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CALIFORNIA COASTAL COMMISSION

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

Filed: 10/1/98
49th Day: 11/19/98
180th Day: 3/30/99
Staff: JEL-V
Staff Report: 10/16/98
Hearing Date: 11/3-6/98



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NOS.: 5-91-136,139-A1; 4-95-034-A2; 4-95-036,037-A1

APPLICANT: West Pointe Homes

AGENT: Don Schmitz

PROJECT LOCATIONS:

- 5-91-136-A1: 25715 Piuma Rd.(lot 4), Malibu (Los Angeles County);
- 5-91-139-A1: 25741 Piuma Rd.(lot 6), " ;
- 4-95-034-A2: 462 Cold Canyon Rd.(lot 1), " ;
- 4-95-036-A1: 423 Woodbluff Rd.(lot 3), " ;
- 4-95-037-A1: 25729 Piuma Rd.(lot 5), " .

DESCRIPTION OF PROJECTS PREVIOUSLY APPROVED:

- 5-91-136 & 139: Construction of two, 4,520 sq. ft., 35 ft. high single family residences each with 3 covered parking spaces, swimming pool and septic system. (lots 4 & 6)
- 4-95-034 & 037: Construction of two 4,520 sq. ft., 35 ft high single family residences each with 5 covered parking spaces, swimming pool, and septic system. (lots 1 & 5)
- 4-95-036: Construction of a 4,520 sq. ft., 35 ft high single family residence with 6 covered parking spaces, swimming pool, and septic system. (lot 3)

DESCRIPTION OF AMENDMENTS: Architectural redesign and reduction in square footage from 4,520 sq. ft. to 4,492 sq. ft., for each 35' high single family residences with four car garage, swimming pool and septic system. Grading remains unchanged.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Malibu/Santa Monica Mountains certified Land Use Plan; Coastal Development Permits: 5-87-974 (Saddle Peak Associates); 4-95-034-A1 (West Pointe); 4-98-199 (West Pointe).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The applicant has requested the subject applications be heard as material amendments given the controversy that has surrounded previous coastal development permit applications and amendments related to the underlying seven lot subdivision. The Executive Director concurs that under normal circumstances an architectural redesign and square foot reduction would be handled on an immaterial basis. However, given the likelihood of third party controversy a material amendment is appropriate in this case.

The staff recommends that the Commission determine that the proposed development with the proposed amendment is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit, on the grounds that as modified, 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 effects on the environment within the meaning of the California Environmental Quality Act.

NOTE: All standard and special conditions attached to the previously approved permit remain are hereby incorporated and remain in effect. (A copy of these conditions are attached as Exhibits A-E.)

II. Findings and Declarations

A. Project Description

The applicant proposes the architectural redesign and reduction in square footage from 4,520 sq. ft. to 4,492 sq. ft., for each of the five single family residences, not to exceed 35' in height, and each with a four car garage, swimming pool and septic system. The previously approved grading remains unchanged.

The five subject sites are located on a 8.1 acre (gross) parcel of land bounded by Cold Canyon to the northwest, Woodbluff Road to the Northeast, and Piuma Road to the south in Los Angeles County. The proposed development is located adjacent to the Monte Nido small lot subdivision in Malibu, and is know as the "Monte Nido Triangle".

The site is just outside the boundary of the Malibu/Cold Creek Resource Management Area, but within an indentation surrounded on three sides by and sits within the viewsheds of Piuma, Schueren, and Saddle Peak roads.

B. Background

On April 12, 1988, the Commission approved coastal development permit 5-87-974 (Saddlepeak Associates) for the subdivision of an 8.1 acre (gross) parcel of land into seven single family residential lots with 9,500 cubic yards of grading for road and intersection improvements on, and adjacent to, the parcel. Five special conditions were attached to the permit regarding: 1) final grading plans, 2) percolation tests, 3) Commission review of future building pads, driveways and septic systems, 4) any future residential restrictions imposed by the Commission related to special condition number 3, and cumulative impact mitigation.

Following submittal of the special condition requirements and conceptual review by the Commission on November 11, 1988, the Coastal Permit for the seven lot subdivision was issued on June 11, 1990. The intention of the applicant, at that time, was to develop each of the lots as individual custom homes as opposed to a single development.

Between June 1991 and November 1991 all seven of the original subdivision lots received individual approvals from the Commission for the construction of single family structures and a revised master grading plan for the entire subdivision. Five special conditions of approval were attached to the two active permits on lots 4 and 6, CDP 5-91-136 & 139, regarding: 1) grading and landscaping plan, 2) revised plans, 3) future development restriction, 4) conformance to geologic recommendations and 5) color restriction.

In order to reduce the total amount of grading for the subdivision, the original applicant proposed increasing selected slopes from 2:1 to 1.5:1, which was approved by the Commission as part of the master grading permit amendment. During the local review process for the master grading permit the LA County Department of Building and Safety required four short retaining walls to ensure the stability of these steep fill slopes. These four small retaining walls, between 3' and 4' in height, are located on Lots 1 and 2.

Between 1991 and 1998 numerous extensions were processed for the seven lots, in addition to four new permits in 1995 (CDP 4-95-034, 035, 036, 037) for lots 1, 3, 5 and 7, which had been allowed to expire. The special conditions of approval for these 1995 permits required: 1) landscaping and erosion control, 2) conformance with geologic, 3) fire waiver of liability, 4) future improvements, and 5) a color restriction.

In February of 1998, the original subdivision applicant transferred ownership of all seven parcels to the current applicant indicating that final approvals had been received for all residences and for the master grading plan. The new applicant subsequently began grading the site in the spring of 1998. Although the Notice of Intent to Issue a coastal development permit had been sent to the original applicant, the actual permit had not been issued due to outstanding special conditions requirements. On September 21, 1998 all of the outstanding special conditions were met and coastal development permits were issued for six of the seven lots.

In October 1998, the Commission approved CDP 4-98-199 for the construction of the seventh home on lot 2, as this permit had also been allowed to expire. Special conditions of approval required: 1) landscaping and erosion control, 2) future improvements, 3) conformance with geologic, 4) fire waiver of liability, 5) condition compliance, and 5) a color restriction. At the October meeting the Commission also granted an amendment, CDP 4-95-034-A1, to approve the after-the-fact construction of the retaining walls located on lots 1.

C. Visual Resources

Section 3025I 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 of 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.

The certified Malibu/Santa Monica Mountains LUP also includes the following policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance, in the review of development proposals in the Santa Monica Mountains.

- P129** *Structures should be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment.*
- P125** *New development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public park lands. Where physically and economically feasible, development on sloped terrain should be set below road grade.*
- 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;*
 - *be visually compatible with and subordinate to the character of its setting;*
 - *be sited so as not to significantly intrude into the skyline as seen from public viewing places.*
- P138b** *Buildings located outside of the Malibu Civic Center shall not exceed three (3) stories in height, or 35 feet above then existing grade, whichever is less.*

In addition, the Malibu/Santa Monica Mountains Land Use Plan protects specific visual resources in the Santa Monica Mountains. In this particular case, these sites are within the "significant viewsheds" of Piuma, Schueren, and Saddle Peak roads. These building sites are located within the 8.1 acre "Monte Nido Triangle" bounded by Cold Canyon Road, Woodbluff Road, and Piuma Road. The subject lots have recently been graded and include building pads. Surrounding development includes single family residences, similar to what is being proposed, and a restaurant to the northeast.

In terms of the proposed design revisions, the architectural style of each structure has been completely redesigned. These changes include wholesale revisions to the building footprints, floorplan layouts, roof design and location of the garages. The heights of the proposed revised residences will vary, but no structure will exceed the previously approved height of 35'. Finally, in each case, there will be a slight decrease in the overall size of the structures from 4,520 square feet to 4,492 square feet.

The Commission typically examines the building site, any proposed grading, and the size of the structure when considering visual resource and landform alteration issues. In this case, the grading has been completed, and no further landform alterations are requested. Therefore, landform alteration is not an issue for this permit amendment.

To assess any potential visual impacts of this project to the public, the Commission reviews the publicly accessible locations where the proposed development is visible, such as parks and trails. The five sites of the proposed architectural revisions are visible from Malibu Creek State park and the Backbone Trail, which is located approximately 1,000 feet to the south and above the proposed site. Thus, because the proposed, revised structures are located within a "significant viewshed" and visible from a public park and trail, it is necessary to ensure that the design of the projects will minimize any visual impacts to the maximum extent feasible.

The proposed residential structures have been redesigned from a modern architectural style to a more traditional style. The proposed redesign is more compatible with the surrounding residential character than the previous designs. To ensure any visual impacts associated with the colors of the structure and the potential glare of the window glass will be minimized, the Commission typically requires the applicant to use colors compatible with the surrounding environment & non-glare glass. In all five of these cases, a deed restriction that limits the colors and minimizes the glare was required as a special condition of the underlying permits, and therefore no additional condition is necessary.

The Commission has also found through past permit action that landscaping softens, screens and mitigates the visual impact of development. Given that a landscaping condition was previously required on the underlying permits, no additional landscaping condition is necessary.

In addition, future developments or improvements to the subject properties have the potential to create visual impacts as seen from the public places, as noted. It is necessary to ensure that future developments or improvements normally associated with a single family residence, which might otherwise be exempt, be reviewed by the Commission for compliance with the visual resource protection policies of the Coastal Act. Given that a future improvements condition is recorded for each of the proposed sites, as required by the underlying permits, no additional future improvements condition is necessary.

Therefore, given the proposed revisions will not exceed the approved height of 35'; each of the residences will be reduced in size; each structure is consistent with the surrounding residential character of development; and the special conditions to ensure any visual impacts will be minimized to the maximum extent feasible, the proposed amendment will not adversely impact the scenic public views in this area of the Santa

Monica Mountains. Thus, the Commission finds that the proposed amendment is consistent with Section 30251 of the Coastal Act.

F. 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 program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed amendment is in conformity with the provisions of Chapter 3. The proposed amendment will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3.

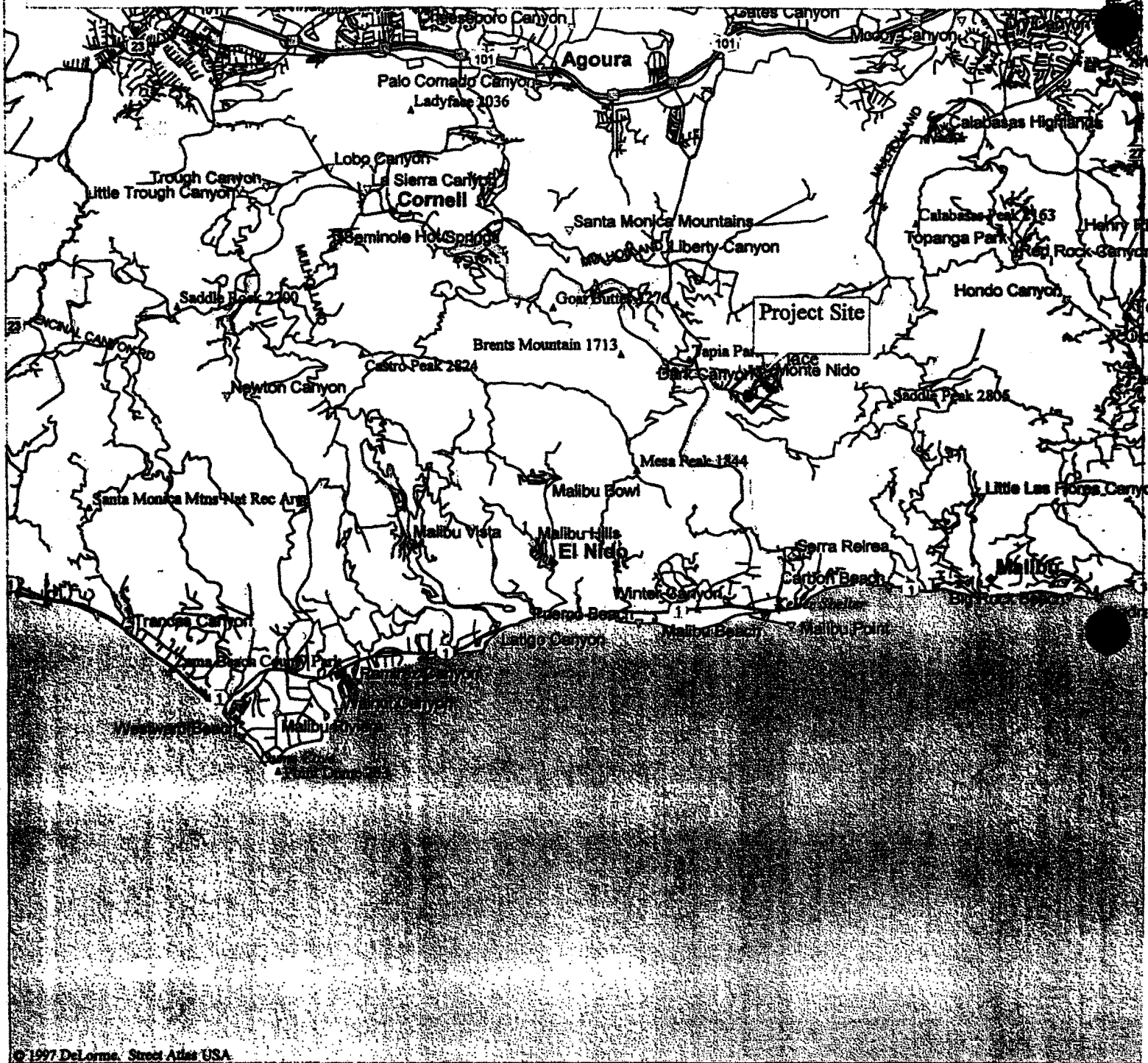
Therefore, the Commission finds that approval of the proposed amendment will not prejudice the County's ability to prepare a Local Coastal Program for Malibu which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effects which the activity would have on the environment.

The proposed amendment would not cause significant, adverse environmental effects. Therefore, the proposed amendment is found consistent with CEQA and with the policies of the Coastal Act.

VICINITY MAP/PROJECT SITE



© 1997 DeLorme, Street Atlas USA

Mag 12.00

Fri Jul 10 13:48 1998

Scale 1:125,000 (at center)

2 Miles

2 KM

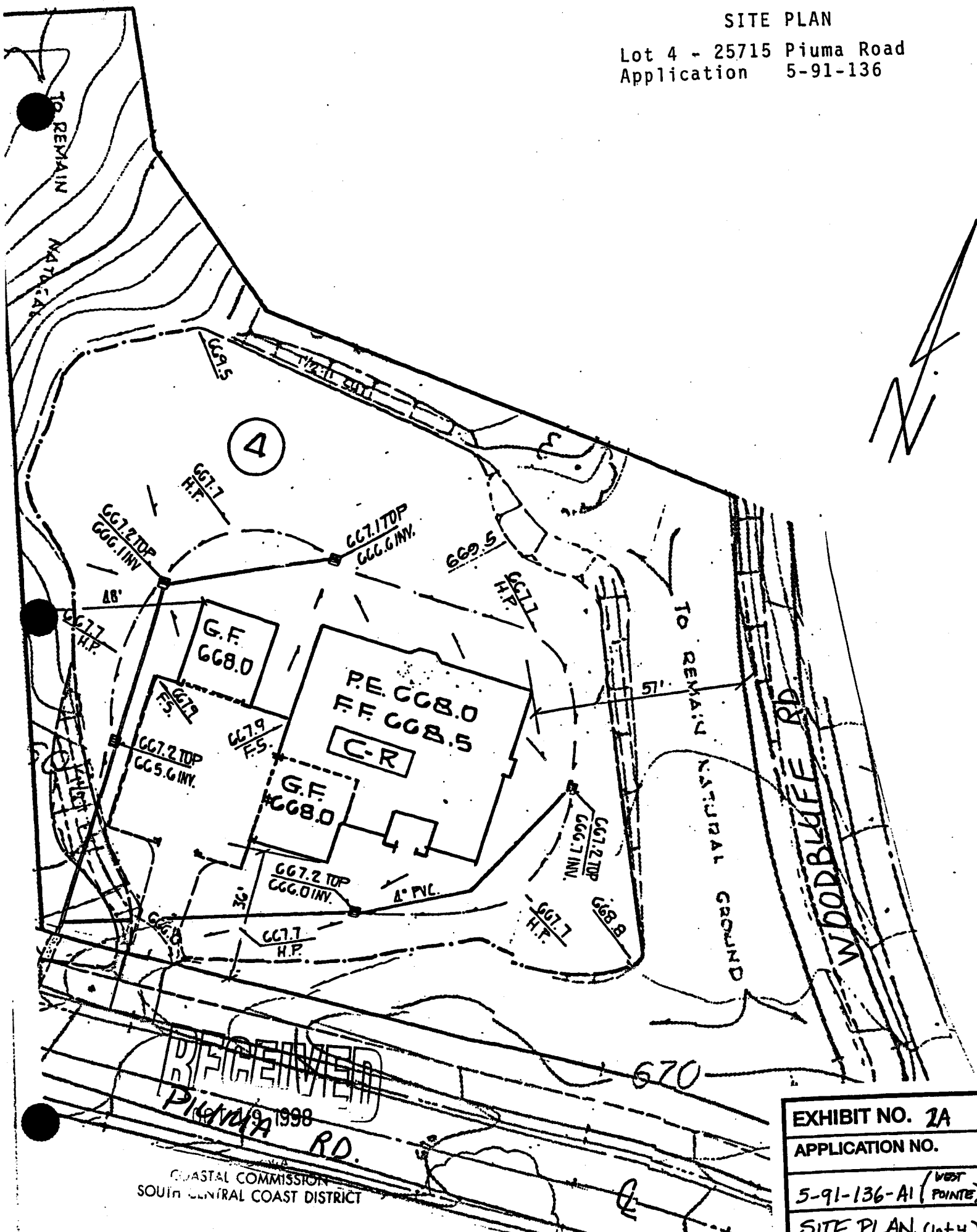
- | | | | |
|--|---------------------------|--|--------------------|
| | Local Road | | Summit |
| | Primary State Route | | Geographic Feature |
| | Interstate/Limited Access | | Park/Reservation |
| | Major Connector | | Locale |
| | State Route | | City |
| | Exit | | Cemetery |
| | Utility/Pipe | | County Boundary |
| | Small Town | | Land |

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EXHIBIT NO.	1
APPLICATION NO.	5-91-136, 139-A1, 4-95.
SOL	4-95-036, 037-A2
VICINITY MAP	

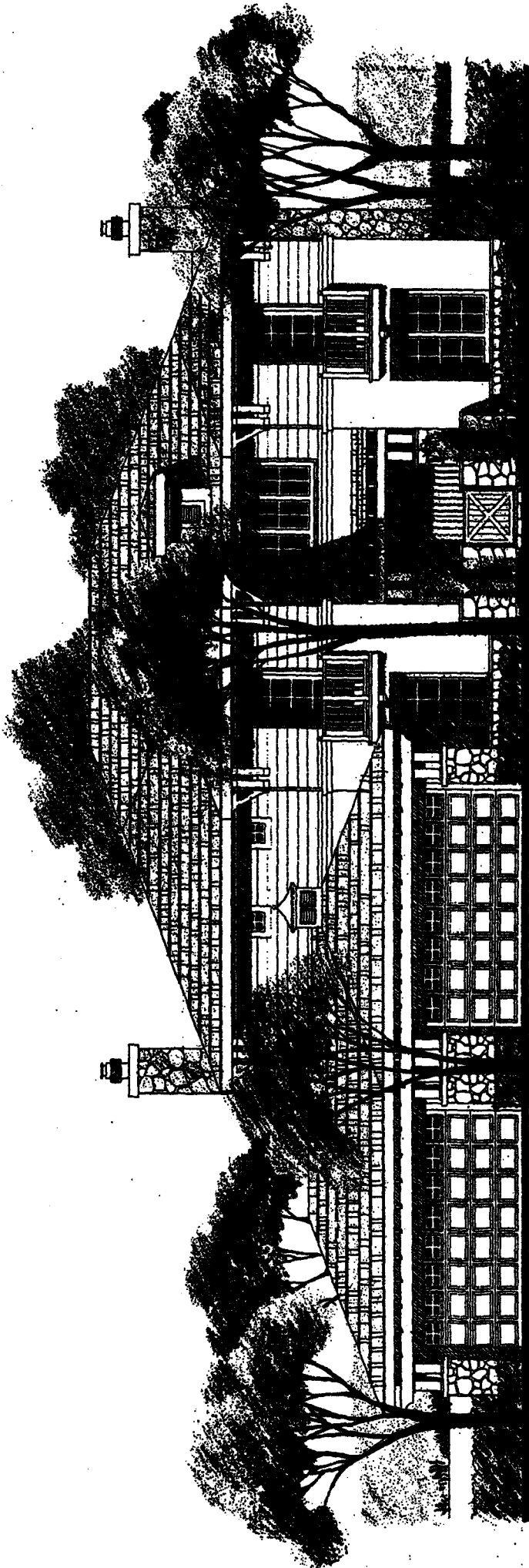
SITE PLAN

Lot 4 - 25715 Piuma Road
Application 5-91-136



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Piuma 1998
RD.
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SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 2A
APPLICATION NO.
5-91-136-A1 (WEST
POINTE)
SITE PLAN (10+4)



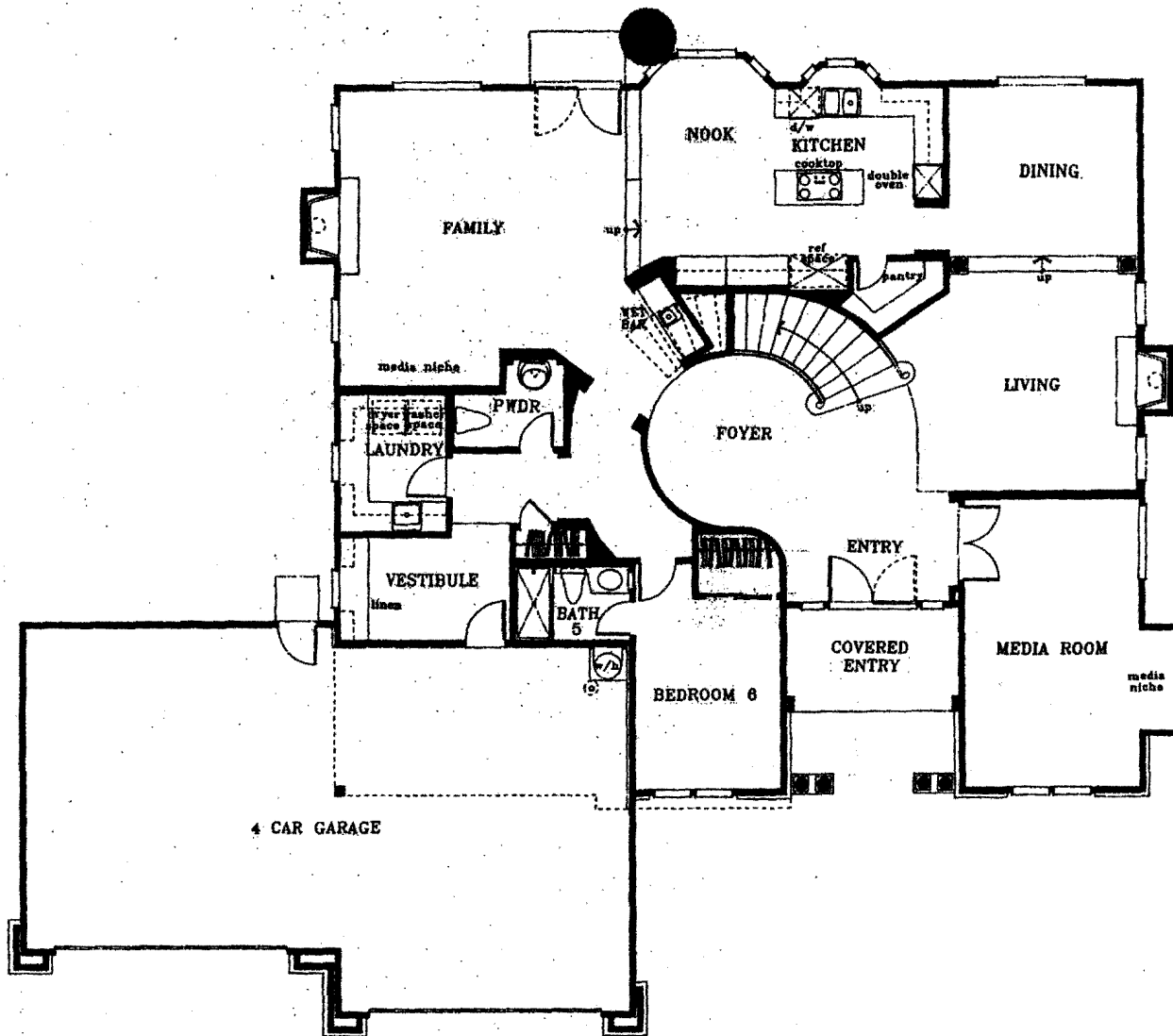
Residence One - Craftsman

*"Monte Nido"
West Pointe Homes*



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EXHIBIT NO.
APPLICATION NO.
5-91-136-A1 (WEST POINTE)
ELEVATION



First Floor Plan

Base Floor Plan for Residences 1 and 6

*"Monte Nido"
West Pointe Homes*

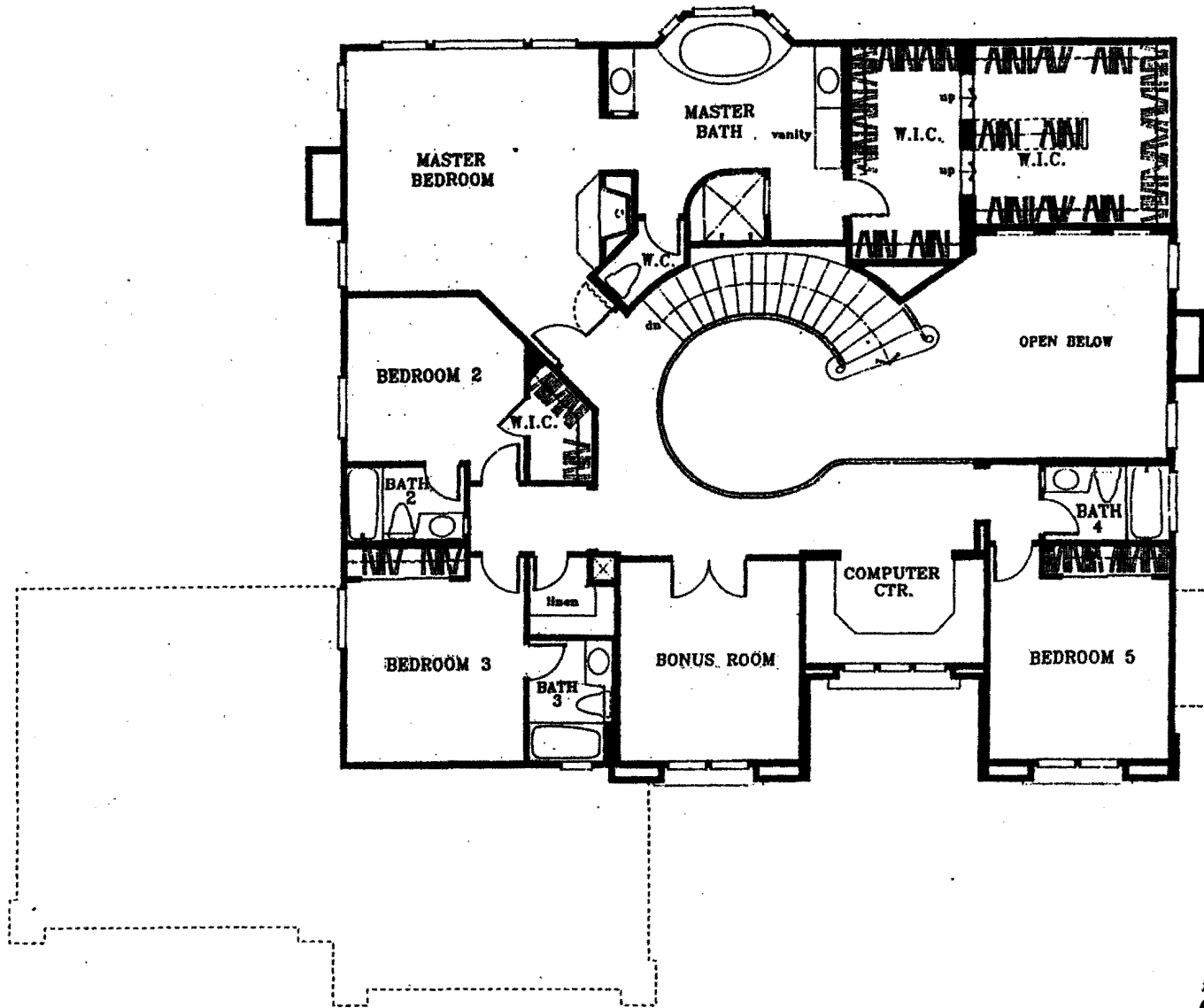
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EXHIBIT NO. 2C
APPLICATION NO.
5-91-126-ALL WEST PLAN
FIRST FLOOR PLAN





Second Floor Plan

Base Floor Plan for Residences 1 and 6.

*"Mo Nido"
West Pointe Homes*

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EXHIBIT NO. 2
APPLICATION NO.
5-91-136-A1 (WEST POINTE)
SECOND FLOOR PLAN

SITE PLAN

Lot 6 - 25741 Piuma Road
Application

5-91-139-A1

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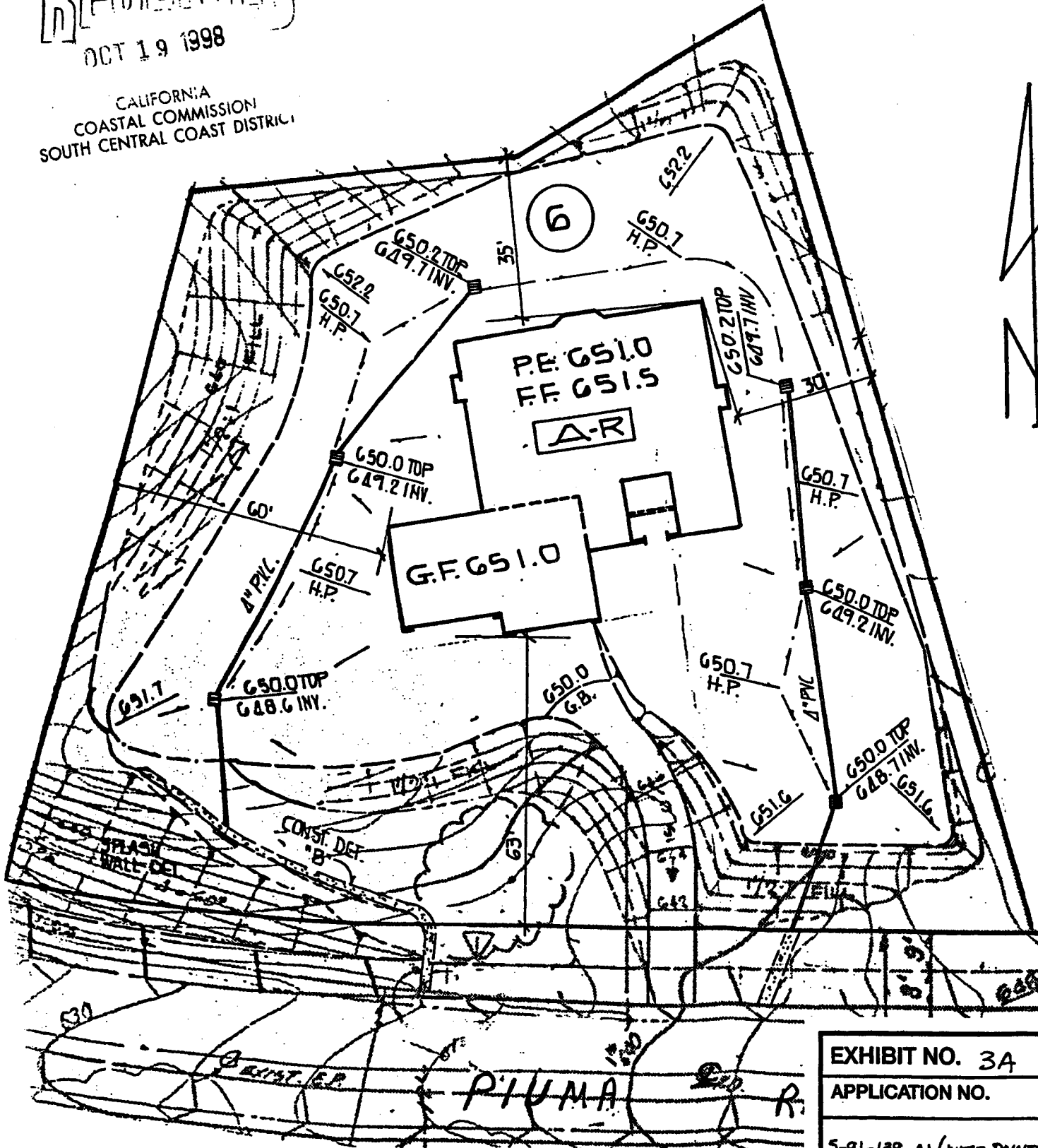
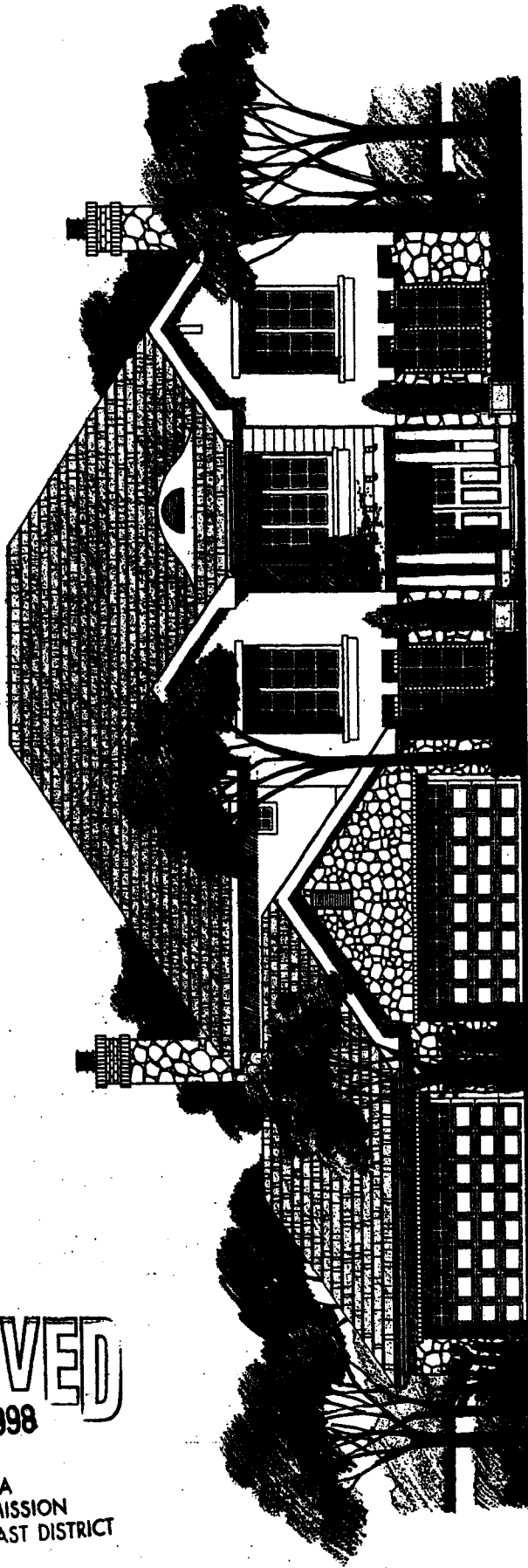


EXHIBIT NO. 3A
APPLICATION NO.
5-91-139-A1 (WEST POINTE)
SITE PLAN



Residence No. - French

*"Monte Nido"
West Pointe Homes*



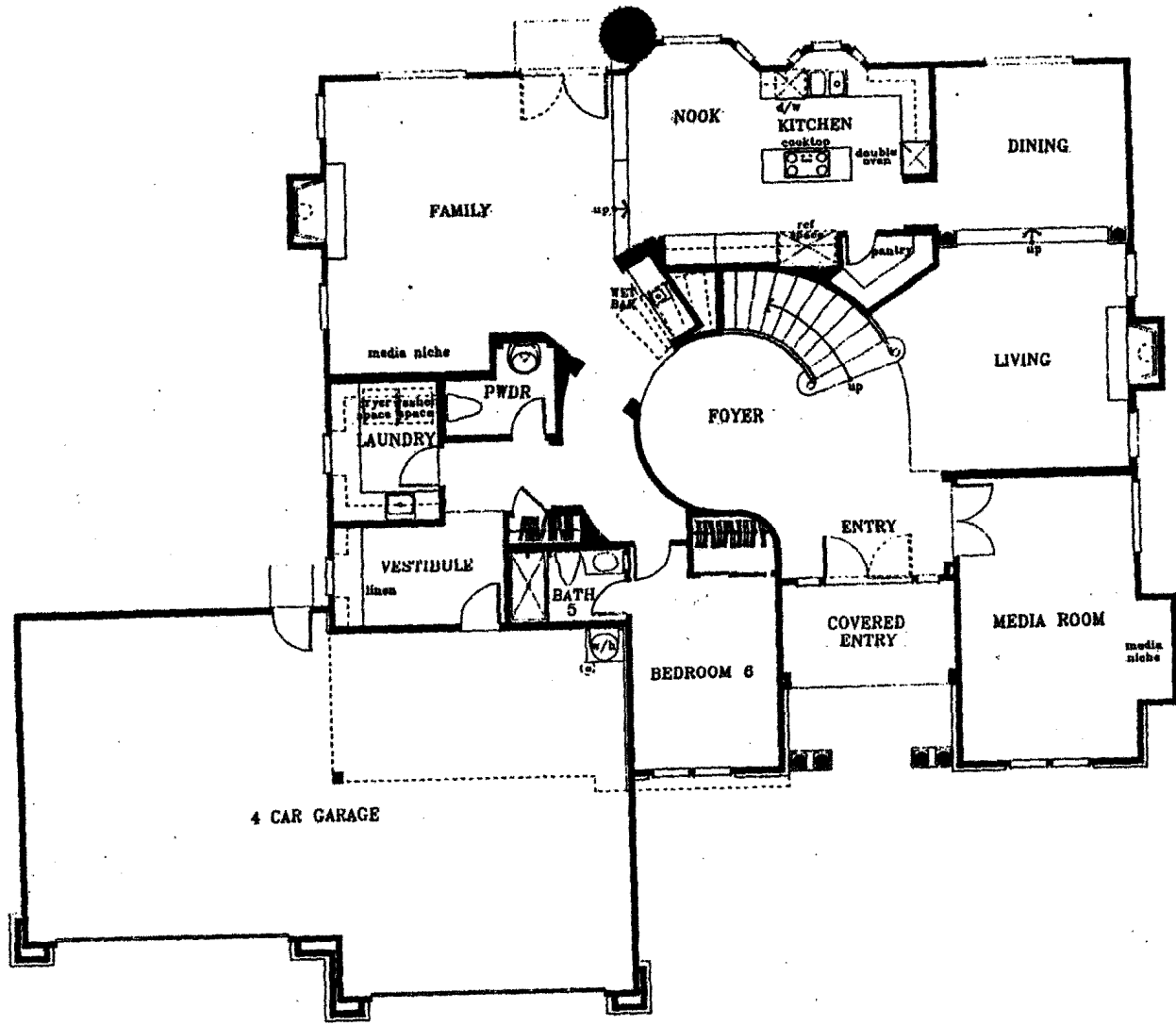
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EXHIBIT NO. 3
APPLICATION NO.
5-91-139-A1 (WEST POINTE)
ELEVATION

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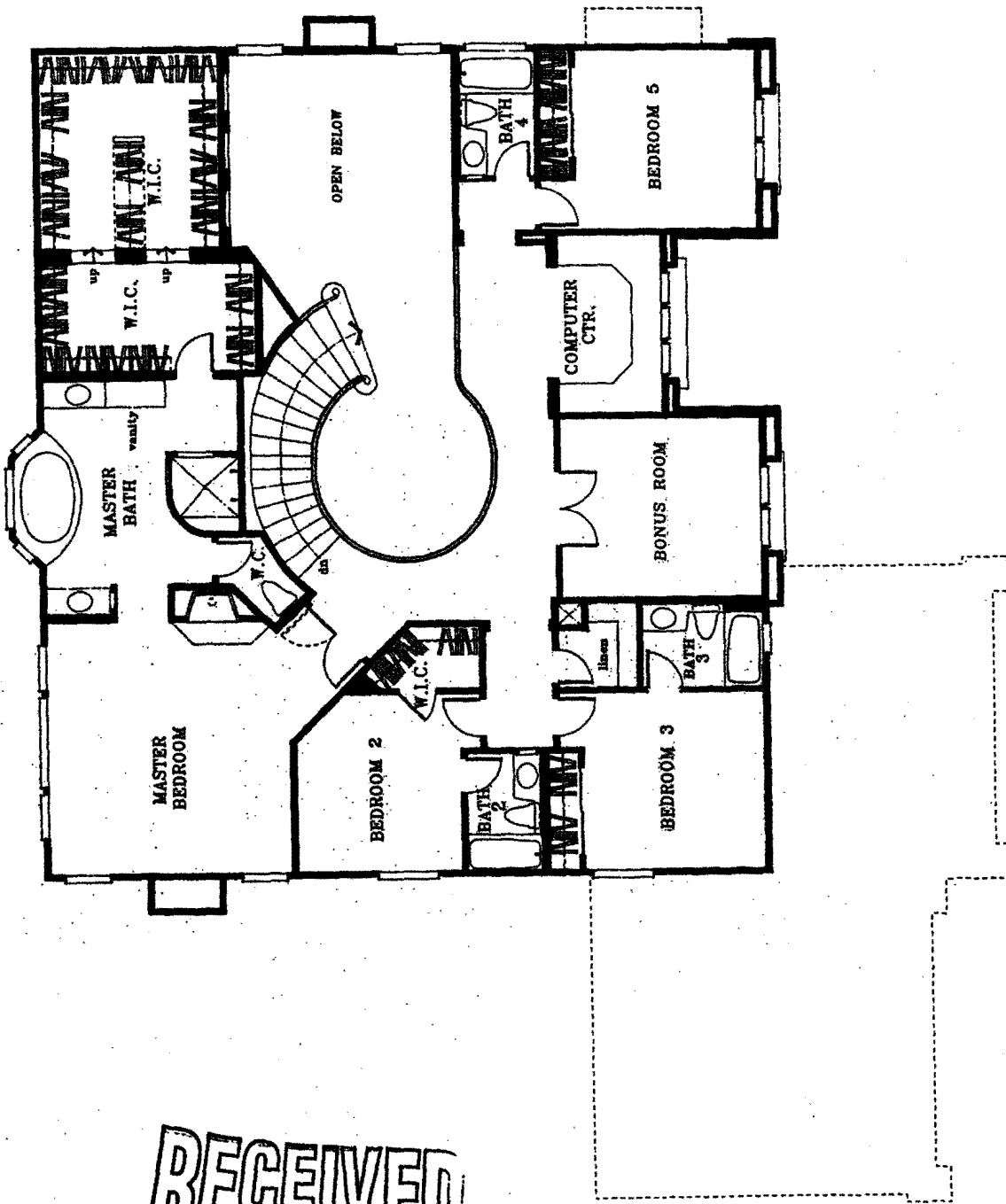
First Floor Plan

Base Floor Plan for Residences 4 and 6

*"Monte Nido"
 West Pointe Homes*



EXHIBIT NO. 3C
 APPLICATION NO.
 S-91-139-A1 (WEST POINTE)
 FIRST DRAWING NO. 1



Second Floor Plan

Base Floor Plan for Residences 1 and 6

"Mojo Nido"
West Pointe Homes

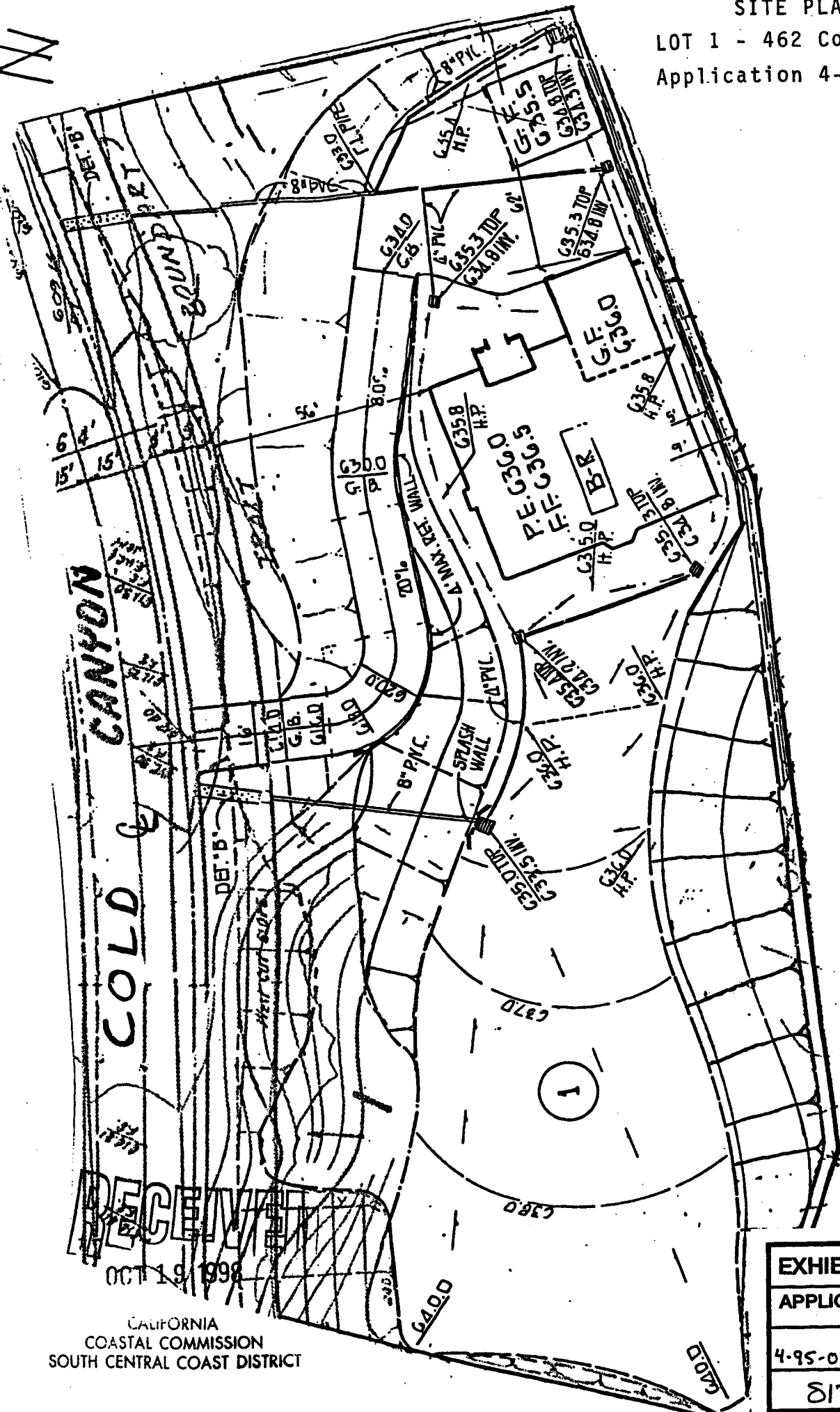
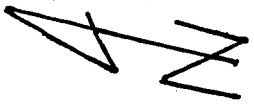
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SOUTH CENTRAL COAST DISTRICT

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APPLICATION NO.	
5-91-139-A1 (WEST POINT)	
SECOND FLOOR PLAN	

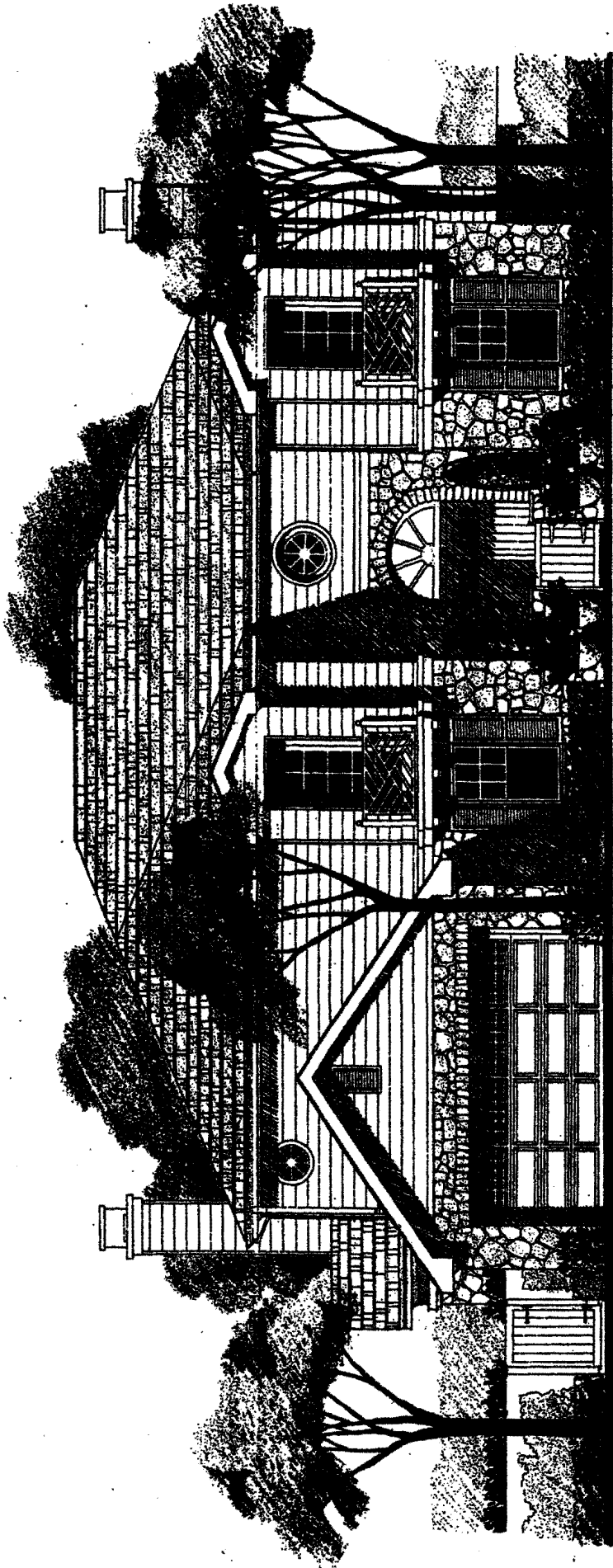
SITE PLAN

LOT 1 - 462 Cold Canyon
Application 4-95-034



OCT 19 1998
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

EXHIBIT NO. 4A
APPLICATION NO.
4-95-034-A2 (NEST POIN
SITE PLAN



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SOUTH CENTRAL COAST DISTRICT

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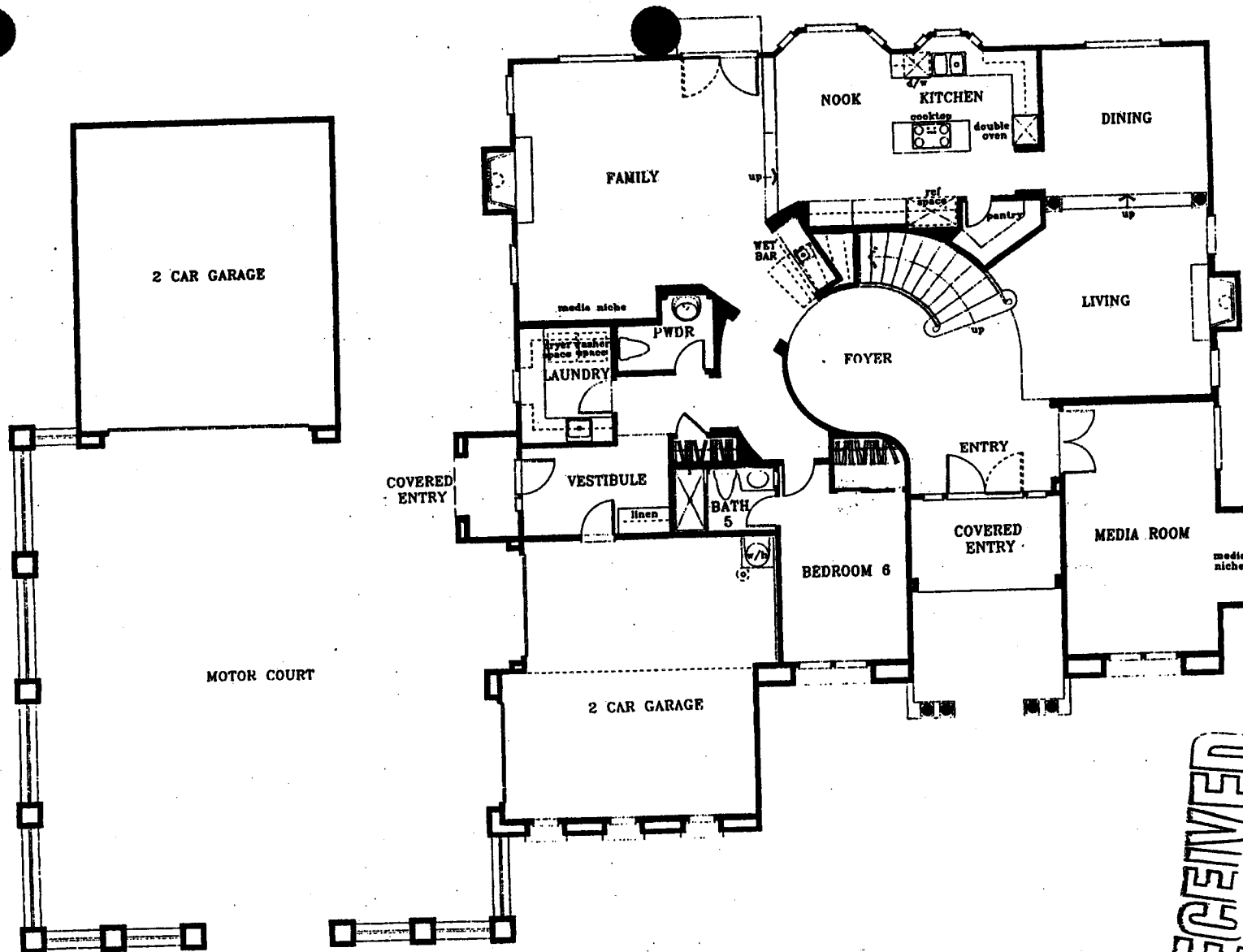
Residence Two - Dutch Colonial

"Monte Nido"

West Pointe Homes


LGS ARCHITECTS
ARCHITECTURE - PLANNING - INTERIORS
1000 WEST POINTE DRIVE
WEST POINT, CA 94095
PHONE: 415.339.1111

EXHIBIT NO. 4
APPLICATION NO.
4-95-034-A2 (WEST POINTE)
ELEVATION



First Floor Plan

Base Floor Plan for Residences 4 and 2

*"Monte Nido"
West Pointe Homes*



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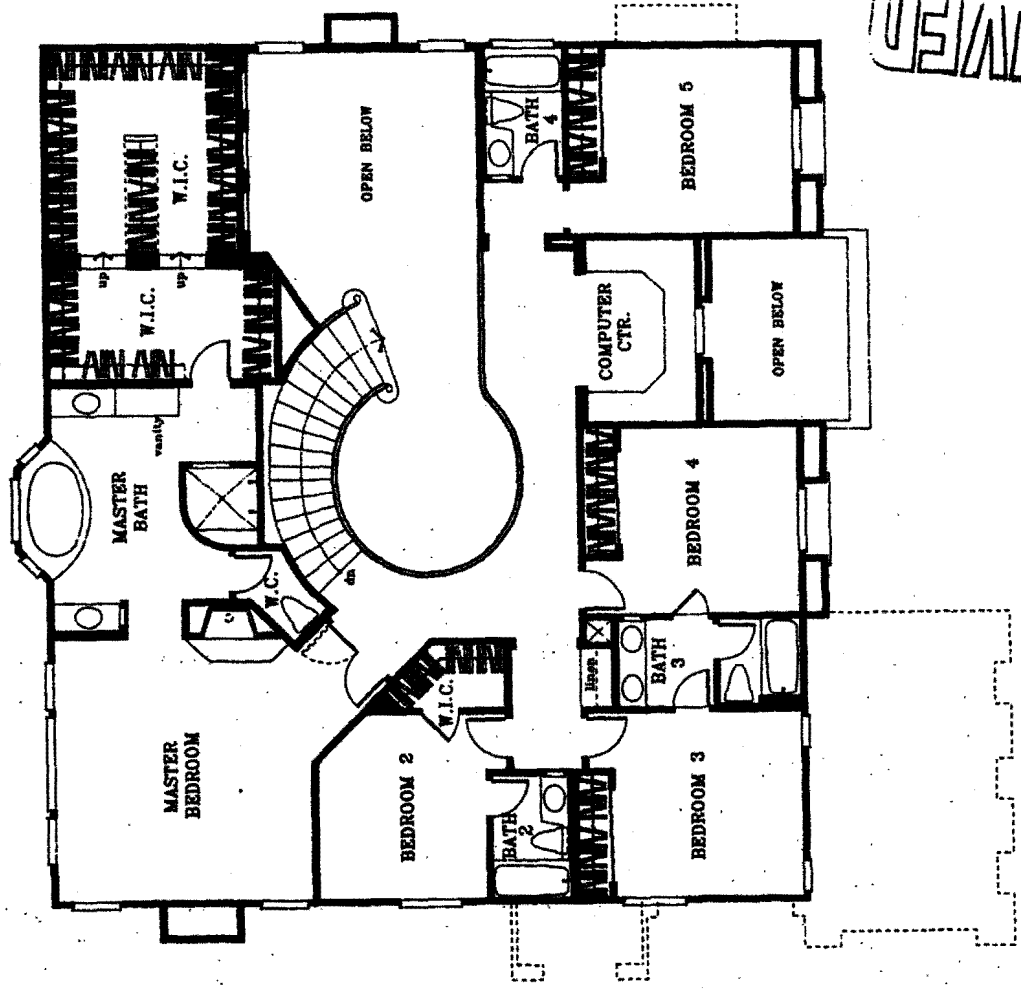
CALIFORNIA
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SOUTH CENTRAL COAST DISTRICT

FIRST FLOOR PLAN
4-95-034-A2 (WEST RING)
APPLICATION NO.
EXHIBIT NO. 4c

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SOUTH CENTRAL COAST DISTRICT

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Second Floor Plan

Basic Floor Plan for Residences 4 and 2

"Monte Nido"
West Point Homes

EXHIBIT NO.
APPLICATION NO.
4-95-034-A2 (WEST POINT)
SECOND FLOOR PLAN

SITE PLAN

Lot 3 - 423 Woodbluff
Application 4-95-036

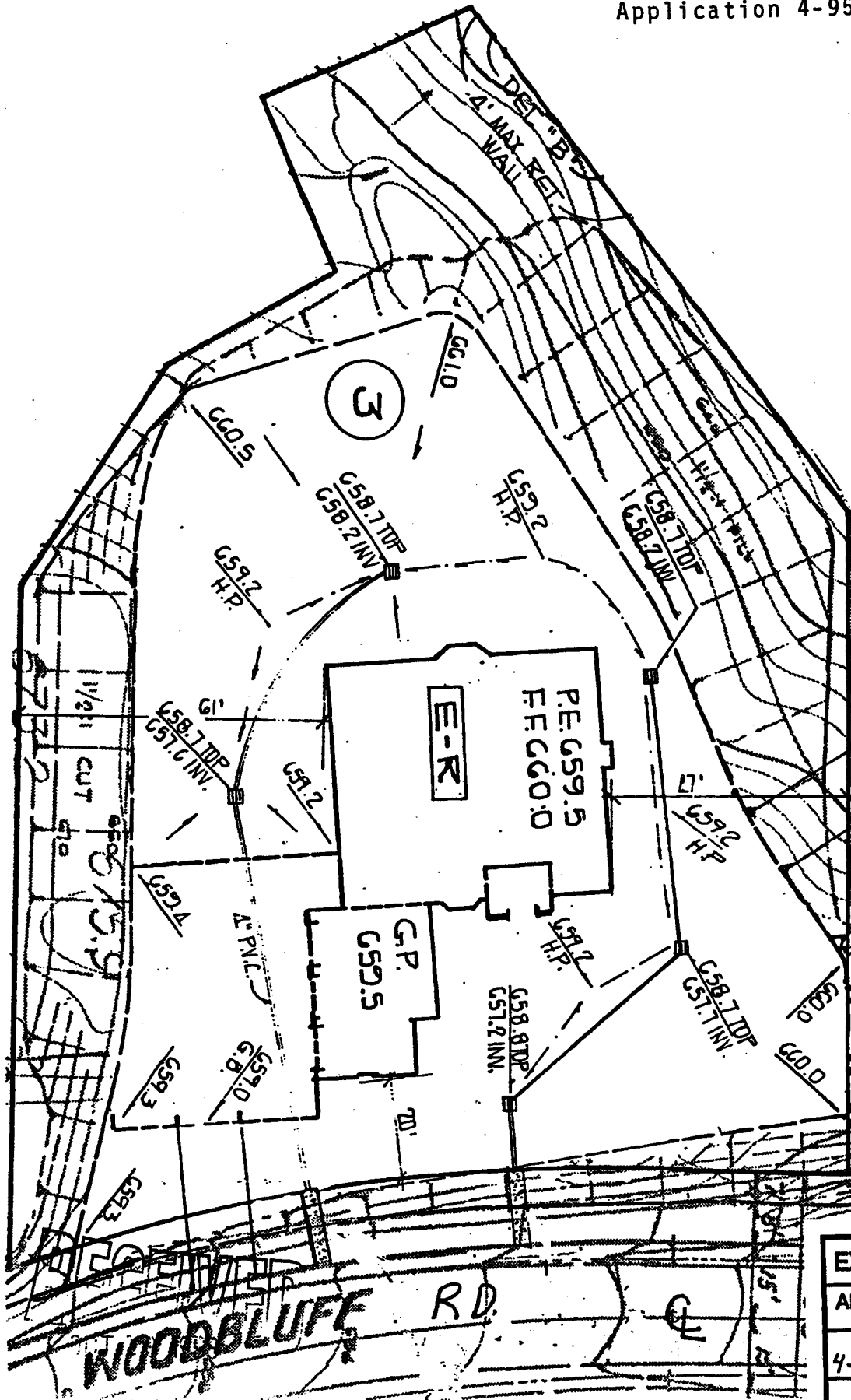
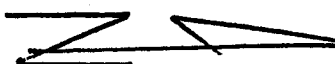
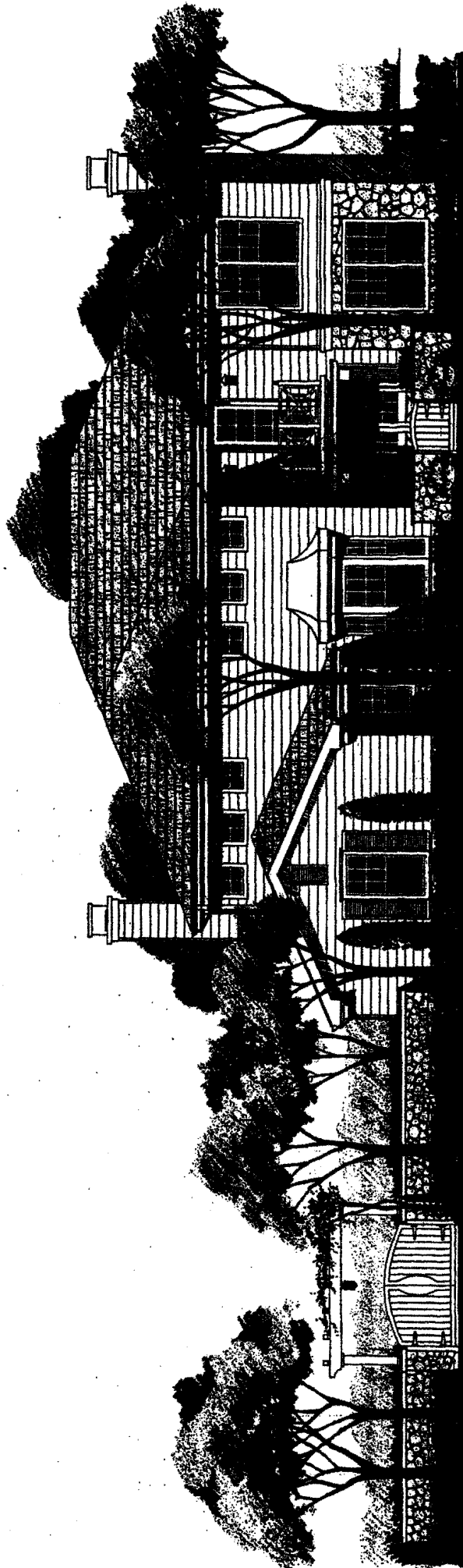


EXHIBIT NO. 5A
APPLICATION NO.
4-95-036-A1 (WEST POINT)
SITE PLAN





Residence Three - Cape Cod

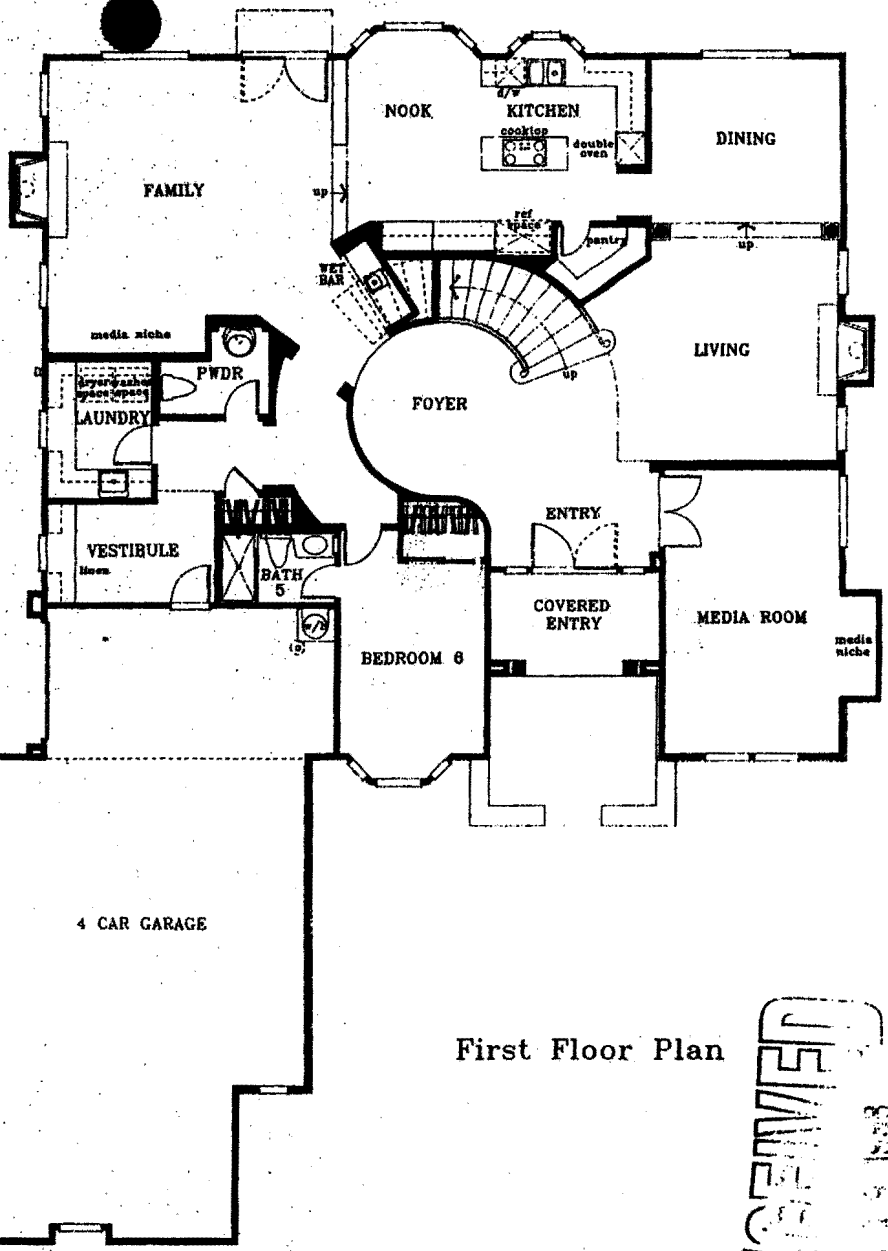
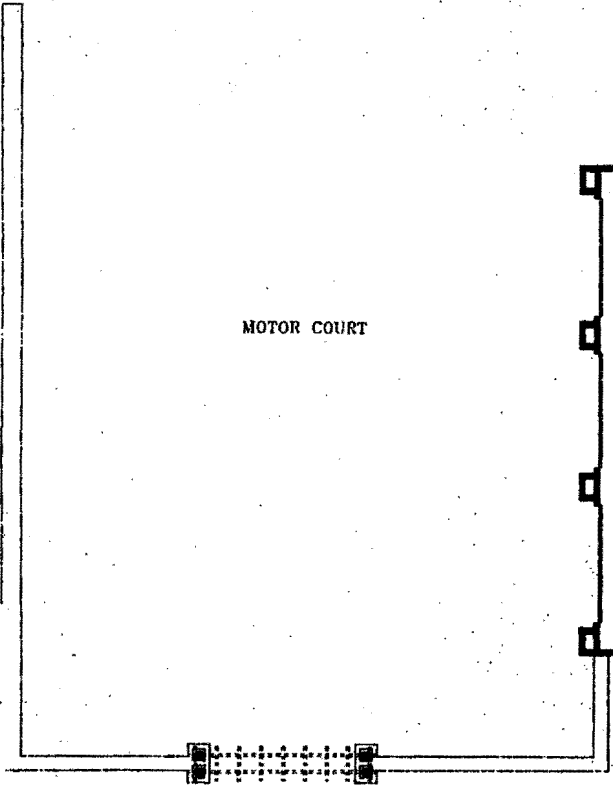
"Monte Nido"

West Pointe Homes



APPROVED
1988

EXHIBIT NO. 5
APPLICATION NO.
4-95-036-A1 (WEST POINTE)
ELEVATION



First Floor Plan

Base Floor Plan for Residences 3 and 5

"Monte Nido"
West Pointe Homes

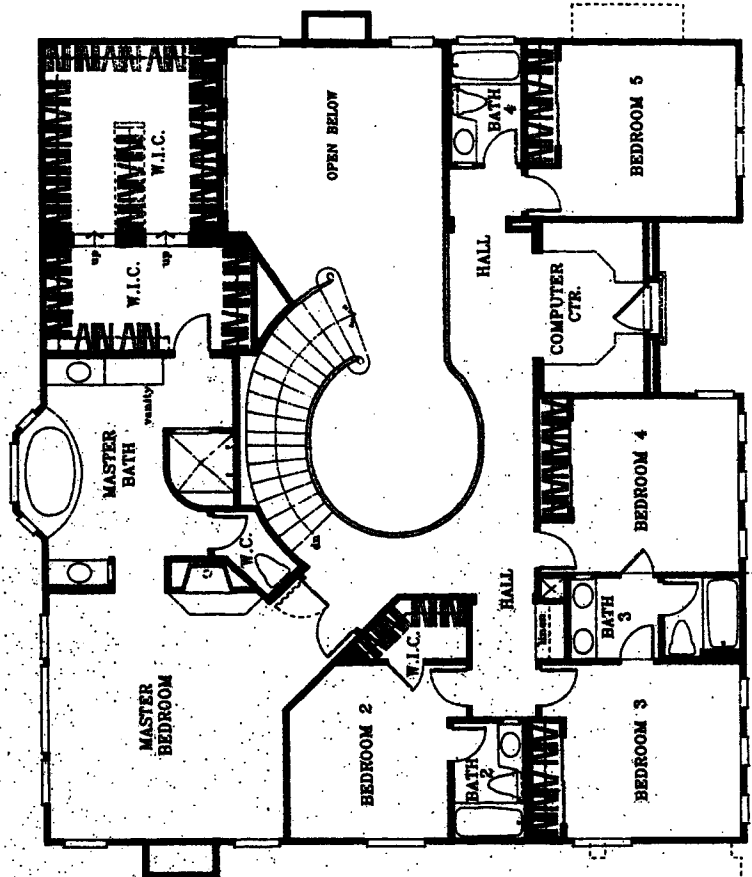
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EXHIBIT NO. 5C
APPLICATION NO.
495-036-A1 (WEST POINTE)
FIRST FLOOR PLAN

WEST POINT HOME BUILDING COMPANY
1000 WEST POINT ROAD
WEST POINT, MISSISSIPPI 39088

REVISED
10/15/88



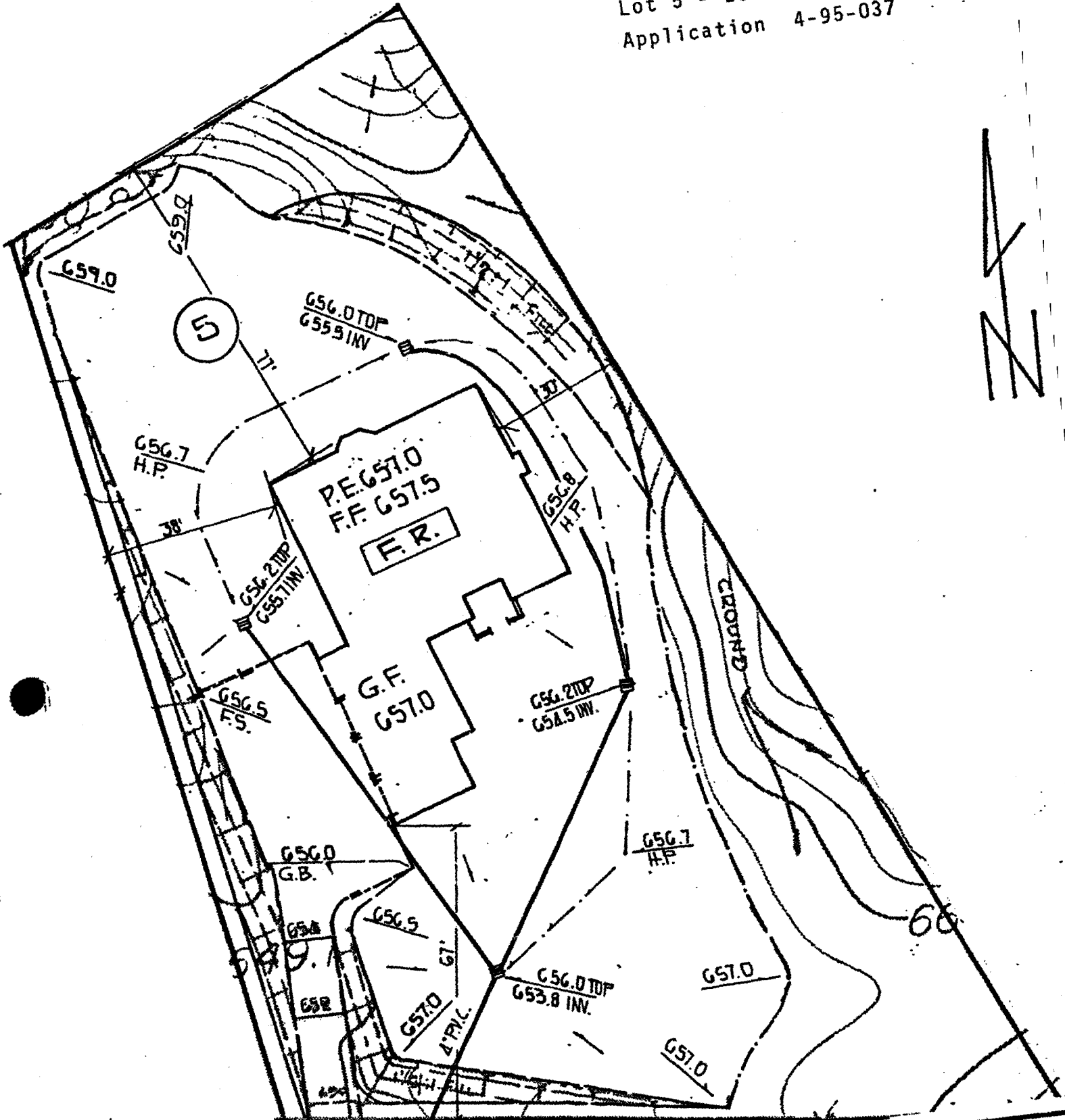
Second Floor Plan

Base Floor Plan for Residences 3 and 5

"Monte Nido"
West Point Homes

EXHIBIT NO. 5
APPLICATION NO.
4-95-036-A1 (WEST POINTE)
SECOND FLOOR PLAN

SITE PLAN
Lot 5 - 25729 Piuma Road
Application 4-95-037



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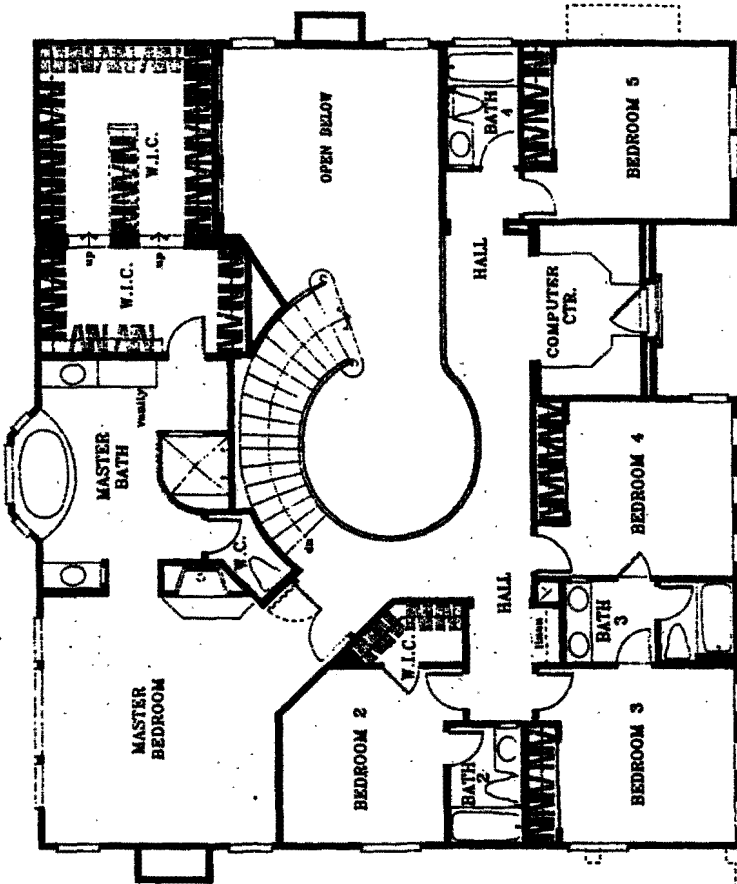
PIUMA

EXHIBIT NO.
APPLICATION NO.
4-95-037-A1 (West)
SITE PLAN

SOUTH CENTRAL COAST DISTRICT
PLANNING COMMISSION

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Second Floor Plan



Base Floor Plan for Residences 3 and 5

"Monte Nido"
West Pointe Homes



EXHIBIT NO.	6
APPLICATION NO.	
495-037-A1 (WEST POINTE)	
SECOND FLOOR PLAN	

CALIFORNIA COASTAL COMMISSION

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

CORRECTED COPY

Page 1 of 4

Date: September 21, 1998

Permit Application No. 5-91-139

COASTAL DEVELOPMENT PERMIT

On November 14, 1991, the California Coastal Commission granted to Saddle Peak & Associates, permit 5-91-139, this permit subject to the attached Standard and Special Conditions, for development consisting of: Construction of two, 2-story, 4,520 sq. ft., 35 foot high single family residences on two parcels with septic system, swimming pools. Total grading for both lots is 10,200 cu. yds. (4,130 cu. yds. cut, 5,890 cu. yds. fill) and is more specifically described in the application on file in the Commission offices and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 25741 Piuma Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
 Executive Director

By: John Ainsworth
 Regulatory Supervisor

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

 Date

 Signature of Permittee

A5: 8/95

EXHIBIT NO. A
APPLICATION NO.
5-91-136 (SADDLE PEAK ASSOC.)
CDP CONDITIONS

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit Application No. 5-91-139

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 permutee 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 on which the Commission voted on the application. 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 permutee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Grading and Landscaping Plan

Prior to the issuance of coastal development permits, the applicant shall submit a landscaping plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded 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) 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 run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' 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 material to be removed, and how often thinning is to occur.

2. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit revised site plans for the review and approval of the Executive Director, which illustrate an average of 60 percent open space based on net acreage over the subject parcels. Note - Developed area includes the entire flat pad area.

3. Future Development:

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit Nos. 5-91-136, & 5-91-139; and that any future additions or improvements to the properties, including but not limited to clearing of vegetation, structural additions and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1(d) above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Geology

All recommendations contained in the Geologic Investigation and the Soils Engineering Report dated 9-28-89 and 12/12/90 by Kovacs-Byer and Associates, Inc, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction 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.

5. Structure and Roof Color Restriction

Prior to the 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 restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment, white tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure.

CALIFORNIA COASTAL COMMISSION

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



Page 1 of 4
Date: September 21, 1998
Permit Application No. 5-91-136

COASTAL DEVELOPMENT PERMIT

On November 14, 1991, the California Coastal Commission granted to Saddle Peak & Associates, permit 5-91-136, this permit subject to the attached Standard and Special Conditions, for development consisting of: Construction of two, 2-story, 4,520 sq. ft., 35 foot high single family residences on two parcels with septic system, swimming pools. Total grading for both lots is 10,200 cu. yds. (4,130 cu. yds. cut, 5,890 cu. yds. fill) and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 25715 Piuma Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Glenn Michitsch
Coastal Program Analyst

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

Permittee

A5: 8/95

EXHIBIT NO. B
APPLICATION NO.
5-91-139 (SADDLE PEAK ASSOC.)
CDP CONDITIONS

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit Application No. 5-91-136

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 on which the Commission voted on the application. 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 terms and conditions.

SPECIAL CONDITIONS:

1. Grading and Landscaping Plan

Prior to the issuance of coastal development permits, the applicant shall submit a landscaping plan prepared by a licensed landscape/architect for review and approval by the Executive Director. The plans shall incorporate the following criteria:

- (a) All graded 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) 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 run-off waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (c) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (d) Vegetation within 30 feet of the proposed house may be removed to mineral earth, vegetation within a 100' 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 material to be removed, and how often thinning is to occur.

2. Revised Plans

Prior to the issuance of the coastal development permit, the applicant shall submit revised site plans for the review and approval of the Executive Director, which illustrate an average of 60 percent open space based on net acreage over the subject parcels. Note - Developed area includes the entire flat pad area.

3. Future Development:

Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the Coastal Development Permit Nos. 5-91-136, & 5-91-139; and that any future additions or improvements to the properties, including but not limited to clearing of vegetation, structural additions and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1(d) above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Geology

All recommendations contained in the Geologic Investigation and the Soils Engineering Report dated 9-28-89 and 12/12/90 by Kovacs-Byer and Associates, Inc, shall be incorporated into all final design and construction including foundations, grading and drainage and all plans must be reviewed and approved by the consultants prior to commencement of development. Prior to issuance of the coastal development permit the applicant shall submit evidence to the Executive Director of the consultant's review and approval of all final design and construction 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.

5. Structure and Roof Color Restriction

Prior to the 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 restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment, white tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure.

CALIFORNIA COASTAL COMMISSION

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



Page 1 of 4
Date: September 21, 1998
Permit No. 4-95-034

COASTAL DEVELOPMENT PERMIT

On April 13, 1995, the California Coastal Commission granted to Saddle Peak and Associates, Permit 4-95-034, this permit subject to the attached Standard and Special conditions, for development consisting of: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 3 covered parking spaces, pool, septic system and 6,000 cu. yds. of grading (4,000 cu. yds. cut and 2,000 cu. yds. fill). and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 462 Cold Canyon Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Glenn Michitsch
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

A6: 8/95

Signature of Permittee

EXHIBIT NO. C
APPLICATION NO.
4-95-034/SADDLE PEAK ASSOCIATES

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit No. 4-95-034

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 on which the Commission voted on the application. 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 terms and conditions.

SPECIAL CONDITIONS:

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. 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 October 4, 1994. Invasive,

COASTAL DEVELOPMENT PERMIT

Page 3 of 4
Permit No. 4-95-034

non-indigenous plant species which tend to supplant native species shall not be used.

- (b) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting shall be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (c) 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.
- (d) Vegetation within 50 of the proposed house may be removed to mineral earth, vegetation within a 200 foot 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.
- (e) The landscaping plan shall include the location of all oak and sycamore trees on the project site. The landscape architect shall provide notes on the landscape plan detailing preventative measures to protect all oak trees during the construction process.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic Investigation and Soils engineering report, dated 9/28/89, and 12/12/90, prepared by Kovacs-Byer and Associates, as well as the Update Report, dated 12/13/94, prepared by Parmelee-Schick and Associates 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.

COASTAL DEVELOPMENT PERMIT

Page 4 of 4
Permit No. 4-95-034

3. 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.

4. 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 4-95-034, 4-95-035, 4-95-036 and 5-95-037 are only for the proposed development and that any future additions, or improvements to the properties, including but not limited to, clearing of vegetation, structural additions, and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1 above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

5. Structure and Roof Color Restriction.

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 restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment. White tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

CALIFORNIA COASTAL COMMISSION

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

Page 1 of 4
 Date: September 21, 1998
 Permit No. 4-95-036

**COASTAL DEVELOPMENT PERMIT**

On April 13, 1995, the California Coastal Commission granted to Saddle Peak & Associates, Permit 4-95-036, this permit subject to the attached Standard and Special conditions, for development consisting of: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 3 covered parking spaces, pool, septic system and 4,600 cu. yds. of grading (3,770 cu. yds. cut and 830 cu. yds. fill). and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 423 Woodbluff Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
 Executive Director


 By: Glenn Michitsch
 Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

A6: 8/95

Signature of Permittee

EXHIBIT NO. D
APPLICATION NO.
4-95-036 (SADDLE PEAK ASSOC.)
CDP CONDITIONS

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit No. 4-95-036

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 on which the Commission voted on the application. 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 terms and conditions.

SPECIAL CONDITIONS

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. 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 October 4, 1994. Invasive,

COASTAL DEVELOPMENT PERMIT

Page 3 of 4
Permit No. 4-95-036

non-indigenous plant species which tend to supplant native species shall not be used.

- (b) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting shall be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (c) 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.
- (d) Vegetation within 50 of the proposed house may be removed to mineral earth, vegetation within a 200 foot 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.
- (e) The landscaping plan shall include the location of all oak and sycamore trees on the project site. The landscape architect shall provide notes on the landscape plan detailing preventative measures to protect all oak trees during the construction process.

2. Plans Conforming to Geologic Recommendation

All recommendations contained in the Geologic Investigation and Soils engineering report, dated 9/28/89, and 12/12/90, prepared by Kovacs-Byer and Associates, as well as the Update Report, dated 12/13/94, prepared by Parmelee-Schick and Associates 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.

V C I F

COASTAL DEVELOPMENT PERMIT

Page 4 of 4
Permit No. 4-95-036

3: 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.

4. 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 4-95-034, 4-95-035, 4-95-036 and 5-95-037 are only for the proposed development and that any future additions, or improvements to the properties, including but not limited to, clearing of vegetation, structural additions, and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1 above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

5. Structure and Roof Color Restriction.

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 restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment. White tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

CALIFORNIA COASTAL COMMISSION

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

Page 1 of 4
Date: September 21, 1998
Permit No. 4-95-037



COASTAL DEVELOPMENT PERMIT

On April 13, 1995, the California Coastal Commission granted to Saddle Peak & Associates, Permit 4-95-037, this permit subject to the attached Standard and Special conditions, for development consisting of: Construction of a 4,520 sq. ft., 35 ft. high from existing grade single family residence with 3 covered parking spaces, pool, septic system and 2,500 cu. yds. of grading (20 cu. yds. cut and 2,480 cu. yds. fill). and is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in Los Angeles County at 25729 Piuma Road, Malibu.

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Glenn Michitsch
Coastal Program Analyst

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

A6: 8/95

Signature of Permittee

EXHIBIT NO. E
APPLICATION NO.
4-95-037 (SADDLE PEAK ASSOC.)
CDP CONDITIONS

COASTAL DEVELOPMENT PERMIT

Page 2 of 4
Permit No. 4-95-037

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 on which the Commission voted on the application. 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 terms and conditions.

SPECIAL CONDITIONS:

1. Landscaping and Erosion Control Plan

Prior to issuance of permit, the applicant shall submit landscaping and erosion control plans prepared for review and approval by the Executive Director. 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 October 4, 1994. Invasive,

COASTAL DEVELOPMENT PERMIT

Page 3 of 4
Permit No. 4-95-037

non-indigenous plant species which tend to supplant native species shall not be used.

- (b) Cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting shall be of native species using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils.
- (c) 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.
- (d) Vegetation within 50 of the proposed house may be removed to mineral earth, vegetation within a 200 foot 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.
- (e) The landscaping plan shall include the location of all oak and sycamore trees on the project site. The landscape architect shall provide notes on the landscape plan detailing preventative measures to protect all oak trees during the construction process.

2. Plans Conforming to Geologic Recommendation.

All recommendations contained in the Geologic Investigation and Soils engineering report, dated 9/28/89, and 12/12/90, prepared by Kovacs-Byer and Associates, as well as the Update Report, dated 12/13/94, prepared by Parmelee-Schick and Associates 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.

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3. 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.

4. 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 4-95-034, 4-95-035, 4-95-036 and 5-95-037 are only for the proposed development and that any future additions, or improvements to the properties, including but not limited to, clearing of vegetation, structural additions, and grading, will require a permit from the Coastal Commission or its successor agency. Clearing of vegetation consistent with condition 1 above for fire protection is permitted. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

5. Structure and Roof Color Restriction.

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 restricts the color of the subject structure to natural earth tones, compatible with the surrounding environment. White tones will not be acceptable. In addition, the deed restriction shall also specify that only non-glare glass shall be installed in the residential structure. The document shall run with the land; binding all successors and assigns, and shall be recorded free of prior liens.