade single family residence with 4-car garage, 750 sq. ft. guest house, pool, septic system, and 650 cu. yds. of grading (325 cu. yds. cut and 325 cu. yds. fill).

Lot area:	7.46 acres
Building coverage:	5,930 sq. ft.
Pavement coverage:	14,000 sq. ft.
Landscape coverage:	10,000 sq. ft.
Parking spaces:	4
Plan designation:	Rural Land III (1 du/2 ac)
Ht abv ext grade:	32 ft.

LOCAL APPROVALS RECEIVED: Los Angeles County Approval in Concept

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains Land Use Plan, 5-89-428 (Daily, et. al.), 5-90-1122 (Adamson), 5-91-299 (Meyer), 4-92-159 (Bienenfeld), 4-94-190 (Reik)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with Special Conditions relating to landscaping, geology, wildfire waiver of liability, future improvements, color restriction, condition compliance and timing of work. The proposed project includes after-the-fact approval of grading for a road and pad. A secondary portion of the graded road has been put back to grade by the applicant, but staff recommends that the area it occupied be revegetated. The total amount of grading for the project does not constitute excessive landform alteration, but to ensure that visual impacts are minimized, staff recommends that a landscaping plan be implemented for all graded areas and that the color of the residence be restricted to earth tones.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the

III. Special Conditions.

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and fuel

modification plans prepared by a licensed architect for review and approval by the Executive Director. The plans required under this condition may be combined with the plan required under condition 1 above if the applicant so chooses. The plans shall incorporate the following criteria:

- (a) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. To minimize the need for irrigation and to screen or soften the visual impact of development all landscaping shall consist primarily of native, drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains, dated November 23, 1988. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.
- (b) Vegetation within 50 feet of the proposed house may be removed to mineral earth, vegetation within a 200' radius of the main structure may be selectively thinned in order to reduce fire hazard. However, such thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes and location of plant materials to be removed, and how often thinning is to occur.
- (c) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements.
- (d) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (e) The plan shall include vertical landscape elements to screen and soften the view of the retaining walls along the access driveway and building pad.

2. Structure and Roof Color Restriction

Prior to issuance of the permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which restricts the color of the subject structure to natural earth tones, compatible with the surrounding earth colors (white tones will not be acceptable). The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens.

3. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geological Investigation for Proposed Residential Development Report, dated 2/1/90, an Update of Geologic Report, dated 10/15/92, and an Update of Geologic Report, dated 3/25/94, all prepared by Keith Ehlert shall be incorporated into all final design and construction including foundations, grading and drainage. All plans must be reviewed and approved by the consultants. Prior to the issuance of permit the applicant shall submit, for review and approval by the Executive Director, evidence of the consultants' review and approval of all project plans.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading and drainage. Any substantial changes in the proposed development approved by the Commission which may be required by the consultant shall require an amendment to the permit or a new coastal permit.

4. Wild Fire Waiver of Liability

Prior to the issuance of the coastal development permit, the applicants shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wild fire exists as an inherent risk to life and property.

5. Future Improvements

Prior to issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 4-92-114 is only for the proposed development and that any future additions or improvements to the property including clearing of vegetation and grading, will require a permit from the Coastal Commission or its successor agency. The deed restriction shall specify that clearance of vegetation up to 50 feet outward from the approved residence and selective thinning within a 200 foot radius of the approved residence as provided in Special Condition 1b above, is permitted and shall not require a new permit. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

6. Road Easement.

Prior to issuance of the permit, the applicant shall submit, for the review and approval of the Executive Director, evidence of a legal easement for ingress and egress from Saddlepeak Road to the project site.

7. Condition Compliance.

The requirements specified in the foregoing conditions that the applicant is required to satisfy as a prerequisite to the issuance of this permit must be fulfilled within 90 days of Commission action. Failure to comply with such additional time as may be granted by the Executive Director for good cause, will terminate this permit.

IV. Findings and Declarations.

A. Project Description.

The applicant proposes the construction of a 7,070 sq. ft., 32 ft. high above existing grade single family residence with 4-car garage, 750 sq. ft. guest house, pool, septic system, and 650 cu. yds. of grading (325 cu. yds. cut and 325 cu. yds. fill). The proposed project site is located off Saddlepeak Road in Malibu.

Grading was carried out on the proposed project site by a prior owner without a coastal development permit. The applicant's agent has estimated that approximately 100 cu. yds. of grading was done to create a road and pad area.

The applicant proposes to utilize a portion of the unpermitted road to provide access to the proposed residence. The grades have been restored for that portion of the unpermitted road which will not be utilized for access to the proposed residence.

The subject property is located in a small pocket of existing development. Single-family residences exist on the adjoining lots to the west, south, and east. A number of single-family residences exist on the south side of Saddle Peak Road. The Certified Malibu Land Use Plan designates the site as Rural Land III (one dwelling unit per two acre). The subject lot has been counted on the County's 1978 buildout study map.

The applicant proposes to access the property from a private driveway off Saddlepeak Road. There are several parcels which front on this driveway. The issue of legal easements to gain access to the properties that front this private road was considered by the Commission in Permit 5-89-428 (Daily, et. al.). The Commission found it necessary in that approval to require the applicants to submit evidence that legal easements had been secured for the proposed access road. Staff has received the attached letter which again raises the issue of access easements along this private road. The letter states that there is a pending lawsuit between several of the parties along the road. The applicant has not previously submitted evidence of a legal easement along the private driveway to the proposed project site. As such, the Commission finds it necessary to require the applicant to submit such evidence prior to issuance of the permit.

B. Background.

The Commission has, in the past, approved permits for development in this area. In 5-89-428 (Daily, et. al.) the Commission approved a permit for the installation of underground utilities in the road easement and 1,700 cu. yds.

of grading for road improvements. The Commission later approved 5-90-1122 (Adamson) for the construction of a 6,108 sq. ft. single family residence, lap pool, tennis court and 4,371 cu. yds. of grading (2,187 cu. yds. cut and 2,184 cu. yds. fill) at 21965 Saddle Peak which is adjacent to the subject project site. More recently the Commission approved Permit 5-91-299 (Meyer) for the construction of a 3,167 sq. ft. single family residence with pool and 800 cu. yds. of grading at 21839 Saddle Peak Road.

Permit 4-92-159 (Bienenfeld) was approved for the construction of a 3,352 sq. ft., 29 ft. high single family residence with 3-car garage, pool, spa, septic system, and 2,041 cu. yds. of grading (1,239 cu. yds. cut and 802 cu. yds. fill). The project was approved with special conditions relating to future improvements, color restriction, landscaping and geology.

The Commission approved Permit 4-94-190 (Reik) for the after-the-fact approval of the construction of a wood fence, the placement of a residential trailer and the clearance of vegetation from a previously existing pad and road. The Commission required that the applicant submit a habitat restoration plan for the cleared areas.

C. Grading and Visual Resources.

Section 30251 of the Coastal Act states that:

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

In addition, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act.

- P82 Grading shall be minimized for all new development to ensure the potential negative effects of runoff and erosion on these resources are minimized.
- P90 Grading plans in upland areas of the Santa Monica Mountains should minimize cut and fill operations in accordance with the requirements of the County Engineer.
- P91 All new development shall be designed to minimize impacts and alterations of physical features, such as ravines and hillsides, and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff) to the maximum extent feasible.

P129 Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.

P130 In highly scenic areas and along scenic highways, new development (including buildings, fences, paved areas, signs, and landscaping) shall:

be sited and designed to protect views to and along the ocean and to and along other scenic features, as defined and identified in the Malibu LCP.

minimize the alteration of natural landforms.

be landscaped to conceal raw-cut slopes.

P134 Structures shall be sited to conform to the natural topography, as feasible. Massive grading and reconfiguration of the site shall be discouraged.

P135 Ensure that any alteration of the natural landscape from earthmoving activity blends with the existing terrain of the site and the surroundings.

The applicant proposes the construction of a 7,070 sq. ft., 32 ft. high above existing grade single family residence with 4-car garage, 750 sq. ft. guest house, pool, septic system, and 650 cu. yds. of grading (325 cu. yds. cut and 325 cu. yds. fill). Of the total grading, 300 cu. yds. would be for the proposed access drive and 350 cu. yds. are proposed for the construction of the building pad. The applicant has reduced the amount of grading proposed for the pad by constructing the majority of the house to the slope.

1. Unpermitted Development.

As noted in the project description above, unpermitted development been carried out on the site. This development consists of a driveway and pad, and the removal of vegetation, including some scrub oaks. The development occurred prior to the applicant's purchase of the property. The applicant has indicated that approximately 100 cu. yds. of grading were carried out on the site. The applicant has restored the grade on one portion of the unpermitted road. The proposed access road will follow the remainder of the unpermitted road. While the slope has been regraded to restore the grade, it has not been fully revegetated. The applicant indicates that since the area was burned in the 1993 fire, native vegetation has regrown on the whole site. However, when staff visited the site this month, it was apparent that although native vegetation is re-establishing itself on the site, the areas previously graded do not have good coverage. Because the road and pad areas were cleared of vegetation and graded prior to the fire, post-fire regrowth has been very sparse on these disturbed areas. Larger native species, associated with the chaparral community, and found in undeveloped areas surrounding the proposed project site, are not present in the disturbed areas and do not show signs of re-establishing naturally. These species play an important in erosion control and habitat value, as well as adding the the scenic qualities of this area of

the Santa Monica Mountains. In order to ensure that the disturbed areas of the site that will not part of the proposed development are revegetated, the Commission finds it necessary to require the applicant to develop and implement a landscaping plan, which includes the replacement of native vegetation. Assuring that disturbed areas are revegetated will minimize erosion, impacts to habitat values, and impacts to visual resources.

2. Proposed grading.

With regard to the grading proposed for the improvement of the road and pad, the applicant proposes 650 cu. yds. of grading (325 cu. yds. cut and 325 cu. yds. fill). Of the total grading, 300 cu. yds. would be for the proposed access drive and 350 cu. yds. are proposed for the construction of the building pad. The applicant has reduced the amount of grading proposed for the pad by constructing the majority of the house to the slope. When the project was originally submitted, the applicant proposed 8,000 cu. yds. of grading. The building pad was proposed to be located at the northernmost part of the project site. The road was much longer and a large, flat pad area was proposed.

Staff worked with the applicant to redesign the project so that the proposed residence will be located on the pad that was previously graded on the site. This area is a more appropriate area for development and will have fewer visual impacts than the previously proposed building pad site. Additionally, the applicant will utilize a portion of the road previously graded on the site for the access driveway to the proposed residence. A small amount of grading (300 cu. yds.) is necessary so that the driveway does not exceed the maximum grades permitted by the County.

As redesigned, the proposed grading will not result in excessive landform alteration. However, the proposed slopes associated with the road grading need to be revegetated to ensure that all visual impacts and erosion hazards of the grading are minimized. Therefore, the Commission finds it necessary to require the applicant to submit landscape plans. The landscape plan should include the planting of vertical landscape elements to screen and soften the view of the proposed retaining walls. Additionally, given the location of the proposed structure it will be visible from Saddlepeak Road. In order to further ensure that the proposed project will not have adverse visual impacts, a condition restricting the color of the structure and roof to natural earth tones is necessary. Therefore, the Commission, finds that the proposed project, as conditioned, is consistent with Section 30251 of the Coastal Act.

D. Geology

Section 30253 of the Coastal Act states in part that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wild fires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The applicant has submitted a Geological Investigation for Proposed Residential Development Report, dated 2/1/90, an Update of Geologic Report, dated 10/15/92, and an Update of Geologic Report, dated 3/25/94, all prepared by Keith Ehlert. This report address the geology of the site and of the general area. The geologic review of the site identified no instability or faults on the site. The report states that:

It is this consultant's opinion the proposed residence can be constructed without hazard of landslide, slippage or undue settlement, and the proposed development can be constructed without similar adverse impact on adjoining properties. Obtaining these goals will require adherence to good construction practices and following the recommendations in this report.

The update reports confirm that the geologic conditions on the site are essentially the same. Therefore, the Commission finds that the project will be consistent with Section 30253 of the Coastal Act so long as the recommendations of the geologist are incorporated into the project design. Thus, the Commission finds it necessary to require the applicant to follow all recommendations of the consultants.

Additionally, due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire, the Commission can only approve the project if the applicant assumes the liability from the associated risks. Through the waiver of liability the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

E. Cumulative Impacts.

Section 30250 of the Coastal Act provides that new development be located within or near existing developed areas able to accommodate it, with adequate public services, where it will not have adverse significant effects, either cumulatively or individually, on coastal resources. Section 30250 of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for

agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

In addition, the certified LUP contains the following policies regarding landform alteration and the protection of visual resources which are applicable to the proposed development. The LUP policies cited below have been found to be consistent with the Coastal Act and therefore, may be looked to as guidance by the Commission in determining consistency of the proposed project with the Coastal Act. Policy 271 states, in part, that:

In any single family residential category, the maximum additional residential development above and beyond the principal unit shall be one guest house or other second unit with interior floor space not to exceed 750 gross square feet, not counting garage space.

Section 30250 of the Coastal Act addresses the cumulative impacts of new developments. Based on this policies, the Commission has limited the development of second dwelling units on residential lots in Malibu. The Commission has found that guest houses or second units can intensify the use of a site and impact public services, such as water, sewage, electricity, and roads.

Through hearing and voting on past permit actions, the Commission has established a maximum size of 750 sq. ft. for guest houses. As proposed, the 750 square foot guest house is consistent with past Commission decisions. However, in order to ensure that no additions are made to the guest house without due consideration of the potential cumulative impacts, the Commission finds it necessary to require the applicant to record a future improvements deed restriction, which will require the applicant to obtain a new permit if additions or changes to the development are proposed in the future. As conditioned, the guest house will be in conformance with Section 30250 of the Coastal Act.

F. Septic System

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment,

controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, the Malibu/Santa Monica Mountains Land Use Plan contains the following policies concerning sewage disposal:

P217 Wastewater management operations within the Malibu Coastal Zone shall not degrade streams or adjacent coastal waters or cause or aggravate public health problems.

P218 The construction of individual septic tank systems shall be permitted only in full compliance with building and plumbing codes....

P226 The County shall not issue a coastal permit for a development unless it can be determined that sewage disposal adequate to function without creating hazards to public health or coastal resources will be available for the life of the project beginning when occupancy commences.

The proposed development includes the installation of an on-site septic system to serve the residence. Percolation testing was undertaken and the consulting geologist states that the site is suitable for the septic system and there should be no adverse influence on the site and surrounding areas. Additionally, the applicant has submitted evidence of preliminary approval from the County Department of Health Services which indicates that the proposed septic system meets the standards of the plumbing code. The Commission has found in past permit decisions that the compliance of septic systems with the requirements of the plumbing code is protective of coastal resources, consistent with the policies of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with Section 30231 of the Coastal Act and all relevant policies of the LUP.

G. Violation.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred.

H. Local Coastal Program:

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

On December 11, 1986, the Commission certified the Land Use Plan portion of the Malibu/Santa Monica Mountains LCP. The Certified LUP contains policies to guide the types, locations and intensity of future development in the Malibu/Santa Monica Mountains area. Among these policies are those specified in the preceding sections regarding grading and visual impacts, geology, and septic systems. As conditioned the proposed development will not create adverse impacts and is consistent with the policies contained in the LUP. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the County's ability to prepare a Local Coastal Program implementation program for Malibu and the Santa Monica Mountains consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

I. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

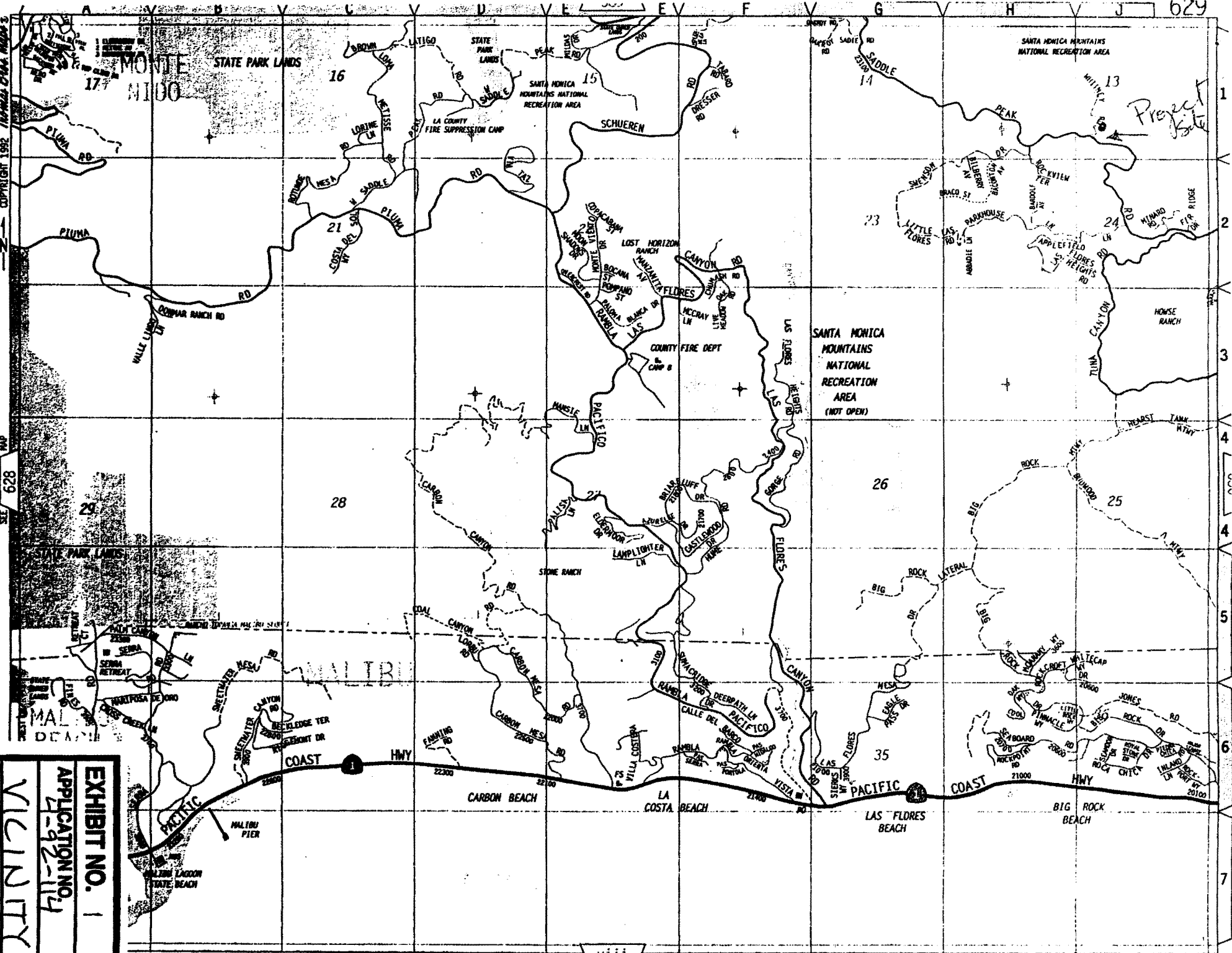
There are no negative impacts caused by the proposed development which have not been adequately mitigated. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

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MAP 628 SEE

VICINITY	EXHIBIT NO. 1
	APPLICATION NO. 7-92-114



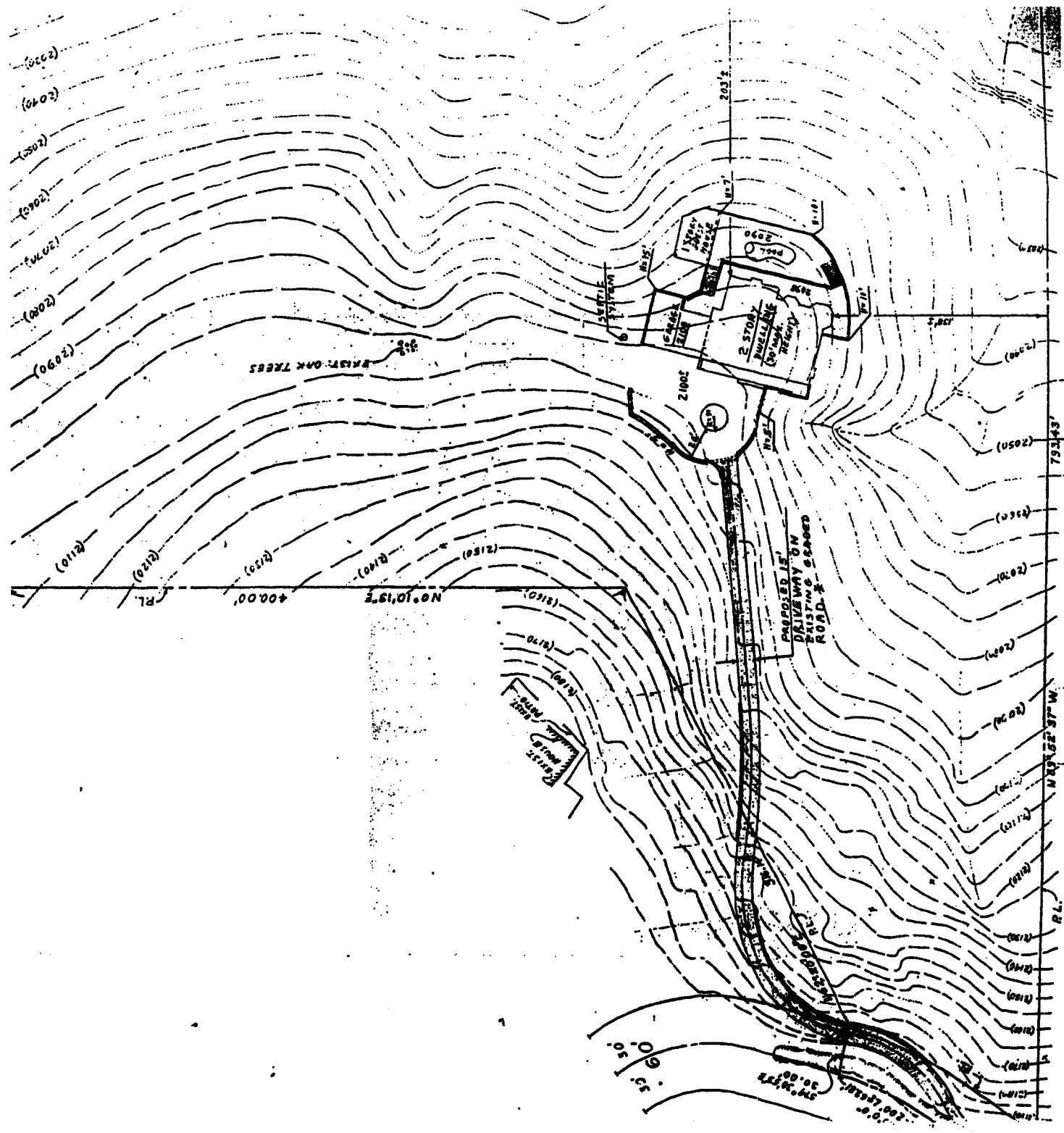


EXHIBIT NO. 2
APPLICATION NO. 4-92-114
SITE AND
GRADING PLAN

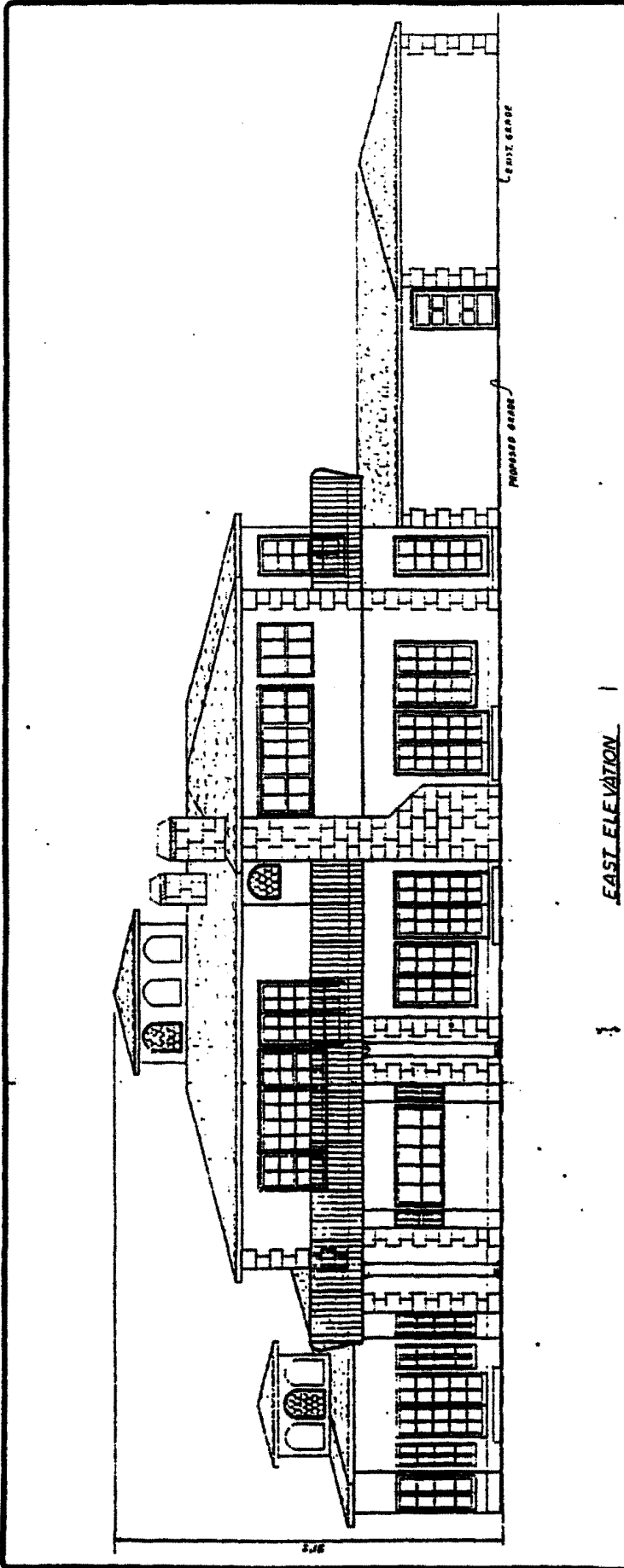
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DATE	
BY	
REVISION	

SHINMOTO RESIDENCE

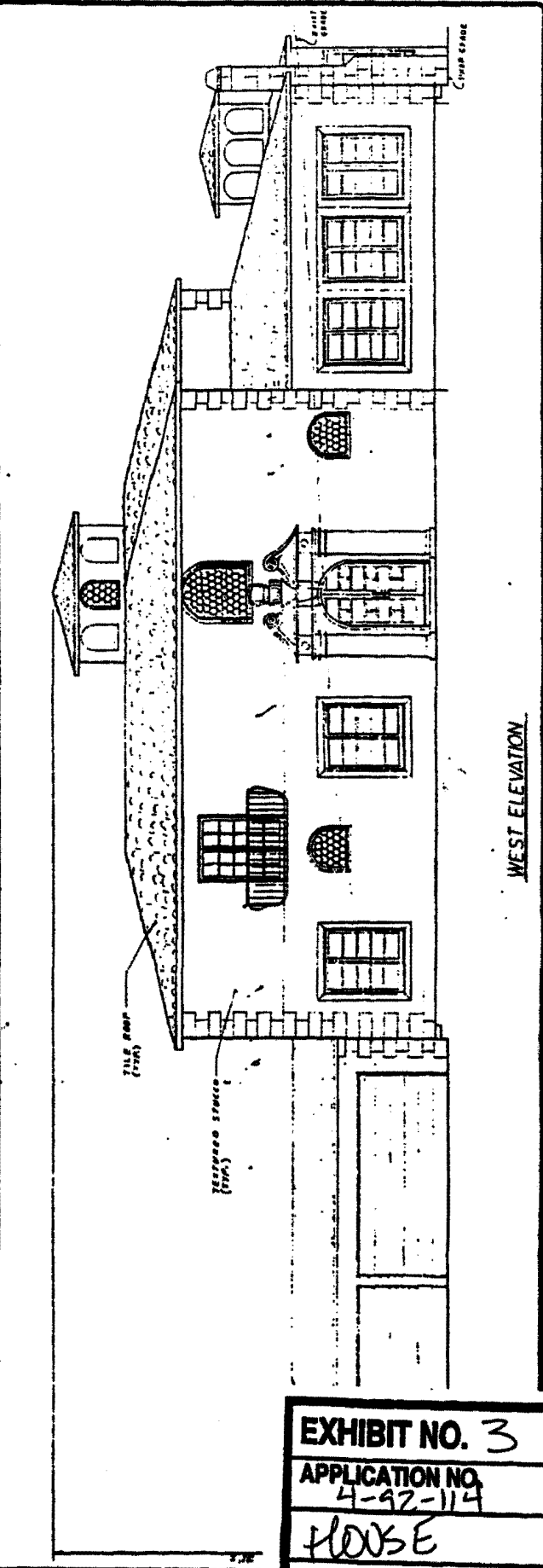
ELEVATIONS

4

DATE	
BY	
NO.	
REVISION	



EAST ELEVATION



WEST ELEVATION

EXHIBIT NO. 3
 APPLICATION NO.
 4-92-114
 HOUSE
 ELEVATIONS

SHIMMOLS
RESIDENCE

GUEST HOUSE
FLOOR PLAN
(ELEVATION)

6

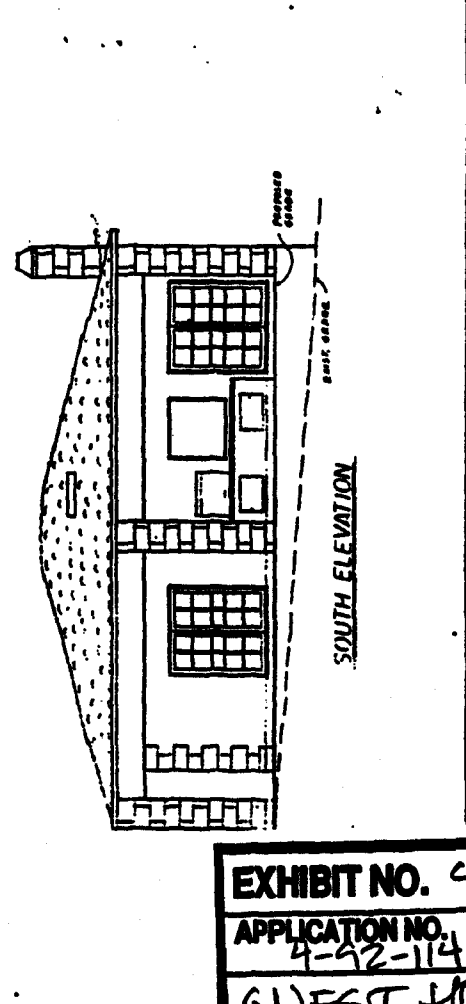
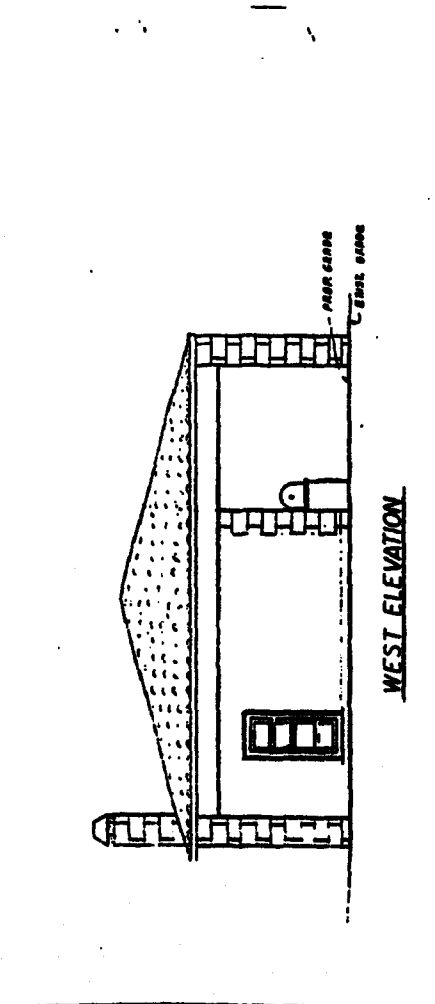
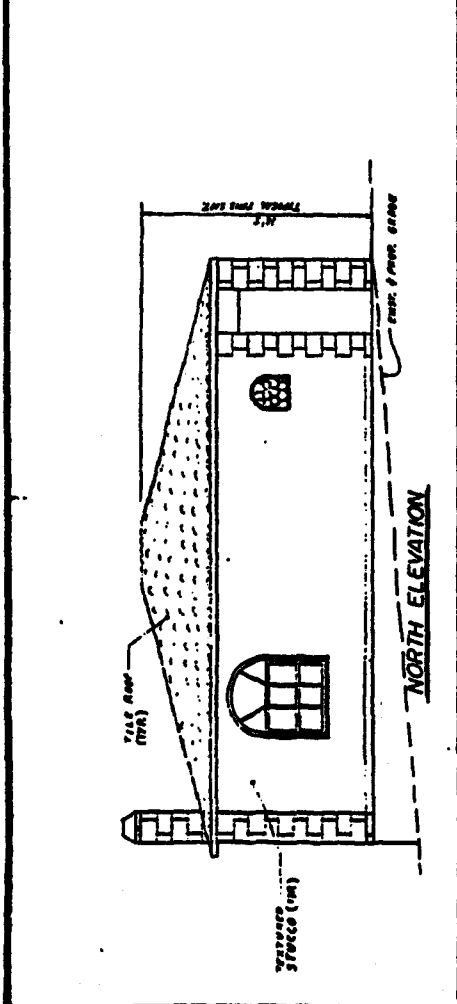
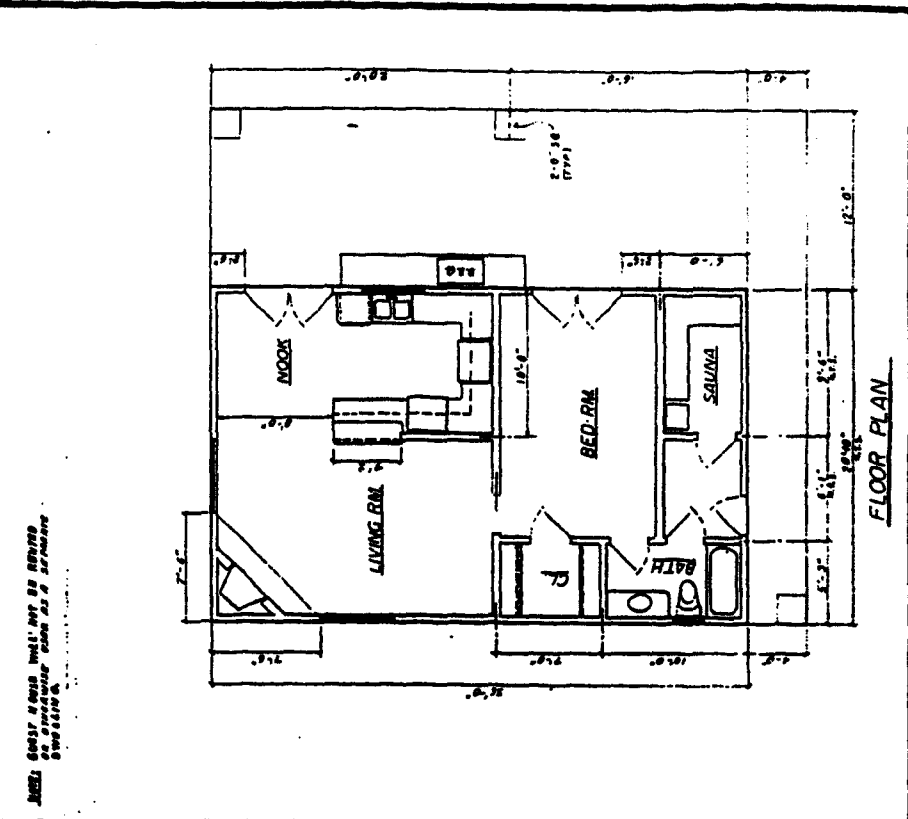
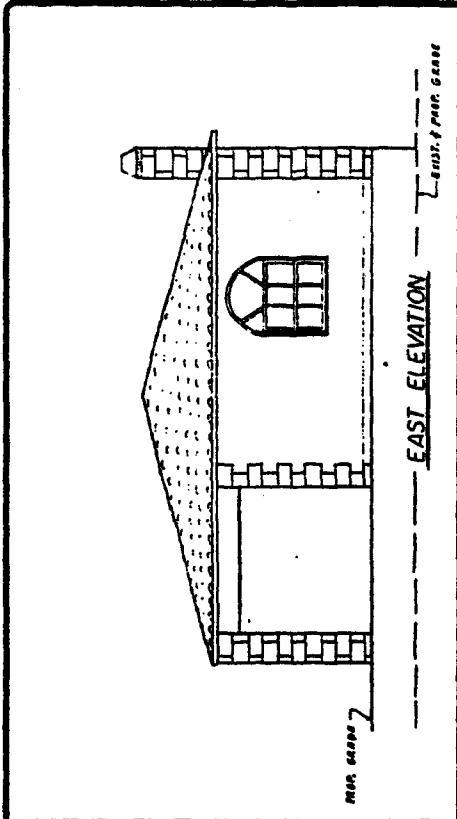


EXHIBIT NO. 4
APPLICATION NO. 4-92-114
GUEST HOUSE

SADDLEPEAK, INC.
 32220 OAKSHORE DRIVE
 WESTLAKE VILLAGE, CALIFORNIA 91381
 (818) 889-3928

RECEIVED
 OCT - 6 1995
 CALIFORNIA
 COASTAL COMMISSION

October 4, 1995

VIA FAX 1-415-904-5400 AND HAND-DELIVERED

Coastal Commission
 State of California
 89 South California, suite 200
 Ventura, CA 93001

Re: Application 9-92-214

Gentlemen:

I am writing to you to request an important additional condition upon the approval of the referenced application.

As you know, Saddlepeak, Inc. was holder of one of the Coastal Permits referenced in the instant application. Saddlepeak, Inc. has instituted a lawsuit in the Superior Court of Los Angeles County, Case no. C-026 816, against Paul Van Alstyne, one of the applicants on another referenced application, 4-89-128. That permit might provide water and access to the property in the referenced instant application. As some of the issues in that lawsuit might be relevant to the instant application, we are bringing this matter to your attention.

The "existing" road to be used by the instant applicant was shown in the previous application 4-89-128. That road apparently follows a 16 foot width easement documented to the Commission in that action. The Fire Code of the County of Los Angeles (Uniform Fire Code, Section 10.204) requires a twenty foot width when the fire access road serves more than two houses. There seems to be no document ~~in the Coastal Commission files indicating that the "existing" road can be~~ approved by the Los Angeles County Fire Department for more than two houses. The instant applicant is constructing the third house; there are at least twelve developable lots accessed by the road.

By this letter I am requesting that you condition your approval of the instant application as follows:

The applicant shall provide evidence of a twenty foot wide legal road for access to the nearest public highway.

Such a condition might have a substantial benefit to the Coastal Zone in the event of another major fire.

Please call me at (818)889-3928 should you have further questions.

Very truly yours,

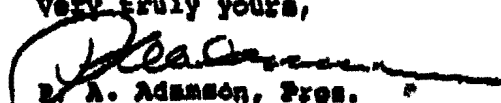

 B. A. Adanson, Pres.
 Saddlepeak, Inc.

EXHIBIT NO. 5
APPLICATION NO. 4-52-114

